



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

TESTIMONY PRESENTED BEFORE THE PUBLIC SAFETY and SECURITY COMMITTEE February 18, 2010

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Senate Bill 149 - An Act Concerning the Governor's Power to Modify or Suspend Statutes, Regulations or Other Requirements During a Public Health Emergency

The Department of Public Health supports Senate Bill 149

Senate Bill 149 authorizes the Governor to modify or suspend statutes, regulations or requirements, in whole or in part, in the event that a public health emergency is declared. The Governor already has this authority in the event that a civil preparedness emergency is declared. A civil preparedness emergency is defined as, "a serious disaster, enemy attack, sabotage or other hostile action or in the event of the imminence thereof..." However, under current law, in the event that a public health emergency is declared and management of the emergency requires the modification or suspension of existing law, the Governor would need to declare a civil preparedness emergency in order to effectively manage the public health emergency.

The authority to modify or suspend existing legal provisions in a public health emergency is necessary to allow for a flexible response to emergencies such as a deadly pandemic outbreak, a bioterrorist attack or a nuclear accident. Public health emergencies have the potential to overwhelm the existing medical response system and to quickly deplete resources such as treatment space, medical staff and medical equipment and supplies. Existing laws designed to provide the best care for each individual patient under non-emergency conditions could impede the expeditious management of the emergency and unnecessarily limit the provision of the best care to the greatest number of citizens under the emergency conditions. Examples of the types of modifications or suspensions range from minimum staffing ratios to medical record documentation to transporting patients to alternate care facilities instead of a hospital.

The Department respectfully requests an amendment to the language to include:

(b)(1) after the language "whenever the Governor finds such statute, regulation or requirement, or part thereof, is in conflict with the efficient and expeditious execution of civil preparedness functions" there be added "or the protection of the public health."

The language would read: (b)(1)whenever the Governor finds such statute, regulation or requirement, or part thereof, is in conflict with the efficient and expeditious execution of civil preparedness functions or the protection of the public health.

Thank you for your consideration of the Department's views on this bill.

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