

House of Representatives, March 31, 1998. The Committee on Public Health reported through REP. MCDONALD, 148th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING CHARGES AGAINST A VETERINARIAN.

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

1 Section 1. (NEW) (a) Any person may submit to
2 the Department of Public Health a written
3 allegation that a veterinarian is guilty of any of
4 the acts or omissions specified in section 20-202
5 of the general statutes as grounds for
6 disciplinary action.
7 (b) The department shall investigate each
8 allegation submitted pursuant to subsection (a) of
9 this section in accordance with the provisions of
10 section 19a-14 of the general statutes, as amended
11 by this act, to determine if probable cause exists
12 to issue a statement of charges and to institute
13 proceedings against the veterinarian. Such
14 investigation shall be concluded not later than
15 twelve months from the date the allegation is
16 submitted to the department. The investigation
17 shall be confidential and not subject to
18 disclosure under section 1-19 of the general
19 statutes, as amended. No person shall disclose
20 knowledge of the investigation to a third party
21 unless the veterinarian requests that the
22 investigation be open.

23 (c) If the department makes a finding of no
24 probable cause to take action under section 20-202
25 of the general statutes or fails to make a finding
26 within the twelve-month period required by
27 subsection (b) of this section, the allegation
28 submitted pursuant to subsection (a) of this
29 section and the entire record of the investigation
30 shall remain confidential and no person shall
31 disclose knowledge of such investigation to a
32 third party unless the veterinarian requests that
33 it be open.

34 (d) If the department makes a finding that
35 there is probable cause to take action under
36 section 20-202 of the general statutes, the
37 allegation submitted pursuant to subsection (a) of
38 this section and the entire record of such
39 investigation shall be deemed a public record, in
40 accordance with section 1-19 of the general
41 statutes, as amended.

42 Sec. 2. Section 20-206 of the general
43 statutes is repealed and the following is
44 substituted in lieu thereof:

45 (a) Any person who practices veterinary
46 medicine, surgery [and] OR dentistry in violation
47 of any of the provisions of this chapter [, for a
48 first offense, shall be fined not more than three
49 hundred dollars and, for a subsequent offense,
50 shall be fined not more than five hundred dollars
51 or imprisoned not more than one year or both]
52 SHALL BE SUBJECT TO THE DISCIPLINARY ACTIONS
53 SPECIFIED IN SECTION 19a-17.

54 (b) Any person not licensed as provided in
55 this chapter who represents himself as a
56 veterinarian or, having had his license suspended
57 or revoked continues to represent himself as a
58 veterinarian or carries on veterinary medicine,
59 surgery or dentistry as defined in section 20-197,
60 shall be fined not more than three hundred dollars
61 or imprisoned not more than six months or both.
62 Failure to renew a license in a timely manner
63 shall not constitute a violation for the purposes
64 of this subsection. Any such person shall be
65 enjoined from such practice by the Superior Court
66 upon application by the Connecticut Board of
67 Veterinary Medicine. The Department of Public
68 Health may, on its own initiative or at the
69 request of the board, investigate any alleged

70 violation of this chapter or any regulations
71 adopted thereunder.

72 Sec. 3. Subsection (d) of section 19a-14 of
73 the general statutes is repealed and the following
74 is substituted in lieu thereof:

75 (d) [All] EXCEPT AS PROVIDED IN SECTION
76 20-13e, ALL records obtained by the department in
77 connection with any investigation of a person or
78 facility over which the department has
79 jurisdiction under this chapter, other than a
80 physician as defined in subdivision (5) of section
81 20-13a, shall not be subject to [the provisions
82 of] DISCLOSURE UNDER section 1-19, AS AMENDED, for
83 a period of one year from the date of the petition
84 or other event initiating such investigation, or
85 until such time as the investigation is terminated
86 pursuant to a withdrawal or other informal
87 disposition or until a hearing is convened
88 pursuant to chapter 54, whichever is earlier. A
89 complaint, as defined in subdivision (6) of
90 section 19a-13, shall be subject to the provisions
91 of section 1-19, AS AMENDED, from the time that it
92 is served or mailed to the respondent. Records
93 which are otherwise public records shall not be
94 deemed confidential merely because they have been
95 obtained in connection with an investigation under
96 this chapter.

97 STATEMENT OF LEGISLATIVE COMMISSIONERS: In section
98 3, "shall be exempt from disclosure under section
99 1-19" was changed to "shall not be subject to
100 disclosure under section 1-19" for accuracy and
101 statutory consistency.

102 PH COMMITTEE VOTE: YEA 24 NAY 0 JFS

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF 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 HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5593

STATE IMPACT	Minimal Cost, Within Anticipated Budgetary Resources, see explanation below
MUNICIPAL IMPACT	None
STATE AGENCY(S)	Department of Public Health, Criminal Justice Agencies

EXPLANATION OF ESTIMATES:

STATE IMPACT: It is anticipated that the Department of Public Health will be able to perform duties specified in Section 1 of the bill within its anticipated budgetary resources.

Section 2 eliminates criminal fines and/or imprisonment as penalties for persons practicing veterinary medicine, surgery or dentistry in violation of law. This is not anticipated to result in a fiscal impact to criminal justice agencies, since the criminal provisions of the statutes affected by the bill are not commonly utilized. Judicial Department records indicate no activity for the criminal courts in this area over the last two years.

Other changes contained within the bill are technical in nature and have no associated fiscal impact.

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OLR BILL ANALYSIS

sHB 5593

AN ACT CONCERNING CHARGES AGAINST VETERINARIANS

SUMMARY: By law, Department of Public Health (DPH) records of veterinarian investigations are confidential (exempt from freedom of information requests) for one year or less if the investigation is completed or withdrawn. This bill makes the fact that DPH is investigating a veterinarian and the allegations against him confidential, by prohibiting anyone from disclosing knowledge of the investigation to a third party. The allegations, investigation, and records remain confidential unless the DPH finds probable cause to pursue disciplinary action within 12 months of the complaint or the veterinarian requests their opening. It also specifies that allegations must be in writing.

The bill eliminates certain penalties that apply only to veterinarians, thereby limiting the penalties against them to those applicable to all regulated professions with boards under the DPH. In effect, it raises the maximum civil penalty for first and second offenses from \$300 and \$500 respectively to \$10,000 and eliminates the up to one-year criminal penalty.

It also makes technical changes.

EFFECTIVE DATE: October 1, 1998

BACKGROUND**Disciplinary Actions for Regulated Professions**

By law, once the DPH determines that probable cause exists, it refers complaints to the appropriate professional board under its jurisdiction. The board is authorized to conduct hearings in accordance with the Uniform Administrative Procedure Act. If it finds the complaint is substantiated, it may (1) revoke or suspend his license, (2) censure him, (3) issue a letter of reprimand, (4) place him on probation, (5) assess a civil penalty up to \$10,000, or (6) summarily discipline him if he is convicted of a felony or disciplined by another state's professional agency.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute
Yea 24 Nay 0