



General Assembly

Substitute Bill No. 5718

February Session, 2006

* HB05718JUD 042606 *

**AN ACT CONCERNING A PROFESSIONAL ASSISTANCE PROGRAM
FOR HEALTH CARE PROFESSIONALS.**

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

1 Section 1. (NEW) (*Effective October 1, 2006*) (a) As used in this
2 section:

3 (1) "Chemical dependency" means abusive or excessive use of
4 drugs, including alcohol, narcotics or chemicals, that results in
5 physical or psychological dependence;

6 (2) "Department" means Department of Public Health;

7 (3) "Health care professionals" includes any person licensed
8 pursuant to chapter 370, 372, 373, 375, 375a, 376, 376a, 376b, 376c, 377,
9 378, 379, 379a, 380, 381, 381a, 383, 383a, 383b, 383c, 384, 384a, 384b,
10 384c, 384d or 400j of the general statutes; and

11 (4) "Medical review committee" has the same meaning as provided
12 in section 19a-17b of the general statutes.

13 (b) State or local professional societies and organizations of health
14 care professionals may establish health care professional assistance
15 programs to provide prevention, intervention, referral assistance and
16 support services to any health care professional and to any person who
17 has applied to become a health care professional, who has a chemical

18 dependency, emotional or behavioral disorder or physical or mental
19 illness. The program shall (1) be an alternative, voluntary and
20 confidential opportunity for the rehabilitation of health care
21 professionals and persons who have applied to become a health care
22 professional, and (2) include mandatory, periodic evaluations of each
23 participant's ability to practice with skill and safety, and without
24 posing a threat to the health and safety of any person or patient.

25 (c) Prior to admitting any health care professional into a program
26 established pursuant to subsection (b) of this section, a medical review
27 committee shall (1) determine if the health care professional is an
28 appropriate candidate for rehabilitation and participation in the
29 program, and (2) establish the participant's terms and conditions for
30 participating in the program. No action taken by the medical review
31 committee pursuant to this subsection shall be construed as the
32 practice of medicine or mental health care.

33 (d) The medical review committee shall not refer to the program,
34 established pursuant to subsection (b) of this section, any health care
35 professional who has been subject to, or currently has pending
36 charges, disciplinary action or a consent order by any professional
37 licensing or disciplinary body or has been charged with or convicted of
38 a felony under the laws of this state, or of an offense that, if committed
39 within this state, would constitute a felony. The medical review
40 committee shall refer such health care professional to the department.
41 Upon such referral, the department shall determine if the health care
42 professional is eligible for intervention, referral assistance and support
43 services and the department may seek the advice of professional health
44 care societies or organizations in determining what referral assistance,
45 rehabilitation program or support services are appropriate for such
46 health care professional.

47 (e) Professional societies and organizations that provide prevention,
48 intervention and rehabilitation support to health care professionals
49 with a chemical dependency, emotional or behavioral disorder, or
50 physical or mental illness shall meet periodically with the department

51 and report to the appropriate professional licensing board or
52 commission on the number of health care professionals receiving such
53 services, the purpose of participation and an evaluation as to whether
54 the participants are practicing health care with skill and safety, and
55 without posing a threat to the health and safety of any person or
56 patient.

57 (f) Any physician, hospital or state or local professional society or
58 organization of health care professionals that refers an individual for
59 intervention to a program established pursuant to subsection (b) of this
60 section shall be deemed to have satisfied the obligations imposed on
61 the person or organization pursuant to subsection (a) of section 20-13d
62 of the general statutes.

63 (f) All information given or received in connection with any
64 intervention, referral assistance or support services provided pursuant
65 to this section, including the identity of any health care professional
66 seeking or receiving such prevention, intervention, referral assistance
67 or support services shall be confidential and shall not be disclosed to
68 any third person other than a person to whom disclosure is reasonably
69 necessary in order to accomplish the purposes of such intervention,
70 referral assistance or support services. Such information shall not be
71 requested or disclosed in any civil or criminal case or proceeding or in
72 any legal or administrative proceeding, unless the health care
73 professional seeking or obtaining intervention, referral assistance or
74 support services waives such privilege.

75 (g) If at any time it is determined that a health care professional is
76 not able to practice with skill and safety, or without posing a threat to
77 the health and safety of any person or patient, and the health care
78 professional does not refrain from practicing health care or fails to
79 participate in a recommended program of rehabilitation, then the
80 health care professional shall be referred to the department.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2006</i>	New section
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PH *Joint Favorable Subst.-LCO*

GAE *Joint Favorable*

JUD *Joint Favorable*