Public Health Committee

MEETING MINUTES

Friday, March 29, 2019

10:30 AM in Room 1D of the LOB

The following committee members were present:

Senators: Anwar S. S03; Daugherty Abrams M. S13; Lesser M. S09; 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:

The meeting was called to order at 10:30 AM by Chairman, Rep. Steinberg J. 136 and recessed until 11:15 AM.

The meeting reconvened at 11:35 AM.

Rep. Steinberg welcomed everyone and asked if there were any comments, to which there were none.

Rep. Steinberg moved to Section III of the agenda, Bills to be Considered for JF Action, and informed the committee that two of the bills would be held:

Item #10 H.B. No. 5898 An Act Concerning Aid In Dying For Terminally Ill Patients
Item #16 H.B. No. 7302 An Act Concerning Telehealth


Rep. Petit offered the motion and it was seconded by Sen. Abrams.

Rep. Steinberg asked if there were any comments. Rep. Petit suggested that the committee create a consent calendar. Rep. Steinberg asked if there were any objections. Hearing none, a consent calendar was created and the bill was placed on it.


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

Rep. Steinberg asked if there was any discussion.

Sen. Somers noted that while she understands the concern surrounding nursing home staffing, this bill is the same as federal code that was established in November of 2018. The code has only been implemented for a few months and there are already concerns impacting nursing homes including the provider tax and the inability to hire Certified Nursing Assistants. For those reasons and considering the long-term future of state nursing homes, Sen. Somers noted that she would not be supporting the bill.

Rep. Steinberg commented that Sen. Somers raised significant points and noted that the state of the nursing home industry in our state is troublesome. In regard to the duplicative nature of the bill, he stated that the JFS language removed the redundancy as reflected in federal code.

Rep. Betts questioned if the $10,000 penalty that had existed in previous versions of the bill had been removed.

Rep. Steinberg confirmed that it had been removed.

Rep. Betts commented that this is an important matter that deserves thorough attention after session. Similar to Sen. Somers, Rep. Betts stated that he would be voting no.

Rep. Steinberg asked for a roll call vote on the bill.

Total voting: 25; Yea: 14; Nay: 11; Abstain: 0; Absent and Not Voting: 0.

Rep. Steinberg asked for a motion on Item #3 of Section III, S.B. No. 393 An Act Concerning The Department Of Developmental Services' Level Of Need Assessment. Proposed Action: JFS-Floor.

Sen. Somers offered the motion and it was seconded by Sen. Abrams.

Rep. Steinberg noted that this bill is still a work in progress and asked for any comments.

Hearing none, the bill was added to the consent calendar.


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

Rep. Steinberg asked if there was any discussion.

Rep. Petit stated that Community Health Workers are an excellent part of the health care team. They play a critical role in monitoring conditions including diabetes. While
there are still things to be worked out in the future, it makes sense to move the bill forward.

Hearing no further discussion, the bill was placed on the consent calendar.

Rep. Steinberg asked for a motion on Item #5, S.B. No. 920 An Act Concerning The Department Of Public Health's Recommendations For Various Revisions To The Public Health Statutes. **Proposed Action: JFS-Floor.**

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

Rep. Steinberg noted that this bill is fairly straightforward legislation.

Hearing no additional comments, the bill was placed on the consent calendar.

Rep. Steinberg asked for a motion on Item #6, S.B. No. 1057 An Act Concerning Opioid Use Disorder. **Proposed Action: JFS-Floor.**

Rep. Michel offered the motion and it was seconded by Sen. Somers.

Rep. Steinberg commented that this bill is currently a vehicle that speaks to a number of different components. There will definitely be further discussion on this “omnibus” bill and it will undergo change as it progresses.

Sen. Somers thanked the working group for all of their input on the bill.

Hearing no other comments, the bill was placed on the consent calendar.

Rep. Steinberg asked for a motion on Item #7 of Section III, S.B. No. 1058 An Act Concerning The Licensure Of Tattoo Technicians. **Proposed Action: JF-Floor.**

Sen. Somers offered the motion and it was seconded by Rep. Young.

Rep. Steinberg noted that this bill is fairly straightforward. He asked if there was any further discussion. Hearing none, the bill was placed on the consent calendar.

Rep. Steinberg asked for a motion on Item #8 of the agenda, S.B. No. 1101 An Act Concerning An Evaluation Of Hospitals Operated By The Department Of Mental Health And Addiction Services. **Proposed Action: JF-Floor.**

Rep. Michel offered the motion and it was seconded by Sen. Somers.

Rep. Steinberg noted that this bill is associated with the matters currently being examined at Whiting. After concerns regarding testimony heard at Monday’s public hearing, it is clear there is still work to be done to truly comprehend what is occurring.

The committee intends to work with the Commissioner of the Department of Mental Health and Addiction Services and other stakeholders, and will keep the members apprised of any changes.

Rep. Carpino recognized that the committee has heard horrific testimony throughout the years regarding this matter. She stated that she is happy to help as this bill moves forward.

Hearing no further discussion, the bill was added to the consent calendar.

Rep. Steinberg asked for a motion on Item #9 of Section III, H.B. No. 5145 An Act Concerning Regional Behavioral Health Action Organizations. **Proposed Action: JFS-Floor.**

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

Rep. Carpino commented that while this bill is important and she encourages others to move it forward, she would be voting no to flag it. Her constituents are not getting what they need and there are critical changes required to promote accountability.
Rep. Steinberg responded that while five organizations are not ideal, budget constraints prevent the establishment of additional organizations.

Sen. Lesser stated that he would support the bill, though he also echoed Rep. Carpino’s concerns. There are a number of behavioral health challenges that society currently faces and it is frustrating when there is a loss of services throughout the state.

Sen. Abrams noted that she would be supporting the bill, but stated that she would be watching carefully to ensure that the bill is meeting the needs of her constituents. She, along with Rep. Carpino and Sen. Lesser, have been meeting with people to work on this legislation and they would continue to do so to determine what is actually occurring.

Rep. McCarty stated that this is important legislation that will codify, in statute, the Regional Behavioral Health Organizations. While she acknowledged the concerns previously expressed, she noted that the Regional Mental Health Organizations are working hard and moving forward, the language can be re-examined.

Rep. Steinberg responded that transitions can be difficult and there will definitely be discussions moving forward, notably looking to fulfill the possibility of acquiring funding for the organizations’ entire mandate.

Voting total: 25; Yea: 24; Nay: 1; Abstain: 0; Absent and Not Voting: 0.

Rep. Steinberg asked for a motion on Item #11 of the agenda, H.B. No. 6128 An Act Concerning Continuing Education Requirements For Persons Licensed Or Certified As Emergency Medical Services Personnel But Who Are Not Employed As Emergency Medical Services Personnel. Proposed Action: JF-Floor.

Rep. Hennessy offered the motion and it was seconded by Sen. Somers.

Rep. Steinberg commented that this is fairly straightforward legislation. He asked if there was any discussion.

Hearing none, the bill was placed on the consent calendar.

Rep. Steinberg asked for a motion on Item #12 of the agenda, H.B. No. 6364 An Act Concerning Emergency Transportation For State And Local Law Enforcement K9s. Proposed Action: JF-Floor.

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

Rep. Steinberg stated that this bill needs a few minor tweaks in order to make sure that it adequately addresses the needs of both humans and canines.

Rep. Petit commented that the proponent of this bill, Rep. Kupchick, hopes that the bill could be amended on the floor. The goal is that the bill will “mirror” that of New York statute, which has been successful.

Hearing no further discussion, the bill was moved to the consent calendar.


Rep. Tercyak offered the motion and it was seconded by Rep. Carpino.

Rep. Steinberg noted that this bill contains the underlying language of the original bill, as well as an add-on. The add-on addresses the Board of Naturopaths.

Rep. Betts asked if the JFS language would include a new title.
Rep. Steinberg responded that the bill comprises the existing language and An Act Concerning the Practice of Naturopathy.

Rep. Betts commented that while he supports the concept, the deceptive title concerns him. It is a dangerous precedent to have the title of a bill not match the content. He questioned why the title could not reflect all aspects of the bill.

Rep. Steinberg thanked Rep. Betts for expressing his concerns and noted there are precedents similar to this one. He commented that since the bill preserves the genetic testing component and adds the aspect of naturopathy, this title could be considered “descriptive.”

Rep. Tercyak asserted that he did not want to be associated with what he perceived to be a “misguided expansion of prescriptive powers.” For that reason, he requested to withdraw his motion.


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

Rep. Steinberg asked for further discussion.

Rep. Betts questioned why there are not two separate bills before the committee, as the two concepts are seemingly unrelated.

Rep. Steinberg stated that there is not a bill regarding naturopathy before the committee and therefore, this bill would still allow people to vote on the concept.

Sen. Lesser questioned if the JFS language actually bans the use of genetic testing information.

Rep. Steinberg confirmed that the language reflects the original title, which prohibits the spread of genetic information with insurance companies without the consumer’s consent.

Sen. Lesser noted that the new language enables the sharing of genetic testing with companies with the consumer’s consent. He stated that this does not reflect the bill’s original intent. In addition, there are currently similar bills in the Insurance Committee, where Sen. Lesser and Rep. Scanlon are the Chairs. The bills in Insurance have taken a different approach than this bill and Sen. Lesser expressed his concern with the language of those in Public Health. He stated that he would be willing to work with the committee to ensure that actions are not undoing one another.

Rep. Petit expressed his concern that the naturopathy addition is not germane to the original content of the bill. This concept has been discussed in years past and evokes rather subjective opinions, though he noted that the public will probably view this add-on as an abuse of procedure.

Sen. Somers stated that she would have preferred two separate bills before the committee. She noted that if she supports the bill, she reserves the right to change her mind once it has left committee. Sen. Somers voiced her concerns including that the education for naturopaths is not consistent across all institutions, as well as that many naturopaths do not want prescriptive rights.

Voting total: 25; Yea: 14; Nay: 11; Abstain: 0; Absent and Not Voting: 0.

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

Rep. Candelora commented that this legislation confers power on the Attorney General to monitor a specific group for specific reasons, which is unprecedented. He questioned the recourse if an institution is found guilty of deceptive advertising and furthermore, while deceptive advertising happens, there have been no instances heard in Connecticut. Rep. Candelora noted that CUTPA exists for the purpose of monitoring unfair trade practices and when a case is heard under CUTPA, the Attorney General is notified. He stated that the state should not interfere in this matter and offered an amendment which would grant regulatory authority to the Department of Consumer Protection.

Rep. Steinberg noted that there is a distinction regarding CUTPA and services offered at no cost. He also expressed his concern about the Department of Consumer Protection's pre-existing workload and noted that he would not be supporting the amendment.

A roll call vote was ordered on the amendment.

Voting total: 20; Yea: 8; Nay: 12; Abstain: 0; Absent and Not Voting: 5.

Rep. Steinberg announced that the amendment did not carry.

Rep. Candelora commented that he felt this legislation was predatory in nature, as there have been no allegations made against the specific industry. He urged broader dialogue concerning the whole healthcare industry.

Rep. Betts asked if an individual was to file a complaint with the Attorney General and not the Department of Consumer Protection, would the Department be excluded from the investigation.

Rep. Steinberg noted that he did not think this legislation would impede the Department of Consumer Protection from investigating or commenting on the matter.

Rep. Betts voiced his concern that this could become politicized. He highlighted the fact that under current statute, the Department could seek out the Attorney General throughout the process. If this legislation were to pass, he asserted that it may be perceived as the Attorney General usurping power from the Department of Consumer Protection. Rep. Betts also asked if there was a specific example or instance of a center that utilized deceptive advertising.

Rep. Steinberg responded that he was not aware of a particular center, though he did not recall as he missed some of the testimony in the public hearing.

Rep. Betts expressed that he is reticent to pass legislation that addresses an unidentified issue and therefore was opposed to this bill. He felt as though it was targeting an industry that had no allegations. Though the bill would likely pass, he noted that it would have been helpful to have specific instances documented in the testimony.

Rep. Michel commented that the day of the hearing, he encountered some groups in the concourse of the building that were handing out arguably deceptive pamphlets. He noted that deceptive advertising can occur via a variety of mediums, including websites and activities. However, he noted that following the hearing, he noticed changes to questionable websites.
Sen. Somers stated that while she understands the intent of the bill, she struggles with the fact that there is already a process in place to file a complaint. The Attorney General already has a number of responsibilities and should not be added to this issue. The Department of Consumer Protection lists all of the pregnancy centers in the area and no complaints have been recorded on the site. She mentioned that when questioned, the Attorney General could not precisely define deceptive. Furthermore, this legislation has not been passed in any other states. There are only two municipalities that passed ordinances regarding this issue and neither is enforceable.

Rep. Steinberg noted that there has been a great deal of discussion regarding the definition of deceptive in both testimony and in committee. He stated that the Attorney General would be obliged to prove deceptive advertising via evidence and stated that the definition is not necessarily "one size fits all."

Rep. Petit associated his comments with Rep. Candelora and Sen. Somers. While it is important to protect patients, he felt that this was an overreach. In regard to CUTPA, he noted that while the Attorney General was not sure of its application, another attorney who testified confirmed that this situation would fall under its scope. Rep. Petit argued that this was an issue of abortion, but it should be focused on providing good information and access to healthcare.

Sen. Abrams argued that this situation is about timely medical services. Individuals should not have to waste time and resources to go to a facility, only to find out that the services they requested are not available. Additionally, if a woman experiences such deception, she should not have to go to court to sort out the matter. Sen. Abrams supports the work these facilities do; she simply urges that there is greater clarity in the services offered. In addition, the term deceptive is one that is understood by the legal community.

Rep. Steinberg agreed that this is a difficult matter and emphasized that many centers are complying with legal standards.

Rep. Zupkus questioned why the legislation targets a specific group, notably non-profit faith-based facilities, and does not extend to other involved groups.

Rep. Steinberg noted that certain facilities do not provide comprehensive options and do not offer a full range of information to consumers.

Rep. Zupkus echoed Rep. Betts’ concerns and added that this regulation should be extended to all facilities, as the committee wants to protect everybody. Due to the targeted nature of the legislation, Rep. Zupkus stated that she would not be supporting the bill.

Rep. Carpino noted that it is important to protect women, especially those going through an unplanned pregnancy. Similar to Rep. Zupkus, she questioned why regulation would not be expanded to all providers, as even some obstetricians do not offer a full range of pregnancy services. If the goal is to protect women and ensure that they are aware of their options, the regulation should be expanded to facilities beyond just the centers.

Rep. Klarides-Ditria stated that she supports honesty in advertising, though she felt that this legislation was an overreach by the Attorney General’s office.

Total voting: 25; Yea: 14; Nay: 11; Abstain: 0; Absent and Voting: 0.


Proposed Action: JF-Floor.
Rep. Genga offered the motion and it was seconded by Rep. Young.

Rep. Steinberg noted there will be further conversation on this bill, notably regarding the issue of water infrastructure.

Rep. Genga stated that he would be supporting the bill but would not on the floor given the bill's current status. The legislation seeks to raise the tax cap from $4 to $5, with no apparent justification. Rep. Genga asserted that there should be some form of accountability and notification to the consumer in terms of how their money is being spent. He stated that the General Assembly should be made aware of when a change is required.

Rep. Borer stated that she struggles with this bill because it has good intentions, but also reduces the budget. Given previous discussion, she would not be inclined to reduce funding for health districts.

Rep. Demicco associated his concerns with Rep. Borer, specifically in regard to the health districts and reduction in funding. He expressed his concern given the current language.

Rep. Steinberg stated that this bill does not explicitly reduce funding, though it outlines “within available appropriations.” He commented that he will continue to keep the committee informed of any changes regarding this bill.

Sen. Somers noted that she would be voting no on this bill in order to flag it. She does not support a reduction in the budget and in addition, she felt that the bill was too vague.

Total voting: 25; Yea: 14; Nay: 11; Abstain: 0; Absent and Not Voting: 0.

Rep. Steinberg asked for a roll call vote on the consent calendar.

The consent calendar passed unanimously on a roll call vote.

Rep. Steinberg announced the date and time of the next meeting.

Committee Meeting, Monday, April 1, 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 5:00 PM.

Beverley Henry
Administrator

Meagan Schantz
Committee Clerk