



House of Representatives

General Assembly

File No. 321

February Session, 2002

Substitute House Bill No. 5287

House of Representatives, April 4, 2002

The Committee on Public Health reported through REP. EBERLE of the 15th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT MAKING CHANGES TO CERTAIN PUBLIC HEALTH LICENSING STATUTES.

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

1 Section 1. (NEW) (*Effective October 1, 2002*) (a) As used in this
2 section, "homeopathic physician" means a physician who prescribes
3 the single remedy in the minimum dose in potentized form, selected
4 from the law of similars.

5 (b) No person shall practice as a homeopathic physician until such
6 person has obtained a license to practice medicine and surgery from
7 the Department of Public Health pursuant to chapter 370 of the general
8 statutes. No license as a homeopathic physician shall be required of a
9 graduate of any school or institution giving instruction in the healing
10 arts who is completing a post-graduate medical training in
11 homeopathy pursuant to subsection (c) of this section.

12 (c) Applicants for licensure as a homeopathic physician shall, in

13 addition to meeting the requirements of section 20-10 of the general
14 statutes, have successfully completed not less than one hundred
15 twenty hours of post-graduate medical training in homeopathy offered
16 by an institution approved by the Connecticut Homeopathic Medical
17 Examining Board under section 20-8 of the general statutes or the
18 American Institute of Homeopathy, or one hundred twenty hours of
19 post-graduate medical training in homeopathy under the direct
20 supervision of a licensed homeopathic physician, which shall consist of
21 thirty hours of theory and ninety hours of clinical practice. Said
22 Connecticut Homeopathic Medical Examining Board shall approve
23 any training completed under the direct supervision of a licensed
24 homeopathic physician.

25 Sec. 2. Section 20-198 of the general statutes is repealed and the
26 following is substituted in lieu thereof (*Effective October 1, 2002*):

27 No person shall be granted such a license until the department finds
28 that he (1) [was] graduated with the degree of doctor of veterinary
29 medicine, or its equivalent, from a school of veterinary medicine,
30 surgery or dentistry which, at the time such person graduated, was
31 accredited by the American Veterinary Medical Association if such
32 school is located in the United States, its territories or Canada, or (2) if
33 graduated from a school located outside of the United States, its
34 territories or Canada, has demonstrated to the satisfaction of the
35 department that he has completed a degree program equivalent in
36 level, content and purpose to the degree of doctor of veterinary
37 medicine as granted by a school of veterinary medicine, surgery or
38 dentistry [which] that is accredited by the American Veterinary
39 Medical Association. No person [who was] that graduated from a
40 school of veterinary medicine, surgery or dentistry [which] that is
41 located outside the United States, its territories or Canada shall be
42 granted a license unless he has also received certification from the
43 Educational Commission for Foreign Veterinary Graduates. [of the
44 American Veterinary Medical Association.] The department may,
45 under such regulations as the Commissioner of Public Health may
46 adopt, with the advice and assistance of the board, deny eligibility for

47 licensure to a graduate of a school [which has] that was been found to
48 have provided fraudulent or inaccurate documentation regarding
49 either the school's educational program or the academic credentials of
50 graduates of the school's program or to have failed to meet educational
51 standards prescribed in such regulations.

52 Sec. 3. Section 20-200 of the general statutes is repealed and the
53 following is substituted in lieu thereof (*Effective October 1, 2002*):

54 [The Department of Public Health may without examination issue a
55 license to any veterinarian of good professional character who is
56 licensed and practicing in some other state or territory, having
57 requirements for admission determined by the department to be at
58 least equal to the requirements of this state, upon certificate from the
59 board of examiners or like board of the state or territory in which such
60 veterinarian was a practitioner certifying to his competency and that
61 he is a veterinarian of professional attainment and upon the payment
62 of a fee of four hundred fifty dollars to said department. The]
63 Notwithstanding the provisions of section 20-198, as amended by this
64 act, the Department of Public Health, may, upon payment of a fee of
65 four hundred fifty dollars, [issue a license without examination] grant
66 a license by endorsement to a currently practicing, competent
67 veterinarian in another state or territory who [(1) graduated with the
68 degree of doctor of veterinary medicine, or its equivalent, from a
69 school of veterinary medicine, surgery or dentistry which at the time
70 he graduated was accredited by the American Veterinary Medical
71 Association; (2)] holds a current valid license in good professional
72 standing issued after examination by another state or territory [which]
73 that maintains licensing standards [which, except for examination,]
74 that are commensurate with this state's standards. [, and (3) has
75 worked continuously as a licensed veterinarian in an academic or
76 clinical setting in another state or territory for a period of not less than
77 five years immediately preceding the application for licensure without
78 examination.] No license shall be issued under this section to any
79 applicant against whom professional disciplinary action is pending or
80 who is the subject of an unresolved complaint. The department shall

81 inform the board annually of the number of applications it receives for
82 licensure under this section.

83 Sec. 4. Section 20-74c of the general statutes is repealed and the
84 following is substituted in lieu thereof (*Effective October 1, 2002*):

85 [The commissioner may waive the examination for any person
86 certified as an occupational therapist registered (OTR) or as a certified
87 occupational therapy assistant (COTA) by the American Occupational
88 Therapy Association, if the commissioner considers the requirements
89 for certification to be equivalent to the requirements for licensure in
90 this chapter. The commissioner may waive the examination for any
91 applicant who shall present proof of current licensure as an
92 occupational therapist or an occupational therapy assistant in another
93 state, the District of Columbia, or any territory of the United States
94 which requires standards for licensure considered by the
95 commissioner to be equivalent to the requirements for licensure of this
96 chapter in respect to examination, education, and experience.]
97 Notwithstanding the provisions of section 20-74b, the Department of
98 Public Health may grant a license by endorsement to an occupational
99 therapy assistant who presents satisfactory evidence to the
100 commissioner that the applicant is licensed or certified as an
101 occupational therapist or occupational therapy assistant or as a person
102 entitled to perform similar services under a different designation in
103 another state or jurisdiction that has requirements for performing in
104 such capacity that are substantially similar to or higher than those of
105 this state. No license shall be issued under this section to any applicant
106 against whom professional disciplinary action is pending or who is the
107 subject of an unresolved complaint.

108 Sec. 5. (NEW) (*Effective October 1, 2002*) Notwithstanding the
109 provisions of section 20-37 of the general statutes, the Department of
110 Public Health may grant a license by endorsement to a natureopathic
111 physician who presents satisfactory evidence to the commissioner that
112 the applicant is licensed or certified as a natureopathic physician, or as
113 a person entitled to perform similar services under a different

114 designation, in another state or jurisdiction whose requirements for
115 practicing in such capacity are substantially similar to or higher than
116 those of this state. The department may require such applicant to
117 provide satisfactory evidence that the applicant understands
118 Connecticut laws and regulations relating to the practice of
119 natureopathy. The fee for such license shall be four hundred fifty
120 dollars. No license shall be issued under this section to any applicant
121 against whom professional disciplinary action is pending or who is the
122 subject of an unresolved complaint.

123 Sec. 6. Subsection (a) of section 20-90 of the general statutes is
124 repealed and the following is substituted in lieu thereof (*Effective*
125 *October 1, 2002*):

126 (a) Said board may adopt a seal. The Commissioner of Public
127 Health, with advice and assistance from the board, and in consultation
128 with the State Board of Education, shall ~~[promulgate]~~ adopt
129 regulations, in accordance with chapter 54, permitting and setting
130 standards for courses for the training of practical nurses to be offered
131 in high schools and vocational schools for students who have not yet
132 acquired a high school diploma. Students who satisfactorily complete
133 courses approved by said Board of Examiners for Nursing, with the
134 consent of the Commissioner of Public Health, as meeting such
135 standards shall be given credit for each such course toward the
136 requirements for a practical nurse's license. All schools of nursing in
137 this state, except such schools accredited by the National League for
138 Nursing or other ~~[successor]~~ professional accrediting association
139 approved by the United States Department of Education and
140 recognized by the Commissioner of Public Health, and all schools for
141 training licensed practical nurses and all hospitals connected
142 ~~[therewith, which]~~ to such schools that prepare persons for
143 examination under the provisions of this chapter, shall be visited
144 periodically by a representative of the Department of Public Health
145 who shall be a registered nurse or a person experienced in the field of
146 nursing education. The board shall keep a list of all nursing programs
147 and all programs for training licensed practical nurses ~~[which]~~ that are

148 approved by it, with the consent of the Commissioner of Public Health,
149 as maintaining the standard for the education of nurses and the
150 training of licensed practical nurses as established by the
151 commissioner. The board shall consult, where possible, with nationally
152 recognized accrediting agencies when approving schools.

153 Sec. 7. Section 19a-14b of the general statutes is repealed and the
154 following is substituted in lieu thereof (*Effective October 1, 2002*):

155 (a) For the purposes of this section and sections 20-420 and 20-432,
156 the following terms shall have the following meanings unless the
157 context clearly denotes otherwise:

158 (1) "Radon diagnosis" means evaluating buildings found to have
159 levels of radon gas that are higher than the guidelines promulgated by
160 this state or the United States Environmental Protection Agency and
161 recommending appropriate remedies to eliminate radon.

162 (2) "Radon mitigation" means taking steps including, but not limited
163 to, installing ventilation systems, sealing entry routes for radon gas
164 and installing subslab depressurization systems to reduce radon levels
165 in buildings.

166 (3) ["Primary testing companies"] "Analytical measurement service
167 providers" means companies or individuals that have their own
168 analysis capability for radon measurement but may or may not offer
169 measurement services directly to the public.

170 (4) ["Secondary testing companies"] "Residential measurement
171 service providers" means [companies] individuals that offer services
172 that include, but are not limited to, detector placement and home
173 inspection and consultation but do not have their own analysis
174 capability [. Such firms must] and therefore utilize the services of [a
175 primary testing company or laboratory] an analytical measurement
176 service provider for [its] their detector analysis.

177 (5) "Residential mitigation service providers" means individuals that
178 offer services that include, but are not limited to, radon diagnosis or

179 radon mitigation.

180 (b) The Department of Public Health shall [publish a list from time
 181 to time of: Companies that perform radon mitigation or diagnosis,
 182 primary testing companies and secondary testing companies. A
 183 company that performs radon mitigation shall appear on such list only
 184 if evidence is presented, satisfactory to the Commissioner of Public
 185 Health, that every employee that performs mitigation does so under
 186 the direction of an onsite supervisor who is included in the current
 187 proficiency report of the United States Environmental Protection
 188 Agency National Radon Contractor Proficiency (RCP) Program. A
 189 primary testing company and a secondary testing company shall
 190 appear on such list only if evidence is presented, satisfactory to the
 191 commissioner, that the company is included in the current proficiency
 192 report of the United States Environmental Protection Agency National
 193 Radon Measurement Proficiency (RMP) Program and persons or
 194 companies performing radon diagnostic evaluation are included in the
 195 current proficiency reports of both the National Radon Measurement
 196 Proficiency (RMP) Program and the National Radon Contractor
 197 Proficiency (RCP) Program] maintain a list of companies or individuals
 198 that offer analytical measurement services, residential measurement
 199 services and residential mitigation services. The list shall include the
 200 names of companies and individuals that are included in current lists
 201 of national radon proficiency programs that have been approved by
 202 the commissioner.

203 (c) The Department of Public Health shall adopt regulations, in
 204 accordance with chapter 54, establishing safe levels of radon in potable
 205 water.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>

Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>

Statement of Legislative Commissioners:

In section 1, "As used in this act" was changed to "As used in this section" for accuracy of reference and "under the direction" was changed to "under the direct supervision" for clarity.

PH *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Fund-Type	Agency Affected	FY 03 \$	FY 04 \$
General Fund - Revenue Gain	Department of Public Health	Minimal	Minimal

Municipal Impact: None

Explanation

This bill makes various changes which have fiscal impacts as follows:

Section 1 makes changes regarding the licensure of homeopathic physicians, on and after October 1, 2002, which have no associated fiscal impact.

Section 2 makes technical changes which have no associated fiscal impact.

Sections 3, 4, and 5 allow the Department of Public Health to license by endorsement specified professionals holding current licenses in good standing in another state having similar licensure standards to Connecticut. To the extent that additional persons seek licensure as a veterinarian, occupational therapy assistant, or natureopathic physician, the department will experience a workload increase and a minimal revenue gain from the collection of initial and renewal licensure fees of \$450, \$100 and \$450, respectively. (If the bill is interpreted to also extend this policy to occupational therapists an additional minimal revenue gain will result from collection of initial and renewal licensure fees of \$100.)

Section 6 will allow certain nursing schools which are now accredited by the National League for Nursing to opt to use another recognized accrediting body and so allow for continued exemption from routine survey visits by DPH. No fiscal impact is anticipated to result from this change.

Section 7 removes obsolete statutory references and makes changes which have no associated fiscal impact.

OLR Bill Analysis

sHB 5287

AN ACT MAKING CHANGES TO CERTAIN PUBLIC HEALTH LICENSING STATUTES

SUMMARY:

This bill (1) establishes a homeopathic physician license and sets criteria for licensure; (2) allows the Department of Public Health (DPH) to license by endorsement veterinarians, occupational therapy assistants, and natureopaths; and (3) requires DPH to maintain a list of radon service providers.

EFFECTIVE DATE: October 1, 2002

HOMEOPATHIC PHYSICIANS

The bill establishes a license for homeopathic physicians. Homeopathy is a system of medicine that attempts to stimulate the body to recover itself. It is based on the "law of similars," which looks for the one substance that if administered in minute doses to a sick person, would produce similar symptoms in a healthy person if administered in large doses.

The bill requires homeopathic physicians to be licensed to practice medicine and surgery. Homeopathic physician license applicants must meet the requirements for a medicine and surgery license as well as complete (1) at least 120 hours of post-graduate medical training in homeopathy offered by an institution approved by the Connecticut Homeopathic Medical Examining Board or the American Institute of Homeopathy or (2) 120 hours of post-graduate medical training in homeopathy (90 hours clinical, 30 hours theory) under the direct supervision of a licensed homeopathic physician. The board must approve this training.

The bill specifies that a homeopathic physician license is not required of a graduate of a school or institution providing instruction in the healing arts who is completing post-graduate medical training in homeopathy. (Existing law defines "healing arts" as the practice of

medicine, chiropractic, podiatry, natureopathy, and optometry.)
The bill does not establish a license fee for homeopathic physicians, but the fee for a medicine and surgery license is \$450.

LICENSURE BY ENDORSEMENT

Licensure by “endorsement” while not defined, generally means that the state will grant a practitioner licensed in another state or territory a license to practice here if his professional credential’s satisfy the state’s licensing requirements. The bill allows DPH to issue a license by endorsement to veterinarians, occupational therapist assistants, and natureopaths.

Veterinarians

The bill simplifies the licensure process for veterinarians from out-of-state. DPH may continue to issue a veterinarian license by endorsement to a person who is a currently practicing, competent veterinarian in another state or territory. He must have a current valid license in good professional standing issued after examination by another jurisdiction with licensure standards substantially similar to Connecticut’s. The bill eliminates existing requirements for such veterinarians to submit proof that they (1) graduated from an accredited school and (2) worked as a veterinarian for the five years immediately proceeding their move to Connecticut. The license fee is \$450.

Occupational Therapist Assistant

The bill allows DPH to issue an occupational therapy assistant’s license by endorsement to a person licensed or certified as an occupational therapist or assistant or someone entitled to perform similar services under a different title in another jurisdiction with practice requirements substantially similar to Connecticut’s. The license fee is \$100. (It is unclear if the bill is also meant to include licensure by endorsement for occupational therapists since they are referenced in terms of an acceptable license in another state.)

Natureopaths

The bill allows DPH to issue a natureopathic physician license by endorsement to someone licensed as such or entitled to perform similar services under a different title in another jurisdiction with

requirements for practice substantially similar to Connecticut's. Under the bill, DPH can require the license applicants to provide satisfactory evidence that they understand Connecticut law relating to natureopathy practice. The license fee is \$400. No license can be issued to someone against whom disciplinary action is pending or who is facing an unresolved complaint.

RADON

The bill requires DPH to keep a list of radon service-related companies or individuals offering analytical measurement services, residential measurement services, and residential mitigation services. This replaces the current requirement that DPH publish a list periodically of radon professionals currently listed with the U.S. Environmental Protection Agency (EPA) Radon Proficiency Program. (This program has not been provided by EPA for a number of years and instead is provided by private organizations.)

Under the bill, the list must include the names of those included in current lists of national radon proficiency programs approved by the DPH commissioner. "Analytical measurement service providers" means companies or individuals that have their own analysis capability for radon measurement but may or may not offer it to the public. "Residential measurement service providers" are individuals offering services, including detector placement and home inspection and consultation, but do not have their own analysis capability. They use the services of an analytical measurement service provider. Finally, "residential mitigation service providers" are people that offer services that include radon diagnosis or radon mitigation.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Report

Yea 24 Nay 0