



General Assembly

February Session, 2010

**Raised Bill No. 5258**

LCO No. 1161

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Referred to Committee on Program Review and Investigations

Introduced by:  
(PRI)

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE  
PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE  
CONCERNING SCOPE OF PRACTICE DETERMINATIONS FOR  
HEALTH CARE PROFESSIONS.**

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

- 1 Section 1. (NEW) (*Effective July 1, 2010*) (a) Not later than September  
2 1, 2010, and annually thereafter, any person or entity, acting on behalf  
3 of a health care profession that seeks to advance legislation in the  
4 following year's legislative session that would result in a statutory  
5 change to such profession's scope of practice or the enactment of new  
6 statutory provisions setting forth the scope of practice, shall submit a  
7 written scope of practice request to the Department of Public Health.
- 8 (b) Any written scope of practice request submitted to the  
9 Department of Public Health shall include the following information:
- 10 (1) A plain language description of the request;
- 11 (2) Public health and safety benefits that the requestor believes will  
12 be achieved should the request be implemented and, if applicable, a  
13 description of any harms to public health and safety should the request

14 not be implemented;

15 (3) The impact that the request will have on public access to health  
16 care;

17 (4) A summary of state or federal laws that govern the health care  
18 profession making the request;

19 (5) The state's current regulatory oversight of the health care  
20 profession making the request and the impact that the request will  
21 have on current regulatory oversight;

22 (6) All current education and training requirements applicable to  
23 the health care profession making the request;

24 (7) All scope of practice changes either requested or enacted  
25 concerning the health care profession in the five-year period preceding  
26 the date of the request;

27 (8) The number and types of complaints, professional disciplinary  
28 actions and malpractice claims brought against the health care  
29 profession in the five-year period preceding the date of the request;

30 (9) The anticipated economic impact to the health care professions  
31 affected by the request;

32 (10) Regional and national trends concerning licensure of the health  
33 care profession making the request and a summary of relevant scope  
34 of practice provisions enacted in other states; and

35 (11) Identification of any health care professions that can reasonably  
36 be anticipated to oppose the request, the possible nature of opposition  
37 to the request and efforts made by the requestor to secure support for  
38 the request from other health care professions, including identification  
39 of areas of agreement between any affected health care professions.

40 (c) Not later than September 15, 2010, and annually thereafter, the  
41 Department of Public Health shall: (1) Provide written notification to

42 the joint standing committee of the General Assembly having  
43 cognizance of matters relating to public health of any health care  
44 profession that has submitted a scope of practice request to the  
45 department pursuant to this section; and (2) post any such request on  
46 the department's web site, such posting shall include the name and  
47 address of the requestor.

48 (d) Not later than October 1, 2010, and annually thereafter, any  
49 person or entity, acting on behalf of a health care profession that  
50 opposes a scope of practice request submitted pursuant to this section  
51 may submit to the department a written statement in opposition to the  
52 scope of practice request. Any such person or entity opposing a scope  
53 of practice request shall indicate the reasons for opposing the request  
54 taking into consideration the criteria set forth in subsection (b) of this  
55 section and shall provide a copy of the written statement in opposition  
56 to the scope of practice request to the requestor. Not later than October  
57 15, 2010, the requestor shall submit a written response to the  
58 department and any person or entity that has provided a written  
59 statement of opposition to the scope of practice request. The  
60 requestor's written response shall include a description of areas of  
61 agreement and disagreement between the respective health care  
62 professions.

63 (e) Any health care profession that fails to comply with the  
64 provisions of this section in making a scope of practice request shall be  
65 prohibited from seeking legislative action on the scope of practice  
66 request until such time as the health care profession is in full  
67 compliance with the provisions of this section.

68 Sec. 2. (NEW) (*Effective July 1, 2010*) (a) On or before November 1,  
69 2010, and annually thereafter, the Commissioner of Public Health shall  
70 establish and appoint members to a scope of practice review  
71 committee for each timely scope of practice request submitted to the  
72 department pursuant to section 1 of this act. Committees established  
73 pursuant to this section shall consist of the following members: (1) One  
74 member representing the health care profession making the scope of

75 practice request, provided if a state professional board or commission  
76 exists under subsection (b) of section 19a-14 of the general statutes for  
77 the health care profession making the request, the member shall be  
78 selected from such board or commission; (2) in the event that one or  
79 more persons or entities, acting on behalf of health care professions,  
80 have submitted a written statement pursuant to subsection (d) of  
81 section 1 of this act, the commissioner shall appoint one member to  
82 represent such health care professions, provided if a state professional  
83 board or commission exists under subsection (b) of section 19a-14 of  
84 the general statutes for any of the professions opposing the request, the  
85 member shall be selected from such board or commission; (3) two  
86 health care professionals licensed in this state who have no personal or  
87 professional interest in the scope of practice request; (4) a member of  
88 the general public who has no personal or professional interest in the  
89 scope of practice request; and (5) the Commissioner of Public Health or  
90 the commissioner's designee, who shall serve as an ex-officio,  
91 nonvoting member of the committee. The committee shall select its  
92 chairperson from among the members appointed pursuant to  
93 subdivision (3) or (4) of this subsection. Members of such committee  
94 shall serve without compensation.

95 (b) Any committee established pursuant to this section shall review  
96 and evaluate the scope of practice request, subsequent written  
97 responses to the request and any other information the committee  
98 deems relevant to the scope of practice request. The committee, when  
99 carrying out the duties prescribed in this section, may seek input on  
100 the scope of practice request from the Department of Public Health  
101 and such other entities as the committee determines necessary in order  
102 to complete its written assessment and recommendations as described  
103 in subsection (c) of this section.

104 (c) The committee, upon concluding its review and evaluation of the  
105 scope of practice request, shall provide a written assessment of the  
106 scope of practice request and, if applicable, suggested legislative  
107 recommendations concerning the request to the joint standing

108 committee of the General Assembly having cognizance of matters  
109 relating to public health. The committee shall provide the written  
110 assessment and any legislative recommendations to said joint standing  
111 committee not later than the February first following the date of the  
112 committee's establishment. The committee shall terminate on the date  
113 that it submits its written assessment and any legislative  
114 recommendations to said joint standing committee.

115 Sec. 3. (NEW) (*Effective July 1, 2010*) On or before September 1, 2013,  
116 the Commissioner of Public Health shall evaluate the processes  
117 implemented pursuant to sections 1 and 2 of this act and thereafter  
118 report to the joint standing committee of the General Assembly having  
119 cognizance of matters relating to public health, in accordance with the  
120 provisions of section 11-4a of the general statutes, on the effectiveness  
121 of such processes in addressing scope of practice requests.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2010</i>	New section
Sec. 2	<i>July 1, 2010</i>	New section
Sec. 3	<i>July 1, 2010</i>	New section

**PRI**

*Joint Favorable C/R*

PH