



**Substitute Senate Bill No. 257**

**Public Act No. 15-4**

**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:

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 Section 21a-70f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For purposes of this section:

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

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

(3) "Payment or other transfer of value" means a transfer of anything of value, except (A) a transfer of anything of value that is made indirectly to an advanced practice registered nurse through a third party in connection with an activity or service in the case where the applicable manufacturer is unaware of the identity of the advanced practice registered nurse, or (B) a transfer of anything of value that

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meets the requirements for exclusion under 42 USC 1320a-7h(e)(10), as amended from time to time;

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

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

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

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

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

(c) An applicable manufacturer that fails to report in accordance with this section shall be assessed a civil penalty in an amount not less than one thousand dollars or more than four thousand dollars for each payment or other transfer of value not reported.

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

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

(2) An advanced practice registered nurse having been issued a license pursuant to section 20-94a shall, for the first three years after having been issued such license, collaborate with a physician licensed to practice medicine in this state. In all settings, such advanced practice registered nurse may, in collaboration with a physician licensed to practice medicine in this state, prescribe, dispense and administer medical therapeutics and corrective measures and may request, sign for, receive and dispense drugs in the form of professional samples in accordance with sections 20-14c to 20-14e, inclusive, except such advanced practice registered nurse licensed pursuant to section 20-94a and maintaining current certification from the American Association of Nurse Anesthetists who is prescribing and administering medical therapeutics during surgery may only do so if the physician who is medically directing the prescriptive activity is physically present in the

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institution, clinic or other setting where the surgery is being performed. For purposes of this subdivision, "collaboration" means a mutually agreed upon relationship between such advanced practice registered nurse and a physician who is educated, trained or has relevant experience that is related to the work of such advanced practice registered nurse. The collaboration shall address a reasonable and appropriate level of consultation and referral, coverage for the patient in the absence of such advanced practice registered nurse, a method to review patient outcomes and a method of disclosure of the relationship to the patient. Relative to the exercise of prescriptive authority, the collaboration between such advanced practice registered nurse and a physician shall be in writing and shall address the level of schedule II and III controlled substances that such advanced practice registered nurse may prescribe and provide a method to review patient outcomes, including, but not limited to, the review of medical therapeutics, corrective measures, laboratory tests and other diagnostic procedures that such advanced practice registered nurse may prescribe, dispense and administer.

(3) An advanced practice registered nurse having (A) been issued a license pursuant to section 20-94a, (B) maintained such license for a period of not less than three years, and (C) engaged in the performance of advanced practice level nursing activities in collaboration with a physician for a period of not less than three years and not less than two thousand hours in accordance with the provisions of subdivision (2) of this subsection, may, thereafter, alone or in collaboration with a physician or another health care provider licensed to practice in this state: (i) Perform the acts of diagnosis and treatment of alterations in health status, as described in subsection (a) of this section; and (ii) prescribe, dispense and administer medical therapeutics and corrective measures and dispense drugs in the form of professional samples as described in subdivision (2) of this subsection in all settings. Any advanced practice registered nurse electing to practice not in

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collaboration with a physician in accordance with the provisions of this subdivision shall maintain documentation of having engaged in the performance of advanced practice level nursing activities in collaboration with a physician for a period of not less than three years and not less than two thousand hours. Such advanced practice registered nurse shall maintain such documentation for a period of not less than three years after completing such requirements and shall submit such documentation to the Department of Public Health for inspection not later than forty-five days after a request made by the department for such documentation. Any such advanced practice registered nurse shall submit written notice to the Commissioner of Public Health of his or her intention to practice without collaboration with a physician after completing the requirements described in this subdivision and prior to beginning such practice. Not later than December first, annually, the Commissioner of Public Health shall publish on the department's Internet web site a list of such advanced practice registered nurses who are authorized to practice not in collaboration with a physician.

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

Approved May 11, 2015