



General Assembly

January Session, 2011

Raised Bill No. 6549

LCO No. 4192

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Referred to Committee on Public Health

Introduced by:
(PH)

**AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S
OVERSIGHT RESPONSIBILITIES RELATING TO 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, 2011*) (a) Except as provided in
2 subsection (f) of this section, any person or entity, acting on behalf of a
3 health care profession that seeks to advance legislation that would
4 result in a statutory change to such profession's scope of practice or the
5 enactment of new statutory provisions setting forth the scope of
6 practice, shall submit a written scope of practice request to the
7 Department of Public Health not later than September first of the year
8 preceding the commencement of the next regular session of the
9 General Assembly.

10 (b) Any written scope of practice request submitted to the
11 Department of Public Health shall include the following information:

12 (1) A plain language description of the request;

13 (2) Public health and safety benefits that the requestor believes will
14 be achieved should the request be implemented and, if applicable, a

15 description of any harms to public health and safety should the request
16 not be implemented;

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

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

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

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

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

29 (8) The number and types substantiated professional disciplinary
30 actions brought against the health care profession in the five-year
31 period preceding the date of the request;

32 (9) The anticipated economic impact to the health care professions
33 affected by the request and the economic impact to the general public;

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

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

42 (c) In any year in which a request is received pursuant to this

43 section, not later than September fifteenth of the year preceding the
44 commencement of the next regular session of the General Assembly,
45 the Department of Public Health shall: (1) Provide written notification
46 to the joint standing committee of the General Assembly having
47 cognizance of matters relating to public health of any health care
48 profession that has submitted a scope of practice request to the
49 department pursuant to this section; and (2) post any such request on
50 the department's web site, such posting shall include the name and
51 address of the requestor.

52 (d) Any person or entity, acting on behalf of a health care profession
53 that opposes a scope of practice request submitted pursuant to this
54 section may submit to the department a written statement in
55 opposition to the scope of practice request not later than October first
56 of the year preceding the next regular session of the General Assembly.
57 Any such person or entity opposing a scope of practice request shall
58 indicate the reasons for opposing the request taking into consideration
59 the criteria set forth in subsection (b) of this section and shall provide a
60 copy of the written statement in opposition to the scope of practice
61 request to the requestor. Not later than October fifteenth of such year,
62 the requestor shall submit a written response to the department and
63 any person or entity that has provided a written statement of
64 opposition to the scope of practice request. The requestor's written
65 response shall include a description of areas of agreement and
66 disagreement between the respective health care professions.

67 (e) Except as provided in subsection (f) of this section, any health
68 care profession that fails to comply with the provisions of this section
69 in making a scope of practice request shall be prohibited from seeking
70 legislative action on the scope of practice request until such time as the
71 health care profession is in full compliance with the provisions of this
72 section.

73 (f) Notwithstanding the provisions of this section, the chairpersons
74 of the joint standing committee of the General Assembly having

75 cognizance of matters relating to public health may consider and act
76 upon a legislative proposal involving a health care profession's scope
77 of practice, without recourse to the processes described in this section,
78 when such chairpersons determine: (1) Exigent circumstances
79 necessitate an immediate legislative response to the scope of practice
80 request, (2) there is no dispute among health care professions
81 concerning the scope of practice request, or (3) any outstanding issues
82 concerning the scope of practice request can be resolved through the
83 legislative process.

84 Sec. 2. (NEW) (*Effective July 1, 2011*) (a) On or before November first
85 of the year preceding the commencement of the next regular session of
86 the General Assembly, the Commissioner of Public Health shall
87 establish and appoint members to a scope of practice review
88 committee for each timely scope of practice request submitted to the
89 department pursuant to section 1 of this act. Committees established
90 pursuant to this section shall consist of the following members: (1) One
91 member representing the health care profession making the scope of
92 practice request, provided if a state professional board or commission
93 exists under subsection (b) of section 19a-14 of the general statutes for
94 the health care profession making the request, the member shall be
95 selected from such board or commission; (2) in the event that one or
96 more persons or entities, acting on behalf of health care professions,
97 have submitted a written statement pursuant to subsection (d) of
98 section 1 of this act, the commissioner shall appoint not more than
99 three members to represent such health care professions, provided if a
100 state professional board or commission exists under subsection (b) of
101 section 19a-14 of the general statutes for any of the professions
102 opposing the request, the members shall be selected from such board
103 or commission; (3) two health care professionals licensed in this state
104 who have no personal or professional interest in the scope of practice
105 request; (4) a member of the general public who has no personal or
106 professional interest in the scope of practice request; and (5) the
107 Commissioner of Public Health or the commissioner's designee, who
108 shall serve as an ex-officio, nonvoting member of the committee. The

109 committee shall select its chairperson from among the members
110 appointed pursuant to subdivision (3) or (4) of this subsection.
111 Members of such committee shall serve without compensation.

112 (b) Any committee established pursuant to this section shall review
113 and evaluate the scope of practice request, subsequent written
114 responses to the request and any other information the committee
115 deems relevant to the scope of practice request. The committee, when
116 carrying out the duties prescribed in this section, may seek input on
117 the scope of practice request from the Department of Public Health
118 and such other entities as the committee determines necessary in order
119 to complete its written assessment and recommendations as described
120 in subsection (c) of this section.

121 (c) The committee, upon concluding its review and evaluation of the
122 scope of practice request, shall provide a written assessment of the
123 scope of practice request and, if applicable, suggested legislative
124 recommendations concerning the request to the joint standing
125 committee of the General Assembly having cognizance of matters
126 relating to public health. The committee shall provide the written
127 assessment and any legislative recommendations to said joint standing
128 committee not later than the February first following the date of the
129 committee's establishment. The committee shall terminate on the date
130 that it submits its written assessment and any legislative
131 recommendations to said joint standing committee.

132 Sec. 3. (NEW) (*Effective July 1, 2011*) On or before September 1, 2014,
133 the Commissioner of Public Health shall evaluate the processes
134 implemented pursuant to sections 1 and 2 of this act and thereafter
135 report to the joint standing committee of the General Assembly having
136 cognizance of matters relating to public health, in accordance with the
137 provisions of section 11-4a of the general statutes, on the effectiveness
138 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, 2011</i>	New section
Sec. 2	<i>July 1, 2011</i>	New section
Sec. 3	<i>July 1, 2011</i>	New section

Statement of Purpose:

To establish a formalized process under the auspices of the Department of Public Health for resolving issues relating to a health care profession's scope of practice.

[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.]