



General Assembly

**Amendment**

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LCO No. 3812

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Offered by:

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To: Subst. Senate Bill No. 36

File No. 101

Cal. No. 310

(As Amended by Senate Amendment Schedule "A")

**"AN ACT CONCERNING THE GOVERNOR'S  
RECOMMENDATIONS TO IMPROVE ACCESS TO HEALTH CARE."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Subdivision (2) of subsection (c) of section 19a-88 of the  
4 2014 supplement to the general statutes is repealed and the following  
5 is substituted in lieu thereof (*Effective October 1, 2014*):

6 (2) Each person holding a license as an advanced practice registered  
7 nurse and (A) practicing at the time of such renewal in collaboration  
8 with a physician shall, annually, during the month of such person's  
9 birth, register with the Department of Public Health, upon payment of  
10 one hundred twenty-five dollars, or (B) practicing alone and not in  
11 collaboration with a physician at the time of such renewal shall,  
12 annually, during the month of such person's birth, register with the

13 department, upon payment of four hundred eighty dollars, on blanks  
14 to be furnished by the department for such purpose, giving such  
15 person's name in full, such person's residence and business address  
16 and such other information as the department requests. No such  
17 license shall be renewed unless the department is satisfied that the  
18 person maintains current certification as either a nurse practitioner, a  
19 clinical nurse specialist or a nurse anesthetist from one of the following  
20 national certifying bodies which certify nurses in advanced practice:  
21 The American Nurses' Association, the Nurses' Association of the  
22 American College of Obstetricians and Gynecologists Certification  
23 Corporation, the National Board of Pediatric Nurse Practitioners and  
24 Associates or the American Association of Nurse Anesthetists. Each  
25 person holding a license to practice as an advanced practice registered  
26 nurse who has retired from the profession may renew such license, but  
27 the fee shall be ten per cent of the professional services fee for class C,  
28 as defined in section 33-182l, plus five dollars. Any license provided by  
29 the department at a reduced fee shall indicate that the advanced  
30 practice registered nurse is retired.

31 Sec. 502. Section 20-13j of the general statutes is repealed and the  
32 following is substituted in lieu thereof (*Effective October 1, 2014*):

33 (a) For the purposes of this section:

34 (1) "Department" means the Department of Public Health; [and]

35 (2) "Health care provider" means: (A) A physician licensed under  
36 this chapter; (B) a dentist licensed under chapter 379; (C) a chiropractor  
37 licensed under chapter 372; (D) an optometrist licensed under chapter  
38 380; (E) a podiatrist licensed under chapter 375; (F) a natureopath  
39 licensed under chapter 373; (G) a dental hygienist licensed under  
40 chapter 379a; [(H) an advanced practice registered nurse licensed  
41 under chapter 378; or (I)] or (H) a physical therapist licensed under  
42 chapter 376; and

43 (3) "Advanced practice registered nurse" means an advanced

44 practice registered nurse licensed under chapter 378.

45 (b) The department, after consultation with the Connecticut Medical  
46 Examining Board, the Connecticut State Medical Society, or any other  
47 appropriate state board, shall [ ] (1) within available appropriations,  
48 collect the following information to create an individual profile on  
49 each health care provider for dissemination to the public, and (2)  
50 collect the following information to create an individual profile on  
51 each advanced practice registered nurse for dissemination to the  
52 public:

53 [(1)] (A) The name of the medical or dental school, chiropractic  
54 college, school or college of optometry, school or college of chiropody  
55 or podiatry, school or college of natureopathy, school of dental  
56 hygiene, school of physical therapy or other school or institution  
57 giving instruction in the healing arts attended by the health care  
58 provider or advanced practice registered nurse and the date of  
59 graduation;

60 [(2)] (B) The site, training, discipline and inclusive dates of any  
61 completed postgraduate education or other professional education  
62 required pursuant to the applicable licensure section of the general  
63 statutes;

64 [(3)] (C) The area of the health care provider's or advanced practice  
65 registered nurse's practice specialty;

66 [(4)] (D) The address of the health care provider's or advanced  
67 practice registered nurse's primary practice location or primary  
68 practice locations, if more than one;

69 [(5)] (E) A list of languages, other than English, spoken at the health  
70 care provider's or advanced practice registered nurse's primary  
71 practice locations;

72 [(6)] (F) An indication of any disciplinary action taken against the  
73 health care provider or advanced practice registered nurse by the

74 department, the appropriate state board or any professional licensing  
75 or disciplinary body in another jurisdiction;

76 [(7)] (G) Any current certifications issued to the health care provider  
77 or advanced practice registered nurse by a specialty board of the  
78 profession;

79 [(8)] (H) The hospitals and nursing homes at which the health care  
80 provider or advanced practice registered nurse has been granted  
81 privileges;

82 [(9)] (I) Any appointments of the health care provider or advanced  
83 practice registered nurse to a Connecticut medical school faculty and  
84 an indication as to whether the health care provider or advanced  
85 practice registered nurse has current responsibility for graduate  
86 medical education;

87 [(10)] (J) A listing of the health care provider's or advanced practice  
88 registered nurse's publications in peer reviewed literature;

89 [(11)] (K) A listing of the health care provider's or advanced practice  
90 registered nurse's professional services, activities and awards;

91 [(12)] (L) Any hospital disciplinary actions against the health care  
92 provider or advanced practice registered nurse that resulted, within  
93 the past ten years, in the termination or revocation of the health care  
94 provider's or advanced practice registered nurse's hospital privileges  
95 for a professional disciplinary cause or reason, or the resignation from,  
96 or nonrenewal of, professional staff membership or the restriction of  
97 privileges at a hospital taken in lieu of or in settlement of a pending  
98 disciplinary case related to professional competence in such hospital;

99 [(13)] (M) A description of any criminal conviction of the health care  
100 provider or advanced practice registered nurse for a felony within the  
101 last ten years. For the purposes of this subdivision, a health care  
102 provider or advanced practice registered nurse shall be deemed to be  
103 convicted of a felony if the health care provider or advanced practice

104 registered nurse pleaded guilty or was found or adjudged guilty by a  
105 court of competent jurisdiction or has been convicted of a felony by the  
106 entry of a plea of nolo contendere;

107 [(14)] (N) To the extent available, and consistent with the provisions  
108 of subsection (c) of this section, all professional malpractice court  
109 judgments and all professional malpractice arbitration awards against  
110 the health care provider or advanced practice registered nurse in  
111 which a payment was awarded to a complaining party during the last  
112 ten years, and all settlements of professional malpractice claims against  
113 the health care provider or advanced practice registered nurse in  
114 which a payment was made to a complaining party within the last ten  
115 years;

116 [(15)] (O) An indication as to whether the health care provider or  
117 advanced practice registered nurse is actively involved in patient care;  
118 and

119 [(16)] (P) The name of the health care provider's or advanced  
120 practice registered nurse's professional liability insurance carrier.

121 (c) Any report of a professional malpractice judgment or award  
122 against a health care provider or advanced practice registered nurse  
123 made under subdivision (14) of subsection (b) of this section shall  
124 comply with the following: (1) Dispositions of paid claims shall be  
125 reported in a minimum of three graduated categories indicating the  
126 level of significance of the award or settlement; (2) information  
127 concerning paid professional malpractice claims shall be placed in  
128 context by comparing an individual health care provider's or advanced  
129 practice registered nurse's professional malpractice judgments, awards  
130 and settlements to the experience of other health care providers or  
131 advanced practice registered nurses licensed in Connecticut who  
132 perform procedures and treat patients with a similar degree of risk; (3)  
133 all judgment award and settlement information reported shall be  
134 limited to amounts actually paid by or on behalf of the health care  
135 provider or advanced practice registered nurse; and (4) comparisons of

136 professional malpractice payment data shall be accompanied by (A) an  
137 explanation of the fact that health care providers and advanced  
138 practice registered nurses treating certain patients and performing  
139 certain procedures are more likely to be the subject of litigation than  
140 others and that the comparison given is for health care providers and  
141 advanced practice registered nurses who perform procedures and treat  
142 patients with a similar degree of risk; (B) a statement that the report  
143 reflects data for the last ten years and the recipient should take into  
144 account the number of years the health care provider or advanced  
145 practice registered nurse has been in practice when considering the  
146 data; (C) an explanation that an incident giving rise to a professional  
147 malpractice claim may have occurred years before any payment was  
148 made due to the time lawsuits take to move through the legal system;  
149 (D) an explanation of the effect of treating high-risk patients on a  
150 health care provider's or advanced practice registered nurse's  
151 professional malpractice history; and (E) an explanation that  
152 professional malpractice cases may be settled for reasons other than  
153 liability and that settlements are sometimes made by the insurer  
154 without the health care provider's or advanced practice registered  
155 nurse's consent. Information concerning all settlements shall be  
156 accompanied by the following statement: "Settlement of a claim may  
157 occur for a variety of reasons that do not necessarily reflect negatively  
158 on the professional competence or conduct of the health care provider  
159 or advanced practice registered nurse. A payment in settlement of a  
160 professional malpractice action or claim should not be construed as  
161 creating a presumption that professional malpractice has occurred."

162 (d) Pending professional malpractice claims against a health care  
163 provider or advanced practice registered nurse and actual amounts  
164 paid by or on behalf of a health care provider or advanced practice  
165 registered nurse in connection with a professional malpractice  
166 judgment, award or settlement shall not be disclosed by the  
167 department to the public. This subsection shall not be construed to  
168 prevent the department from investigating and disciplining a health  
169 care provider or advanced practice registered nurse on the basis of

170 professional malpractice claims that are pending.

171 (e) Prior to the initial release of a health care provider's or advanced  
172 practice registered nurse's profile to the public, the department shall  
173 provide the health care provider or advanced practice registered nurse  
174 with a copy of the health care provider's or advanced practice  
175 registered nurse's profile. Additionally, any amendments or  
176 modifications to the profile that were not supplied by the health care  
177 provider or advanced practice registered nurse or not generated by the  
178 department itself shall be provided to the health care provider or  
179 advanced practice registered nurse for review prior to release to the  
180 public. A health care provider or advanced practice registered nurse  
181 shall have sixty days from the date the department mails or delivers  
182 the prepublication copy to dispute the accuracy of any information  
183 that the department proposes to include in such profile and to submit a  
184 written statement setting forth the basis for such dispute. If a health  
185 care provider or advanced practice registered nurse does not notify the  
186 department that the health care provider or advanced practice  
187 registered nurse disputes the accuracy of such information within such  
188 sixty-day period, the department shall make the profile available to the  
189 public and the health care provider or advanced practice registered  
190 nurse shall be deemed to have approved the profile and all  
191 information contained in the profile. If a health care provider or  
192 advanced practice registered nurse notifies the department that the  
193 health care provider or advanced practice registered nurse disputes the  
194 accuracy of such information in accordance with this subsection, the  
195 health care provider's or advanced practice registered nurse's profile  
196 shall be released to the public without the disputed information, but  
197 with a statement to the effect that information in the identified  
198 category is currently the subject of a dispute and is therefore not  
199 currently available. Not later than thirty days after the department's  
200 receipt of notice of a dispute, the department shall review any  
201 information submitted by the health care provider or advanced  
202 practice registered nurse in support of such dispute and determine  
203 whether to amend the information contained in the profile. In the

204 event that the department determines not to amend the disputed  
205 information, the disputed information shall be included in the profile  
206 with a statement that such information is disputed by the health care  
207 provider or advanced practice registered nurse.

208 (f) A health care provider or advanced practice registered nurse  
209 may elect to have the health care provider's or advanced practice  
210 registered nurse's profile omit information provided pursuant to  
211 subdivisions (9) to (11), inclusive, of subsection (b) of this section. In  
212 collecting information for such profiles and in the dissemination of  
213 such profiles, the department shall inform health care providers and  
214 advanced practice registered nurses that they may choose not to  
215 provide the information described in said subdivisions (9) to (11),  
216 inclusive.

217 (g) Each profile created pursuant to this section shall include the  
218 following statement: "This profile contains information that may be  
219 used as a starting point in evaluating a health care provider or  
220 advanced practice registered nurse. This profile should not, however,  
221 be your sole basis for selecting a health care provider or advanced  
222 practice registered nurse."

223 (h) The department shall maintain a web site on the Internet for use  
224 by the public in obtaining profiles of health care providers and  
225 advanced practice registered nurses.

226 (i) No state law that would otherwise prohibit, limit or penalize  
227 disclosure of information about a health care provider or advanced  
228 practice registered nurse shall apply to disclosure of information  
229 required by this section.

230 (j) All information provided by a health care provider or advanced  
231 practice registered nurse pursuant to this section shall be subject to the  
232 penalty for false statement under section 53a-157b.

233 (k) Except for the information in subdivisions (1), (2), (10) and (11)  
234 of subsection (b) of this section, a health care provider or advanced

235 practice registered nurse shall notify the department of any changes to  
236 the information required in subsection (b) of this section not later than  
237 sixty days after such change."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2014</i>	19a-88(c)(2)
Sec. 502	<i>October 1, 2014</i>	20-13j