



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 a 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 one or more
28 professional nursing organizations in the state, or any subsidiary of
29 such organizations, shall establish a nurse intervention program that
30 shall be administered through a professional nursing organization in
31 this state, or a subsidiary of such organization. The program shall be
32 an alternative, voluntary and private opportunity for the rehabilitation
33 of nurses licensed pursuant to chapter 378 of the general statutes who
34 (1) have a chemical dependency, mental illness or physical condition,
35 (2) meet the criteria established by the advisory committee pursuant to
36 section 3 of this act, and (3) submit to having their rehabilitation
37 monitored by program staff in lieu of disciplinary action.

38 (b) The nurse intervention program shall have a staff consisting of a
39 program manager, one or more case managers and an administrative
40 assistant.

41 (1) The program manager shall: (A) Hold an advanced degree in the
42 area of mental health; (B) have overall responsibility for the
43 implementation and administration of the nurse intervention program;
44 (C) in consultation with the other members of the advisory committee
45 established pursuant to section 3 of this act, establish policies and
46 procedures for intervention, acceptance, denial or termination under
47 the program; and (D) conduct an annual evaluation of the program.

48 (2) Each case manager shall be a registered nurse, experienced in the

49 area of chemical dependency, who shall manage and track the caseload
50 of nurses in the nurse intervention program.

51 (c) The program manager, in consultation with the other members
52 of the advisory committee established pursuant to section 3 of this act,
53 shall establish procedures to identify nurses potentially eligible for the
54 nurse intervention program, to refer such nurses to the program and to
55 provide for the entry of such nurses into rehabilitation under the
56 program in order for them to be returned to the practice of nursing in a
57 manner that will not endanger the public health. Nurses who are
58 identified as potentially eligible for the program shall be offered the
59 opportunity to be evaluated using the criteria established by the
60 advisory committee pursuant to section 3 of this act. Participation by a
61 nurse in the nurse intervention program shall be a confidential
62 alternative to traditional disciplinary action taken against such nurse
63 under sections 20-99 and 19a-17 of the general statutes.

64 Sec. 3. (NEW) (a) There shall be a Nurse Intervention Program
65 Advisory Committee consisting of: (1) The program manager; and (2)
66 eight additional members, (A) one of whom shall be appointed by the
67 president pro tempore of the Senate, (B) one of whom shall be
68 appointed by the speaker of the House of Representatives, (C) one of
69 whom shall be appointed by the minority leader of the Senate, (D) one
70 of whom shall be appointed by the minority leader of the House of
71 Representatives, (E) one of whom shall be appointed by the
72 chairperson of the board, (F) one of whom shall be appointed by the
73 Commissioner of Public Health, (G) one of whom shall be appointed
74 by the Connecticut Nurses' Association, and (H) one of whom shall be
75 appointed by the Connecticut League for Nursing. Such members shall
76 have relevant mental health and substance abuse knowledge and
77 experience, provided at least one such member shall be an advanced
78 practice registered nurse, at least one such member shall be a
79 registered nurse, at least one such member shall be a licensed practical
80 nurse and at least one such member shall be an expert in the field of
81 addiction. The persons initially appointed under subparagraphs (A),
82 (B) and (C) of subdivision (2) of this subsection shall serve for a term of

83 three years, the persons initially appointed under subparagraphs (D),
84 (G) and (H) of subdivision (2) of this subsection shall serve for a term
85 of two years, and the persons initially appointed under subparagraphs
86 (E) and (F) of subdivision (2) of this subsection shall serve for a term of
87 one year. Thereafter, all persons appointed under subdivision (2) of
88 this subsection shall serve for terms of three years and until their
89 successors have been appointed and qualified, provided no such
90 person may serve more than two such terms. Any vacancy shall be
91 filled by the appointing authority.

92 (b) The advisory committee shall: (1) Serve as a liaison between the
93 board and the nurse intervention program; (2) establish criteria for the
94 participation of nurses in the program; (3) establish policies regarding
95 program ethics and the approval of treatment facilities and providers
96 under the program; (4) approve or disapprove the participation of
97 nurses in intervention programs in other states that are similar to the
98 program; and (5) provide guidance, direction and evaluation with
99 respect to the program.

100 Sec. 4. (NEW) (a) Except as provided in subsection (b) of section 6 of
101 this act, all records pertaining to the rehabilitation of a nurse in the
102 nurse intervention program or pertaining to a nurse having
103 successfully completed the program, and the information contained in
104 such records, shall be confidential and shall not be subject to disclosure
105 under the Freedom of Information Act, as defined in section 1-200 of
106 the general statutes, or to discovery or subpoena, unless any one or
107 more of the following conditions exist:

108 (1) Such nurse has been subject to, or currently has pending, any
109 charges, disciplinary action or consent agreement by or with any
110 professional licensing board;

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

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

118 (b) Except as provided in subdivision (1) of subsection (a) of this
119 section, a nurse participating in the nurse intervention program shall
120 not be subject to investigation or disciplinary action by the board or
121 the department for the same conduct that rendered the nurse eligible
122 for the program, provided such nurse complies with terms and
123 conditions of the program.

124 (c) Notwithstanding the provisions of this section, any record or
125 information pertaining to a nurse who applies for or participates in the
126 nurse intervention program, that is received by the board or the
127 department prior to the acceptance of the nurse into the program or
128 after such nurse's termination from the program and that does not
129 relate to the application for the program, may be utilized by the board
130 or the department in any disciplinary or criminal proceedings
131 instituted against such nurse.

132 Sec. 5. (NEW) Any person making a report to the board, the
133 department or the staff of the nurse intervention program regarding a
134 nurse suspected of practicing while impaired due to causes that would
135 render the nurse eligible for the program, or regarding a nurse's
136 progress or lack of progress as a participant in the program, shall be
137 immune from civil liability with respect to the making of such report
138 or the information contained therein, provided such person made the
139 report in good faith and had a reasonable basis for believing, based on
140 the facts known to such person, that such report or the information
141 contained therein was accurate. Nothing in this section shall be
142 construed to limit the application of section 19a-17b or 19a-20 of the
143 general statutes.

144 Sec. 6. (NEW) (a) The program manager shall report any nurse
145 referred to and participating in the nurse intervention program who
146 fails to comply with the terms and conditions of such participation to

147 the department for such disciplinary action as the board and the
148 Commissioner of Public Health deem appropriate.

149 (b) During such time as a nurse is participating in, but has not yet
150 completed, the nurse intervention program, the nurse may participate
151 in a similar program in another state if such out-of-state participation
152 is approved by the advisory committee upon application and a
153 showing of need by such nurse. If so approved, the terms and
154 conditions for such nurse's participation in the nurse intervention
155 program shall include compliance with all requirements of the out-of-
156 state program. The program manager, upon the written request of
157 such nurse, shall provide any relevant information to the administrator
158 of such out-of-state program as may be required under the laws of
159 such state.

160 Sec. 7. (NEW) (a) Each person holding a license as an advanced
161 practice registered nurse, registered nurse or licensed practical nurse
162 who renews such license on or after October 1, 2001, shall pay, in
163 addition to the renewal fee required under subsection (c) of section
164 19a-88 of the general statutes, a surcharge in an amount established by
165 the department but not to exceed ten per cent of the renewal fee for
166 such license as provided in said subsection. Such surcharge shall be
167 deposited in the fund established under subsection (b) of this section.

168 (b) There is established a fund to be known as the "Nurse
169 Intervention Program Fund". The fund shall contain all surcharges
170 collected by the department pursuant to subsection (a) of this section
171 and any other moneys required by law to be deposited in the fund and
172 shall be held separate and apart from all other money, funds and
173 accounts. Investment earnings credited to the fund shall become part
174 of the assets of the fund. Any balance remaining in said fund at the
175 end of any fiscal year shall be carried forward in the fund for the fiscal
176 year next succeeding. The fund shall be used by the board for the
177 purpose of implementing the nurse intervention program, provided (1)
178 amounts in the fund may be expended only pursuant to appropriation
179 by the General Assembly, and (2) amounts in the fund shall not be

180 used to pay for the actual treatment and rehabilitation costs required
181 by any nurse in the program.

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

184 (a) The Connecticut State Board of Examiners for Nursing shall
185 consist of twelve members who are residents of the state to be
186 appointed by the Governor subject to the provisions of section 4-9a.
187 The Governor shall appoint two members who shall be graduates of an
188 approved school for licensed practical nursing; five members who
189 shall be registered nurses, three of whom shall, at the time of
190 appointment, be connected with an institution affording opportunities
191 for the education of nurses, and at least two of whom shall hold
192 master's degrees in nursing from a recognized college or university
193 and one of whom shall be at the time of appointment an instructor in
194 an approved school for licensed practical nurses; one member who
195 shall be an advanced practice registered nurse; and four members who
196 shall be public members. Commencing with the first appointment
197 made or vacancy filled on or after October 1, 2001, at least one member
198 of said board shall, at the time of appointment, have relevant training,
199 education or experience in the treatment of chemical dependency or in
200 the area of mental health. Members of said board shall be residents of
201 this state and professional members shall maintain good professional
202 standing. No member of said board shall be an elected or appointed
203 officer of any professional association of nurses or have been such an
204 officer during the year immediately preceding [his] such member's
205 appointment. No member shall serve more than two full consecutive
206 terms which commence after July 1, 1980. Any vacancy shall be filled
207 by the Governor for the unexpired portion of the term.

PH Joint Favorable Subst.

GAE Joint Favorable

FIN Joint Favorable