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## OLR Bill Analysis

### sHB 6820

#### ***AN ACT PREVENTING AN ADVERSE ACTION AGAINST A HEALTH CARE PROVIDER DUE TO AN ADVERSE ACTION TAKEN BY ANOTHER STATE AS A RESULT OF SUCH PROVIDER'S INVOLVEMENT IN THE TERMINATION OF A PREGNANCY.***

#### **SUMMARY**

This bill prohibits the Department of Public Health (DPH) or Department of Consumer Protection (DCP) from taking any adverse action against a health care provider based solely on:

1. the provider providing, authorizing, recommending, aiding, assisting, referring for, or otherwise participating in providing (hereinafter, "participation in") reproductive health care services that were performed in keeping with Connecticut law, regardless of whether the patient was a Connecticut resident; or
2. disciplinary actions by another state (such as license revocation or suspension) based solely on the provider violating that state's laws prohibiting the participation in reproductive health care services.

The bill specifies that these provisions do not prevent DPH or DCP from disciplining a provider for conduct that would otherwise be subject to discipline by them under Connecticut laws or regulations.

The bill similarly prohibits DPH-licensed health care institutions from revoking a provider's credentials or privileges or taking other adverse actions based solely on the actions listed above relating to the participation in reproductive health care services. It specifies that it does not prevent these institutions from disciplining a provider for conduct that would otherwise be subject to discipline.

Lastly, the bill prohibits professional liability insurers from taking

adverse action against a health care provider (such as denying coverage or increasing rates) if it was:

1. based solely on the provider's participation in reproductive health care services in violation of another state's law;
2. based solely on an adverse action against the provider's license in another state for violating such a law; or
3. due to another state's adverse licensure action or other disciplinary action resulting from the provider's participation in reproductive health care services and that state's adverse action was based solely on violating such a law.

Under the bill, "reproductive health care services" include all medical, surgical, counseling, or referral services related to the human reproductive system, including services related to pregnancy, contraception, and pregnancy termination, and all medical care related to gender dysphoria treatment.

EFFECTIVE DATE: Upon passage

### **§ 1 — LIMITS ON DPH OR DCP ADVERSE ACTIONS**

The bill's limit on DPH or DCP adverse actions applies to (1) revoking, suspending, or refusing to issue or renew a license; (2) issuing a reprimand; (3) penalizing; or (4) taking any other adverse action.

Under the bill, if a licensure applicant was disciplined by another jurisdiction solely for participation in reproductive health care services, DPH or DCP cannot deny the licensure application unless the disciplined action would have been considered professional misconduct in Connecticut. The bill's provisions do not prohibit the applicable commissioner from evaluating the applicant's conduct and determining whether to grant the license.

### **§ 2 — HEALTH CARE INSTITUTION ADVERSE ACTIONS**

The bill's limit on health care institution adverse actions applies to (1) revoking, suspending, or refusing to issue or renew credentials or

privileges; (2) issuing a reprimand; (3) penalizing; or (4) taking any other adverse action.

For this purpose, “credentialing” is the process of assessing and validating the qualifications of a health care provider applying for approval to provide treatment, care, or services in or for a health care institution. “Privileging” is the process of authorizing a provider to provide specific treatment, care, or services at an institution.

**§ 3 — PROFESSIONAL LIABILITY INSURER ADVERSE ACTIONS**

The bill’s limit on professional liability insurer adverse actions applies to (1) denying or revoking coverage; (2) imposing sanctions, fines, or penalties; (3) increasing rates; or (4) taking any other adverse action.

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute

Yea 36 Nay 2 (03/10/2023)