



General Assembly

**Amendment**

February Session, 2008

LCO No. 5155

\*SB0047105155HDO\*

Offered by:  
REP. O'CONNOR, 35<sup>th</sup> Dist.

To: Subst. Senate Bill No. 471                      File No. 172                      Cal. No. 452

(As Amended by Senate Amendment Schedule "A" and "B")

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

1        Strike subsection (b) of section 1 and insert the following in lieu  
2 thereof:

3        "(b) The department, after consultation with the Connecticut  
4 Medical Examining Board, [and] the Connecticut State Medical Society,  
5 or any other appropriate state board, shall, within available  
6 appropriations, collect the following information to create an  
7 individual profile on each [physician] health care provider for  
8 dissemination to the public:

9        (1) The name of the medical or dental school, chiropractic college,  
10 school or college of optometry, school or college of chiropody or  
11 podiatry, school or college of natureopathy, school of dental hygiene,  
12 school of physical therapy or other school or institution giving  
13 instruction in the healing arts attended by the [physician] health care

14 provider and the date of graduation;

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

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

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

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

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

29 (7) Any current certifications issued to the [physician] health care  
30 provider by a specialty board of the [American Board of Medical  
31 Specialties] profession;

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

34 (9) Any appointments of the [physician] health care provider to a  
35 Connecticut medical school [faculties] faculty and an indication as to  
36 whether the [physician] health care provider has current responsibility  
37 for graduate medical education;

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

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

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

50 (13) A description of any criminal conviction of the [physician]  
51 health care provider for a felony within the last ten years. For the  
52 purposes of this subdivision, a [physician] health care provider shall  
53 be deemed to be convicted of a felony if the [physician] health care  
54 provider pleaded guilty or was found or adjudged guilty by a court of  
55 competent jurisdiction or has been convicted of a felony by the entry of  
56 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] professional malpractice  
59 court judgments and all [medical] professional malpractice arbitration  
60 awards against the [physician] health care provider in which a  
61 payment was awarded to a complaining party during the last ten  
62 years, and all settlements of [medical] professional malpractice claims  
63 against the [physician] health care provider in which a payment was  
64 made to a complaining party within the last ten years;

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

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

69 After the last section, add the following and renumber sections and  
70 internal references accordingly:

71 "Sec. 501. Section 20-29 of the general statutes is repealed and the  
72 following is substituted in lieu thereof (*Effective January 1, 2010*):

73 The Board of Chiropractic Examiners may take any of the actions set  
74 forth in section 19a-17 of the 2008 supplement to the general statutes  
75 for any of the following reasons: The employment of fraud or  
76 deception in obtaining a license, habitual intemperance in the use of  
77 ardent spirits, narcotics or stimulants to such an extent as to  
78 incapacitate the user for the performance of professional duties,  
79 violation of any provisions of this chapter or regulations adopted  
80 hereunder, engaging in fraud or material deception in the course of  
81 professional services or activities, physical or mental illness, emotional  
82 disorder or loss of motor skill, including but not limited to,  
83 deterioration through the aging process, illegal, incompetent or  
84 negligent conduct in the practice of chiropractic, [or] failure to  
85 maintain professional liability insurance or other indemnity against  
86 liability for professional malpractice as provided in subsection (a) of  
87 section 20-28b, or failure to provide information to the Department of  
88 Public Health required to complete a health care provider profile, as  
89 set forth in section 20-13j, as amended by this act. Any practitioner  
90 against whom any of the foregoing grounds for action under said  
91 section 19a-17 of the 2008 supplement to the general statutes are  
92 presented to said board shall be furnished with a copy of the  
93 complaint and shall have a hearing before said board. The hearing  
94 shall be conducted in accordance with the regulations established by  
95 the Commissioner of Public Health. Said board may, at any time  
96 within two years of such action, by a majority vote, rescind such  
97 action. The Commissioner of Public Health may order a license holder  
98 to submit to a reasonable physical or mental examination if his  
99 physical or mental capacity to practice safely is the subject of an  
100 investigation. Said commissioner may petition the superior court for  
101 the judicial district of Hartford to enforce such order or any action  
102 taken pursuant to section 19a-17 of the 2008 supplement to the general  
103 statutes.

104 Sec. 502. Section 20-40 of the general statutes is repealed and the  
105 following is substituted in lieu thereof (*Effective January 1, 2010*):

106 Said department may refuse to grant a license to practice

107 natureopathy or may take any of the actions set forth in section 19a-17  
108 of the 2008 supplement to the general statutes for any of the following  
109 reasons: The employment of fraud or material deception in obtaining a  
110 license, habitual intemperance in the use of ardent spirits, narcotics or  
111 stimulants to such an extent as to incapacitate the user for the  
112 performance of professional duties, violations of the provisions of this  
113 chapter or regulations adopted hereunder, engaging in fraud or  
114 material deception in the course of professional services or activities,  
115 physical or mental illness, emotional disorder or loss of motor skill,  
116 including but not limited to, deterioration through the aging process,  
117 illegal, incompetent or negligent conduct in his practice, [or] failure to  
118 maintain professional liability insurance or other indemnity against  
119 liability for professional malpractice as provided in subsection (a) of  
120 section 20-39a, or failure to provide information to the Department of  
121 Public Health required to complete a health care provider profile, as  
122 set forth in section 20-13j, as amended by this act. Any applicant for a  
123 license to practice natureopathy or any practitioner against whom any  
124 of the foregoing grounds for refusing a license or action under said  
125 section 19a-17 of the 2008 supplement to the general statutes are  
126 presented to said board shall be furnished with a copy of the  
127 complaint and shall have a hearing before said board in accordance  
128 with the regulations adopted by the Commissioner of Public Health.  
129 The Commissioner of Public Health may order a license holder to  
130 submit to a reasonable physical or mental examination if his physical  
131 or mental capacity to practice safely is the subject of an investigation.  
132 Said commissioner may petition the superior court for the judicial  
133 district of Hartford to enforce such order or any action taken pursuant  
134 to section 19a-17 of the 2008 supplement to the general statutes.

135 Sec. 503. Section 20-59 of the 2008 supplement to the general statutes  
136 is repealed and the following is substituted in lieu thereof (*Effective*  
137 *January 1, 2010*):

138 The board may take any of the actions set forth in section 19a-17 of  
139 the 2008 supplement to the general statutes for any of the following  
140 reasons: (1) Procurement of a license by fraud or material deception;

141 (2) conviction in a court of competent jurisdiction, either within or  
142 without this state, of any crime in the practice of podiatry; (3)  
143 fraudulent or deceptive conduct in the course of professional services  
144 or activities; (4) illegal or incompetent or negligent conduct in the  
145 practice of podiatry; (5) habitual intemperance in the use of spirituous  
146 stimulants or addiction to the use of morphine, cocaine or other drugs  
147 having a similar effect; (6) aiding and abetting the practice of podiatry  
148 by an unlicensed person or a person whose license has been suspended  
149 or revoked; (7) mental illness or deficiency of the practitioner; (8)  
150 physical illness or loss of motor skill, including but not limited to,  
151 deterioration through the aging process, of the practitioner; (9)  
152 undertaking or engaging in any medical practice beyond the privileges  
153 and rights accorded to the practitioner of podiatry by the provisions of  
154 this chapter; (10) failure to maintain professional liability insurance or  
155 other indemnity against liability for professional malpractice as  
156 provided in subsection (a) of section 20-58a; (11) independently  
157 engaging in the performance of ankle surgery procedures without a  
158 permit, in violation of section 20-54 of the 2008 supplement to the  
159 general statutes; [or] (12) violation of any provision of this chapter or  
160 any regulation adopted hereunder; or (13) failure to provide  
161 information to the Department of Public Health required to complete a  
162 health care provider profile, as set forth in section 20-13j, as amended  
163 by this act. The Commissioner of Public Health may order a license  
164 holder to submit to a reasonable physical or mental examination if his  
165 physical or mental capacity to practice safely is the subject of an  
166 investigation. Said commissioner may petition the superior court for  
167 the judicial district of Hartford to enforce such order or any action  
168 taken pursuant to section 19a-17 of the 2008 supplement to the general  
169 statutes. The clerk of any court in this state in which a person  
170 practicing podiatry has been convicted of any crime shall, upon such  
171 conviction, make written report, in duplicate, to the Department of  
172 Public Health of the name and residence of such person, the crime of  
173 which such person was convicted and the date of conviction; and said  
174 department shall forward one of such duplicate reports to the board.

175 Sec. 504. Subsection (a) of section 20-73a of the general statutes is  
176 repealed and the following is substituted in lieu thereof (*Effective*  
177 *January 1, 2010*):

178 (a) The Board of Examiners for Physical Therapists shall have  
179 jurisdiction to hear all charges of conduct that fails to conform to the  
180 accepted standards of the practice of physical therapy brought against  
181 any person licensed as a physical therapist or physical therapist  
182 assistant and, after holding a hearing, written notice of which shall be  
183 given to the person complained of, the board, if it finds such person to  
184 be guilty, may revoke or suspend such person's license or take any of  
185 the actions set forth in section 19a-17 of the 2008 supplement to the  
186 general statutes. Any proceedings relative to such action may be begun  
187 by the filing of written charges with the Commissioner of Public  
188 Health. The causes for which such action may be taken are as follows:  
189 (1) Conviction in a court of competent jurisdiction, either within or  
190 without this state, of any crime in the practice of such person's  
191 profession; (2) illegal, incompetent or negligent conduct in the practice  
192 of physical therapy or in the supervision of a physical therapist  
193 assistant; (3) aiding or abetting the unlawful practice of physical  
194 therapy; (4) treating human ailments by physical therapy without the  
195 oral or written referral by a person licensed in this state or in a state  
196 having licensing requirements meeting the approval of the appropriate  
197 examining board in this state to practice medicine and surgery,  
198 podiatry, natureopathy, chiropractic or dentistry if such referral is  
199 required pursuant to section 20-73; (5) failure to register with the  
200 Department of Public Health as required by law; (6) fraud or deception  
201 in obtaining a license; (7) engaging in fraud or material deception in  
202 the course of professional services or activities; (8) failure to comply  
203 with the continuing education requirements of section 20-73b of the  
204 2008 supplement to the general statutes; [or] (9) violation of any  
205 provision of this chapter, or any regulation adopted under this  
206 chapter; or (10) failure to provide information to the Department of  
207 Public Health required to complete a health care provider profile, as  
208 set forth in section 20-13j, as amended by this act.

209 Sec. 505. Subsection (b) of section 20-99 of the general statutes is  
210 repealed and the following is substituted in lieu thereof (*Effective*  
211 *January 1, 2010*):

212 (b) Conduct which fails to conform to the accepted standards of the  
213 nursing profession includes, but is not limited to, the following: (1)  
214 Fraud or material deception in procuring or attempting to procure a  
215 license to practice nursing; (2) illegal conduct, incompetence or  
216 negligence in carrying out usual nursing functions; (3) physical illness  
217 or loss of motor skill, including but not limited to deterioration  
218 through the aging process; (4) emotional disorder or mental illness; (5)  
219 abuse or excessive use of drugs, including alcohol, narcotics or  
220 chemicals; (6) fraud or material deception in the course of professional  
221 services or activities; (7) wilful falsification of entries in any hospital,  
222 patient or other record pertaining to drugs, the results of which are  
223 detrimental to the health of a patient; [and] (8) conviction of the  
224 violation of any of the provisions of this chapter by any court of  
225 criminal jurisdiction; and (9) failure to provide information to the  
226 Department of Public Health required to complete a health care  
227 provider profile, as set forth in section 20-13j, as amended by this act.  
228 The Commissioner of Public Health may order a license holder to  
229 submit to a reasonable physical or mental examination if his physical  
230 or mental capacity to practice safely is the subject of an investigation.  
231 Said commissioner may petition the superior court for the judicial  
232 district of Hartford to enforce such order or any action taken pursuant  
233 to section 19a-17 of the 2008 supplement to the general statutes.

234 Sec. 506. Subsection (a) of section 20-114 of the general statutes is  
235 repealed and the following is substituted in lieu thereof (*Effective*  
236 *January 1, 2010*):

237 (a) The Dental Commission may take any of the actions set forth in  
238 section 19a-17 of the 2008 supplement to the general statutes for any of  
239 the following causes: (1) The presentation to the department of any  
240 diploma, license or certificate illegally or fraudulently obtained, or  
241 obtained from an institution that is not reputable or from an

242 unrecognized or irregular institution or state board, or obtained by the  
243 practice of any fraud or deception; (2) proof that a practitioner has  
244 become unfit or incompetent or has been guilty of cruelty,  
245 incompetence, negligence or indecent conduct toward patients; (3)  
246 conviction of the violation of any of the provisions of this chapter by  
247 any court of criminal jurisdiction, provided no action shall be taken  
248 under section 19a-17 of the 2008 supplement to the general statutes  
249 because of such conviction if any appeal to a higher court has been  
250 filed until the appeal has been determined by the higher court and the  
251 conviction sustained; (4) the employment of any unlicensed person for  
252 other than mechanical purposes in the practice of dental medicine or  
253 dental surgery subject to the provisions of section 20-122a; (5) the  
254 violation of any of the provisions of this chapter or of the regulations  
255 adopted hereunder or the refusal to comply with any of said  
256 provisions or regulations; (6) the aiding or abetting in the practice of  
257 dentistry, dental medicine or dental hygiene of a person not licensed to  
258 practice dentistry, dental medicine or dental hygiene in this state; (7)  
259 designating a limited practice, except as provided in section 20-106a;  
260 (8) engaging in fraud or material deception in the course of  
261 professional activities; (9) the effects of physical or mental illness,  
262 emotional disorder or loss of motor skill, including but not limited to,  
263 deterioration through the aging process, upon the license holder; (10)  
264 abuse or excessive use of drugs, including alcohol, narcotics or  
265 chemicals; (11) failure to comply with the continuing education  
266 requirements set forth in section 20-126c; [or] (12) failure of a holder of  
267 a dental anesthesia or conscious sedation permit to successfully  
268 complete an on-site evaluation conducted pursuant to subsection (c) of  
269 section 20-123b; or (13) failure to provide information to the  
270 Department of Public Health required to complete a health care  
271 provider profile, as set forth in section 20-13j, as amended by this act.  
272 A violation of any of the provisions of this chapter by any unlicensed  
273 employee in the practice of dentistry or dental hygiene, with the  
274 knowledge of the employer, shall be deemed a violation by the  
275 employer. The Commissioner of Public Health may order a license  
276 holder to submit to a reasonable physical or mental examination if his

277 or her physical or mental capacity to practice safely is the subject of an  
278 investigation. Said commissioner may petition the superior court for  
279 the judicial district of Hartford to enforce such order or any action  
280 taken pursuant to section 19a-17 of the 2008 supplement to the general  
281 statutes.

282 Sec. 507. Subsection (a) of section 20-126o of the general statutes is  
283 repealed and the following is substituted in lieu thereof (*Effective*  
284 *January 1, 2010*):

285 (a) The Department of Public Health may take any of the actions set  
286 forth in section 19a-17 of the 2008 supplement to the general statutes  
287 for any of the following causes: (1) The presentation to the department  
288 of any diploma, license or certificate illegally or fraudulently obtained,  
289 or obtained from an institution that is not accredited or from an  
290 unrecognized or irregular institution or state board, or obtained by the  
291 practice of any fraud or deception; (2) illegal conduct; (3) negligent,  
292 incompetent or wrongful conduct in professional activities; (4)  
293 conviction of the violation of any of the provisions of sections 20-126h  
294 to 20-126w, inclusive, by any court of criminal jurisdiction; (5) the  
295 violation of any of the provisions of said sections or of the regulations  
296 adopted hereunder or the refusal to comply with any of said  
297 provisions or regulations; (6) the aiding or abetting in the practice of  
298 dental hygiene of a person not licensed to practice dental hygiene in  
299 this state; (7) engaging in fraud or material deception in the course of  
300 professional activities; (8) the effects of physical or mental illness,  
301 emotional disorder or loss of motor skill, including but not limited to,  
302 deterioration through the aging process, upon the license holder; [or]  
303 (9) abuse or excessive use of drugs, including alcohol, narcotics or  
304 chemicals; or (10) failure to provide information to the Department of  
305 Public Health required to complete a health care provider profile, as  
306 set forth in section 20-13j, as amended by this act. A violation of any of  
307 the provisions of sections 20-126h to 20-126w, inclusive, by any  
308 unlicensed employee in the practice of dental hygiene, with the  
309 knowledge of his employer, shall be deemed a violation thereof by his  
310 employer. The Commissioner of Public Health may order a license

311 holder to submit to a reasonable physical or mental examination if his  
312 physical or mental capacity to practice safely is the subject of an  
313 investigation. Said commissioner may petition the superior court for  
314 the judicial district of Hartford to enforce such order or any action  
315 taken pursuant to said section 19a-17 of the 2008 supplement to the  
316 general statutes.

317 Sec. 508. Section 20-133 of the general statutes is repealed and the  
318 following is substituted in lieu thereof (*Effective January 1, 2010*):

319 The board may take any of the actions set forth in section 19a-17 of  
320 the 2008 supplement to the general statutes after notice and hearing,  
321 for any of the following reasons: (1) Conviction in a court of competent  
322 jurisdiction, either within or without this state, of any crime in the  
323 practice of optometry; (2) illegal or incompetent or negligent conduct  
324 in the practice of optometry; (3) publication or circulation of any  
325 fraudulent or misleading statement; (4) aiding or abetting the practice  
326 of optometry by an unlicensed person or a person whose license has  
327 been suspended or revoked; (5) presentation to the department of any  
328 diploma, license or certificate illegally or fraudulently obtained, or  
329 from an unrecognized or irregular institution or state board, or  
330 obtained by the practice of any fraud or deception; (6) violation of any  
331 provision of this chapter or any regulation adopted hereunder; (7) the  
332 effects of physical or mental illness, emotional disorder or loss of  
333 motor skill, including but not limited to, deterioration through the  
334 aging process, upon the practitioner; (8) abuse or excessive use of  
335 drugs, including alcohol, narcotics or chemicals; [or] (9) failure to  
336 maintain professional liability insurance or other indemnity against  
337 liability for professional malpractice as required by section 20-133b; or  
338 (10) failure to provide information to the Department of Public Health  
339 required to complete a health care provider profile, as set forth in  
340 section 20-13j, as amended by this act. The Commissioner of Public  
341 Health may order a license holder to submit to a reasonable physical or  
342 mental examination if his physical or mental capacity to practice safely  
343 is the subject of an investigation. Said commissioner may petition the  
344 superior court for the judicial district of Hartford to enforce such order

345 or any action taken pursuant to section 19a-17 of the 2008 supplement  
346 to the general statutes. The license of any optometrist who peddles  
347 optical goods, or solicits orders therefor, from door to door, or who  
348 establishes a temporary office, may be revoked, and said department  
349 may refuse to renew such license. The license of any optometrist who  
350 employs solicitors or obtains money by fraud or misrepresentation in  
351 connection with the conduct of the profession of optometry shall be  
352 revoked, and said department shall not renew such license. The  
353 violation of any of the provisions of this chapter by any unlicensed  
354 employee in the employ of an optometrist, with the knowledge of his  
355 employer, shall be deemed to be a violation thereof by his employer;  
356 and continued violation by such an unlicensed employee shall be  
357 deemed prima facie knowledge on the part of such employer. Nothing  
358 herein contained shall be construed as prohibiting the conducting of  
359 clinics or visual surveys when they are conducted without profit."