



General Assembly

January Session, 2001

Committee Bill No. 433

LCO No. 3816

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT ESTABLISHING A NURSE INTERVENTION PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) As used in sections 1 to 7, inclusive, of this act,
2 unless the context otherwise requires:

3 (1) "Nurse intervention program" or "program" means the program
4 established under section 2 of this act;

5 (2) "Board" means the Connecticut State Board of Examiners for
6 Nursing established under section 20-88 of the general statutes, as
7 amended by this act;

8 (3) "Intervention" means a formal, planned and safe meeting with a
9 nurse to provide for the transition of such nurse into rehabilitation that
10 may be facilitated by the program manager, by the case manager of the
11 nurse intervention program or by trained volunteers including, but not
12 limited to, individuals from Nurses For Nurses;

13 (4) "Rehabilitation" means a process of primary and ongoing
14 treatment and education for a nurse leading to recovery and the
15 attainment of the nurse's maximum function;

16 (5) "Recovery" means an ongoing process of returning to a state of
17 physical, psychological, social and spiritual well-being;

18 (6) "Chemical dependency" means abusive or excessive use of
19 drugs, including alcohol, narcotics or chemicals, that results in
20 physical dependence or psychological, social and spiritual
21 dependence;

22 (7) "Program manager" means the program manager of the nurse
23 intervention program as provided in section 2 of this act;

24 (8) "Advisory committee" means the Nurse Intervention Program
25 Advisory Committee established under section 3 of this act; and

26 (9) "Department" means the Department of Public Health.

27 Sec. 2. (NEW) (a) The board, in collaboration with a professional
28 nursing organization in the state, or a subsidiary of such organization,
29 shall establish a nurse intervention program. The program shall be an
30 alternative, voluntary and private opportunity for the rehabilitation of
31 nurses licensed pursuant to chapter 378 of the general statutes who (1)
32 have a chemical dependency, mental illness or physical condition, (2)
33 meet the criteria established by the advisory committee pursuant to
34 section 3 of this act, and (3) submit to having their rehabilitation
35 monitored by program staff in lieu of disciplinary action. The board
36 shall establish procedures to identify such nurses, to refer such nurses
37 to the program and to provide for the entry of such nurses into
38 rehabilitation under the program in order for them to be returned to
39 the practice of nursing in a manner that will not endanger the public
40 health. Participation by a nurse in the nurse rehabilitation program
41 shall be a confidential alternative to traditional disciplinary action
42 taken against such nurse under sections 20-99 and 19a-17 of the
43 general statutes.

44 (b) The nurse intervention program shall have a staff consisting of a
45 program manager, a case manager and an administrative assistant.

46 (1) The program manager shall: (A) Hold an advanced degree in the
47 area of mental health; (B) have overall administrative responsibility for
48 the nurse intervention program; (C) in consultation with the other
49 members of the advisory committee, establish policies and procedures
50 for intervention, acceptance, denial or termination under the program;
51 and (D) conduct an annual evaluation of the program.

52 (2) The case manager shall be a registered nurse, experienced in the
53 area of chemical dependency, who shall manage and track the caseload
54 of nurses in the nurse intervention program.

55 Sec. 3. (NEW) (a) There shall be a Nurse Intervention Program
56 Advisory Committee consisting of the program manager and seven
57 additional members, one of whom shall be appointed by the president
58 pro tempore of the Senate, one of whom shall be appointed by the
59 speaker of the House of Representatives, one of whom shall be
60 appointed by the chairperson of the board, one of whom shall be
61 appointed by the Commissioner of Public Health, one of whom shall
62 be appointed by the Connecticut Nurses' Association and one of whom
63 shall be appointed by the Connecticut League for Nursing. Such
64 members shall have relevant mental health and substance abuse
65 knowledge and experience, provided at least one such member shall
66 be an advanced practice registered nurse, at least one such member
67 shall be a registered nurse, at least one such member shall be a licensed
68 practical nurse and at least one such member shall be an expert in the
69 field of addiction.

70 (b) The advisory committee shall: (1) Serve as a liaison between the
71 board and the nurse intervention program; (2) establish criteria for the
72 participation of nurses in the program; (3) establish policies regarding
73 program ethics and the approval of treatment facilities and providers
74 under the program; (4) approve or disapprove the participation of
75 nurses in intervention programs in other states that are similar to the
76 program; and (5) provide guidance, direction and evaluation with
77 respect to the program.

78 Sec. 4. (NEW) (a) Except as provided in subsection (b) of section 6 of
79 this act, all records pertaining to the rehabilitation of a nurse in the
80 nurse intervention program or pertaining to a nurse having
81 successfully completed the program, and the information contained in
82 such records, shall be confidential and shall not be subject to disclosure
83 under the Freedom of Information Act, as defined in section 1-200 of
84 the general statutes, or to discovery or subpoena, unless any one or
85 more of the following conditions exist:

86 (1) Such nurse has been subject to, or currently has pending, any
87 charges, disciplinary action or consent agreement by or with any
88 professional licensing board or commission or any disciplinary agency;

89 (2) Such nurse has been found guilty or convicted as a result of an
90 act that constitutes a felony under the laws of this state, federal law or
91 the laws of another jurisdiction and that, if committed within this state,
92 would have constituted a felony under the laws of this state; or

93 (3) Any such record or the information contained therein is in the
94 form of summary or aggregate data that does not identify or allow the
95 identification of such nurse.

96 (b) Except as provided in subdivision (1) of subsection (a) of this
97 section, a nurse participating in the nurse intervention program shall
98 not be subject to investigation or disciplinary action by the board or
99 the department for the same conduct that rendered the nurse eligible
100 for the program, provided such nurse complies with terms and
101 conditions of the program.

102 (c) Notwithstanding the provisions of this section, any record or
103 information pertaining to a nurse who applies for or participates in the
104 nurse intervention program, that is received by the board or the
105 department prior to the acceptance of the nurse into the program or
106 after such nurse's termination from the program, may be utilized by
107 the board or the department in any disciplinary or criminal
108 proceedings instituted against such nurse.

109 Sec. 5. (NEW) Any person making a report to the board, the
110 department or the staff of the nurse intervention program regarding a
111 nurse suspected of practicing while impaired due to causes that would
112 render the nurse eligible for the program, or regarding a nurse's
113 progress or lack of progress as a participant in the program, shall be
114 immune from civil liability with respect to the making of such report
115 or the information contained therein, provided such person made the
116 report in good faith and had a reasonable basis for believing, based on
117 the facts known to such person, that such report or the information
118 contained therein was accurate. Nothing in this section shall be
119 construed to limit the application of section 19a-17b or 19a-20 of the
120 general statutes.

121 Sec. 6. (NEW) (a) The program manager shall report any nurse
122 referred to and participating in the nurse intervention program who
123 fails to comply with the terms and conditions of such participation to
124 the department for such disciplinary action as the board and the
125 Commissioner of Public Health deem appropriate.

126 (b) During such time as a nurse is participating in, but has not yet
127 completed, the nurse intervention program, the nurse may participate
128 in a similar program in another state if such out-of-state participation
129 is approved by the advisory committee upon application and a
130 showing of need by such nurse. If so approved, the terms and
131 conditions for such nurse's participation in the nurse intervention
132 program shall include compliance with all requirements of the out-of-
133 state program. The program manager, upon the written request of
134 such nurse, shall provide any relevant information to the administrator
135 of such out-of-state program as may be required under the laws of
136 such state.

137 Sec. 7. (NEW) (a) Each person holding a license as an advanced
138 practice registered nurse, registered nurse or licensed practical nurse
139 who renews such license on or after October 1, 2001, shall pay, in
140 addition to the renewal fee required under subsection (c) of section

141 19a-88 of the general statutes, a surcharge in an amount established by
142 the department but not to exceed ten per cent of the renewal fee for
143 such license as provided in said subsection. Such surcharge shall be
144 deposited in the fund established under subsection (b) of this section.

145 (b) There is established a fund to be known as the "Nurse
146 Intervention Program Fund". The fund shall contain all surcharges
147 collected by the department pursuant to subsection (a) of this section
148 and any other moneys required by law to be deposited in the fund and
149 shall be held separate and apart from all other money, funds and
150 accounts. Investment earnings credited to the fund shall become part
151 of the assets of the fund. Any balance remaining in said fund at the
152 end of any fiscal year shall be carried forward in the fund for the fiscal
153 year next succeeding. The fund shall be used by the board for the
154 purpose of implementing the nurse intervention program, provided (1)
155 amounts in the fund may be expended only pursuant to appropriation
156 by the General Assembly, and (2) amounts in the fund shall not be
157 used to pay for the actual treatment and rehabilitation costs required
158 by any nurse in the program.

159 Sec. 8. Subsection (a) of section 20-88 of the general statutes is
160 repealed and the following is substituted in lieu thereof:

161 (a) The Connecticut State Board of Examiners for Nursing shall
162 consist of twelve members who are residents of the state to be
163 appointed by the Governor subject to the provisions of section 4-9a.
164 The Governor shall appoint two members who shall be graduates of an
165 approved school for licensed practical nursing; five members who
166 shall be registered nurses, three of whom shall, at the time of
167 appointment, be connected with an institution affording opportunities
168 for the education of nurses, and at least two of whom shall hold
169 master's degrees in nursing from a recognized college or university
170 and one of whom shall be at the time of appointment an instructor in
171 an approved school for licensed practical nurses; one member who
172 shall be an advanced practice registered nurse; and four members who

173 shall be public members. Commencing with the first appointment
174 made or vacancy filled on or after October 1, 2001, at least one member
175 of said board shall, at the time of appointment, have relevant training,
176 education or experience in the treatment of chemical dependency or in
177 the area of mental health. Members of said board shall be residents of
178 this state and professional members shall maintain good professional
179 standing. No member of said board shall be an elected or appointed
180 officer of any professional association of nurses or have been such an
181 officer during the year immediately preceding [his] such member's
182 appointment. No member shall serve more than two full consecutive
183 terms which commence after July 1, 1980. Any vacancy shall be filled
184 by the Governor for the unexpired portion of the term.

Statement of Purpose:

To establish a nurse intervention program to intervene, evaluate and treat nurses with substance abuse or certain other problems in order that they may return to treating patients.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. PETERS, 20th Dist.