

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 11-209—sHB 6549
Public Health Committee
Appropriations Committee

**AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S
OVERSIGHT RESPONSIBILITIES RELATING TO SCOPE OF
PRACTICE DETERMINATIONS FOR HEALTH CARE PROFESSIONS**

SUMMARY: This act establishes a process for the submission and review of requests from health care professions seeking to revise or establish a scope of practice prior to consideration by the General Assembly. Under the act, scope of practice review committees may review and evaluate these requests and provide findings to the Public Health Committee. The Department of Public Health (DPH) is responsible for receiving requests and for establishing and providing support to the review committees.

EFFECTIVE DATE: July 1, 2011

SCOPE OF PRACTICE REQUEST

Written Request to DPH

The act allows any person or entity acting on behalf of a health care profession seeking legislative action in the following year's legislative session that would (1) establish a new scope of practice or (2) change a profession's scope of practice, to provide DPH with a written scope of practice request. This must be done by August 15 of the year preceding the start of the next regular legislative session.

Criteria

The request submitted to DPH must include:

1. a plain language description of the request;
2. public health and safety benefits that the requestor believes will occur if the request is implemented and, if applicable, a description of any harm to public health and safety if it is not implemented;
3. the impact of the request on public access to health care;
4. a brief summary of state or federal laws governing the profession;
5. the state's current regulatory oversight of the profession;
6. all current education, training, and examination requirements and any relevant certification requirements applicable to the profession;
7. a summary of known scope of practice changes requested or enacted concerning the profession in the five years preceding the request;
8. the extent to which the request directly affects existing relationships within the health care delivery system;
9. the anticipated economic impact of the request on the health care delivery

OLR PUBLIC ACT SUMMARY

- system;
10. regional and national trends in licensing of the health profession making the request and a summary of relevant scope of practice provisions enacted in other states;
 11. identification of any health care professions that can reasonably be anticipated to be directly affected by the request, the nature of the impact, and efforts made by the requestor to discuss it with such health care professions; and
 12. a description of how the request relates to the health care profession's ability to practice to the full extent of the profession's education and training.

Exemptions

Instead of submitting a scope of practice request to DPH, a person or entity can request an exemption. (But since the act allows, rather than requires, the scope of practice request, it is unclear when a person or entity would submit an exemption request.)

An exemption request must include a plain language description and the reasons for the request, including (1) exigent circumstances that require an immediate response to the scope of practice request, (2) a lack of dispute about the request, or (3) any outstanding issues among the health care professions that can easily be resolved. The exemption request must be submitted to DPH by August 15 of the year preceding the next regular legislative session.

Notification to the Public Health Committee

By September 15 of the year preceding the next session, DPH, within available appropriations, must (1) give written notice to the Public Health Committee of any health care profession that has submitted a scope of practice or exemption request to the department and (2) post the request and the requestor's name and address on its website.

Impact Statement

Any person or entity acting on behalf of a health care profession that may be directly impacted by a scope of practice request may submit a written statement to DPH by October 1 of the year preceding the next legislative session. The person or entity must indicate the nature of the impact, taking into consideration the criteria listed above, and provide the requestor with a copy of the impact statement. By October 15 of the same year, the requestor must submit a written response to DPH and any person or entity that submitted an impact statement describing at a minimum, areas of agreement and disagreement between the respective health professions.

SCOPE OF PRACTICE COMMITTEES

Membership

OLR PUBLIC ACT SUMMARY

By November 1 of the year preceding the next legislative session, the DPH commissioner must, within available appropriations, establish and appoint members to a scope of practice review committee for each timely scope of practice request the department receives. The committees consist of:

1. two members recommended by the requestor to represent the health care profession making the request;
2. two members recommended by each person or entity that submitted a written impact statement to represent the health care professions directly impacted by the request; and
3. the DPH commissioner or her designee who serves in an exofficio, non-voting capacity.

The DPH commissioner or her designee serves as the committee chairperson and may appoint additional committee members representing health care professions with a proximate relationship to the underlying scope of practice request if the commissioner or her designee determines it would help to resolve the issues.

Committee members serve without compensation.

Duties

The committee must review and evaluate the scope of practice request, subsequent written responses to the request, and any other information the committee deems relevant. This must include (1) an assessment of any public health and safety risks associated with the request, (2) whether the request may enhance access to quality and affordable health care, and (3) whether the request improves the ability of the profession to practice to the full extent of its education and training. The committee may seek input from DPH and other entities it determines necessary to provide its written findings.

After finishing its review and evaluation of the scope of practice request, the committee must give its findings to the Public Health Committee by the following February 1. It must include with its findings all the material it considered during its review process. It terminates on the date it submits its findings to the Public Health Committee.

Evaluation

By January 1, 2013, the act requires the DPH commissioner to evaluate the scope of practice request process and report to the Public Health Committee on its effectiveness in addressing these requests. The report may also include recommendations from the scope of practice review committees on measures to improve the process.

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