



General Assembly

January Session, 2001

**Amendment**

LCO No. 8624

Offered by:

SEN. COOK, 18<sup>th</sup> Dist.

SEN. FREEDMAN, 26<sup>th</sup> Dist.

SEN. CAPPIELLO, 24<sup>th</sup> Dist.

To: Subst. Senate Bill No. 433

File No. 361

Cal. No. 279

**"AN ACT ESTABLISHING A NURSE INTERVENTION PROGRAM."**

1 Strike out everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) As used in sections 1 to 5, inclusive, of this act:

4 (1) "Department" means the Department of Public Health; and

5 (2) "Board" means the Connecticut State Board of Examiners for  
6 Nursing.

7 Sec. 2. (NEW) (a) The department shall investigate each petition  
8 filed pursuant to section 5 of this act in accordance with the provisions  
9 of subdivision (10) of subsection (a) of section 19a-14 of the general  
10 statutes to determine if probable cause exists to issue a statement of  
11 charges and to institute proceedings against a nurse under subsection  
12 (e) of this section. Such investigation shall be concluded not later than  
13 twelve months from the date the petition is filed with the department

14 and, unless otherwise specified in sections 1 to 5, inclusive, of this act,  
15 the record of such investigation shall be deemed a public record, in  
16 accordance with section 1-210 of the general statutes, at the conclusion  
17 of such twelve-month period. If such investigation involves a violation  
18 of chapter 378 of the general statutes related to a mental illness or the  
19 abuse of drugs, including alcohol, narcotics or chemicals, it shall be  
20 confidential and no person shall disclose such person's knowledge of  
21 such investigation to a third party unless the nurse requests that such  
22 investigation and disclosure be open. If the department determines  
23 that probable cause exists to issue a statement of charges, the entire  
24 record of such proceeding shall be public unless the department  
25 determines that the nurse is an appropriate candidate for participation  
26 in a rehabilitation program in accordance with subsection (b) of this  
27 section and the nurse agrees to participate in such program in  
28 accordance with terms agreed upon by the department and the nurse.  
29 If such investigation involves a violation of chapter 378 of the general  
30 statutes related to a mental illness or the abuse of drugs, including  
31 alcohol, narcotics or chemicals and, at any time subsequent to the filing  
32 of a petition and during the twelve-month period, the department  
33 makes a finding of no probable cause, the petition and the entire  
34 record of such investigation shall remain confidential unless the nurse  
35 requests that such petition and record be open.

36 (b) In any investigation pursuant to subsection (a) of this section, the  
37 department may recommend that the nurse participate in an  
38 appropriate rehabilitation program, provided the department  
39 determines that the nurse, during his or her participation in such a  
40 program in accordance with terms agreed upon by the department and  
41 the nurse, does not pose a threat in his or her practice of nursing, to the  
42 health and safety of any person. Such determination shall become a  
43 part of the record of the investigation. The department may seek the  
44 advice of established nursing organizations in determining the  
45 appropriateness of any rehabilitation program. If the nurse participates  
46 in an approved program, with the consent of the department, the  
47 department shall monitor the nurse's participation in such program

48 and require the person responsible for the nurse's activities in such  
49 program to submit signed monthly reports describing the nurse's  
50 progress therein. The department shall determine if participation in  
51 such a program is sufficient cause to end its investigation. Upon  
52 commencement of the rehabilitation program by the nurse and during  
53 his or her continued participation in such program in accordance with  
54 terms agreed upon by the department and the nurse, all records shall  
55 remain confidential.

56 (c) As part of an investigation of a petition filed pursuant to  
57 subsection (a) of section 5 of this act, the department may order the  
58 nurse to submit to a physical or mental examination, to be performed  
59 by a physician chosen from a list approved by the department. The  
60 department may seek the advice of established medical or nursing  
61 organizations or other licensed health professionals in determining the  
62 nature and scope of any diagnostic examinations to be used as part of  
63 any such physical or mental examination. The examining physician  
64 shall make a written statement of his or her findings.

65 (d) If the nurse fails to obey a department order to submit to  
66 examination or attend a hearing, the department may petition the  
67 superior court for the judicial district of Hartford to order such  
68 examination or attendance, and said court or any judge assigned to  
69 said court shall have jurisdiction to issue such order.

70 (e) Subject to the provisions of section 4-182 of the general statutes,  
71 no license shall be restricted, suspended or revoked by the board, and  
72 no nurse's right to practice shall be limited by the board, until the  
73 nurse has been given notice and opportunity for hearing in accordance  
74 with the regulations adopted by the commissioner in accordance with  
75 chapter 54 of the general statutes.

76 Sec. 3. (NEW) Eligibility to participate in a program of rehabilitation  
77 in accordance with section 2 of this act shall not be granted by the  
78 department to any nurse who has been subject to, or currently has  
79 pending, charges, disciplinary action or a consent agreement by any

80 professional licensing or disciplinary body or been charged with or  
81 convicted of a felony under the laws of this state, or of an offense that,  
82 if committed within this state, would constitute a felony.

83 Sec. 4. (NEW) Notwithstanding the provisions of section 2 of this  
84 act, the department may provide information to the duly authorized  
85 nurse licensing agency of any state or territory, the drug control  
86 division of the Department of Consumer Protection, or any other law  
87 enforcement agency.

88 Sec. 5. (NEW) (a) Any nurse licensed pursuant to chapter 378 of the  
89 general statutes or health care facility licensed under 19a-493 of the  
90 general statutes shall within thirty days, and the board or any  
91 individual may, file a petition when such nurse or hospital or the  
92 board or such individual has any information which appears to show  
93 that a nurse is or may be unable to practice nursing with reasonable  
94 skill or safety for any of the reasons listed in section 20-99 of the  
95 general statutes. Petitions shall be filed with the department on forms  
96 supplied by the department, shall be signed and sworn and shall set  
97 forth in detail the matters complained of.

98 (b) Any health care facility licensed under section 19a-493 of the  
99 general statutes or other employer that terminates or restricts the staff  
100 membership or employment of any nurse for reasons related to mental  
101 illness, or the abuse of drugs, including alcohol, narcotics or chemicals  
102 shall, not later than fifteen days after the effective date of such action,  
103 notify the department of such action.

104 (c) The department shall notify any health care facility licensed  
105 under section 19a-493 of the general statutes if the board suspends,  
106 revokes or otherwise restricts the license of any nurse.

107 (d) A nurse shall report to the department any disciplinary action  
108 similar to an action specified in subsection (a) of section 19a-17 of the  
109 general statutes taken against him or her by a duly authorized  
110 professional disciplinary agency of any other state, the District of  
111 Columbia, a United States possession or territory, or a foreign

112 jurisdiction, within thirty days of such action. Failure to so report may  
113 constitute grounds for disciplinary action under section 20-99 of the  
114 general statutes.

115 Sec. 6. Subsection (d) of section 19a-14 of the general statutes is  
116 repealed and the following is substituted in lieu thereof:

117 (d) Except as provided in section 2 of this act and section 20-13e, all  
118 records obtained by the department in connection with any  
119 investigation of a person or facility over which the department has  
120 jurisdiction under this chapter, other than a physician as defined in  
121 subdivision [(5)] (6) of section 20-13a and a nurse licensed pursuant to  
122 chapter 378, shall not be subject to disclosure under section 1-210 for a  
123 period of one year from the date of the petition or other event initiating  
124 such investigation, or until such time as the investigation is terminated  
125 pursuant to a withdrawal or other informal disposition or until a  
126 hearing is convened pursuant to chapter 54, whichever is earlier. A  
127 complaint, as defined in subdivision (6) of section 19a-13, shall be  
128 subject to the provisions of section 1-210 from the time that it is served  
129 or mailed to the respondent. Records which are otherwise public  
130 records shall not be deemed confidential merely because they have  
131 been obtained in connection with an investigation under this chapter."