
OLR Bill Analysis

sSB 1059 (File 116, as amended by Senate "A")*

AN ACT ESTABLISHING A TASK FORCE TO STUDY THE OPERATIONS OF THE DEPARTMENT OF CONSUMER PROTECTION.

SUMMARY

This bill makes pharmacists and pharmacy interns (hereinafter, “pharmacists and interns”) eligible for the professional assistance program for health professionals (currently, the Health Assistance InterVention Education Network (HAVEN); see BACKGROUND). By law, the program is an alternative, voluntary, and confidential rehabilitation program that provides various services to health professionals with a chemical dependency, emotional or behavioral disorder, or physical or mental illness.

In doing so, the bill makes a number of minor and conforming changes to reflect the fact that the Department of Consumer Protection (DCP) regulates pharmacists and interns; currently, the professionals eligible for the program are regulated by the Department of Public Health (DPH). These corresponding changes include establishing separate but substantially similar provisions specifically for pharmacists and interns and giving DCP oversight of these professionals’ participation in the program (see below). But under the bill, DPH remains the lead agency responsible for the program (e.g., overseeing the program’s annual audit and oversight committee).

The bill also correspondingly requires the assistance program to submit certain information on participating pharmacists and interns to the General Law Committee, like it currently submits to the Public Health Committee for other health professionals.

The bill also raises the renewal credentialing fees for pharmacist and intern licensees by \$5, to \$105 and \$65, respectively. It requires the DCP

commissioner to transfer \$5 from each renewal fee to the pharmacy professional assistance program account, which the bill creates as a separate, nonlapsing account. He must do so by the last day of January, April, July, and October, each year. The funds must be used by DCP for the assistance program (§§ 4 & 8-10).

*Senate Amendment "A" replaces the underlying bill, which would have created a task force to study DCP's operations.

EFFECTIVE DATE: October 1, 2023, except the provisions on renewal fees are effective July 1, 2025.

PARTICIPATION BY PHARMACISTS AND INTERNS

As is the case for the health professionals already eligible to participate in the assistance program, among other things, the bill:

1. requires the assistance program to include a medical review committee that meets the bill's requirements, which are substantially similar to existing law's requirements for medical review committees (e.g., the committee must determine whether the professional is an appropriate candidate, set the terms for his or her participation, and refer specified individuals to DCP);
2. makes professionals who have engaged in certain conduct ineligible to participate (e.g., conduct that has been subject to disciplinary action, actions that constitute a felony, or alleged to have harmed a patient);
3. generally requires the program to keep information related to an intervention, rehabilitation, referral, or support services confidential; and
4. specifies that if pharmacists or interns fail to comply with the program, it must notify DCP and transfer related records to the department.

DCP's Authority and Oversight

To reflect DCP's credentialing role for pharmacists and interns, the

bill, among other things:

1. gives DCP oversight of pharmacists' and interns' participation in the assistance program, including making DCP the agency that hospitals, health care practitioners, and the public notify if they believe a pharmacist or intern is unable to practice with reasonable skill or safety;
2. requires the program to notify DCP if it determines a pharmacist or intern has engaged in conduct that makes him or her ineligible to participate or is engaging in conduct that violates the terms of his or her participation or endangers others;
3. requires the program to annually report to DCP, if there is no other credentialing board or commission, data related to pharmacists' and interns' participation; and
4. requires DPH to notify DCP in writing if it waives the assistance program's annual audit requirement and, regardless of this waiver, allows DCP to require an audit of the program, to be submitted to the department and the General Law Committee, to examine whether it is appropriately serving pharmacists and interns.

BACKGROUND

Health Professional Assistance Program

By law, before a health professional can enter the program, a medical review committee must (1) determine if he or she is an appropriate candidate for rehabilitation and participation and (2) set terms and conditions for participation. The program must include mandatory periodic evaluations of each participant's ability to practice with skill and safety and without posing a threat to the health and safety of any person or patient (CGS § 19a-12a).

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 23 Nay 0 (03/02/2023)