

Public Health Committee

MEETING MINUTES

Wednesday, February 13, 2019

10:30 AM in Room 1D of the LOB

The meeting was called to order at 10:39 AM by Chairwoman, Sen. Abrams M. S13.

The following committee members were present:

Senators: Abrams M. S13; Cohen C. S12; Lesser M. S09; Moore M. S22;  
Somers H. S18

Representatives: Arnone T. 058; Betts W. 078; Borer D. 115; Candelora V. 086;  
Carpino C. 032; Comey R. 102; Cook M. 065; Demicco M. 021;  
Genga H. 010; Hennessy J. 127; Kennedy K. 119; Klarides-Ditria  
N. 105; McCarty K. 038; Michel D. 146; Petit W. 022; Ryan K. 139;  
Scanlon S. 098; Steinberg J. 136; Tercyak P. 026; Young P. 120;  
Zupkus L. 089

Absent were:

Senators:

Representatives:

Sen. Abrams welcomed to the meeting committee members and expressed appreciation for their attendance during the lengthy and productive public hearing this past Monday.

Sen. Abrams noted that the committee would be holding a roll call vote on each of the items 1-4 under Section III of the agenda, Bills to be Considered for JF/JFS Action:

Sen. Abrams asked for a motion to JF to the Floor item #1:

1. [S.B. No. 795](#) (Raised) An Act Concerning The Use Of Automatic External Defibrillators. **Proposed Action: JF to the Floor.**

Sen. Somers made the motion and it was seconded by Rep. Steinberg.

Sen. Somers noted that she had spoken to a few committee members and some medical professionals who mentioned that the last time this issue was addressed, the language included other medical professionals and was not limited to just those listed in the bill being considered. Sen. Somers indicated that she would support the bill but expects that there will be an amendment to address this point.

Sen. Abrams asked if there was any additional discussion on the bill, to which there was none.

Total Voting = 26, Yea = 26, Nay = 0, Absent and Not Voting = 0, Abstain = 0.

Sen. Abrams briefly recessed the meeting. The committee meeting reconvened at 10:52 AM.

Sen. Abrams called for a motion to JFS to the Floor item #2 under Section III:

2. [S.B. No. 796](#) (Raised) An Act Concerning Sexual Assault Forensic Examiners. **Proposed Action: JFS to the Floor.**

Rep. Steinberg offered the motion and it was seconded by Rep. Petit.

Sen. Abrams asked if there was any discussion on the bill, to which there was none.

Total Voting = 26, Yea = 26, Nay = 0, Absent and Not Voting = 0, Abstain = 0.

Sen. Abrams noted that item #3 under Section III would be put on hold so the committee could continue working on the language.

3. [H.B. No. 6942](#) (Raised) An Act Concerning s Collaborative Relationship Between Physician Assistants and Physicians. Proposed Action: **JFS to the Floor.**

Sen. Abrams asked for a motion to JFS to the Floor item #4 under Section III:

4. [H.B. No. 6943](#) (Raised) An Act Allowing Medical Assistants to Administer Vaccines. **Proposed Action: JFS to the Floor.**

Rep. Petit offered the motion and it was seconded by Rep. Steinberg.

Sen. Abrams asked if there was any discussion, to which there was none.

Total Voting = 26, Yea = 24, Nay = 2, Absent and Not Voting = 0, Abstain = 0.

Sen. Abrams asked for a motion to vote as a block on items 1-9 under Section IV of the agenda, Concepts to be Raised:

1. An Act Concerning Labeling of Commercial Products Containing Flame Retardants
2. An Act Concerning the Use of Prophylactic Treatment of Minors for Sexually Transmitted Diseases

3. An Act Concerning the Board of Examiners for Physical Therapy
4. An Act Concerning Prescriptive Authority for Psychologists
5. An Act Concerning Blood Level Requirements
6. An Act Allowing Students to Apply Over-the-Counter Sunscreen Products
7. An Act Concerning Home Care Agencies
8. An Act Concerning Entity Established to Implement the Program Expediting Development of the State-Wide Health Information Exchange
9. An Act Allowing Dentists to Perform Diabetes Testing

Rep. Young offered the motion and it was seconded by Rep. Michel.

Sen. Abrams asked if there was any discussion on the concepts, to which there was none.

The motion passed unanimously on a voice vote.

Sen. Abrams asked for a motion to vote as a block on items 1-5 under Section V of the agenda, Proposed Bills to be Drafted as Committee Bills.

1. [Proposed S.B. No. 4](#) An Act Concerning the Affordability and Accessibility of Prescription Drugs.
2. [Proposed S.B. No. 16](#) An Act Prohibiting an Unauthorized Pelvic Exam on a Woman Who is Under Deep Sedation or Anesthesia.
3. [Proposed S.B. No. 394](#) An Act Concerning Quality Health Care for Women.
4. [Proposed H.B. No. 5142](#) An Act Prohibiting Female Genital Mutilation.
5. [Proposed H.B. No. 5145](#) An Act Concerning a Study of Regional Behavioral Health Action Organizations.

Rep. Michel made the motion and it was seconded by Rep. Arnone.

Rep. Betts asked that item #2 under Section V be removed from the block vote.

Sen. Abrams concurred.

Rep. Klarides-Ditria requested clarification on item #3 under Section V, and asked what mandates women in Connecticut were missing.

Sen. Abrams answered that her understanding is that this bill would form a committee to look at what is happening in healthcare on the national level, and to have a bi-partisan committee involving many stakeholders that would be notified of emerging issues.

Rep. McCarty, regarding item #5, indicated that in addition to doing a study, she wanted to make sure that as the bill moves through the process, we remember that the intent of the bill is to put into statute language recognizing the regional behavioral boards.

Sen. Abrams asked if there was any additional discussion on items 1, 3, 4 and 5, to which there was none, and asked for a motion to vote on them as a block.

Rep. Michel made the motion and it was seconded by Rep. Steinberg.

The motion passed unanimously on a voice vote.

Sen. Abrams asked for a motion for a roll call vote on item #2, Section V:

2. [Proposed S.B. No. 16](#) An Act Prohibiting an Unauthorized Pelvic Exam on a Woman Who is Under Deep Sedation or Anesthesia.

Rep. Steinberg made the motion and it was seconded by Rep. Michel.

Sen. Cohen remarked that there should be consent given for pelvic exams, but it is particularly important that we note in most cases this consent is happening as part of the process. Pelvic exams under anesthesia are indicated in nearly all gynecological procedures and it is common practice in most hospitals. She noted that it is scary to see the title of the bill and the committee needs to be very careful with the language and what it is trying to accomplish.

Rep. Betts noted that while he doubts anyone is unsupportive of this bill, during the public hearing testimony he did not hear of any problems in hospitals or anywhere in the state of Connecticut. Furthermore, there are already in statute laws that provide protection to anyone who is assaulted. It seems that the committee is voting on a bill to address a problem which has not been identified.

Rep. Carpino noted that her comments are similar to that of Rep. Betts. She said that it is her understanding that any medical procedure done without consent would be considered assault. She said that moving forward the committee needs to be careful that it is not assigning new titles to existing crimes that already involve penalties. If that is all this bill accomplishes, then it should probably go to the Judiciary Committee.

Sen. Abrams shared that she had a child at Yale New Haven Hospital, which is a wonderful teaching hospital, and each time a resident or intern came in as part of the examination, they were introduced and explained their role to the patient. This bill asks that the same courtesy be extended to women who will be undergoing anesthesia. The majority of women are willing to give consent when asked and there are five other states that have passed a similar law. Sen. Abrams recognized that Sen. Cohen brought up a good point about not placing any barriers should a pelvic exam be emergent so that women can still receive treatment. She remarked that the committee members have all brought up good points that will be taken under consideration moving forward.

Rep. Candelora said that he generally shares the concern of making sure that people have informed consent, but hopes that the committee is consistent with its consent requirements. During the 2018 session, the committee brought up a bill that would allow minors to receive the HPV vaccine without parental consent. This is concerning because we are beginning to impose our personal views on what is best practice, and we should be leaving that to the doctors. Many bills that are being raised this session, including the pregnancy center bill, pick yet another industry on which we are trying to impose another policy. Picking and choosing medical industries for us to regulate is dangerous and not our role. For clarification, he added that consent should be present for every procedure and not only pelvic exams.

Rep. Steinberg noted that Rep. Candelora makes a good point and we should always strive for consistency. One of the challenges of the committee is navigating between the role of government and the entities it regulates. Ideally, the medical professionals who have the science and training are in the best position to make these calls. Although context matters and situations vary, and as much as I would like to be consistent, it will not always be the case as each bill must be considered on its merits.

Sen. Somers remarked that the title of the bill is very unfortunate because it implies that unauthorized pelvic exams are happening now and from the public hearing we understand that consent is provided. The Department of Public Health has not received any complaints of this nature. Sen. Somers wanted to note for the public that the title of the bill is inflamed and that women should be confident that if they are going to the hospital for a procedure this will not happen to them. Sen. Somers noted that she agrees with Rep. Carpino and Rep. Betts in reiterating that if this were to happen to a woman, it would be covered under assault penalties.

Sen. Cohen wished to reiterate that she has serious reservations about limiting services, especially in emergent necessary situations where prior consent may not have been given to a gynecological procedure. She expressed deep concerns with the way this bill is written.

Rep. Petit noted that the American Congress of Obstetricians and Gynecologists and the Connecticut State Medical Society came out against this bill. He quoted from their testimony that “singling out pelvic examinations by requiring a separate consent form when the exam is medically indicated relegates women’s health care to a place out side the scope of normal health care and related standards of care. As seen in other areas of women’s health that have been treated differently by the law, this can lead to marginalization and stigmatization of such care, which harms the very women we aim to serve”.

Rep. Zupkus said that she shares the same concerns as her colleagues when it comes to creating a law on top of a law. She is a huge proponent of consent and while she appreciates the knowledge of the doctors, sometimes it is up to the consent of the parent. This was the case when her daughter was offered the HPV vaccine and she refused it for her. She said that the committee should remain consistent in requiring consent.

Sen. Abrams noted that she voted for HB 5142 even though there was no indication during the public hearing that female genital mutilation was happening in Connecticut and thus remaining consistent.

Rep. Arnone, addressing Sen. Abrams’ point, remarked that that would have been covered under child abuse and other laws. This bill seems to have the same arguments.

Rep. Betts said that he views these two as separate issues because the one currently being discussed has not been identified as being a problem anywhere in Connecticut.

Sen. Cohen said that her reservation comes from significant physician concern as the bill is currently worded.

Sen. Somers said that she believed there was a federal law on female genital mutilation that was struck down because the judge said that this is a state issue. We have specific assault laws. As an example, within the last year, although not quite to the degree that it’s written here, an EMT was arrested for doing something to a patient who wasn’t under sedation but was a trauma case. The EMT was arrested, had his license revoked and is facing ten years of probation. Such an occurrence is dealt with in our assault

laws, and although female genital mutilation was struck down on the federal level, it would be up to the state to consider the issue.

Rep. Carpino made a polite request to the chairs of the committee noting that female genital mutilation would be addressed in the Judiciary Committee and that we should be cognizant and not have the public testify twice but rather coordinate with other committee chairs.

Sen. Abrams asked if there was any additional discussion on the bill, to which there was none.

Total Voting = 26, Yea = 19, Nay =7, Absent and Not Voting = 0, Abstain =0

Sen. Abrams asked for a motion to vote as a block on items 1-3 under Section VI of the agenda, Proposed Bills to be Reserved for Subject Matter Public Hearing:

1. [Proposed H.B. No. 6148](#) An Act Establishing a Task Force to Study Anaphylaxis and the Food Allergy Epidemic.
2. [Proposed H.B. No. 6527](#) An Act Requiring Additional Oversight Over Group Homes by the Department of Developmental Services.
3. [Proposed H.B. No. 6543](#) An Act Permitting Pharmacists to Prescribe Tobacco Cessation Products.

Rep. Hennessy made the motion and it was seconded by Rep. Michel.

The motion passed unanimously on a voice vote.

Sen. Abrams announced the time and date of the next meetings:

- Committee Meeting, Wednesday, February 20, 2019 at 10:30 AM in Room 1D of the LOB
- Public Hearing, Monday, February 25, 2019 at 10:30 AM in Room 1D of the LOB

A motion was duly made and seconded to adjourn the meeting.

The meeting was adjourned at 3:00 PM.

Beverley Henry  
Administrator

Valentina Mehmeti  
Committee Clerk

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