



General Assembly

Amendment

January Session, 2023

LCO No. 8201



Offered by:

REP. MCCARTHY VAHEY, 133rd

Dist.

REP. BLUMENTHAL, 147th Dist.

To: Subst. House Bill No. 6820

File No. 282

Cal. No. 191

"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."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) (a) As used in this section,
4 "reproductive health care services" has the same meaning as provided
5 in section 52-571m of the general statutes.

6 (b) Notwithstanding the provisions of subsection (a) of section 19a-
7 14 of the general statutes, the Department of Public Health shall not
8 deny the eligibility of an applicant for a (1) permit, (2) license by
9 examination, endorsement or reciprocity, or (3) reinstatement of a
10 license (A) voided pursuant to the provisions of subsection (f) of section
11 19a-88 of the general statutes, (B) voluntarily surrendered, or (C) by
12 agreement, not renewed or reinstated pursuant to the provisions of

13 subsection (d) of section 19a-17 of the general statutes based on pending
14 disciplinary action, an unresolved complaint or the imposition of
15 disciplinary action against the applicant by a duly authorized
16 professional disciplinary agency of another state, the District of
17 Columbia or a commonwealth, territory or possession of the United
18 States that is based solely on the alleged provision of, receipt of,
19 assistance in provision or receipt of, material support for, or any theory
20 of vicarious, joint, several or conspiracy liability derived therefrom,
21 reproductive health care services that are permitted under the laws of
22 this state and were provided in accordance with the standard of care
23 applicable to such services, regardless of whether the patient receiving
24 such services was a resident of this state. The provisions of this
25 subsection shall not apply where the underlying conduct of the
26 applicant would constitute the basis of disciplinary action against the
27 applicant under the laws of this state if the applicant had been licensed
28 or permitted in this state and the conduct had occurred in this state.

29 (c) Notwithstanding the provisions of section 19a-17 of the general
30 statutes, a board or commission established under title 20 of the general
31 statutes that has jurisdiction over persons licensed, certified or
32 registered under said title who provide reproductive health care
33 services, and the Department of Public Health, with respect to
34 professions under the department's jurisdiction that are not subject to
35 discipline by such a board or commission, shall not impose disciplinary
36 action against a licensed, certified or registered person based on
37 pending disciplinary action, an unresolved complaint or the imposition
38 of disciplinary action against such persons before or by a duly
39 authorized professional disciplinary agency of another state, the District
40 of Columbia, or a commonwealth, territory or possession of the United
41 States that is based solely on the alleged provision of, receipt of,
42 assistance in provision or receipt of, material support for, or any theory
43 of vicarious, joint, several or conspiracy liability derived therefrom,
44 reproductive health care services that are permitted under the laws of
45 this state and were provided in accordance with the standard of care
46 applicable to such services, regardless of whether the patient receiving

47 such services was a resident of this state. The provisions of this
48 subsection shall not apply where the underlying conduct of the licensed,
49 certified or registered person would constitute the basis of disciplinary
50 action against such person under the laws of this state if the conduct had
51 occurred in this state.

52 Sec. 2. (NEW) (*Effective from passage*) (a) As used in this section,
53 "reproductive health care services" has the same meaning as provided
54 in section 52-571m of the general statutes.

55 (b) Notwithstanding any provision of chapter 400j of the general
56 statutes, the Commissioner of Consumer Protection and the
57 Commission of Pharmacy shall not deny the eligibility of an applicant
58 for a license, permit or registration under chapter 400j of the general
59 statutes based on pending disciplinary action, an unresolved complaint
60 or the imposition of disciplinary action against the applicant by a duly
61 authorized professional disciplinary agency of another state, the District
62 of Columbia or a commonwealth, territory or possession of the United
63 States that is based solely on the alleged provision of, receipt of,
64 assistance in provision or receipt of, material support for, or any theory
65 of vicarious, joint, several or conspiracy liability derived therefrom,
66 reproductive health care services that are permitted under the laws of
67 this state and were provided in accordance with the standard of care
68 applicable to such services, regardless of whether the patient receiving
69 such services was a resident of this state. The provisions of this
70 subsection shall not apply where the underlying conduct of the
71 applicant would constitute the basis of disciplinary action against the
72 applicant under the laws of this state if the applicant had been licensed,
73 permitted or registered in this state and the conduct had occurred in this
74 state.

75 (c) Notwithstanding any provision of chapter 400j of the general
76 statutes, the Commissioner of Consumer Protection and the
77 Commission of Pharmacy shall not impose disciplinary action against
78 any person licensed, permitted or registered pursuant to the provisions
79 of chapter 400j of the general statutes based on pending disciplinary

80 action, an unresolved complaint or the imposition of disciplinary action
81 against the applicant by a duly authorized professional disciplinary
82 agency of another state, the District of Columbia, or a commonwealth,
83 territory or possession of the United States that is based solely on the
84 alleged provision of, receipt of, assistance in provision or receipt of,
85 material support for, or any theory of vicarious, joint, several or
86 conspiracy liability derived therefrom, reproductive health care services
87 that are permitted under the laws of this state and were provided in
88 accordance with the standard of care applicable to such services,
89 regardless of whether the patient receiving such services was a resident
90 of this state. The provisions of this subsection shall not apply where the
91 underlying conduct of the person licensed, permitted or registered
92 would constitute the basis of disciplinary action against such person
93 under the laws of this state if such person had been licensed, permitted
94 or registered in this state and the conduct had occurred in this state.

95 Sec. 3. (NEW) (*Effective from passage*) (a) As used in this section, (1)
96 "credentialing" means the process of assessing and validating the
97 qualifications of a health care provider applying to be approved to
98 provide treatment, care or services in or for an institution, (2) "health
99 care provider" means a person licensed pursuant to title 20 of the general
100 statutes who provides reproductive health care services, (3) "institution"
101 has the same meaning as provided in section 19a-490 of the general
102 statutes, (4) "privileging" means the process of authorizing a health care
103 provider to provide specific treatment, care or services at an institution,
104 and (5) "reproductive health care services" has the same meaning as
105 provided in section 52-571m of the general statutes.

106 (b) An institution shall not revoke, suspend, reprimand, penalize,
107 refuse to issue or renew credentials or privileges or take any other
108 adverse action against a health care provider with respect to
109 credentialing or privileging based solely on the alleged provision of,
110 receipt of, assistance in provision or receipt of, material support for, or
111 any theory of vicarious, joint, several or conspiracy liability derived
112 therefrom, reproductive health care services that (1) are permitted
113 under the laws of this state, (2) were provided in accordance with the

114 standard of care applicable to such services, and (3) were provided by
115 the health care provider (A) before the date on which the health care
116 provider entered an employment relationship with the institution, or (B)
117 outside the scope of the health care provider's employment with the
118 institution, regardless of whether the patient receiving such services
119 was a resident of this state.

120 (c) An institution shall not revoke, suspend, reprimand, penalize,
121 refuse to issue or renew credentials or privileges or take any other
122 adverse action against a health care provider based on pending
123 disciplinary action, an unresolved complaint or the imposition of
124 disciplinary action against the applicant by a duly authorized
125 professional disciplinary agency of another state, the District of
126 Columbia, or a commonwealth, territory or possession of the United
127 States that is based solely on the alleged provision of, receipt of,
128 assistance in provision or receipt of, material support for, or any theory
129 of vicarious, joint, several or conspiracy liability derived therefrom,
130 reproductive health care services that (1) are permitted under the laws
131 of this state, (2) were provided in accordance with the standard of care
132 applicable to such services, and (3) were provided by the health care
133 provider (A) before the date on which the health care provider entered
134 an employment relationship with the institution, or (B) outside the
135 scope of the health care provider's employment with the institution,
136 regardless of whether the patient receiving such services was a resident
137 of this state.

138 (d) The provisions of this section shall not be construed to prevent an
139 institution from taking any of the actions described in subsections (b)
140 and (c) of this section against a health care provider for conduct that (1)
141 does not conform to the standards of care for the provider's profession,
142 (2) is illegal under the laws of this state, or (3) violates policies or rules
143 of the institution that define the scope of services provided by the
144 institution if (A) such conduct occurs within the scope of the health care
145 provider's employment with the institution, and (B) the institution's
146 enforcement of such policies or rules is not otherwise prohibited by law
147 or regulation.

148 Sec. 4. (NEW) (*Effective from passage*) (a) As used in this section, (1)
 149 "health care provider" means a person licensed pursuant to title 20 of
 150 the general statutes who provides reproductive health care services, (2)
 151 "insurer" means an insurer that insures a health care provider against
 152 professional liability, and (3) "reproductive health care services" has the
 153 same meaning as provided in section 52-571m of the general statutes.

154 (b) An insurer shall not take any adverse action, including, but not
 155 limited to, denial or revocation of coverage, sanctions, fines, penalties or
 156 rate increases against a health care provider, if such action is based
 157 solely on:

158 (1) Such health care provider's alleged provision of, receipt of,
 159 assistance in provision or receipt of, material support for, or any theory
 160 of vicarious, joint, several or conspiracy liability derived therefrom,
 161 reproductive health care services that are permitted under the laws of
 162 this state and were provided in accordance with the standard of care
 163 applicable to such services, regardless of whether the patient receiving
 164 such services was a resident of this state; or

165 (2) Pending disciplinary action, an unresolved complaint or the
 166 imposition of disciplinary action against such health care provider by a
 167 duly authorized professional disciplinary agency of another state, the
 168 District of Columbia, or a commonwealth, territory or possession of the
 169 United States that is based solely on the alleged provision of, receipt of,
 170 assistance in provision or receipt of, material support for, or any theory
 171 of vicarious, joint, several or conspiracy liability derived therefrom,
 172 reproductive health care services that are permitted under the laws of
 173 this state and were provided in accordance with the standard of care
 174 applicable to such services, regardless of whether the patient receiving
 175 such services was a resident of this 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
Sec. 4	<i>from passage</i>	New section