



General Assembly

February Session, 2004

**Amendment**

LCO No. 4416

\*SB0031904416HDO\*

Offered by:

REP. MARTINEZ, 128<sup>th</sup> Dist.

REP. VILLANO, 91<sup>st</sup> Dist.

SEN. PRAGUE, 19<sup>th</sup> Dist.

To: Subst. Senate Bill No. 319

File No. 396

Cal. No. 443

**"AN ACT REQUIRING A PAIN MANAGEMENT PROTOCOL IN NURSING HOMES."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 20-13c of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2004*):

5 The board is authorized to restrict, suspend or revoke the license or  
6 limit the right to practice of a physician or take any other action in  
7 accordance with section 19a-17, for any of the following reasons: (1)  
8 Physical illness or loss of motor skill, including, but not limited to,  
9 deterioration through the aging process; (2) emotional disorder or  
10 mental illness; (3) abuse or excessive use of drugs, including alcohol,  
11 narcotics or chemicals; (4) illegal, incompetent or negligent conduct in  
12 the practice of medicine; (5) possession, use, prescription for use, or  
13 distribution of controlled substances or legend drugs, except for

14 therapeutic purposes, the management of pain or other medically  
15 proper purposes; (6) misrepresentation or concealment of a material  
16 fact in the obtaining or reinstatement of a license to practice medicine;  
17 (7) failure to adequately supervise a physician assistant; (8) failure to  
18 fulfill any obligation resulting from participation in the National  
19 Health Service Corps; (9) failure to maintain professional liability  
20 insurance or other indemnity against liability for professional  
21 malpractice as provided in subsection (a) of section 20-11b; (10) failure  
22 to provide information requested by the department for purposes of  
23 completing a health care provider profile, as required by section 20-13j;  
24 (11) engaging in any activity for which accreditation is required under  
25 section 19a-690 or 19a-691 without the appropriate accreditation  
26 required by section 19a-690 or 19a-691; (12) failure to provide evidence  
27 of accreditation required under section 19a-690 or 19a-691 as requested  
28 by the department pursuant to section 19a-690 or 19a-691; or (13)  
29 violation of any provision of this chapter or any regulation established  
30 hereunder. In each case, the board shall consider whether the  
31 physician poses a threat, in the practice of medicine, to the health and  
32 safety of any person. If the board finds that the physician poses such a  
33 threat, the board shall include such finding in its final decision and act  
34 to suspend or revoke the license of said physician.

35 Sec. 502. Subsection (a) of section 21a-252 of the general statutes, as  
36 amended by section 146 of public act 03-6 of the June 30 special  
37 session, is repealed and the following is substituted in lieu thereof  
38 (*Effective October 1, 2004*):

39 (a) A physician, in good faith and in the course of the physician's  
40 professional practice only, may prescribe, administer and dispense  
41 controlled substances, or may cause the same to be administered by a  
42 physician assistant, nurse or intern under the physician's direction and  
43 supervision, for demonstrable physical or mental disorders, including  
44 the management of pain, but not for drug dependence except in  
45 accordance with state and federal laws and regulations. [adopted  
46 thereunder.] Notwithstanding the provisions of this subsection the  
47 Department of Agriculture and Consumer Protection may approve

48 protocols allowing the dispensing of take-home doses of methadone,  
49 by a registered nurse or licensed practical nurse, to outpatients in duly  
50 licensed substance abuse treatment facilities. Such dispensing shall be  
51 done pursuant to the order of a licensed prescribing practitioner and  
52 using computerized dispensing equipment into which bulk supplies of  
53 methadone are dispensed by a pharmacist. The quantity of methadone  
54 dispensed by such nurse shall not exceed at any one time that amount  
55 allowed under federal or state statutes or regulations governing the  
56 treatment of drug dependent patients. The Department of Agriculture  
57 and Consumer Protection shall conduct inspections of such treatment  
58 facilities to ensure that the computerized dispensing equipment and  
59 related dispensing procedures documented in the approved protocols  
60 are adhered to."