



General Assembly

January Session, 2015

Committee Bill No. 6287

LCO No. 5405



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING REPORTS OF IMPAIRED HEALTH CARE PROFESSIONALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2015*) (a) As used in this
2 section:

3 (1) "Health care professional" means any person licensed or who
4 holds a permit pursuant to chapter 372 of the general statutes, chapter
5 373 of the general statutes, chapters 375 to 378, inclusive, of the general
6 statutes, chapters 379 to 381a, inclusive, of the general statutes,
7 chapters 383 to 385, inclusive, of the general statutes, chapter 398 of the
8 general statutes or chapter 399 of the general statutes;

9 (2) "Assistance program" means the program established pursuant
10 to section 19a-12a of the general statutes to provide education,
11 prevention, intervention, referral assistance, rehabilitation or support
12 services to health care professionals who have a chemical dependency,
13 emotional or behavioral disorder or physical or mental illness; and

14 (3) "Hospital" has the same meaning as provided in section 19a-490

15 of the general statutes.

16 (b) (1) Any health care professional or hospital shall, and any other
17 person may, file a petition when such health care provider, hospital or
18 person has any information that appears to show that a health care
19 professional is, or may be, unable to practice his or her profession with
20 reasonable skill or safety for any of the following reasons: (A) Physical
21 illness or loss of motor skill, including, but not limited to, deterioration
22 through the aging process; (B) emotional disorder or mental illness; (C)
23 abuse or excessive use of drugs, including alcohol, narcotics or
24 chemicals; (D) illegal, incompetent or negligent conduct in the practice
25 of the profession of the health care professional; (E) possession, use,
26 prescription for use or distribution of controlled substances or legend
27 drugs, except for therapeutic or other medically proper purposes; (F)
28 misrepresentation or concealment of a material fact in the obtaining or
29 reinstatement of a license to practice the profession of the health care
30 professional; or (G) violation of any provision of the chapter of the
31 general statutes under which the health care professional is licensed or
32 any regulation established under such chapter.

33 (2) A health care professional or hospital shall file a petition
34 described in this subsection not later than thirty days after obtaining
35 information to support such petition as described in this subsection.
36 Each petition shall be filed with the Department of Public Health on
37 forms supplied by the department, shall be signed and sworn and shall
38 set forth in detail the matters complained of.

39 (c) Any health care professional or hospital that refers a health care
40 professional for intervention to the assistance program shall be
41 deemed to have satisfied the obligations imposed on the health care
42 professional or hospital pursuant to this section with respect to a
43 health care professional's inability to practice medicine with reasonable
44 skill or safety due to chemical dependency, emotional or behavioral
45 disorder or physical or mental illness.

46 (d) A health care professional who has been the subject of an arrest

47 arising out of the possession, use, prescription for use or distribution of
48 a controlled substance or legend drug or alcohol, mental illness or
49 behavioral or emotional disorder shall, not less than thirty days after
50 such arrest, notify the Department of Public Health. The health care
51 professional shall be deemed to satisfy this obligation if the health care
52 professional seeks intervention with the assistance program.

53 (e) A health care professional shall report to the Department of
54 Public Health any disciplinary action similar to an action specified in
55 subsection (a) of section 19a-17 of the general statutes taken against the
56 health care professional by a duly authorized professional disciplinary
57 agency of any state, the District of Columbia, a United States
58 possession or territory or a foreign jurisdiction, not later than thirty
59 days after such action. Failure to report in accordance with the
60 provisions of this subsection may constitute a ground for disciplinary
61 action under section 19a-17 of the general statutes.

62 (f) No health care professional, hospital or person filing a petition in
63 accordance with the provisions of this section or providing
64 information to the Department of Public Health or the assistance
65 program shall, without a showing of malice, be liable for damage or
66 injury to the health care professional. The assistance program shall not
67 be liable for damage or injury to the health care professional without a
68 showing of malice. Such health care professional, hospital or other
69 person filing the petition and the assistance program shall be entitled
70 to indemnification and defense in the manner set forth in section 5-
71 141d of the general statutes with respect to a state officer or employee.

72 (g) The department shall investigate each petition filed pursuant to
73 this section, in accordance with the provisions of subdivisions (10) and
74 (11) of subsection (a) of section 19a-14 of the general statutes, to
75 determine if probable cause exists to issue a statement of charges and
76 to institute proceedings against the health care professional under
77 subsection (j) of this section. Such investigation shall be concluded not
78 later than eighteen months after the date the petition is filed with the

79 department and, unless otherwise specified by this subsection, the
80 record of such investigation shall be deemed a public record, in
81 accordance with section 1-210 of the general statutes, at the conclusion
82 of such eighteen-month period. Any such investigation shall be
83 confidential and no person shall disclose his or her knowledge of such
84 investigation to a third party unless the health care professional
85 requests that such investigation and disclosure be open, except the
86 Department of Public Health shall provide information to the person
87 who filed the petition pursuant to subdivision (12) of subsection (a) of
88 section 19a-14 of the general statutes. If the department determines
89 that probable cause exists to issue a statement of charges, the entire
90 record of such proceeding shall be public unless the department
91 determines that the health care professional is an appropriate
92 candidate for participation in the assistance program. If at any time
93 subsequent to the filing of a petition and during the eighteen-month
94 period following the filing of the petition, the department makes a
95 finding of no probable cause, the petition and the entire record of such
96 investigation shall remain confidential, except as provided in
97 subdivision (12) of subsection (a) of section 19a-14 of the general
98 statutes, unless the health care professional requests that such petition
99 and record be open.

100 (h) As part of an investigation of a petition filed pursuant to this
101 section, the Department of Public Health may order the health care
102 professional to submit to a physical or mental examination, to be
103 performed by a physician chosen from a list approved by the
104 department. The department may seek the advice of established
105 medical organizations or licensed health professionals in determining
106 the nature and scope of any diagnostic examinations to be used as part
107 of any such physical or mental examination. The examining physician
108 shall make a written statement of his or her findings.

109 (i) If the health care professional fails to obey a department order to
110 submit to examination or attend a hearing, the department may
111 petition the superior court for the judicial district of Hartford to order

112 such examination or attendance, and said court or any judge assigned
113 to said court shall have jurisdiction to issue such order.

114 (j) Subject to the provisions of section 4-182 of the general statutes,
115 no license shall be restricted, suspended or revoked by the Department
116 of Public Health, and no health care professional's right to practice
117 shall be limited by the department, until the health care professional
118 has been given notice and opportunity for hearing in accordance with
119 the regulations established by the commissioner pursuant to said
120 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	New section

Statement of Purpose:

To require reports of impaired health care professionals to the Department of Public Health.

[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.]

Co-Sponsors: REP. SRINIVASAN, 31st Dist.

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