
OLR Bill Analysis

HB 6389 (as amended by House "A")*

AN ACT CONCERNING PRESCRIPTION DRUG MONITORING.

SUMMARY:

This bill:

1. allows someone licensed to practice naturopathy to delegate the provision of colon hydrotherapy services to a colon hydrotherapist, under certain conditions (§§ 2-3);
2. allows certain licensed podiatrists who are board qualified, rather than board certified, in reconstructive rearfoot ankle surgery to independently perform tibial and fibular osteotomies and advanced ankle surgeries (§ 4);
3. prohibits anyone from knowingly possessing, buying, selling, or otherwise transferring a counterfeit controlled substance (§ 5); and
4. creates a task force to study the provision of beverages and pre-packaged food at arrangement services in funeral homes (§ 1).

*House Amendment "A" replaces the underlying bill, which required people or institutions that must register with the Department of Consumer Protection (DCP) as controlled substance practitioners to also register for access to DCP's electronic prescription drug monitoring program.

EFFECTIVE DATE: October 1, 2013, except (1) the funeral service task force provisions take effect upon passage and (2) the counterfeit controlled substance provisions takes effect January 1, 2014.

§§ 2-3 — COLON HYDROTHERAPISTS AND NATUROPATHS

The bill allows a licensed naturopath to delegate the provision of

colon hydrotherapy services to a colon hydrotherapist, under the following conditions:

1. the colon hydrotherapist holds and maintains certification in good standing as such from the International Association for Colon Hydrotherapy, the National Board for Colon Hydrotherapy, or the Global Professional Association for Colon Therapy, and the naturopathic physician determines that the colon hydrotherapist meets this requirement;
2. the naturopathic physician has evaluated the patient and determined that colon hydrotherapy services are appropriate for him or her;
3. the naturopathic physician is satisfied as to the colon hydrotherapist's ability to provide such services to the patient;
4. the delegation is consistent with the patient's health and welfare and in keeping with sound medical practice; and
5. the colon hydrotherapist provides the services under the naturopathic physician's supervision and control.

Under the bill, a naturopathic physician who delegates the provision of services to a colon hydrotherapist in this manner must maintain documentation of the hydrotherapist's certification and make the documentation available to the Department of Public Health (DPH) upon request.

Anyone who violates these provisions is subject to a fine of up to \$500, up to five years in prison, or both. The bill specifies that each instance of patient contact or consultation in violation of the bill constitutes a separate offense.

The bill also provides that DPH can take its full range of disciplinary actions against a licensed naturopath who fails to comply with these requirements.

§ 4 — PODIATRISTS

The bill allows board qualified, instead of board certified, licensed podiatrists to perform certain standard ankle surgery procedures. Current law allows DPH to issue a permit to a licensed podiatrist to independently perform standard ankle surgery procedures with one exception. If the podiatrist is board qualified in reconstructive rearfoot ankle surgery by the American Board of Podiatric Surgery, he or she cannot perform tibial and fibular osteotomies (surgeries on certain bones in the lower leg) unless certified by the American Board of Podiatric Medicine. The bill removes this exception, thus allowing board qualified podiatrists to perform tibial and fibular osteotomies.

The bill also allows DPH to issue a permit to a licensed podiatrist to independently perform advanced ankle surgeries if the podiatrist is board qualified, instead of board certified as under current law, in reconstructive rearfoot ankle surgery by the American Board of Podiatric Surgery.

The bill applies to licensed podiatrists who (1) graduated on or after June 1, 2006 from a three-year podiatric residency program accredited by the Council on Podiatric Medical Education at the time of graduation and (2) provided DPH documentation of acceptable training and experience in midfoot, rearfoot, and ankle procedures.

The bill also requires DPH to update its regulations on podiatrist qualifications by July 1, 2015. By law, these regulations must include the number and types of procedures required for an applicant's training or experience to be deemed acceptable for purposes of DPH issuing permits for podiatrists to independently engage in standard or advanced ankle surgery.

§ 5 — COUNTERFEIT CONTROLLED SUBSTANCES

The bill prohibits anyone from knowingly possessing, purchasing, trading, selling, or transferring a controlled substance which, or the container or labeling of which, without authorization, has the trademark, trade name, or other identifying mark, imprint, number or device of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed or dispensed the

substance. Under the bill, controlled substance are drugs, substances, or immediate precursors in schedules I to V of the Connecticut controlled substance scheduling regulations. The term does not include alcohol, nicotine, or caffeine.

Existing law already prohibits several actions related to counterfeit or misbranded drugs (see BACKGROUND).

§ 1 — FUNERAL SERVICE TASK FORCE

This bill creates a 10-member task force to study the provision of beverages and pre-packaged food at arrangement services in funeral homes. The task force must (1) review other states' policies and procedures for serving non-alcoholic beverages and food in funeral homes and (2) analyze and make recommendations on the provision of beverages and catered food at funeral homes in this state. (DPH regulations currently prohibit serving food or beverages at funeral homes.)

The task force members include:

1. five representatives appointed from nominees of the Connecticut Funeral Directors Association, one each appointed by the Senate president pro tempore of the Senate, House speaker, Senate minority leader, House minority leader, and the governor;
2. two people appointed from nominees of Service Corporation International, Inc. who are funeral directors licensed in this state, one each appointed by the Senate majority leader and House majority leader;
3. the chairperson of the Connecticut Board of Embalmers and Funeral Directors and a board member who the chairperson designates; and
4. the DPH commissioner or her designee.

Under the bill, task force appointments must be made no later than 30 days after the bill's passage. Task force members serve without

compensation. The first task force meeting must be held by September 15, 2013. The task force must elect a chairperson from among its members.

By January 1, 2014, the task force must report on its findings and recommendations to the Public Health Committee. The task force terminates on the date that it submits its report or January 1, 2014, whichever is later.

BACKGROUND

Prohibitions Concerning Drugs under the Uniform Food, Drug, and Cosmetics Act

The law generally prohibits:

1. selling misbranded drugs, or misbranding drugs, in intrastate commerce;
2. forging or counterfeiting any mark, label, or other identification required by state or federal regulations to be on a drug;
3. placing any trademark, trade name, identifying mark, or any likeness thereof, upon the container of another drug, with intent to defraud;
4. selling, dispensing, disposing of, or concealing or keeping any drug with intent to sell, dispense, or dispose, with knowledge that a trademark, trade name, other identifying mark, or any likeness thereof, has been placed on the drug in a prohibited manner; or
5. making, selling, disposing of, or keeping or concealing any printing technology or tool designed to print a trademark, trade name, other identifying mark, or any likeness thereof, upon any drug, with intent to defraud (CGS § 21a-93).

Violation of any of these prohibitions is punishable by up to six months in prison, a fine of up to \$500, or both. Any subsequent violation or a violation committed with intent to defraud or mislead is punishable by up to one year in prison, a fine of up to \$1000, or both

(CGS §21a-95).

Related Bills

sSB 1135 (File 584) (1) has similar provisions concerning podiatrists and (2) requires the DPH commissioner to annually obtain and make publicly available a list of colon hydrotherapists in Connecticut who are certified by the National Board for Colon Hydrotherapy and included in the board's registry.

HB 6444 (File 176) requires the DCP commissioner, with the Commission on Pharmacy's assistance, to adopt regulations prohibiting any person from knowingly purchasing, trading, selling, or transferring a counterfeit controlled substance. It makes violations punishable by a civil fine of up to \$10,000.

COMMITTEE ACTION

Public Health Committee

Joint Favorable

Yea 28 Nay 0 (03/11/2013)