



General Assembly

February Session, 2008

Raised Bill No. 471

LCO No. 2170

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Referred to Committee on Insurance and Real Estate

Introduced by:
(INS)

**AN ACT EXTENDING THE STATE PHYSICIAN PROFILE TO CERTAIN
OTHER HEALTH CARE PROVIDERS.**

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

1 Section 1. Section 20-13j of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) For purposes of this section: "Department" means the
4 Department of Public Health, [and] "physician" means a physician
5 licensed pursuant to this chapter, and "medical professional" has the
6 same meaning as provided in section 38a-976.

7 (b) The department, after consultation with the Connecticut Medical
8 Examining Board and the Connecticut State Medical Society, shall
9 collect the following information to create an individual profile on
10 each physician and medical professional for dissemination to the
11 public:

12 (1) The name of the medical school attended by the physician and
13 the date of graduation, or the applicable school attended or training
14 received by the medical professional and the date of graduation or

15 completion of such training;

16 (2) The site, training, discipline and inclusive dates of the
17 physician's postgraduate medical education, or other training or
18 education for a medical professional, required pursuant to the
19 applicable licensure or certification section of the general statutes;

20 (3) The area of the physician's or medical professional's practice
21 specialty;

22 (4) The address of the physician's or medical professional's primary
23 practice location or primary practice locations, if more than one;

24 (5) A list of languages, other than English, spoken at the physician's
25 or medical professional's primary practice locations;

26 (6) An indication of any disciplinary action taken against the
27 physician or medical professional by the department, the state board
28 or any professional licensing or disciplinary body in another
29 jurisdiction;

30 (7) Any current certifications issued to the physician by a specialty
31 board of the American Board of Medical Specialties;

32 (8) The hospitals and nursing homes at which the physician or
33 medical professional, where applicable, has admitting privileges;

34 (9) Any appointments of the physician or medical professional to
35 Connecticut medical school faculties and an indication as to whether
36 the physician or medical professional has current responsibility for
37 graduate medical education;

38 (10) A listing of the physician's or medical professional's
39 publications in peer reviewed literature;

40 (11) A listing of the physician's or medical professional's
41 professional services, activities and awards;

42 (12) Any hospital disciplinary actions against the physician or
43 medical professional that resulted, within the past ten years, in the
44 termination or revocation of the physician's or medical professional's
45 hospital privileges for a medical disciplinary cause or reason, or the
46 resignation from, or nonrenewal of, medical staff membership or the
47 restriction of privileges at a hospital taken in lieu of or in settlement of
48 a pending disciplinary case related to medical competence in such
49 hospital;

50 (13) A description of any criminal conviction of the physician or
51 medical professional for a felony within the last ten years. For the
52 purposes of this subdivision, a physician or medical professional shall
53 be deemed to be convicted of a felony if the physician or medical
54 professional pleaded guilty or was found or adjudged guilty by a court
55 of competent jurisdiction or has been convicted of a felony by the entry
56 of a plea of nolo contendere;

57 (14) To the extent available, and consistent with the provisions of
58 subsection (c) of this section, all medical malpractice court judgments
59 and all medical malpractice arbitration awards against the physician or
60 medical professional in which a payment was awarded to a
61 complaining party during the last ten years, and all settlements of
62 medical malpractice claims against the physician or medical
63 professional in which a payment was made to a complaining party
64 within the last ten years;

65 (15) An indication as to whether the physician or medical
66 professional is actively involved in patient care; and

67 (16) The name of the physician's or medical professional's
68 professional liability insurance carrier.

69 (c) Any report of a medical malpractice judgment or award against a
70 physician or medical professional made under subdivision (14) of
71 subsection (b) of this section shall comply with the following: (1)
72 Dispositions of paid claims shall be reported in a minimum of three

73 graduated categories indicating the level of significance of the award
74 or settlement; (2) information concerning paid medical malpractice
75 claims shall be placed in context by comparing an individual
76 physician's or medical professional's medical malpractice judgments,
77 awards and settlements to the experience of other physicians or
78 medical professionals licensed or certified in Connecticut who perform
79 procedures and treat patients with a similar degree of risk; (3) all
80 judgment award and settlement information reported shall be limited
81 to amounts actually paid by or on behalf of the physician or medical
82 professional; and (4) comparisons of malpractice payment data shall be
83 accompanied by (A) an explanation of the fact that physicians or
84 medical professionals, if applicable, treating certain patients and
85 performing certain procedures are more likely to be the subject of
86 litigation than others and that the comparison given is for physicians
87 or medical professionals who perform procedures and treat patients
88 with a similar degree of risk; (B) a statement that the report reflects
89 data for the last ten years and the recipient should take into account
90 the number of years the physician or medical professional has been in
91 practice when considering the data; (C) an explanation that an incident
92 giving rise to a malpractice claim may have occurred years before any
93 payment was made due to the time lawsuits take to move through the
94 legal system; (D) an explanation of the effect of treating high-risk
95 patients on a physician's malpractice history or medical professional's
96 malpractice history, if applicable; and (E) an explanation that
97 malpractice cases may be settled for reasons other than liability and
98 that settlements are sometimes made by the insurer without the
99 physician's consent or medical professional's consent, if applicable.
100 Information concerning all settlements shall be accompanied by the
101 following statement: "Settlement of a claim may occur for a variety of
102 reasons that do not necessarily reflect negatively on the professional
103 competence or conduct of the physician or medical professional. A
104 payment in settlement of a medical malpractice action or claim should
105 not be construed as creating a presumption that medical malpractice
106 has occurred."

107 (d) Pending malpractice claims against a physician or medical
108 professional and actual amounts paid by or on behalf of a physician or
109 medical professional in connection with a malpractice judgment,
110 award or settlement shall not be disclosed by the department to the
111 public. This subsection shall not be construed to prevent the
112 department from investigating and disciplining a physician or medical
113 professional on the basis of medical malpractice claims that are
114 pending.

115 (e) Prior to the initial release of a physician's or medical
116 professional's profile to the public, the department shall provide the
117 physician or medical professional with a copy of the physician's or
118 medical professional's profile. Additionally, any amendments or
119 modifications to the profile that were not supplied by the physician or
120 medical professional or not generated by the department itself shall be
121 provided to the physician or medical professional for review prior to
122 release to the public. A physician or medical professional shall have
123 sixty days from the date the department mails or delivers the
124 prepublication copy to dispute the accuracy of any information that
125 the department proposes to include in such profile and to submit a
126 written statement setting forth the basis for such dispute. If a physician
127 or medical professional does not notify the department that the
128 physician or medical professional disputes the accuracy of such
129 information within such sixty-day period, the department shall make
130 the profile available to the public and the physician or medical
131 professional shall be deemed to have approved the profile and all
132 information contained therein. If a physician or medical professional
133 notifies the department that the physician or medical professional
134 disputes the accuracy of such information in accordance with this
135 subsection, the physician's or medical professional's profile shall be
136 released to the public without the disputed information, but with a
137 statement to the effect that information in the identified category is
138 currently the subject of a dispute and is therefore not currently
139 available. Not later than thirty days after the department's receipt of
140 notice of a dispute, the department shall review any information

141 submitted by the physician or medical professional in support of such
142 dispute and determine whether to amend the information contained in
143 the profile. In the event that the department determines not to amend
144 the disputed information, the disputed information shall be included
145 in the profile with a statement that such information is disputed by the
146 physician or medical professional.

147 (f) A physician or medical professional may elect to have the
148 physician's or medical professional's profile omit information provided
149 pursuant to subdivisions (9) to (11), inclusive, of subsection (b) of this
150 section. In collecting information for such profiles and in the
151 dissemination of such profiles, the department shall inform physicians
152 or medical professional that they may choose not to provide the
153 information described in said subdivisions (9) to (11), inclusive.

154 (g) Each profile created pursuant to this section shall include the
155 following statement: "This profile contains information that may be
156 used as a starting point in evaluating the physician or medical
157 professional. This profile should not, however, be your sole basis for
158 selecting a physician or medical professional."

159 (h) The department shall maintain a web site on the Internet for use
160 by the public in obtaining profiles of physicians or medical
161 professional.

162 (i) No state law that would otherwise prohibit, limit or penalize
163 disclosure of information about a physician or medical professional
164 shall apply to disclosure of information required by this section.

165 (j) All information provided by a physician or medical professional
166 pursuant to this section shall be subject to the penalties of false
167 statement, pursuant to section 53a-157b.

168 (k) Except for the information in subdivisions (1), (2), (10) and (11)
169 of subsection (b) of this section, a physician or medical professional
170 shall notify the department of any changes to the information required

171 in [said] subsection (b) not later than sixty days after such change.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	20-13j

Statement of Purpose:

To require medical professionals, as defined in section 38a-976 of the general statutes, to submit information to the state physician profile, as specified in section 20-13j of the general statutes.

[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.]