

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 13-305—HB 6389

Public Health Committee

AN ACT CONCERNING A TASK FORCE ON THE PROVISION OF BEVERAGES AND FOOD IN FUNERAL HOMES, COLON HYDROTHERAPISTS, THE PRACTICE OF PODIATRY AND COUNTERFEIT CONTROLLED SUBSTANCES

SUMMARY: This act:

1. allows licensed naturopaths to delegate the provision of colon hydrotherapy services to a colon hydrotherapist, under certain conditions;
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;
3. prohibits anyone from knowingly possessing, buying, selling, trading, or otherwise transferring a counterfeit controlled substance; and
4. creates a task force to study the provision of beverages and prepackaged food at arrangement services in funeral homes.

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

§§ 2-3 — COLON HYDROTHERAPISTS AND NATUROPATHS

The act 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 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;
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 act, 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.

OLR PUBLIC ACT SUMMARY

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

The act 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

Prior law allowed DPH to issue a permit to certain licensed podiatrists to independently perform standard ankle surgery procedures with one exception. If the podiatrist was board qualified, but not board certified, in reconstructive rearfoot ankle surgery, he or she could not perform tibial and fibular osteotomies (surgeries on certain bones in the lower leg) unless certified by the American Board of Podiatric Medicine. The act removes this exception, thus allowing board qualified podiatrists to perform tibial and fibular osteotomies.

The act 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 prior law, in reconstructive rearfoot ankle surgery by the American Board of Podiatric Surgery.

The act 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) provide DPH documentation of acceptable training and experience in midfoot, rearfoot, and ankle procedures. Existing law, unchanged by the act, requires podiatrists who graduated before then to be board certified to obtain a permit to perform these procedures.

The act 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 act 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 manufactured, distributed or dispensed the substance (i.e., "counterfeit substance"). Under the act, controlled substances 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

OLR PUBLIC ACT SUMMARY

The act creates a 10-member task force to study the provision of beverages and prepackaged food at arrangement services in funeral homes. The task force must (1) review other states' policies and procedures for serving nonalcoholic beverages and food in funeral homes and (2) analyze and make recommendations on the provision of beverages and catered food at Connecticut funeral homes. Existing DPH regulations prohibit serving food or beverages at funeral homes (Conn. Agencies Reg. § 20-211-28).

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, House speaker, Senate minority leader, House minority leader, and the governor;
2. two people appointed from nominees of Service Corporation International, Inc. who are Connecticut-licensed funeral directors, 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 whom the chairperson designates; and
4. the DPH commissioner or her designee.

Under the act, task force appointments must be made by August 11, 2013. 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 Counterfeit or Misbranded Drugs

Among other things, the state Uniform Food, Drug, and Cosmetic Act prohibits:

1. selling misbranded 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 another drug or its container, 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).

A violation of any of these prohibitions is generally punishable by up to six months in prison, a fine of up to \$500, or both. A subsequent violation or a

OLR PUBLIC ACT SUMMARY

violation committed with intent to defraud or mislead is punishable by up to one year in prison, a fine of up to \$1,000, or both (CGS § 21a-95).

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