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## **OLR Bill Analysis**

### **sSB 1083**

#### ***AN ACT CONCERNING VARIOUS REVISIONS TO THE PUBLIC HEALTH STATUTES.***

#### **SUMMARY**

This bill makes various unrelated changes to the statutes pertaining to public health. Principally, it:

1. requires the Chief Medical Examiner, starting January 1, 2022, to complete at least one contact hour of training or education in sudden unexpected death in epilepsy as part of his required continuing medical education (CME) (§ 1);
2. requires licensed health clubs to provide and maintain at least one automatic external defibrillator (AED, see BACKGROUND) and, among other things, ensure that at least one employee trained in its use is on the premises during business hours (§§ 2 & 3);
3. requires hospital personnel to ask patients, upon admission, whether they want the hospital to notify a family member, caregiver, or support person about the admission (§ 4);
4. allows a 16-year-old, with parental or guardian written consent, to donate blood, or any of its components, and consent to blood withdrawal at a voluntary blood donation program (§ 5);
5. extends the time period that an art therapist licensure applicant's temporary permit is valid, from 365 days to two years after the applicant receives his or her graduate degree (§ 6);
6. requires hospitals to notify the mother of a child who is stillborn about the child's burial and cremation options within specified

timeframes and allows the mother, before her discharge, to notify the hospital in writing of her decision regarding the child's arrangements (§ 7);

7. requires the public health commissioner, by January 1, 2022, to revise marriage license applications and certificates to replace references to "bride" and "groom" with "spouse one" and "spouse two" (§ 8); and
8. 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 (§§ 9-87).

EFFECTIVE DATE: October 1, 2021, except that provisions on (1) blood donation by minors, (2) temporary permits for art therapists, (3) stillbirth burial and cremation notification, and (4) marriage licenses take effect July 1, 2021.

### **§ 1 — CHIEF MEDICAL EXAMINER CME**

Starting January 1, 2022, the bill requires the Chief Medical Examiner to earn at least one contact hour (i.e., 50 minutes) of training or education in sudden unexpected death in epilepsy as part of the CME he must complete under existing law. Under the bill, "sudden unexpected death in epilepsy" is the death of someone with epilepsy that is not caused by injury, drowning, or other known causes unrelated to epilepsy.

By law, physicians must generally complete at least 50 hours of CME during every two years.

### **§§ 2 & 3 — AEDS IN HEALTH CLUBS**

The bill requires applicants for a health club license to do the following:

1. provide and maintain at least one AED in a readily accessible location;

2. inform employees about the AED's location;
3. ensure that during staffed business hours, at least one employee is on the premises who is trained in cardiopulmonary resuscitation and using an AED in accordance with the American Red Cross or American Heart Association standards;
4. maintain and test the AED in accordance with the manufacturer's guidelines; and
5. promptly notify a local emergency medical services provider after each AED use.

Under existing law, unchanged by the bill, the Department of Consumer Protection can revoke, suspend, or refuse to renew a health club's license if it fails to comply with these requirements.

Existing law provides civil immunity for acts arising out of a person's or entity's ordinary negligence in providing or maintaining an AED at a licensed health club. The bill extends this liability to include immunity for its nonuse. As under existing law, this immunity does not apply to gross, willful, or wanton negligence.

#### **§ 4 — HOSPITAL PATIENTS AND FAMILY CAREGIVERS**

The bill requires hospital personnel, when admitting a patient, to promptly ask the patient if he or she wants the hospital to notify a family member, caregiver, or support person about the admission. If the patient chooses the notification, hospital personnel must make reasonable efforts to contact the family member, caregiver, or support person as soon as practicable, but within 24 hours after the request. Existing law already requires hospitals to do this for the patient's physician, upon the patient's request.

#### **§ 5 — DONATION OF BLOOD BY MINORS**

The bill allows a 16-year-old, with his or her parent's or guardian's written authorization, to (1) donate blood, or any of its components, and (2) consent to blood withdrawal at a voluntary blood donation program. Existing law, unchanged by the bill, allows a person age 17

or older to do so without parental or guardian consent.

## **§ 6 — ART THERAPIST TEMPORARY PERMITS**

By law, the Department of Public Health (DPH) may issue nonrenewable temporary permits to art therapist licensure applicants with a graduate degree in art therapy or a related field. The permit allows the holder to practice under the general supervision of a licensee.

The bill extends, from 365 days to two years after the applicant receives his or her degree, the maximum time period the permit is valid.

Existing law, unchanged by the bill, prohibits DPH from issuing a temporary permit to someone with a pending professional disciplinary action or who is the subject of an unresolved complaint in any state. The commissioner may revoke a temporary permit for good cause, as she determines.

## **§ 7 — NOTIFICATION OF STILLBORN BURIAL AND CREMATION ARRANGEMENTS**

The bill requires hospitals to notify the mother of a stillborn child about burial and cremation arrangement options for the child as follows:

1. if the mother expects to deliver a stillborn child, upon admission to the hospital, if practicable or
2. if the mother did not expect to deliver a stillborn child or notification was not practicable at admission, at least 12 hours after the (a) child's stillbirth and (b) the mother's physician determines that she is lucid and able to reason clearly and independently.

The bill requires the hospital to make the notification in writing and provide a copy to any family member present in the hospital for the stillbirth.

Under the bill, the mother may inform the hospital in writing of her

decision on her child's burial or cremation arrangements at any time before her discharge from the hospital, provided she has at least 24 hours after receiving the hospital's written notification to inform the hospital of her decision.

## **§ 8 — MARRIAGE LICENSES**

The bill requires the DPH commissioner, by January 1, 2022, to revise marriage license applications and certificates to replace references to "bride" and "groom" with "spouse one" and "spouse two."

## **§§ 9-87 — 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. 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. entering into a written protocol-based collaborative drug therapy management agreement with a pharmacist to manage individual patients' drug therapy.

Additionally, the bill extends certain other provisions to PAs, such as adding them to the list of providers to whom local health directors must report certain information.

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).

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

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

<b>Bill §</b>	<b>Statute §</b>	<b>Description</b>
11	10-183b	Statement of health for a disability benefit application in the Teachers' Retirement System
19	14-73	Certification of an applicant's fitness for a driving instructor's license based on a recent medical examination
43-55	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> <li>• veterinarians</li> </ul>
62	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
63	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
64	31-294d	Treatment of injured employees involved in workers' compensation cases
65	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
66	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>
67	38a-457	Certification of a qualifying event for purposes of accelerated benefits under a life insurance policy
68	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
69 & 76	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*
70 & 77	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*
71 & 78	38a-492m & 38a-518l	Documentation on the original prescription of the need for additional quantities of eye drops for insurance coverage of prescription renewal*
72 & 79	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*
73 & 80	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*

74	38a-496	Approval and certification of an occupational therapy care plan for insurance coverage purposes (applies to individual policies)
75 & 82	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)*
81	38a-523	Approval of a care plan at a comprehensive rehabilitation facility for insurance coverage purposes (applies to group policies)
83	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>
9	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
10	3-123aa	Certification of a service need for withdrawals from the Connecticut Home Care Trust Fund
12	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
13	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
14	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
15-18	12-129c, 12-170aa,	Certification that someone is ill or incapacitated, for purposes of applying for an extension related to various



	12-170f & 12-170w	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
20	14-100a	Statement of an individual's inability to wear a seat belt for exemption from seat belt requirements
21	14-286	Certification of an individual's disability and capability of riding a motor-driven cycle for a special permit
22	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
23 & 24	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
28	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
34 & 35	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
36	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
58	21a-217	Certification of an individual's disability or physical examination to cancel a health club contract
60	26-29a	Certification of an individual's intellectual disability to receive a free lifetime sport fishing license
61	26-29b	Certification of an individual's physical disability to receive a free lifetime hunting, sport fishing, or trapping license
84	47-88b	Statement of a tenant's disability for laws limiting eviction in conversion condominiums under the Condominium Act
85	47a-23c	Statement of a tenant's blindness or disability for laws limiting eviction
86	51-217	Letter stating an individual's disability for permanent

		exemption from jury duty
87	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>
25	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
26	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
27	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
29	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
30	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
32	19a-26	Apply for services to be performed at DPH state laboratories
37	19a-571	Immunity from civil and criminal liability for withholding or causing the removal of a life support system under specified conditions, including that the PA: <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>

		If the patient is an infant, additional provisions apply pursuant to federal regulations
38	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
39 & 40	19a-581 & 19a-582	Various provisions on AIDS testing laws and related consent requirements  (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)  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)  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
41	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)
42	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)
56 & 57	20-631 & 20-631a	Enter into a written protocol-based collaborative drug therapy management agreement with a pharmacist to manage individual patients' drug therapy
59	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>
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31	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
33	19a-264	Adds PAs to the list of providers to whom (1) local health directors must give certain information after the provider reports a suspected case of tuberculosis and (2) criminal penalties apply for willfully making false reports  (The bill does not make conforming changes to another statute requiring PAs to report)

## BACKGROUND

### ***Automatic External Defibrillators***

An AED is a portable device used to restore normal heart rhythm to people having heart attacks. It consists of a small computer (microprocessor), electrodes, and electrical circuitry. If the heart is in ventricular fibrillation (i.e., beating abnormally), the microprocessor recommends a defibrillating shock to restore a regular rhythm. The shock is delivered through adhesive electrode pads.

### ***Related Bill***

sHB 6507, favorably reported by the Children’s Committee, requires (1) hospitals to notify the mother of a stillborn child of her right to make burial or cremation arrangements no later than 24 hours after admission and (2) a mother who wishes to make such arrangements to notify the hospital in writing within 72 hours after discharge from the hospital.

## COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 29 Nay 4 (03/31/2021)