

---

---

## OLR Bill Analysis

**SB 1070 (File 536, as amended by Senate "A")\***

### ***AN ACT ALLOWING ADVANCED PRACTICE REGISTERED NURSES AND PHYSICIAN ASSISTANTS TO ISSUE HOME HEALTH ORDERS.***

#### **SUMMARY**

This bill allows physician assistants (PAs) to certify, sign, or otherwise document medical information in several situations that currently require a physician's or advanced practice registered nurse's (APRN's) signature, certification, or documentation. Examples include:

1. certifying a patient's health condition or related information for purposes of insurance coverage (some other insurance laws already reference PAs),
2. certifying a disability or illness for continuing education waivers or extensions for various health professions, and
3. documenting that a patient's room transfer in a nursing home would be medically contraindicated.

Additionally, the bill extends certain other provisions to PAs, such as adding them to the list of providers (1) who must report when a patient has tuberculosis and (2) to whom local health directors, in turn, must provide certain information for these patients.

Under existing law, unchanged by the bill, each PA must have a clearly identified supervising physician who has final responsibility for patient care and the PA's performance. The functions a physician delegates to a PA must be implemented in accordance with a written delegation agreement between them (CGS §§ 20-12c & -12d).

The bill also makes technical and conforming changes.

\*Senate Amendment "A" replaces the original bill. It adds the

provisions about PAs noted above and removes provisions from the underlying bill that would allow PAs and APRNs to order home health care services.

EFFECTIVE DATE: October 1, 2021

### **PHYSICIAN ASSISTANTS**

The bill allows PAs to certify, sign, or otherwise document medical information in several situations. It also extends authority to PAs in certain other contexts not involving written documentation. Under current law, almost all of these certifications or actions may be performed only by physicians or APRNs.

For ease of reference, the bill's provisions are grouped by category in the following five tables.

**Table 1: Certification, Documentation, or Other Authority  
Related to Employment**

<b><i>Bill §</i></b>	<b><i>Statute §</i></b>	<b><i>Description</i></b>
4	10-183b	Statement of health for a disability benefit application in the Teachers' Retirement System
12	14-73	Certification of an applicant's fitness for a driving instructor's license based on a recent medical examination
37-49	Various provisions in Title 20	<p>Certification of a disability or illness to qualify someone in the following professions for a continuing education waiver or extension:</p> <ul style="list-style-type: none"> <li>• acupuncturists</li> <li>• audiologists</li> <li>• dental hygienists</li> <li>• dentists</li> <li>• hearing instrument specialists</li> <li>• naturopaths</li> <li>• optometrists</li> <li>• physical therapists</li> <li>• psychologists</li> <li>• radiographers</li> <li>• respiratory care practitioners</li> <li>• speech and language pathologists</li> </ul>

		<ul style="list-style-type: none"> <li>• veterinarians</li> </ul>
55	31-51rr	Certification of a political subdivision employee's proposed organ or bone marrow donation and the probable duration of recovery, for purposes of medical leave
56	31-235	Documentation of a chronic or permanent impairment that leaves the person unable to work full-time, for purposes of the person's eligibility for unemployment compensation while only available for part-time work
57 & 59	31-294d & 31-296	Treatment of injured employees involved in workers' compensation cases
58	31-294i	Conduct physical exams for municipal firefighters and police officers on entry to service that may be used in future workers' compensation claims involving cardiac emergencies
60	31-308	Certification that someone with partial incapacity is unable to perform his or her usual work but is able to perform other work, for purposes of calculating workers' compensation benefits

**Table 2: Certification or Approval Authority for Insurance Purposes**

<b>Bill §</b>	<b>Statute §</b>	<b>Description</b>
61	38a-457	Certification of a qualifying event for purposes of accelerated benefits under a life insurance policy
62	38a-465g	Documentation that a policy owner is of sound mind and under no constraint or undue influence, before a life settlement provider can enter into a contract with a policy owner who is also the insured and is terminally or chronically ill  Determination that a policy owner's disability prevents full-time work, for purposes of an exception to the general prohibition on entering into a life settlement contract within two years after purchasing a life insurance policy
63 & 70	38a-489 & 38a-515	Certification of inability for self-sustaining employment because of mental or physical disability for continuation of coverage when child reaches the policy's limiting age*
64 & 71	38a-492e & 38a-518e	Diagnosis of significant changes in a patient's diabetes symptoms for purposes of requiring insurers to cover medically necessary diabetes outpatient self-management training and education*

65 & 72	38a-492m & 38a-518l	Documentation on the original prescription of the need for additional quantities of eye drops for insurance coverage of prescription renewal*
66 & 73	38a-493 & 38a-520	Various provisions concerning insurance coverage for home health care, such as approval of a care plan; diagnosis of a patient's terminal illness in some circumstances; and supervision of home health agency services*
67 & 74	38a-495 & 38a-522	Certification of medical necessity of home health aide services, or recommendation of additional mammograms beyond once a year, for Medicare supplement policy coverage*
68	38a-496	Approval and certification of an occupational therapy care plan for insurance coverage purposes (applies to individual policies)
69 & 76	38a-503 & 38a-530	Determination of a woman's increased risk for breast cancer, for purposes of insurance coverage for comprehensive ultrasound screening (also specifies that a patient's mammography results may be sent to a patient's PA)*
75	38a-523	Approval of a care plan at a comprehensive rehabilitation facility for insurance coverage purposes (applies to group policies)
77	38a-530f	Determination of a woman's increased risk for breast cancer, for purposes of insurance coverage for chemoprevention counseling (applies to group policies)

\* Applies to individual and group policies

**Table 3: Certification or Documentation of a Patient's Disability or Health Condition in Other Contexts**

<b>Bill §</b>	<b>Statute §</b>	<b>Description</b>
2	3-39j	To the extent permitted by federal law, diagnose someone's impairment or blindness in his or her disability certification for the Achieving a Better Life Experience (ABLE) program
3	3-123aa	Certification of a service need for withdrawals from the Connecticut Home Care Trust Fund
5	10a-155	Certification that a higher education student had a confirmed case of measles, rubella, mumps, or varicella, or that immunization would be medically contraindicated, thus exempting the student from applicable immunization

		requirements
6	10a-155a	Certification that a student's presence at a higher education institution, although the student is not immunized against measles or rubella, would not present a clear health danger to others
7	12-94	Certification that someone is totally disabled and thus unable to appear before the town assessor to provide evidence of eligibility for property tax exemptions available to service members, veterans, blind or totally disabled persons, and certain family members of such people
8-11	12-129c, 12-170aa, 12-170f & 12-170w	Certification that someone is ill or incapacitated, for purposes of applying for an extension related to various tax relief programs, including the state property tax freeze program for the elderly, "circuit breaker" property tax program for the elderly or disabled, elderly or disabled renters' tax relief program, and municipal option property tax freeze for seniors program
13	14-100a	Statement of an individual's inability to wear a seat belt for exemption from seat belt requirements
14	14-286	Certification of an individual's disability and capability of riding a motor-driven cycle for a special permit
15	14-314c	Certification that a child is hearing impaired to require traffic authorities to erect a sign in the child's neighborhood alerting drivers to the child's presence
16 & 17	16-262c & 16-262d	Certification that a resident at the dwelling is seriously ill, or indication on hospital discharge papers for a child up to 24 months old that electric or gas service is needed for the child's well-being, for purposes of laws restricting utility shut-offs
21	17b-261p	Certification of a Medicaid applicant's inability to care for self or manage affairs, when a nursing home, on a patient's behalf, seeks an extension to contest a Medicaid penalty period by claiming undue hardship
28 & 29	19a-535	Documentation in the medical record of the basis for a patient's transfer or discharge from a nursing facility, and related requirement to develop a discharge plan in certain situations
30	19a-550	Documentation that a patient's room transfer would be medically contraindicated, for purposes of the patients' bill of rights for nursing homes, residential care homes, and chronic disease hospitals;

		Documentation that certain general rights are medically contraindicated for a patient (e.g., the right to be fully informed of his or her medical condition or communicate with persons of the patient's choice)
50 & 51	21a-217 & 21a-218	Certification of an individual's disability or physical examination to cancel a health club contract
53	26-29a	Certification of an individual's intellectual disability to receive a free lifetime sport fishing license
54	26-29b	Certification of an individual's physical disability to receive a free lifetime hunting, sport fishing, or trapping license
78	47-88b	Statement of a tenant's disability for laws limiting eviction in conversion condominiums under the Condominium Act
79	47a-23c	Statement of a tenant's blindness or disability for laws limiting eviction
80	51-217	Letter stating an individual's disability for permanent exemption from jury duty
81	54-204	Report of treatment or examination, as part of an application for victim compensation

**Table 4: Other Provisions Extending Authority or Responsibility to PAs**

<b>Bill §</b>	<b>Statute §</b>	<b>Description</b>
18	17a-81	Authorize emergency treatment for a child hospitalized for psychiatric disabilities if parental consent is withheld or immediately unavailable and the PA determines that treatment is necessary to prevent serious harm
19	17b-233	Apply for a child's admission to Newington Children's Hospital (now Connecticut Children's Medical Center) and, for PAs working at the hospital, determine whether the child is suitable for admission
20	17b-236	Apply for a child's admission to The Children's Center in Hamden and, for PAs working at the center, determine whether the child is suitable for admission
22	17b-278d	Order neuropsychological testing of a child with cancer to assess cognitive or development delays due to treatment, for purposes of providing coverage under HUSKY without prior authorization
23	18-94	Report to a correctional facility warden or other officer in charge that an inmate with a sexually transmitted disease may be released without danger to public health

25	19a-26	Apply for services to be performed at Department of Public Health (DPH) state laboratories
31	19a-571	<p>Immunity from civil and criminal liability for withholding or causing the removal of a life support system under specified conditions, including that the PA:</p> <ul style="list-style-type: none"> <li>• based the decision on his or her best medical judgment according to medical standards;</li> <li>• deemed the patient to be in a terminal condition or, in consultation with a physician qualified to make a neurological diagnosis who examined the patient, deemed the patient to be permanently unconscious; and</li> <li>• considered the patient's wishes, such as in a living will or similar document</li> </ul> <p>If the patient is an infant, additional provisions apply pursuant to federal regulations</p>
32	19a-580	Responsibility to make reasonable efforts to notify the patient's next of kin or other specified persons within a reasonable time before withholding or causing the removal of the patient's life support
33 & 34	19a-581 & 19a-582	<p>Various provisions on AIDS testing laws and related consent requirements</p> <p>(The bill adds PAs to the definition of "health care provider" for these purposes; existing law includes physicians, certain other listed provider categories, and others providing medical, nursing, counseling, or other listed services)</p> <p>Certification that criteria are met for court-ordered HIV testing if a health care provider or other worker had significant exposure to HIV from a patient (the provider must first seek the patient's voluntary consent for testing)</p> <p>Certification that criteria are met to require HIV testing of a prison inmate if there is no reasonable alternative and testing is needed (1) for diagnostic purposes, treatment, or related reasons or (2) because the inmate's behavior poses a significant transmission risk or has led to significant exposure to another inmate</p>
35	19a-592	Treat a minor for HIV or AIDS without notifying the parent, after determining that (1) the notification will result in denial of treatment or (2) the minor will not pursue treatment if the parents are notified and the minor

		requests they not be notified (the provider must document the reasons in the medical record)
36	20-14m	Documentation in a medical record if prescribing, administering, or dispensing long-term antibiotic therapy for clinically diagnosed Lyme disease (DPH or the licensing board may not initiate disciplinary action solely for these actions as documented in the record)
52	22a-616	Write prescriptions for mercury fever thermometers

**Table 5: Miscellaneous Provisions Adding References to PAs**

<b>Bill §</b>	<b>Statute §</b>	<b>Description</b>
24	19a-2a	Requires DPH to distribute its list of reportable diseases to PAs, in addition to physicians, APRNs, and clinical laboratories as required under existing law
26 & 27	19a-262 & 19a-264	Requires PAs to report to DPH and the local health director on patients with, or suspected of having, tuberculosis  The bill also makes conforming changes to existing provisions that (1) require local health directors to give information to the reporting provider on advisable precautions for these patients' homes and (2) provide criminal penalties for providers who willfully make false reports

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable

Yea 33 Nay 0 (03/31/2021)