

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 23-128—sHB 6820
Public Health Committee

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 PROVIDING REPRODUCTIVE HEALTH CARE SERVICES

SUMMARY: This act generally prevents health care providers from being disciplined or adversely affected by Connecticut licensing agencies, institutional employers, and professional liability insurers due to other states' disciplinary actions against them for certain reproductive health care services. It similarly limits when these employers or insurers can take adverse actions not involving other states' discipline based on these services.

Specifically, the act applies to the alleged providing or receiving of reproductive health care services; assistance in providing or receiving these services; material support for them; or any theory of vicarious, joint, several, or conspiracy liability arising from them (hereinafter, "participation in reproductive health care services"). "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. (PA 23-204 expands this definition (see BACKGROUND).)

In all cases, the act's prohibitions apply (1) only if the services are allowed under Connecticut law and were provided under the applicable standard of care and (2) regardless of whether the patient was a Connecticut resident.

EFFECTIVE DATE: Upon passage

§§ 1 & 2 — LIMITATIONS ON LICENSING ACTIONS

The act generally prohibits, as applicable, the Department of Public Health (DPH), DPH professional licensing boards and commissions, the Department of Consumer Protection (DCP), and the Commission of Pharmacy from denying a credential or disciplining a credentialed provider due to disciplinary actions in other U.S. jurisdictions solely based on the person's alleged participation in reproductive health care services. Specifically, the act restricts what actions they can take based on pending disciplinary actions, unresolved complaints, or disciplinary actions by professional disciplinary agencies in other states; the District of Columbia; or U.S. commonwealths, territories, or possessions.

The act creates an exception to these prohibitions if the person's underlying conduct would be subject to disciplinary action under Connecticut law had the conduct occurred in Connecticut and the person been credentialed here.

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DPH and DPH Board and Commission Actions (§ 1)

Under the circumstances noted above, the act generally prohibits DPH from denying an applicant's eligibility for (1) a permit; (2) a license by examination, endorsement, or reciprocity; or (3) license reinstatement, whether the license was voided due to failure to renew, surrendered voluntarily, or not renewed or reinstated by agreement to resolve a disciplinary action.

Similarly, the act generally prohibits DPH and its professional licensing boards and commissions, for the reasons noted above, from disciplining someone who is licensed, certified, or registered under their jurisdiction.

DCP and Commission of Pharmacy Actions (§ 2)

Under the circumstances noted above, the act generally prohibits DCP and the Commission of Pharmacy from (1) denying an applicant's eligibility for a license, permit, or registration under the pharmacy laws or (2) disciplining someone who is licensed, permitted, or registered under these laws.

§ 3 — LIMITATIONS ON HEALTH CARE INSTITUTION ACTIONS

The act generally prohibits DPH-licensed health care institutions from revoking, suspending, or refusing to issue or renew credentials or privileges; issuing a reprimand; penalizing; or taking any other adverse action related to credentialing or privileging (1) based solely on the provider's alleged participation in reproductive health care services or (2) due to pending disciplinary actions, unresolved complaints, or disciplinary actions by professional disciplinary agencies in other U.S. jurisdictions based solely on this alleged participation.

For the prohibition to apply, the provider must have provided these services (1) before starting to work for the institution or (2) outside the scope of his or her employment with the institution.

The act does not prevent health care institutions from taking any of the adverse actions described above against a provider for conduct that does not conform to the standards of care for the provider's profession or is illegal under Connecticut law.

It also does not prevent them from taking these actions against a provider for conduct that violates the institution's policies or rules on the scope of services it provides, if (1) the conduct occurs within the scope of the provider's employment or care delivery at the institution and (2) enforcing the rule or policy is not otherwise prohibited by law or regulation.

Under the act, "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.

§ 4 — LIMITATIONS ON PROFESSIONAL LIABILITY INSURER ACTIONS

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The act prohibits professional liability insurers from taking any adverse action against a health care provider, including denying or revoking coverage; imposing sanctions, fines, or penalties; or increasing rates, if the action is based solely on (1) the provider's alleged participation in reproductive health care services or (2) pending disciplinary actions, unresolved complaints, or disciplinary actions by professional disciplinary agencies in other U.S. jurisdictions based solely on this alleged participation.

BACKGROUND

Related Acts

PA 23-31, § 18, rescinds automatic reciprocal discipline against a pharmacist or health care professional licensed in another state or jurisdiction if the discipline in that location was based solely on terminating a pregnancy under conditions that would not violate Connecticut law or regulation.

PA 23-52, § 4, prohibits a pharmacist currently or previously licensed in another state or jurisdiction from being subject to automatic reciprocal discipline in Connecticut for the other jurisdiction's disciplinary action based solely on terminating a pregnancy under conditions that would not violate Connecticut law.

PA 23-204, § 306, (1) expands the definition of "reproductive health care services" used in this act to include gender incongruence and (2) specifies that for purposes of this definition, gender dysphoria is based on the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders."