



Senate

General Assembly

File No. 335

February Session, 2002

Substitute Senate Bill No. 582

Senate, April 4, 2002

The Committee on Public Health reported through SEN. HARP of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING LICENSES ISSUED BY THE DEPARTMENT OF PUBLIC HEALTH.

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: (1) "Licensee" means a funeral director or embalmer licensed
3 pursuant to chapter 385 of the general statutes; and (2) "department"
4 means the Department of Public Health.

5 (b) Each licensee shall complete a minimum of six hours of
6 continuing education during each twelve-month period that
7 commences on the date of renewal of the licensee's license, as provided
8 in section 19a-88 of the general statutes, as amended. The continuing
9 education shall be in areas related to the licensee's practice, including,
10 but not limited to, bereavement care, business management and
11 administration, religious customs and traditions related to funerals,
12 cremation services, cemetery services, natural sciences, preneed
13 services, restorative arts and embalming, federal and state laws

14 governing funeral services, counseling, funeral service merchandising,
15 sanitation and infection control, organ donation or hospice care. The
16 continuing education shall consist of courses offered or approved by
17 the Academy of Professional Funeral Service Practice, educational
18 offerings sponsored by a hospital or other licensed health care
19 institution or courses offered by a regionally accredited institution of
20 higher education.

21 (c) Each licensee shall obtain a certificate of completion from the
22 provider of the continuing education for all continuing education
23 hours that are successfully completed and shall retain such certificate
24 for a minimum of three years following the date of renewal of the
25 licensee's license that immediately precedes the date of completion of
26 the course or other offering. Upon request by the department, the
27 licensee shall submit the certificate to the department.

28 (d) A licensee who fails to comply with the provisions of this section
29 shall be subject to disciplinary action pursuant to section 20-227 of the
30 general statutes.

31 (e) The provisions of subsection (a) of this section do not apply to a
32 licensee (1) during the year immediately following the date on which
33 the licensee's license is renewed for the first time; or (2) whose license
34 is due to expire during the twelve months following the effective date
35 of this section, until the next renewal date. The department may, for a
36 licensee who has a medical disability or illness, grant a waiver of the
37 continuing education requirements for a specific period of time or may
38 grant the licensee an extension of time in which to fulfill the
39 requirements.

40 Sec. 2. Section 20-37 of the general statutes is repealed and the
41 following is substituted in lieu thereof (*Effective October 1, 2002*):

42 No person shall engage in the practice of natureopathy in this state
43 until he has obtained a license. No person shall receive a license until
44 he has passed an examination prescribed by the department with the
45 advice and consent of the board. On and after January 1, 2003, no

46 person shall receive a license unless such person has passed Part I,
47 Basic Science Examinations and Part II, Clinical Science Examinations,
48 of the Natureopathic Physicians Licensing Examinations. The
49 examination shall be administered by the Department of Public Health
50 under the supervision of the board. Passing scores shall be established
51 by the department with the consent of the board. Any person desiring
52 to practice natureopathy shall make application to the department,
53 upon such form as it adopts. Applications shall be in writing upon
54 blanks furnished by said department, setting forth such facts
55 concerning the applicant as said department requires and shall be
56 signed by the applicant. Each applicant shall present to said
57 department satisfactory evidence that he graduated from an approved
58 high school, that he has completed a course of study of an academic
59 year consisting of not less than thirty-two weeks' duration, or, if he
60 begins the study of natureopathy after September 1, 1963, not less than
61 sixty-four weeks' duration, in a college or scientific school approved by
62 the board with the consent of the Commissioner of Public Health or
63 possessed educational qualifications equivalent to those required for
64 graduation from such school before beginning the study of
65 natureopathy and that he is a graduate of a legally chartered, reputable
66 school or college of natureopathy, approved by said board with the
67 consent of the Commissioner of Public Health. Said department shall
68 issue a license to each applicant who passes the examination and who
69 has met all other requirements of this chapter and any regulations
70 adopted hereunder. There shall be paid to the department by such
71 applicant a fee of four hundred fifty dollars. Any person who has
72 passed the prescribed examination shall receive from said department
73 a license, which license shall include a statement that the person
74 named therein is qualified to practice natureopathy. The secretary of
75 said board shall file annually with the Department of Public Health a
76 list of natureopathic colleges or institutions recognized by said board
77 as legal and reputable.

78 Sec. 3. (NEW) (*Effective October 1, 2002*) (a) Each person licensed to
79 practice natureopathy pursuant to chapter 373 of the general statutes
80 shall complete a minimum of fifteen hours of continuing education

81 each registration period. The continuing education shall be in areas
82 related to the individual's practice. The continuing education shall
83 consist of courses offered or approved by any national or state
84 natureopathic professional association or any state board of
85 natureopathic examiners, educational offerings sponsored by a
86 hospital or other licensed health care institutions or courses offered by
87 a regionally accredited academic institution. For purposes of this
88 section, "registration period" means the one-year period for which a
89 license has been renewed in accordance with section 19a-88 of the
90 general statutes, as amended, and is current and valid.

91 (b) Each licensee shall obtain a certificate of completion from the
92 provider of continuing education for all continuing education hours
93 successfully completed. Each licensee shall maintain such written
94 documentation for a minimum of three years following the date of
95 renewal of the licensee's license that immediately precedes the date of
96 completion of the course or offering. Certificates of completion shall be
97 submitted by the licensee to the Department of Public Health upon the
98 department's request. A licensee who fails to comply with the
99 continuing education requirements may be subject to disciplinary
100 action pursuant to section 19a-17 or 20-40 of the general statutes.

101 (c) The continuing education requirements shall be waived for
102 licensees applying for licensure renewal for the first time. An
103 individual whose license is due to expire on or before October 1, 2003,
104 shall be exempt from continuing education requirements until such
105 licensee's next registration period. The Department of Public Health
106 may, in individual cases involving a medical disability or illness, grant
107 time-limited waivers of the continuing education requirements or
108 extensions of time in which to fulfill the same.

109 Sec. 4. (NEW) (*Effective October 1, 2002*) (a) Each alcohol and drug
110 counselor licensed or certified pursuant to chapter 376b of the general
111 statutes shall complete a minimum of six hours of continuing
112 education each registration period. The continuing education shall be
113 in areas related to the individual's practice. The continuing education,

114 shall consist of courses offered or approved by the Department of
115 Public Health, educational offerings sponsored by a hospital or other
116 licensed health care institutions or courses offered by a regionally
117 accredited academic institution. For purposes of this section,
118 registration period means the one-year period for which a license or
119 certificate has been renewed in accordance with section 19a-88 of the
120 general statutes, as amended, and is current and valid.

121 (b) Each licensee or certificate holder shall obtain a certificate of
122 completion from the provider of continuing education for all
123 continuing education hours successfully completed. Each licensee or
124 certificate holder shall maintain such written documentation for a
125 minimum of three years following the date of renewal of the license or
126 certificate that immediately precedes the date of completion of the
127 course or offering. Certificates of completion shall be submitted by the
128 licensee or certificate holder to the Department of Public Health upon
129 the department's request. A licensee or certificate holder who fails to
130 comply with the continuing education requirements may be subject to
131 disciplinary action pursuant to subsection (r) of section 20-74s or
132 section 19a-17 of the general statutes.

133 (c) The continuing education requirements shall be waived for
134 licensees and certificate holders applying for licensure or certification
135 renewal for the first time. An individual whose license or certificate is
136 due to expire on or before October 1, 2003, shall be exempt from
137 continuing education requirements until such licensee's or certificate
138 holder's next registration period. The Department of Public Health
139 may, in individual cases involving a medical disability or illness, grant
140 time-limited waivers of the continuing education requirements or
141 extensions of time in which to fulfill the same.

142 Sec. 5. (*Effective from passage*) Notwithstanding the provisions of
143 subsection (b) of section 20-206bb of the general statutes, during the
144 period commencing on the effective date of this section and ending
145 thirty days after said effective date, the Department of Public Health
146 shall issue a license as an acupuncturist under chapter 384c of the

147 general statutes to any applicant who presents to the department
 148 satisfactory evidence that the applicant has: (1) Passed the National
 149 Commission for the Certification of Acupuncturists' written
 150 examination by test or by credentials review; (2) successfully
 151 completed the practical examination of point location skills offered by
 152 the National Commission for the Certification of Acupuncturists; and
 153 (3) successfully completed the Clean Needle Technique Course offered
 154 by the Council of Colleges of Acupuncture and Oriental Medicine.

155 Sec. 6. Subsection (i) of section 20-8a of the general statutes is
 156 repealed and the following is substituted in lieu thereof (*Effective*
 157 *October 1, 2002*):

158 (i) Except in a case in which a license has been summarily
 159 suspended, pursuant to subsection (c) of section 19a-17 or subsection
 160 (c) of section 4-182, all three panel members shall be present to hear
 161 any evidence and vote on a proposed final decision and two such
 162 panel members shall have been present to observe the testimony of a
 163 witness where the credibility of such witness is an issue. The
 164 chairperson of the Medical Examining Board may exempt a member
 165 from a meeting of the panel if the chairperson finds that good cause
 166 exists for such an exemption. Such an exemption may be granted
 167 orally but shall be reduced to writing and included as part of the
 168 record of the panel within two business days of the granting of the
 169 exemption or the opening of the record and shall state the reason for
 170 the exemption. Such exemption shall be granted to a member no more
 171 than once during any contested case and shall not be granted for a
 172 meeting at which the panel is acting on a proposed final decision on a
 173 statement of charges. The board may appoint a member to the panel to
 174 replace any member who resigns or otherwise fails to continue to serve
 175 on the panel. Such replacement member shall review the record prior
 176 to the next hearing.

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>from passage</i>
Sec. 6	<i>October 1, 2002</i>

PH *Joint Favorable Subst.*

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:

Sections 1, 3 and 4 require funeral directors and embalmers, natureopaths, and alcohol and drug counselors, respectively, to meet continuing education requirements as a condition of license renewal. DPH will incur minimal costs, which can be accommodated within its anticipated budgetary resources, to pursue disciplinary actions and review requests for waivers.

Section 2 specifies examinations that must be passed by an applicant for a natureopath license on and after January 1, 2003. No fiscal impact is associated with this change.

Section 5 authorizes DPH to grant a license to an acupuncturist with specified experience within thirty days after the bill’s passage. The agency will experience a workload increase and minimal revenue gain from collection of an initial licensure fee of \$100 and a renewal licensure fee of \$100 paid upon the anniversary of any affected individual’s birth.

Section 6 modifies the rules of decision making for the Connecticut Medical Examining Board and has no resulting fiscal impact.

OLR Bill Analysis

sSB 582

AN ACT CONCERNING LICENSES ISSUED BY THE DEPARTMENT OF PUBLIC HEALTH**SUMMARY:**

This bill establishes annual continuing education requirements for funeral directors and embalmers, natureopaths, and drug and alcohol counselors. It makes failing to complete these requirements or maintain related documentation grounds for disciplinary action.

The bill requires at least two of the three members of a medical hearing panel to be present at any hearing on charges against a physician to observe the testimony of a witness whose credibility is an issue. Current law requires all three panel members to be present to hear any evidence, unless the panel chairman grants an exemption, and all must vote on a proposed final decision. By law, these requirements do not apply in cases where a physician's license has been summarily suspended because the Department of Public Health (DPH) or Medical Examining Board found that he represented a clear and present danger to public health.

The bill requires natureopaths who are first licensed beginning January 1, 2003 to pass the Natureopathic Physicians Licensing Examinations' basic science and clinical science tests. Current law requires natureopathic license candidates to pass an exam prescribed by the DPH with the approval of the State Board of Natureopathic Examiners.

Finally, the bill opens a 30-day window for individuals who meet specific requirements to become licensed as acupuncturists.

EFFECTIVE DATE: October 1, 2002, except the acupuncturist licensing provision is effective on passage.

CONTINUING EDUCATION REQUIREMENTS***Funeral Directors and Embalmers***

The bill requires funeral directors and embalmers to complete at least six hours of continuing education each year. The year begins on the date each individual's license is renewed. The education must be related to their practice and include at least: bereavement care, counseling, cremation and cemetery services, religious customs and traditions, pre-need services, funeral service merchandising, federal and state laws, restorative arts and embalming, sanitation and infection control, organ donation, hospice care, natural sciences, or business management and administration. Continuing education courses or instruction must be (1) offered or approved by the Academy of Professional Funeral Service Practice or (2) offered by an accredited college, or university, hospital, or licensed health care institution.

A funeral director or embalmer who fails to comply with these continuing education requirements is subject to disciplinary action, which may include license suspension or revocation, reprimand or censure, or civil penalty.

Natureopaths and Drug and Alcohol Counselors

The bill requires natureopaths annually to complete 15 hours of continuing education in areas related to their practice and drug and alcohol counselors to complete six such hours. The year runs from the date their license or certificate is renewed. (Natureopaths are licensed; counselors can be either licensed or certified.) Natureopaths' education must be (1) offered or approved by a national or state natureopathic professional organization or board of examiners or (2) offered by an accredited college or university, hospital, or licensed health care institution. Drug and alcohol counselors' education must be offered or approved by DPH or offered by an accredited college or university, hospital, or licensed health care institution. Providers in both professions may be subject to disciplinary action if they fail to complete this requirement.

Common Provisions

The bill requires funeral directors, embalmers, natureopaths, and drug and alcohol counselors to keep written documentation of the certificates they receive for successfully completing continuing education offerings for three years after the license renewal that triggered the continuing education requirement. They must submit the certificates to DPH if it requests them.

The continuing education requirements apply to licenses and certificates renewed after September 30, 2003, and they are waived for individuals applying for a first license or certificate renewal. DPH can grant time-limited waivers or extensions to fulfill requirements in cases involving a medical disability or illness.

ACCUPUNCTURIST LICENSE

The bill authorizes DPH to license as an acupuncturist, within 30 days after it takes effect, a person who has (1) passed the National Commission for the Certification of Acupuncturists written examination by test or credentials review, (2) successfully completed the practical examination of point location skills offered by the national commission, and (3) successfully completed the clean-needle technique course offered by the Council of Colleges of Acupuncture and Oriental Medicine.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute
Yea 23 Nay 0