



Senate

General Assembly

File No. 94

February Session, 2008

Substitute Senate Bill No. 496

Senate, March 20, 2008

The Committee on Public Health reported through SEN. HANDLEY of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING PUBLIC HEALTH PREPAREDNESS.

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

1 Section 1. Section 19a-131j of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) The commissioner may issue an order to temporarily suspend,
4 for a period not to exceed sixty consecutive days, the requirements for
5 licensure, certification or registration, pursuant to chapters 368d, 370,
6 376, 378, 378a, 381a, 383 to 383c, inclusive, 384d, 385, 395, 400a, [and]
7 400j and 474, to allow persons who are appropriately licensed, certified
8 or registered in another state or territory of the United States or the
9 District of Columbia, to render temporary assistance within the scope
10 of the profession for which a person is licensed, certified or registered,
11 in managing a public health emergency in this state, declared by the
12 Governor pursuant to section 19a-131a, as amended by this act.
13 Nothing in this section shall be construed to permit a person to
14 provide services beyond the scope allowed in the chapter specified in
15 this section that pertains to such person's profession.

16 (b) Upon the declaration of a civil preparedness emergency
17 pursuant to section 28-9 or a public health emergency pursuant to
18 section 19a-131a, as amended by this act, the Commissioner of Public
19 Health may suspend any of the requirements for renewal of any
20 license, as defined in section 4-166, that would otherwise be required
21 to be renewed by the department pursuant to the general statutes or
22 regulations. Any such suspension of the requirements for renewal of a
23 license may extend for the duration of the declared emergency and for
24 up to six months following the date the emergency is declared to be
25 over. Any license not renewed by the department shall not expire
26 during the period of the emergency and during the six-month period
27 following the date that the emergency is declared to be over. Not later
28 than six months from the date the emergency is declared to be over,
29 the commissioner shall reinstate license renewal requirements that had
30 been suspended. Any license, for which the commissioner had
31 suspended license renewal requirements, that is not renewed in the
32 six-month period following the date of the resumption of the license
33 renewal requirements shall expire, unless the commissioner, for good
34 cause shown, extends this period of time. The commissioner may, for
35 good cause shown, grant no more than two ninety-day extensions.

36 (c) If, pursuant to subsection (b) of this section, the department
37 renews a license on a date other than the customary renewal date, the
38 period of licensure shall not extend beyond the customary renewal
39 date provided pursuant to the general statutes or regulations. At the
40 time of such renewal, the licensee shall be responsible for payment of
41 all license fees to the department, including payment of fees not
42 collected by the department due to the suspension of license renewal
43 requirements in accordance with the provisions of this section.

44 (d) Upon the declaration of a civil preparedness emergency
45 pursuant to section 28-9 or public health emergency pursuant to
46 section 19a-131a, as amended by this act, the Commissioner of Public
47 Health may suspend the requirements concerning any inspection that
48 is otherwise required to be conducted by the department pursuant to
49 the general statutes or regulations. Any such suspension of the

50 requirements for conducting any inspection may extend for the
51 duration of the declared emergency and for up to six months following
52 the date the emergency is declared to be over. Not later than six
53 months from the date the emergency is declared to be over, the
54 department shall conduct any inspection not conducted during the
55 period of the emergency and the subsequent six-month period. Such
56 resumed inspections shall be completed not later than six months from
57 the date that the inspections resumed, unless the commissioner, for
58 good cause shown, extends this period of time. The commissioner
59 may, for good cause shown, grant no more than two such ninety-day
60 extensions.

61 (e) Nothing in this section shall be construed to permit the
62 Commissioner of Public Health to effectuate a suspension of the
63 department's license renewal and inspection responsibilities due to the
64 declaration of a civil preparedness emergency by the Governor, until
65 such time as the Governor, pursuant to section 28-9, issues an order
66 that modifies or suspends, in whole or in part, any statute, regulation
67 or requirement or part thereof relating to license renewals and
68 inspections by the Department of Public Health and sets forth the
69 reasons therefor.

70 Sec. 2. Subsection (a) of section 28-8b of the general statutes is
71 repealed and the following is substituted in lieu thereof (*Effective*
72 *October 1, 2008*):

73 (a) Any paid or volunteer firefighter, police officer or emergency
74 medical service personnel who successfully completes a training
75 course in the use of automatic prefilled cartridge injectors may carry
76 and use such injectors containing nerve agent antidote medications in
77 the event of a nerve agent exposure. [for self-preservation or unit
78 preservation.] Such training course shall be approved by the
79 commissioner and provided by the Connecticut Fire Academy, the
80 Capitol Region Metropolitan Medical Response System or the federal
81 government.

82 Sec. 3. Subsection (a) of section 19a-131a of the general statutes is

83 repealed and the following is substituted in lieu thereof (*Effective*
84 *October 1, 2008*):

85 (a) In the event of a state-wide or regional public health emergency,
86 the Governor shall make a good faith effort to inform the legislative
87 leaders specified in subsection (b) of this section before declaring that
88 the emergency exists and may do any of the following: (1) Order the
89 commissioner to implement all or a portion of the public health
90 emergency response plan developed pursuant to section 19a-131g; (2)
91 authorize the commissioner to isolate or quarantine persons in
92 accordance with section 19a-131b; (3) order the commissioner to
93 vaccinate persons in accordance with section 19a-131e; [or] (4) apply
94 for and receive federal assistance; or (5) order the commissioner to
95 suspend certain license renewal and inspection functions during the
96 period of the emergency and during the six-month period following
97 the date the emergency is declared to be over.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	19a-131j
Sec. 2	<i>October 1, 2008</i>	28-8b(a)
Sec. 3	<i>October 1, 2008</i>	19a-131a(a)

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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Public Health, Dept.	GF - Revenue Impact & Savings	See Below	See Below
Various State Agencies	Various - Savings	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 09 \$	FY 10 \$
Various Municipalities	Savings	See Below	See Below

Explanation

This bill grants the Commissioner of Public Health the authority to temporarily suspend licensure renewal of health care professionals and inspections of regulated entities during a declared emergency.

The timing and extent of any resulting fiscal impacts would be dependent upon the date, scope and duration of a declared emergency, which cannot be predicted in advance. Delayed payment of licensure renewal fees would be expected, as would an averted need for regulatory resources that might provisionally be deployed to other duties.

Ensuring continued service provision by health care professionals and facilities, as well as allowing out-of-state water systems operators to temporarily function without Connecticut licensure during an emergency, may facilitate public health control efforts. To the extent that this results in successful mitigation of emergent situations, potential state and local cost savings may result under various programs.

Allowing trained firefighters, police officers and emergency medical

service personnel to use injectors containing nerve agent antidote medications for treatment of the general public is not anticipated to result in a fiscal impact.

The Out Years

State Impact:

Agency Affected	Fund-Effect	FY 11 \$	FY 12 \$	FY 13 \$
Public Health, Dept.	GF - Revenue Impact & Savings	See Above	See Above	See Above
Various State Agencies	Various - Savings	See Above	See Above	See Above

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 11 \$	FY 12 \$	FY 13 \$
Various Municipalities	Savings	See Above	See Above	See Above

OLR Bill Analysis**sSB 496*****AN ACT CONCERNING PUBLIC HEALTH PREPAREDNESS.*****SUMMARY:**

This bill

1. allows the Department of Public Health (DPH), during a declared public health or civil preparedness emergency, to temporarily suspend license renewal and inspection requirements and functions;
2. specifies that health care worker and facility licenses do not lapse during the emergency;
3. adds out-of-state water system operators to those practitioners who can work in Connecticut during an emergency; and
4. allows emergency medical services (EMS) personnel to use nerve agent antidote auto injectors to treat the general public in an emergency.

EFFECTIVE DATE: October 1, 2008

DECLARATION OF A CIVIL PREPAREDNESS OR PUBLIC HEALTH EMERGENCY***Suspension of License Renewal Requirements***

If a civil preparedness or public health emergency is declared under the law, the bill allows the DPH commissioner to suspend license renewal requirements for any license that would otherwise have to be renewed under the law. By law, "license" includes the whole or part of any agency permit, certificate, approval, registration, charter, or similar form of permission required by law, but does not include a

license required solely for revenue purposes.

Under the bill, the license renewal suspension period may continue for the duration of the declared emergency and for the six-month period after the emergency ends. Any license not renewed by DPH during this time does not expire. Not later than six months after the emergency is declared over, the commissioner must reinstate the suspended license renewal requirements. A license not renewed within six months of this reinstatement expires. The commissioner may extend this time period for good cause, but may grant no more than two 90-day extensions.

If DPH renews a license on a date other than the customary renewal date, the licensure period must not extend beyond the customary renewal date provided according to law. At the time of renewal, the licensee is responsible for paying all license fees, including those not collected by DPH because of the license renewal suspension period.

Suspension of Inspection Requirements

The bill allows the DPH commissioner to suspend inspections required by department statutes or regulations if a public health or civil preparedness emergency is declared under the law. The suspension period is the same as outlined above for license renewal suspension. By the end of the six-month period following the end of the emergency, DPH must conduct any inspections not done during the emergency and six-month follow-up period. Inspections must be completed within six months from the date they resumed unless the commissioner extends the time. He may grant up to two 90-day extensions for good cause.

DPH can suspend its license renewal and inspection responsibilities only after the Governor, according to law, (1) issues an order that modifies or suspends, in whole or in part, any statute, regulation or requirement relating to license renewals and DPH inspections and (2) specifies the reasons for such action.

Out-of-State Health Care Providers Allowed to Work in an Emergency

Current law allows various health care practitioners licensed, certified, or registered in another state, territory, or the District of Columbia, to work in Connecticut during a declared public health emergency. They can work only within the scope of their practice as permitted by Connecticut law. The law allows the DPH commissioner to suspend, for up to 60 consecutive days, state licensing, certification, or registration requirements that apply to them. Currently, this covers emergency medical personnel, physicians and physician assistants, physical therapists, nurse and nurse's aides, respiratory care practitioners, psychologists, marital and family therapists, clinical social workers, professional counselors, pharmacists, paramedics, embalmers and funeral directors sanitarians, and asbestos contractors and consultants

The bill adds certified operators of water treatment plants or water distribution systems to this list.

NERVE AGENT ANTIDOTE MEDICATIONS

By law, any paid or volunteer firefighter, police officer, or EMS personnel successfully completing a training course in the use of automatic prefilled cartridge injectors containing nerve agent antidote medications can carry and use them for self or unit preservation in the event of nerve agent exposure.

The bill allows EMS personnel to use them for treating the general public in an emergency response.

BACKGROUND***Public Health Emergency***

A "public health emergency" under the law, is an occurrence or imminent threat of a communicable disease, except sexually transmitted disease, or contamination caused or believed to be caused by terrorism, an epidemic or pandemic disease, a natural disaster, a chemical attack, or accidental release or a nuclear attack or accident

that poses a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability (CGS § 19a-131).

The law authorizes the governor to declare a statewide or regional public health emergency after she makes a good faith effort to inform legislative leaders. The governor's declaration must state the nature of the emergency, the towns or geographic areas subject to the declaration, the conditions that create the emergency, how long it will last, and the public health authority responding to the emergency. The governor's declaration takes effect when filed with the secretary of state and the House and Senate clerks (CGS § 19a-131a).

Civil Preparedness Emergency

By law, the governor may proclaim that a state of civil preparedness emergency exists in the event of serious disaster, enemy attack, sabotage, or other hostile action or if the event is imminent. In such a case, the governor can personally take direct operational control of any or all parts of the civil preparedness forces and functions in the state. Such a proclamation is effective upon a filing with the secretary of the state (CGS § 28-9).

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 26 Nay 0 (03/10/2008)