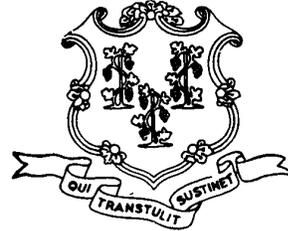


Department of Consumer Protection



Testimony of Jonathan A. Harris Commissioner of Consumer Protection

Public Health Committee Public Hearing
March 16, 2015

SB 257, "AN ACT CONCERNING REPORTING OF PAYMENTS BY MANUFACTURERS TO INDEPENDENTLY-PRACTICING ADVANCED PRACTICE REGISTERED NURSES"

Sen. Gerratana, Rep. Ritter, Sen. Markley, Rep. Srinivasan and honorable members of the Public Health Committee, thank you for the opportunity to offer testimony in support of SB 257 "AN ACT CONCERNING REPORTING OF PAYMENTS BY MANUFACTURERS TO INDEPENDENTLY-PRACTICING ADVANCED PRACTICE REGISTERED NURSES," along with requested language changes to the draft before you today.

As you may recall, Public Act 14-217 amended the reporting requirements contained in Public Act 14-12 to require that manufacturers of pharmaceutical drugs, devices and supplies report any gifts, payments or transfer of value they provided to Advanced Practice Registered Nurses to

the Department of Consumer Protection. DCP may then publish that information on the agency's website beginning July 1, 2015.

The Department supports transparency in the reporting of such gifts between manufacturers and professionals in the healthcare industry. Since these two public acts were passed last year, we have heard concerns from industry that the language did not conform with the legislative intent in several ways. Consequently, the Department was happy to work with industry as well as the original bill's sponsor, Sen. Martin Looney, to collaborate on language that accomplishes the true intent.

As a result, DCP is supportive of language that amends the current law to require an annual, rather than quarterly reporting; redefines "payment or other transfer of value," to exempt items or services valued at less than \$15.00; and clarifies that the reporting requirements pertain only to APRN's that have notified the Department of Public Health that they are engaged in independent practice. It is the Department's understanding that these changes conform to the legislative sponsors' intent of mirroring federal reporting requirements, while reducing the scope of reporting to only those APRN's in independent practice.

Suggested JFS language is attached to my testimony for your consideration.

Thank you for your consideration of our support for this bill and suggested amended language. Please feel free to contact me or DCP's Legislative Program Manager Gary Berner if you have any questions.

Proposed Changes to SB 257

“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*):

Sec. 21a-70f. Report of payment or transfer of value by manufacturer to advanced practice registered nurse. Penalty. (a) For purposes of this section:

- (1) "Advanced practice registered nurse" means a person licensed pursuant to chapter 378 of the general statutes;
- (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 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, **except that “payment or other transfer of value” does not include any item or service valued at less than \$15;**
- (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

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 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 in the state, 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) The commissioner may publish such information on the Department of Consumer Protection's Internet web site.

(3) For purposes of the annual reporting required under subsection (b) (1), manufacturers shall use the list of those Advanced Practice Registered Nurses who are practicing in the state pursuant to subdivision (3) of subsection (b) of section 20-87a who appear on the Department of Public Health's website on the first of December each year for the following year.

(4) for purposes of the reporting required of this act, only those Advanced Practice Registered Nurses who appear as those with an intent to practice independently on the department of public health's list published by the Commissioner shall be subject to reporting.

(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.

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