



House of Representatives

General Assembly

File No. 282

January Session, 2023

Substitute House Bill No. 6820

House of Representatives, March 28, 2023

The Committee on Public Health reported through REP. MCCARTHY VAHEY of the 133rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) As used in this section, (1)
2 "health care provider" means a person licensed pursuant to title 20 of
3 the general statutes who provides reproductive health care services, and
4 (2) "reproductive health care services" has the same meaning as
5 provided in section 52-571m of the general statutes.

6 (b) The Commissioners of Public Health and Consumer Protection
7 shall not revoke, suspend, reprimand, penalize, refuse to issue or renew
8 or take any other adverse action against a health care provider based
9 solely upon the health care provider providing, authorizing,
10 recommending, aiding, assisting, referring for or otherwise
11 participating in the provision of reproductive health care services,

12 provided such services were otherwise performed in accordance with
13 the laws of this state and regardless of whether the patient receiving
14 such services was a resident of this state.

15 (c) The Commissioners of Public Health and Consumer Protection
16 shall not revoke, suspend, reprimand, penalize, refuse to issue or renew
17 or take any other adverse action against a health care provider based on
18 the revocation or suspension of the health care provider's license or any
19 other form of discipline imposed on the health care provider that was
20 based solely on the health care provider violating another state's laws
21 prohibiting the provision of, authorization of, recommendation of,
22 aiding or assisting in, referring for or participation in the provision of
23 reproductive health care services.

24 (d) The provisions of subsections (a) and (b) of this section shall not
25 be construed to prevent the Commissioner of Public Health or the
26 Commissioner of Consumer Protection, as applicable, from disciplining
27 a health care provider for conduct that would otherwise be subject to
28 discipline by the Commissioner of Public Health or Commissioner of
29 Consumer Protection pursuant to any provision of the general statutes
30 or any regulations of Connecticut state agencies.

31 (e) An applicant seeking licensure under title 20 of the general
32 statutes, who has been subject to disciplinary action by a duly
33 authorized professional disciplinary agency of another jurisdiction
34 solely on the basis of having provided, authorized, recommended,
35 aided, assisted, referred for or otherwise participated in the provision of
36 reproductive health care services, shall not be denied licensure unless
37 the Commissioner of Public Health or the Commissioner of Consumer
38 Protection, as applicable, determines that such action would have
39 constituted professional misconduct in this state. The provisions of this
40 subsection shall not be construed to prohibit the Commissioner of Public
41 Health or the Commissioner of Consumer Protection from evaluating
42 the conduct of such an applicant and making a determination regarding
43 licensure.

44 Sec. 2. (NEW) (*Effective from passage*) (a) As used in this section, (1)

45 "credentialing" means the process of assessing and validating the
46 qualifications of a health care provider applying to be approved to
47 provide treatment, care or services in or for an institution, (2) "health
48 care provider" means a person licensed pursuant to title 20 of the general
49 statutes who provides reproductive health care services, (3) "institution"
50 has the same meaning as provided in section 19a-490 of the general
51 statutes, (4) "privileging" means the process of authorizing a health care
52 provider to provide specific treatment, care or services at an institution,
53 and (5) "reproductive health care services" has the same meaning as
54 provided in section 52-571m of the general statutes.

55 (b) An institution shall not revoke, suspend, reprimand, penalize,
56 refuse to issue or renew credentials or privileges or take any other
57 adverse action against a health care provider with respect to
58 credentialing or privileging based solely upon the health care provider
59 providing, authorizing, recommending, aiding, assisting, referring for
60 or otherwise participating in the provision of reproductive health care
61 services, provided such services were otherwise performed in
62 accordance with the laws of this state and regardless of whether the
63 patient receiving such services was a resident of this state.

64 (c) An institution shall not revoke, suspend, reprimand, penalize,
65 refuse to issue or renew credentials or privileges or take any other
66 adverse action against a health care provider based on the revocation or
67 suspension of the health care provider's license or any other form of
68 discipline imposed on the health care provider that was based solely on
69 the health care provider violating another state's laws prohibiting the
70 provision of, authorization of, recommendation of, aiding or assisting
71 in, referring for or participation in the provision of reproductive health
72 care services.

73 (d) The provisions of subsections (a) and (b) of this section shall not
74 be construed to prevent an institution from disciplining a health care
75 provider for conduct that would otherwise be subject to discipline by
76 the institution.

77 Sec. 3. (NEW) (*Effective from passage*) (a) As used in this section, (1)

78 "health care provider" means a person licensed pursuant to title 20 of
 79 the general statutes who provides reproductive health care services, (2)
 80 "insurer" means an insurer that insures a health care provider against
 81 professional liability, and (3) "reproductive health care services" has the
 82 same meaning as provided in section 52-571m of the general statutes.

83 (b) An insurer shall not take any adverse action, including, but not
 84 limited to, denial or revocation of coverage, sanctions, fines, penalties or
 85 rate increases against a health care provider, if such action is based
 86 solely on the health care provider providing, authorizing,
 87 recommending, aiding, assisting, referring for or otherwise
 88 participating in the provision of reproductive health care services in
 89 violation of another state's law, or a revocation or other adverse action
 90 against a health care provider's license in another state for violation of
 91 such law.

92 (c) An insurer shall not take any adverse action, including, but not
 93 limited to, denial or revocation of coverage, sanctions, fines, penalties or
 94 rate increases against a health care provider as a result of an adverse
 95 action against a health care provider's license from another state,
 96 including, but not limited to, revocation or suspension of the license or
 97 other disciplinary action by another state that resulted from a health
 98 care provider's provision of, authorization of, recommendation of,
 99 aiding or assistance with, referral for or participation in the provision of
 100 reproductive health care services, if the adverse action was based solely
 101 on a violation of the other state's law prohibiting the provision of
 102 reproductive health care services in the state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section

PH Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which prevents the Departments of Public Health and Consumer Protection, health care institutions, and medical malpractice insurers from taking adverse actions against a health care provider due to adverse actions taken by another state because of a provider's provision of reproductive health care services, does not result in a fiscal impact to the State or municipalities. It is not anticipated that these entities would choose to take adverse actions against health care providers for the provision of reproductive health care services in another state.

The Out Years

State Impact: None

Municipal Impact: None

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)