



General Assembly

Substitute Bill No. 257

January Session, 2015



**AN ACT CONCERNING REPORTING OF PAYMENTS BY
MANUFACTURERS TO INDEPENDENTLY-PRACTICING ADVANCED
PRACTICE REGISTERED NURSES.**

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

1 Section 1. Section 21a-70f of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) For purposes of this section:

4 (1) "Advanced practice registered nurse" means a person licensed
5 pursuant to chapter 378;

6 (2) "Applicable manufacturer" means a manufacturer of a covered
7 drug, device, biological, or medical supply that is operating in the
8 United States, or in a territory, possession, or commonwealth of the
9 United States;

10 (3) "Payment or other transfer of value" means a transfer of anything
11 of value, except (A) a transfer of anything of value that is made
12 indirectly to an advanced practice registered nurse through a third
13 party in connection with an activity or service in the case where the
14 applicable manufacturer is unaware of the identity of the advanced
15 practice registered nurse, or (B) a transfer of anything of value that
16 meets the requirements for exclusion under 42 USC 1320a-7h(e)(10), as

17 amended from time to time;

18 (4) "Covered drug, device, biological, or medical supply" means any
19 drug, biological product, device, or medical supply for which payment
20 is available under subchapter XVIII of chapter 7 of Title 42 of the
21 United States Code or the state Medicaid plan under subchapter XIX or
22 XXI of said chapter or a waiver of such a plan; and

23 (5) "Covered device" means any device for which payment is
24 available under subchapter XVIII of chapter 7 of Title 42 of the United
25 States Code or the state Medicaid plan under subchapter XIX or XXI of
26 said chapter or a waiver of such a plan.

27 (b) (1) Not later than July 1, [2015] 2017, and [quarterly] annually
28 thereafter, an applicable manufacturer that provides a payment or
29 other transfer of value to an advanced practice registered nurse, who is
30 practicing not in collaboration with a physician in the state, in
31 accordance with subsection (b) of section 20-87a, as amended by this
32 act, shall submit to the Commissioner of Consumer Protection, in the
33 form and manner prescribed by the commissioner, the information
34 described in 42 USC 1320a-7h, as amended from time to time, for the
35 preceding calendar year.

36 (2) In determining whether an applicable manufacturer is required
37 to submit information concerning a payment or other transfer of value
38 to an advanced practice registered nurse in accordance with the
39 provisions of this subsection, the applicable manufacturer shall refer to
40 the list of advanced practice registered nurses who are authorized to
41 practice not in collaboration with a physician published by the
42 Commissioner of Public Health on the Department of Public Health's
43 Internet web site in accordance with subsection (b) of section 20-87a, as
44 amended by this act.

45 [(2)] (3) The commissioner may publish such information on the
46 Department of Consumer Protection's Internet web site.

47 (c) An applicable manufacturer that fails to report in accordance

48 with this section shall be assessed a civil penalty in an amount not less
49 than one thousand dollars or more than four thousand dollars for each
50 payment or other transfer of value not reported.

51 Sec. 2. Subsection (b) of section 20-87a of the general statutes is
52 repealed and the following is substituted in lieu thereof (*Effective from*
53 *passage*):

54 (b) (1) Advanced nursing practice is defined as the performance of
55 advanced level nursing practice activities that, by virtue of post-basic
56 specialized education and experience, are appropriate to and may be
57 performed by an advanced practice registered nurse. The advanced
58 practice registered nurse performs acts of diagnosis and treatment of
59 alterations in health status, as described in subsection (a) of this
60 section.

61 (2) An advanced practice registered nurse having been issued a
62 license pursuant to section 20-94a shall, for the first three years after
63 having been issued such license, collaborate with a physician licensed
64 to practice medicine in this state. In all settings, such advanced practice
65 registered nurse may, in collaboration with a physician licensed to
66 practice medicine in this state, prescribe, dispense and administer
67 medical therapeutics and corrective measures and may request, sign
68 for, receive and dispense drugs in the form of professional samples in
69 accordance with sections 20-14c to 20-14e, inclusive, except such
70 advanced practice registered nurse licensed pursuant to section 20-94a
71 and maintaining current certification from the American Association of
72 Nurse Anesthetists who is prescribing and administering medical
73 therapeutics during surgery may only do so if the physician who is
74 medically directing the prescriptive activity is physically present in the
75 institution, clinic or other setting where the surgery is being
76 performed. For purposes of this subdivision, "collaboration" means a
77 mutually agreed upon relationship between such advanced practice
78 registered nurse and a physician who is educated, trained or has
79 relevant experience that is related to the work of such advanced
80 practice registered nurse. The collaboration shall address a reasonable

81 and appropriate level of consultation and referral, coverage for the
82 patient in the absence of such advanced practice registered nurse, a
83 method to review patient outcomes and a method of disclosure of the
84 relationship to the patient. Relative to the exercise of prescriptive
85 authority, the collaboration between such advanced practice registered
86 nurse and a physician shall be in writing and shall address the level of
87 schedule II and III controlled substances that such advanced practice
88 registered nurse may prescribe and provide a method to review
89 patient outcomes, including, but not limited to, the review of medical
90 therapeutics, corrective measures, laboratory tests and other diagnostic
91 procedures that such advanced practice registered nurse may
92 prescribe, dispense and administer.

93 (3) An advanced practice registered nurse having (A) been issued a
94 license pursuant to section 20-94a, (B) maintained such license for a
95 period of not less than three years, and (C) engaged in the performance
96 of advanced practice level nursing activities in collaboration with a
97 physician for a period of not less than three years and not less than two
98 thousand hours in accordance with the provisions of subdivision (2) of
99 this subsection, may, thereafter, alone or in collaboration with a
100 physician or another health care provider licensed to practice in this
101 state: (i) Perform the acts of diagnosis and treatment of alterations in
102 health status, as described in subsection (a) of this section; and (ii)
103 prescribe, dispense and administer medical therapeutics and corrective
104 measures and dispense drugs in the form of professional samples as
105 described in subdivision (2) of this subsection in all settings. Any
106 advanced practice registered nurse electing to practice not in
107 collaboration with a physician in accordance with the provisions of
108 this subdivision shall maintain documentation of having engaged in
109 the performance of advanced practice level nursing activities in
110 collaboration with a physician for a period of not less than three years
111 and not less than two thousand hours. Such advanced practice
112 registered nurse shall maintain such documentation for a period of not
113 less than three years after completing such requirements and shall
114 submit such documentation to the Department of Public Health for

115 inspection not later than forty-five days after a request made by the
116 department for such documentation. Any such advanced practice
117 registered nurse shall submit written notice to the Commissioner of
118 Public Health of his or her intention to practice without collaboration
119 with a physician after completing the requirements described in this
120 subdivision and prior to beginning such practice. Not later than
121 December first, annually, the Commissioner of Public Health shall
122 publish on the department's Internet web site a list of such advanced
123 practice registered nurses who are authorized to practice not in
124 collaboration with a physician.

125 (4) An advanced practice registered nurse licensed under the
126 provisions of this chapter may make the determination and
127 pronouncement of death of a patient, provided the advanced practice
128 registered nurse attests to such pronouncement on the certificate of
129 death and signs the certificate of death not later than twenty-four
130 hours after the pronouncement.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	21a-70f
Sec. 2	<i>from passage</i>	20-87a(b)

Statement of Legislative Commissioners:

In section 1(a)(2) and 2(b)(4) "without collaboration" was changed to "not in collaboration" for internal consistency.

PH *Joint Favorable Subst.*