



General Assembly

January Session, 2005

Raised Bill No. 6585

LCO No. 2929

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Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT ESTABLISHING A PROGRAM FOR IMPAIRED NURSES.

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

1 Section 1. (NEW) (*Effective October 1, 2005*) As used in sections 1 to 7,
2 inclusive, of this act, unless the context otherwise requires:

3 (1) "Advisory committee" means the Nurse Intervention Program
4 Advisory Committee established under section 3 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) "Chemical dependency" means abusive or excessive use of
9 drugs, including alcohol, narcotics or chemicals, that results in
10 physical dependence or psychological, social and spiritual
11 dependence;

12 (4) "Department" means the Department of Public Health;

13 (5) "Intervention" means a formal, planned and safe meeting with a
14 nurse to provide for the transition of such nurse into rehabilitation that

15 may be facilitated by the program manager, by a case manager of the
16 nurse intervention program or by trained volunteers including, but not
17 limited to, individuals from Nurses For Nurses;

18 (6) "Nurse intervention program" or "program" means the program
19 established under section 2 of this act;

20 (7) "Program manager" means the program manager of the nurse
21 intervention program as provided in section 2 of this act;

22 (8) "Recovery" means an ongoing process of returning to a state of
23 physical, psychological, social and spiritual well-being; and

24 (9) "Rehabilitation" means a process of primary and ongoing
25 treatment and education for a nurse leading to recovery and the
26 attainment of the nurse's maximum function.

27 Sec. 2. (NEW) (*Effective October 1, 2005*) (a) The board, in
28 collaboration with one or more professional nursing organizations in
29 the state, or any subsidiary of such organizations, shall establish a
30 nurse intervention program that shall be administered through a
31 professional nursing organization in this state, or a subsidiary of such
32 organization. The program shall be an alternative, voluntary and
33 private opportunity for the rehabilitation of nurses licensed pursuant
34 to chapter 378 of the general statutes who (1) have a chemical
35 dependency, mental illness or physical condition, (2) meet the criteria
36 established by the advisory committee pursuant to subsection (b) of
37 section 3 of this act, and (3) submit to having their rehabilitation
38 monitored by program staff in lieu of disciplinary action.

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

42 (1) The program manager shall: (A) Hold an advanced degree in the
43 area of mental health; (B) have overall responsibility for the
44 implementation and administration of the nurse intervention program;

45 (C) in consultation with the advisory committee, 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 subsection (b) of section 3 of this act.
61 Participation by a nurse in the nurse intervention program shall be a
62 confidential alternative to disciplinary action taken against such nurse
63 under sections 20-99 and 19a-17 of the general statutes.

64 Sec. 3. (NEW) (*Effective October 1, 2005*) (a) There shall be a Nurse
65 Intervention Program Advisory Committee consisting of: (1) The
66 program manager; and (2) eight additional members, (A) one
67 appointed by the president pro tempore of the Senate who shall be an
68 advanced practice registered nurse, (B) one appointed by the speaker
69 of the House of Representatives who shall be a registered nurse, (C)
70 one appointed by the minority leader of the Senate who shall be a
71 licensed practical nurse, (D) one appointed by the minority leader of
72 the House of Representatives who shall be an expert in the field of
73 addiction, (E) one appointed by the chairperson of the board, (F) one
74 appointed by the Commissioner of Public Health, (G) one appointed
75 by the Connecticut Nurses' Association, and (H) one appointed by the
76 Connecticut League for Nursing. All members shall have relevant

77 mental health and substance abuse knowledge and experience. The
78 persons initially appointed under subparagraphs (A), (B) and (C) of
79 subdivision (2) of this subsection shall serve for a term of three years,
80 the persons initially appointed under subparagraphs (D), (G) and (H)
81 of subdivision (2) of this subsection shall serve for a term of two years,
82 and the persons initially appointed under subparagraphs (E) and (F) of
83 subdivision (2) of this subsection shall serve for a term of one year.
84 Thereafter, all persons appointed under subdivision (2) of this
85 subsection shall serve for terms of three years and until their
86 successors have been appointed, provided no such person may serve
87 more than two such terms. Any vacancy shall be filled by the
88 appointing authority.

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

97 (c) The Commissioner of Public Health, with the advice of the
98 advisory committee, shall adopt regulations, in accordance with
99 chapter 54 of the general statutes, to promulgate the criteria for
100 participation of nurses, the policies regarding program ethics and the
101 approval of treatment facilities and providers, the standards for
102 approval of participation in out-of-state programs, and any other
103 matter recommended by the advisory committee in establishing the
104 nurse intervention program.

105 Sec. 4. (NEW) (*Effective October 1, 2005*) (a) Except as provided in
106 subsection (b) of section 6 of this act, all records pertaining to the
107 rehabilitation of a nurse in the nurse intervention program or
108 pertaining to a nurse having successfully completed the program, and

109 the information contained in such records, shall be confidential and
110 shall not be subject to disclosure under the Freedom of Information
111 Act, as defined in section 1-200 of the general statutes, or to discovery
112 or subpoena, unless any one or more of the following conditions exist:

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

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

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

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

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

137 Sec. 5. (NEW) (*Effective October 1, 2005*) Any person making a report
138 to the board, the department or the staff of the nurse intervention

139 program regarding a nurse suspected of practicing while impaired due
140 to causes that would render the nurse eligible for the program, or
141 regarding a nurse's progress or lack of progress as a participant in the
142 program, shall be immune from civil liability with respect to the
143 making of such report or the information contained therein, provided
144 such person made the report in good faith and had a reasonable basis
145 for believing, based on the facts known to such person, that such
146 report or the information contained therein was accurate. Nothing in
147 this section shall be construed to limit the application of section 19a-
148 17b or 19a-20 of the general statutes.

149 Sec. 6. (NEW) (*Effective October 1, 2005*) (a) The program manager
150 shall report any nurse referred to and participating in the nurse
151 intervention program who fails to comply with the terms and
152 conditions of such participation to the department for such
153 disciplinary action as the board and the Commissioner of Public
154 Health deem appropriate.

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

166 Sec. 7. (NEW) (*Effective October 1, 2005*) (a) Each person holding a
167 license as an advanced practice registered nurse, registered nurse or
168 licensed practical nurse who renews such license on or after October 1,
169 2005, shall pay, in addition to the renewal fee required under
170 subsection (c) of section 19a-88 of the general statutes, a surcharge in

171 an amount established by the department but not to exceed ten per
172 cent of the renewal fee for such license as provided in said subsection.
173 Such surcharge shall be deposited in the account established under
174 subsection (b) of this section.

175 (b) There is established an account within the General Fund to be
176 known as the "nurse intervention program account". The account shall
177 contain all surcharges collected by the department pursuant to
178 subsection (a) of this section and any other moneys required by law to
179 be deposited in the account and shall be held separate and apart from
180 all other money, funds and accounts. Investment earnings credited to
181 the account shall become part of the assets of the account. Any balance
182 remaining in said account at the end of any fiscal year shall be carried
183 forward in the account for the fiscal year next succeeding. The account
184 shall be used by the board for the purpose of implementing the nurse
185 intervention program, provided (1) amounts in the account may be
186 expended only pursuant to appropriation or authorization by the
187 General Assembly, and (2) amounts in the account shall not be used to
188 pay for the actual treatment and rehabilitation costs required by any
189 nurse in the program.

190 Sec. 8. Subsection (a) of section 20-88 of the general statutes is
191 repealed and the following is substituted in lieu thereof (*Effective*
192 *October 1, 2005*):

193 (a) The Connecticut State Board of Examiners for Nursing shall
194 consist of twelve members who are residents of the state to be
195 appointed by the Governor subject to the provisions of section 4-9a.
196 The Governor shall appoint two members who shall be graduates of an
197 approved school for licensed practical nursing; five members who
198 shall be registered nurses, three of whom shall, at the time of
199 appointment, be connected with an institution affording opportunities
200 for the education of nurses, and at least two of whom shall hold
201 master's degrees in nursing from a recognized college or university
202 and one of whom shall be at the time of appointment an instructor in

203 an approved school for licensed practical nurses; one member who
 204 shall be an advanced practice registered nurse; and four members who
 205 shall be public members. Commencing with the first appointment
 206 made or vacancy filled on or after October 1, 2005, at least one member
 207 of said board shall, at the time of appointment, have relevant training,
 208 education or experience in the treatment of chemical dependency or in
 209 the area of mental health. Members of said board shall be residents of
 210 this state and professional members shall maintain good professional
 211 standing. No member of said board shall be an elected or appointed
 212 officer of any professional association of nurses or have been such an
 213 officer during the year immediately preceding [his] such member's
 214 appointment. No member shall serve more than two full consecutive
 215 terms which commence after July 1, 1980. Any vacancy shall be filled
 216 by the Governor for the unexpired portion of the term.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	New section
Sec. 2	<i>October 1, 2005</i>	New section
Sec. 3	<i>October 1, 2005</i>	New section
Sec. 4	<i>October 1, 2005</i>	New section
Sec. 5	<i>October 1, 2005</i>	New section
Sec. 6	<i>October 1, 2005</i>	New section
Sec. 7	<i>October 1, 2005</i>	New section
Sec. 8	<i>October 1, 2005</i>	20-88(a)

Statement of Purpose:

To establish a program for impaired nurses to intervene, evaluate and treat nurses with substance abuse or certain other problems so they may return to treating patients.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]