



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, 373, 375 to 378, inclusive, 379
5 to 381a, inclusive, 383 to 385, inclusive, 398 or 399 of the general
6 statutes;

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

12 (3) "Hospital" has the same meaning as provided in section 19a-490
13 of the general statutes.

14 (b) (1) Any health care professional or hospital shall, and any other
15 person may, file a petition when such health care professional, hospital
16 or person has any information that appears to show that a health care
17 professional is, or may be, unable to practice his or her profession with
18 reasonable skill or safety for any of the following reasons: (A) Physical

19 illness or loss of motor skill, including, but not limited to, deterioration
20 through the aging process; (B) emotional disorder or mental illness; (C)
21 abuse or excessive use of drugs, including alcohol, narcotics or
22 chemicals; (D) illegal, incompetent or negligent conduct in the practice
23 of the profession of the health care professional; (E) possession, use,
24 prescription for use or distribution of controlled substances or legend
25 drugs, except for therapeutic or other medically proper purposes; (F)
26 misrepresentation or concealment of a material fact in the obtaining or
27 reinstatement of a license to practice the profession of the health care
28 professional; or (G) violation of any provision of the chapter of the
29 general statutes under which the health care professional is licensed or
30 any regulation established under such chapter.

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

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

44 (d) A health care professional who has been the subject of an arrest
45 arising out of an allegation of the possession, use, prescription for use
46 or distribution of a controlled substance or legend drug or alcohol or
47 diagnosed with a mental illness or behavioral or emotional disorder
48 shall, not less than thirty days after such arrest or diagnosis, notify the
49 Department of Public Health. The health care professional shall be
50 deemed to satisfy this obligation if the health care professional seeks
51 intervention with the assistance program.

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

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

71 (g) The department shall investigate each petition filed pursuant to
72 this section in accordance with the provisions of subdivisions (10) and
73 (11) of subsection (a) of section 19a-14 of the general statutes, to
74 determine if probable cause exists to issue a statement of charges and
75 to institute proceedings against the health care professional under
76 subsection (j) of this section. Such investigation shall be concluded not
77 later than eighteen months after the date the petition is filed with the
78 department and, unless otherwise specified by this subsection, the
79 record of such investigation shall be deemed a public record, in
80 accordance with section 1-210 of the general statutes, at the conclusion
81 of such eighteen-month period. Any such investigation shall be
82 confidential prior to the conclusion of such eighteen-month period and
83 no person shall disclose his or her knowledge of such investigation to a
84 third party unless the health care professional requests that such

85 investigation and disclosure be open, except the department shall
86 provide information to the person who filed the petition as provided in
87 subdivision (12) of subsection (a) of section 19a-14 of the general
88 statutes. If the department determines that probable cause exists to
89 issue a statement of charges, the entire record of such proceeding shall
90 be public unless the department determines that the health care
91 professional is an appropriate candidate for participation in the
92 assistance program. If at any time subsequent to the filing of a petition
93 and during the eighteen-month period following the filing of the
94 petition, the department makes a finding of no probable cause, the
95 petition and the entire record of such investigation shall remain
96 confidential, except as provided in subdivision (12) of subsection (a) of
97 section 19a-14 of the general statutes, unless the health care
98 professional requests that such petition and record be open.

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

108 (i) If the health care professional fails to obey a department order to
109 submit to examination or attend a hearing, the department may
110 petition the superior court for the judicial district of Hartford to order
111 such examination or attendance, and said court or any judge assigned
112 to said court shall have jurisdiction to issue such order.

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

118 said section.

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

PH *Joint Favorable Subst. -LCO*

APP *Joint Favorable*