

File No. 660

(Reprint of File No. 232)

Substitute House Bill No. 5593
As Amended by House Amendment
Schedules "A", "B", "C", "D" and "E"

Approved by the Legislative Commissioner
May 1, 1998

AN ACT CONCERNING VETERINARIANS, A DEPARTMENT
STUDY OF NAIL CARE SPECIALISTS, LICENSURE OF
BARBERS, MASSAGE THERAPISTS AND MILITARY PHYSICIAN
INTERNS.

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

1 Section 1. (NEW) (a) The department shall
2 investigate each allegation of any act or omission
3 by a veterinarian specified in section 20-202 of
4 the general statutes. The investigation shall be
5 conducted in accordance with the provisions of
6 section 19a-14 of the general statutes, as amended
7 by this act, to determine if probable cause exists
8 to issue a statement of charges and to institute
9 proceedings against the veterinarian. Such
10 investigation shall be concluded not later than
11 twelve months from the date the allegation is
12 submitted to the department.
13 (b) Except as provided in subsections (c) and
14 (d) of this section, the investigation shall be
15 confidential and not subject to disclosure under
16 section 1-19 of the general statutes, as amended,
17 and no person may disclose knowledge of the
18 investigation to a third party unless the

19 veterinarian requests that the investigation be
20 open.

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

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

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41 is repealed and the following is substituted in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

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

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

67 request of the board, investigate any alleged
68 violation of this chapter or any regulations
69 adopted thereunder.

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

73 (d) [All] EXCEPT AS PROVIDED IN SECTION
74 20-13e, ALL records obtained by the department in
75 connection with any investigation of a person or
76 facility over which the department has
77 jurisdiction under this chapter, other than a
78 physician as defined in subdivision (5) of section
79 20-13a, shall not be subject to [the provisions
80 of] DISCLOSURE UNDER section 1-19, AS AMENDED, for
81 a period of one year from the date of the petition
82 or other event initiating such investigation, or
83 until such time as the investigation is terminated
84 pursuant to a withdrawal or other informal
85 disposition or until a hearing is convened
86 pursuant to chapter 54, whichever is earlier. A
87 complaint, as defined in subdivision (6) of
88 section 19a-13, shall be subject to the provisions
89 of section 1-19, AS AMENDED, from the time that it
90 is served or mailed to the respondent. Records
91 which are otherwise public records shall not be
92 deemed confidential merely because they have been
93 obtained in connection with an investigation under
94 this chapter.

95 Sec. 4. Subsection (a) of section 20-11a of
96 the general statutes is repealed and the following
97 is substituted in lieu thereof:

98 (a) No person shall participate in an intern
99 or resident physician program OR UNITED STATES
100 MEDICAL OFFICER CANDIDATE TRAINING PROGRAM until
101 he has received a permit issued by the Department
102 of Public Health. The permit shall be issued
103 solely for purposes of participation in graduate
104 education as an intern, [or] resident OR MEDICAL
105 OFFICER CANDIDATE in a hospital. No person shall
106 receive a permit until a statement has been filed
107 with the department on his behalf by the hospital
108 administrator certifying that he is to be
109 appointed an intern, [or] resident OR MEDICAL
110 OFFICER CANDIDATE in the hospital and that he has
111 received the degree of doctor of medicine or its
112 equivalent and, if educated outside the United
113 States or Canada (1) has successfully completed
114 all components of a "fifth pathway program"

115 conducted by an American medical school accredited
116 by the Liaison Committee on Medical Education or
117 (2) received certification from the Educational
118 Commission for Foreign Medical Graduates or (3)
119 has successfully completed the examination for
120 licensure prescribed by the department pursuant to
121 section 20-10 or (4) holds a current valid license
122 in another state or territory.

123 Sec. 5. Subsection (b) of section 20-9 of the
124 general statutes, as amended by section 17 of
125 public act 97-311, is repealed and the following
126 is substituted in lieu thereof:

127 (b) The provisions of this chapter shall not
128 apply to: (1) Dentists while practicing dentistry
129 only; (2) any person in the employ of the United
130 States government while acting in the scope of his
131 employment; (3) any person who furnishes medical
132 or surgical assistance in cases of sudden
133 emergency; (4) any person residing out of this
134 state who is employed to come into this state to
135 render temporary assistance to or consult with any
136 physician or surgeon who has been licensed in
137 conformity with the provisions of this chapter;
138 (5) any physician or surgeon then actually
139 residing out of this state who is employed to come
140 into this state to treat, operate or prescribe for
141 any injury, deformity, ailment or disease from
142 which the person who employed such physician, or
143 the person on behalf of whom such physician is
144 employed, is suffering at the time when such
145 nonresident physician or surgeon is so employed;
146 (6) any person rendering service as an advanced
147 practice registered nurse if such service is
148 rendered under the direction of a licensed
149 physician; (7) any nurse-midwife practicing
150 nurse-midwifery in accordance with the provisions
151 of chapter 377; (8) any podiatrist licensed in
152 accordance with the provisions of chapter 375; (9)
153 any Christian Science practitioner who does not
154 use or prescribe in his practice any drugs,
155 poisons, medicines, chemicals, nostrums or
156 surgery; (10) any person licensed to practice any
157 of the healing arts named in section 20-1, who
158 does not use or prescribe in his practice any
159 drugs, medicines, poisons, chemicals, nostrums or
160 surgery; (11) any graduate of any school or
161 institution giving instruction in the healing arts
162 who has been issued a permit in accordance with

163 subsection (a) of section 20-11a and who is
164 serving as an intern, [or] resident OR MEDICAL
165 OFFICER CANDIDATE in a hospital; (12) any student
166 participating in a clinical clerkship program who
167 has the qualifications specified in subsection (b)
168 of section 20-11a; (13) any person, otherwise
169 qualified to practice medicine in this state
170 except that he is a graduate of a medical school
171 located outside of the United States or the
172 Dominion of Canada which school is recognized by
173 the American Medical Association or the World
174 Health Organization, to whom the Connecticut
175 Medical Examining Board, subject to such
176 regulations as the Commissioner of Public Health,
177 with advice and assistance from the board,
178 prescribes, has issued a permit to serve as an
179 intern or resident in a hospital in this state for
180 the purpose of extending his education; (14) any
181 person rendering service as a physician assistant
182 licensed pursuant to section 20-12b, a registered
183 nurse, a licensed practical nurse or a licensed
184 paramedic, if such service is rendered under the
185 supervision, control and responsibility of a
186 licensed physician; (15) any student enrolled in
187 an accredited physician assistant program or
188 paramedic program approved in accordance with
189 regulations adopted pursuant to section 19a-179,
190 who is performing such work as is incidental to
191 his course of study; (16) any person who, on June
192 1, 1993, has worked continuously in this state
193 since 1978 performing diagnostic radiology
194 services and who continues to render such services
195 under the supervision, control and responsibility
196 of a licensed physician solely within the setting
197 where such person was employed on June 1, 1993;
198 (17) any person performing athletic training as
199 described in section 19a-16a; (18) when deemed by
200 the Connecticut Medical Examining Board to be in
201 the public's interest, based on such
202 considerations as academic attainments, specialty
203 board certification and years of experience, to a
204 foreign physician or surgeon whose professional
205 activities shall be confined within the confines
206 of a recognized medical school; (19) any
207 technician engaging in tattooing in accordance
208 with the provisions of section 19a-92a and any
209 regulations adopted thereunder.

210 Sec. 6. (a) The Commissioner of Public Health,
211 within available appropriations, shall conduct a
212 study on the public health effect of permitting
213 unlicensed persons to engage in nail care and face
214 and skin care. The study may include, but need not
215 be limited to, a survey of local health
216 authorities as to the number and nature of
217 complaints of adverse health effects from such
218 activity. For the purposes of the study, "nail
219 care" includes silk wraps, acrylics, gell nails,
220 stenciling, French manicures, and similar
221 practices for esthetic reasons that could impact
222 public health; and "face and skin care" includes
223 the application of cosmetic samples in retail
224 stores, facial massage, the application of
225 depilatories, waxing, sanding, tweezing and
226 similar practices for esthetic reasons that could
227 impact public health.

228 (b) Not later than January 1, 1999, the
229 commissioner shall submit a report on the study's
230 findings and recommendations to the joint standing
231 committee having cognizance of matters relating to
232 public health, in accordance with the provisions
233 of subsection (a) of this section.

234 Sec. 7. Subsection (a) of section 20-236 of
235 the general statutes is repealed and the following
236 is substituted in lieu thereof:

237 (a) The Department of Public Health shall hold
238 at least four examinations each year, at such
239 times as it may determine and in such locations as
240 may be convenient, notice of each examination to
241 be given at least ten days before such examination
242 to individual applicants. Any person desiring to
243 obtain a license shall make application to said
244 department therefor, shall pay to the department
245 an examination fee of fifty dollars and shall
246 present himself at the next regular examination.
247 Thereupon, the Department of Public Health shall
248 examine such person, and, being satisfied that he
249 possesses a diploma, certificate or other evidence
250 satisfactory to said department, showing
251 graduation from the eighth grade of grammar
252 school, or possesses an equivalent education to be
253 determined on examination, is free from any
254 communicable disease, has successfully completed a
255 course of not less than fifteen hundred hours of
256 study, both of theory and practice, at any
257 Connecticut barber school or barber college, or

258 any barber school or barber college whose
259 requirements are equivalent to those of a
260 Connecticut barber school or barber college, and
261 are approved by the board with the consent of the
262 Commissioner of Public Health, or is a currently
263 practicing, competent barber who holds a license
264 to practice the occupation of barber in any other
265 state having equivalent or higher entry standards,
266 has the requisite skill in said trade to perform
267 all the duties thereof, including the preparation
268 of the tools, shaving, haircutting and all
269 services incident thereto, and has sufficient
270 knowledge concerning the common diseases of the
271 face and skin to avoid the aggravation and
272 spreading of such diseases in the practice of said
273 trade, shall thereupon issue to such person a
274 license entitling him to practice the occupation
275 of master barber in this state for one year. Said
276 department may declare forfeited the application
277 fee of any applicant who has failed to appear at
278 three successive examinations. No license shall be
279 issued without examination under this section to
280 any applicant against whom professional
281 disciplinary action is pending or who is the
282 subject of an unresolved complaint. The department
283 shall inform the board annually of the number of
284 applications it receives for licensure without
285 examination under this section. Examinations
286 required for licensure under this chapter shall be
287 prescribed by the department with the advice and
288 assistance of the board. The department shall
289 establish a passing score for examinations
290 required under this chapter with the advice and
291 assistance of the board. Any person who holds a
292 license to practice the occupation of barbering in
293 any other state or territory having licensure
294 standards similar to or higher than those of this
295 state OR ANY PERSON WHO HOLDS A LICENSE TO
296 PRACTICE THE OCCUPATION OF BARBERING IN ANY OTHER
297 STATE OR TERRITORY FOR A PERIOD OF NOT LESS THAN
298 FORTY YEARS shall be eligible for licensure
299 without examination.

300 Sec. 8. Subsection (e) of section 20-206b of
301 the general statutes, as amended by section 11 of
302 public act 97-213, is repealed and the following
303 is substituted in lieu thereof:

304 (e) Notwithstanding the provisions of
305 subsection (a) of this section, the commissioner

306 may issue a license to an applicant who submits
307 evidence satisfactory to the commissioner [, not
308 later than October 1, 1997, of (1) an advanced
309 degree, from a foreign institution of higher
310 learning, with a] OF (1) A LICENSE, CERTIFICATION
311 OR TRAINING WITH FOCUS ON THERAPEUTIC MASSAGE FROM
312 ANOTHER STATE OR JURISDICTION WITH REQUIREMENTS
313 SUBSTANTIALLY SIMILAR TO OR HIGHER THAN THOSE OF
314 THIS STATE, (2) A LICENSE, CERTIFICATION OR
315 TRAINING WITH focus on therapeutic massage FROM
316 ANOTHER STATE OR JURISDICTION and a minimum of ten
317 years' experience as a massage therapist, PROVIDED
318 APPLICATION IS MADE ON OR BEFORE OCTOBER 1, 1998,
319 or [(2)] (3) Connecticut licensure as a registered
320 nurse and certification (A) as a neuromuscular
321 therapist or (B) by the National Certification
322 Board for Massage and Body Work.
323 Sec. 9. This act shall take effect from its
324 passage.

* * * * *

"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 (DPH) 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.

The DPH will incur a minimal cost, which can be handled within anticipated budgetary resources, to process requests for permits from persons participating in the United States Medical Officer Candidate Training program.

The agency will incur a minimal cost, which can be absorbed within anticipated budgetary resources to conduct a study and report on the public health effect

of permitting unlicensed persons to engage in nail, face and skin care.

A minimal revenue gain will result to the extent that additional persons seek licensure as a barber, as the DPH will collect a \$50 initial and \$25 renewal license fee from any affected persons.

A minimal revenue gain will result to the extent that additional persons seek licensure as a massage therapist, as the DPH will collect a \$300 initial and \$100 renewal license fee from any affected persons.

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

House "A" makes technical changes and has no associated fiscal impact.

House "B" requires persons participating in a United States Medical Officer Candidate Training program to receive a permit from the Department of Public Health. The agency will incur a minimal cost, which can be handled within anticipated budgetary resources, to process requests for these permits.

House "C" requires the DPH to conduct a study and report on the public health effect of permitting unlicensed persons to engage in nail care and face and skin care. The agency will incur a minimal cost, which can be handled within anticipated budgetary resources, to process requests for these permits.

House "D" allows a barber licensed in another state for at least forty years to be eligible for licensure in Connecticut without examination. To the extent that additional persons seek licensure, a minimal revenue gain will result from the collection of a \$50 initial and \$25 renewal license fee.

House "E" may allow additional persons to seek licensure as massage therapists. To the extent that this occurs, a minimal revenue gain will result from the collection of a \$300 initial and \$100 renewal license fee.

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OLR AMENDED BILL ANALYSIS

SHB 5593 (as amended by House "A," "B," "C," "D," and "E") *

AN ACT CONCERNING CHARGES AGAINST VETERINARIANS

SUMMARY: By law, Department of Public Health (DPH) records of veterinarian investigations are confidential. The freedom of information act does not apply 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 may remain confidential unless the DPH finds probable cause to pursue disciplinary action within 12 months of the complaint or the veterinarian requests their opening.

The bill eliminates the penalties that apply only to veterinarians who violate state licensure laws and instead makes the penalties applicable to all DPH-regulated professions apply to all legal acts or omissions by veterinaries. In effect, it raises the maximum civil penalty for first and second offenses from \$300 and \$500, respectively, to \$10,000 and eliminates the criminal penalty up to one-year.

The bill requires United States Medical Officer Candidates program participants to have a DPH permit required of medical interns and resident physicians under existing law. It also exempts candidates who have the permit from the prohibition against practicing medicine without a license, as are interns and residents.

The bill requires the DPH to study the public health effect of allowing unlicensed nail and face and skin care and report to the Public Health Committee by January 1, 1999.

It allows DPH to grant a master barber license without examination to barbers licensed in another state or territory for 40 years or more. By law the DPH can waive the examination for barbers licensed in states with similar licensing standards.

It also expands the DPH's authority to grant massage therapist licenses without examination.

Finally, it makes technical changes.

*House Amendment "A" makes minor and technical changes to the sections regarding charges against veterinarian.

*House Amendment "B" requires Medical Officer Candidates to have DPH permits and exempts them from the prohibition against practicing medicine without a license.

*House Amendment "C" requires the DPH to study the public health effect of allowing unlicensed nail and face and skin care.

*House Amendment "D" allows DPH to grant master barber licenses without examination to barbers licensed in another state or territory for 40 years or more.

*House Amendment "E" expands the DPH's authority to grant massage therapist licenses without examination and moves up the effective date from October 1, 1998 to upon passage.

EFFECTIVE DATE: Upon passage

FURTHER EXPLANATION

Medical Officer Candidates

The bill prohibits anyone from participating in a United States Medical Officer Candidate Training Program without a DPH permit currently required of interns and resident physicians in hospitals. It authorizes the DPH commissioner to issue permits for medical officer candidates to participate in graduate education in a hospital. The hospital administrator must certify to DPH that the person will be a medical officer candidate in the hospital. It also adds medical officer candidates to the list of people exempt from the prohibition on the practice of medicine. (By law, US government employees acting within the scope of their employment are already exempt).

DPH Study of Unlicensed Nail and Face and Skin Care

The bill requires the DPH, within available funds, to study the public health effect of allowing unlicensed people to perform nail, and face and skin care (presumably for compensation). The study may include a survey of local health authorities on the number and nature of complaints of adverse health effects from such unlicensed care. It must report its findings and recommendations to the Public Health Committee by January 1, 1999.

Under the bill "nail care" includes (1) silk wraps, (2) acrylics, (3) gel nails, (4) stenciling, (5) french manicures, and (6) similar practices for esthetic reasons. "Face and skin care" includes (1) application of cosmetic samples in retail stores, (2) facial massages, (3) application of depilatories, (4) waxing, (5) sanding, (6) tweezing, and (7) similar practices for esthetic reasons.

Licensing Massage Therapist Without Examination

Under current law the DPH may grant massage therapist licenses without examination to people who do not otherwise meet the licensure requirements, if by October 1, 1997, they submit satisfactory evidence that they have (1) an advanced degree from a foreign school with a focus on therapeutic massage and 10 years experience as a massage therapist, or (2) a Connecticut registered nurse's license and certification either as a neuromuscular therapist or by the National Certification Board for Massage and Body Work.

The bill expands the DPH's authority to grant licenses without examination by (1) authorizing it to license CT registered nurses with the required certifications by eliminating the 1997 deadline; (2) authorizing DPH to issue a license to anyone with a license, certification or training with a focus on therapeutic massage in another jurisdiction and 10 years massage therapist experience, rather than only foreign educated massage therapists, and extending the 1997 deadline to October 1, 1998; and (3) authorizing DPH to issue a license to anyone with a license, certificate, or training in a state or jurisdiction with requirements equal or higher than Connecticut's.

BACKGROUND