



General Assembly

**Substitute Bill No. 471**

February Session, 2008

\* SB00471INS\_\_031108\_\_ \*

**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 Section 20-13j of the general statutes is repealed and the  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 the purposes of this section:

4 (1) "Department" means the Department of Public Health; [ ] and  
5 ["physician" means a physician licensed pursuant to this chapter]

6 (2) "Health care provider" means: (A) A physician licensed under  
7 this chapter; (B) a dentist licensed under chapter 379; (C) a chiropractor  
8 licensed under chapter 372; (D) an optometrist licensed under chapter  
9 380; (E) a podiatrist licensed under chapter 375; (F) a natureopath  
10 licensed under chapter 373; (G) a dental hygienist licensed under  
11 chapter 379a; (H) an advanced practice registered nurse licensed under  
12 chapter 378; or (I) a physical therapist licensed under chapter 376.

13 (b) The department, after consultation with the Connecticut Medical  
14 Examining Board, [and] the Connecticut State Medical Society, or any  
15 other appropriate state board, shall collect the following information to  
16 create an individual profile on each [physician] health care provider  
17 for dissemination to the public:

18 (1) The name of the medical or dental school, chiropractic college,  
19 school or college of optometry, school or college of chiropody or  
20 podiatry, school or college of natureopathy, school of dental hygiene,  
21 school of physical therapy or other school or institution giving  
22 instruction in the healing arts attended by the [physician] health care  
23 provider and the date of graduation;

24 (2) The site, training, discipline and inclusive dates of [the  
25 physician's] any completed postgraduate [medical] education or other  
26 professional education required pursuant to the applicable licensure  
27 section of the general statutes;

28 (3) The area of the [physician's] health care provider's practice  
29 specialty;

30 (4) The address of the [physician's] health care provider's primary  
31 practice location or primary practice locations, if more than one;

32 (5) A list of languages, other than English, spoken at the  
33 [physician's] health care provider's primary practice locations;

34 (6) An indication of any disciplinary action taken against the  
35 [physician] health care provider by the department, the appropriate  
36 state board or any professional licensing or disciplinary body in  
37 another jurisdiction;

38 (7) [Any] With respect to a physician, any current certifications  
39 issued to the physician by a specialty board of the American Board of  
40 Medical Specialties;

41 (8) The hospitals and nursing homes at which the [physician has  
42 admitting] health care provider has been granted privileges;

43 (9) [Any] With respect to a physician, any appointments of the  
44 physician to a Connecticut medical school [faculties] faculty and an  
45 indication as to whether the physician has current responsibility for  
46 graduate medical education;

47 (10) A listing of the [physician's] health care provider's publications  
48 in peer reviewed literature;

49 (11) A listing of the [physician's] health care provider's professional  
50 services, activities and awards;

51 (12) Any hospital disciplinary actions against the [physician] health  
52 care provider that resulted, within the past ten years, in the  
53 termination or revocation of the [physician's] health care provider's  
54 hospital privileges for a [medical] professional disciplinary cause or  
55 reason, or the resignation from, or nonrenewal of, [medical]  
56 professional staff membership or the restriction of privileges at a  
57 hospital taken in lieu of or in settlement of a pending disciplinary case  
58 related to [medical] professional competence in such hospital;

59 (13) A description of any criminal conviction of the [physician]  
60 health care provider for a felony within the last ten years. For the  
61 purposes of this subdivision, a [physician] health care provider shall  
62 be deemed to be convicted of a felony if the [physician] health care  
63 provider pleaded guilty or was found or adjudged guilty by a court of  
64 competent jurisdiction or has been convicted of a felony by the entry of  
65 a plea of nolo contendere;

66 (14) To the extent available, and consistent with the provisions of  
67 subsection (c) of this section, all [medical] professional malpractice  
68 court judgments and all [medical] professional malpractice arbitration  
69 awards against the [physician] health care provider in which a  
70 payment was awarded to a complaining party during the last ten  
71 years, and all settlements of [medical] professional malpractice claims  
72 against the [physician] health care provider in which a payment was  
73 made to a complaining party within the last ten years;

74 (15) An indication as to whether the [physician] health care provider  
75 is actively involved in patient care; and

76 (16) The name of the [physician's] health care provider's  
77 professional liability insurance carrier.

78 (c) Any report of a [medical] professional malpractice judgment or  
79 award against a [physician] health care provider made under  
80 subdivision (14) of subsection (b) of this section shall comply with the  
81 following: (1) Dispositions of paid claims shall be reported in a  
82 minimum of three graduated categories indicating the level of  
83 significance of the award or settlement; (2) information concerning  
84 paid [medical] professional malpractice claims shall be placed in  
85 context by comparing an individual [physician's medical] health care  
86 provider's professional malpractice judgments, awards and  
87 settlements to the experience of other [physicians] health care  
88 providers licensed in Connecticut who perform procedures and treat  
89 patients with a similar degree of risk; (3) all judgment award and  
90 settlement information reported shall be limited to amounts actually  
91 paid by or on behalf of the [physician] health care provider; and (4)  
92 comparisons of professional malpractice payment data shall be  
93 accompanied by (A) an explanation of the fact that [physicians] health  
94 care providers treating certain patients and performing certain  
95 procedures are more likely to be the subject of litigation than others  
96 and that the comparison given is for [physicians] health care providers  
97 who perform procedures and treat patients with a similar degree of  
98 risk; (B) a statement that the report reflects data for the last ten years  
99 and the recipient should take into account the number of years the  
100 [physician] health care provider has been in practice when considering  
101 the data; (C) an explanation that an incident giving rise to a  
102 professional malpractice claim may have occurred years before any  
103 payment was made due to the time lawsuits take to move through the  
104 legal system; (D) an explanation of the effect of treating high-risk  
105 patients on a [physician's] health care provider's professional  
106 malpractice history; and (E) an explanation that professional  
107 malpractice cases may be settled for reasons other than liability and  
108 that settlements are sometimes made by the insurer without the  
109 [physician's] health care provider's consent. Information concerning all  
110 settlements shall be accompanied by the following statement:  
111 "Settlement of a claim may occur for a variety of reasons that do not  
112 necessarily reflect negatively on the professional competence or

113 conduct of the [physician] health care provider. A payment in  
114 settlement of a [medical] professional malpractice action or claim  
115 should not be construed as creating a presumption that [medical]  
116 professional malpractice has occurred."

117 (d) Pending professional malpractice claims against a [physician]  
118 health care provider and actual amounts paid by or on behalf of a  
119 [physician] health care provider in connection with a professional  
120 malpractice judgment, award or settlement shall not be disclosed by  
121 the department to the public. This subsection shall not be construed to  
122 prevent the department from investigating and disciplining a  
123 [physician] health care provider on the basis of [medical] professional  
124 malpractice claims that are pending.

125 (e) Prior to the initial release of a [physician's] health care provider's  
126 profile to the public, the department shall provide the [physician]  
127 health care provider with a copy of the [physician's] health care  
128 provider's profile. Additionally, any amendments or modifications to  
129 the profile that were not supplied by the [physician] health care  
130 provider or not generated by the department itself shall be provided to  
131 the [physician] health care provider for review prior to release to the  
132 public. A [physician] health care provider shall have sixty days from  
133 the date the department mails or delivers the prepublication copy to  
134 dispute the accuracy of any information that the department proposes  
135 to include in such profile and to submit a written statement setting  
136 forth the basis for such dispute. If a [physician] health care provider  
137 does not notify the department that the [physician] health care  
138 provider disputes the accuracy of such information within such sixty-  
139 day period, the department shall make the profile available to the  
140 public and the [physician] health care provider shall be deemed to  
141 have approved the profile and all information contained [therein] in  
142 the profile. If a [physician] health care provider notifies the department  
143 that the [physician] health care provider disputes the accuracy of such  
144 information in accordance with this subsection, the [physician's] health  
145 care provider's profile shall be released to the public without the

146 disputed information, but with a statement to the effect that  
147 information in the identified category is currently the subject of a  
148 dispute and is therefore not currently available. Not later than thirty  
149 days after the department's receipt of notice of a dispute, the  
150 department shall review any information submitted by the [physician]  
151 health care provider in support of such dispute and determine whether  
152 to amend the information contained in the profile. In the event that the  
153 department determines not to amend the disputed information, the  
154 disputed information shall be included in the profile with a statement  
155 that such information is disputed by the [physician] health care  
156 provider.

157 (f) A [physician] health care provider may elect to have the  
158 [physician's] health care provider's profile omit information provided  
159 pursuant to subdivisions (9) to (11), inclusive, of subsection (b) of this  
160 section. In collecting information for such profiles and in the  
161 dissemination of such profiles, the department shall inform  
162 [physicians] health care providers that they may choose not to provide  
163 the information described in said subdivisions (9) to (11), inclusive.

164 (g) Each profile created pursuant to this section shall include the  
165 following statement: "This profile contains information that may be  
166 used as a starting point in evaluating [the physician] a health care  
167 provider. This profile should not, however, be your sole basis for  
168 selecting a [physician] health care provider."

169 (h) The department shall maintain a web site on the Internet for use  
170 by the public in obtaining profiles of [physicians] health care  
171 providers.

172 (i) No state law that would otherwise prohibit, limit or penalize  
173 disclosure of information about a [physician] health care provider shall  
174 apply to disclosure of information required by this section.

175 (j) All information provided by a [physician] health care provider  
176 pursuant to this section shall be subject to the [penalties of] penalty for

177 false statement [, pursuant to] under section 53a-157b.

178 (k) Except for the information in subdivisions (1), (2), (10) and (11)  
179 of subsection (b) of this section, a [physician] health care provider shall  
180 notify the department of any changes to the information required in  
181 [said] subsection (b) of this section not later than sixty days after such  
182 change.

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

**INS**      *Joint Favorable Subst.*