

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: SB-425

AN ACT PROHIBITING DISCRIMINATION BY HEALTH CARE PROVIDERS IN

Title: THE PROVISION OF HEALTH CARE SERVICES IN THE STATE.

Vote Date: 3/28/2024

Vote Action: Joint Favorable Substitute

PH Date: 3/20/2024

File No.:

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SPONSORS OF BILL:

Judiciary Committee

CO-SPONSORS OF BILL:

Rep. Travis Simms, 140th Dist.
Rep. William Heffernan, 115th Dist.
Rep. Jaime S. Foster, 57th Dist.
Rep. Anne M. Hughes, 135th Dist.
Rep. Eleni Kavros DeGraw, 17th Dist.
Sen. Matthew L. Lesser, 9th Dist.

REASONS FOR BILL:

To prohibit health care providers from discriminating against persons in the provision of health care services in the state.

SUBSTITUTE LANGUAGE:

The substitute language adds that section one of the bill shall not be construed to: (1) require the delivery of futile health care, (2) affect the professional standard of care, or (3) interfere with public health planning.

RESPONSE FROM ADMINISTRATION/AGENCY:

Gretchen Shugarts, Commission Analyst, Commission On Racial Equity in Public Health, Connecticut General Assembly: She testified in support of this bill, stating that data compiled by their Commission, the Connecticut Department of Public Health, National

Institutes of Health and Centers for Disease Control show that there are race-based health inequalities in the state. She explained that people of color have higher rates of chronic diseases, such as asthma, diabetes, and cardiovascular disease due to the racial inequalities and the maternal mortality rate for black women is 2.6 times higher than that of white women. She stated that the bill seeks to establish that a refusal to care by a healthcare provider is discriminatory practice. She stated that the bill will ensure the rights of all are protected and they applaud the Committee for this bill that codifies into state statute important anti-discrimination federal protections.

NATURE AND SOURCES OF SUPPORT:

Connecticut Trial Lawyers Association: They testified in support of this bill, stating that healthcare discrimination is serious. They explained that in marginalized communities, people often do not seek medical preventive services or treatment, which often causes minor issues to turn into serious medical conditions; this, in turn, breeds mistrust in the healthcare system. They stated that this is a vital step toward ensuring all people have an equal opportunity to receive the care they need. The CTLA requested a longer period be granted to individuals who are filing a complaint as the 300-day limit may not be long enough; a patient may not know when the discrimination occurred.

Nora Duncan, State Director, AARP Connecticut: She testified in support of this bill, stating it codifies what most people believe is already true: a provider cannot refuse to treat an individual based on race, sex, religion, age, disability, veteran's status, and more. She stated that medical treatment should not be based on age, race, disability, income, or other nonclinical reasons. She furthered that the healthcare system is broken and very difficult for many to navigate.

Kathleen Flaherty, Esq. Executive Director, Connecticut Legal Rights Project (CLRP) She testified in support of this bill, stating healthcare providers would not be allowed to refuse healthcare to an individual based on their membership in a protected class. She offered a solution, which would be to file a complaint with the Commission on Human Rights and Opportunities. She furthered that failure to accommodate a person's disability in healthcare is discrimination.

Walter Glomb, Executive Director, Connecticut Council on Developmental Disabilities He testified in support of this bill, stating that the federal Americans with Disabilities Act requires healthcare entities provide full and equal access for all people with disabilities. He explained that developmental disabilities are lifelong and cannot be fixed and people with disabilities require acceptance and need accommodations in the community. He furthered that individuals with development disabilities require extensive communication with a provider before they visit, more time and space, a sensory friendly environment, accessible medical equipment, and could even need staff certified in autism or behavior management. He is concerned that adults with developmental disabilities are not getting the level of healthcare they require.

Ruth H. Grobe, Secretary, Citizens Coalition for Equal Access: She testified in support of this bill, stating that her organization is an advocacy group comprised of mostly volunteers with physical disabilities. She believes the bill will guarantee rights which are already guaranteed on the federal level that people with disabilities are not forgotten. She stated that

people with disabilities have fewer positive outcomes than those of their able-bodied peers, often due to attitudinal, procedural, and physical barriers. She also noted that the bill does not address the problem of medical, dental, and other specialists who refuse to take patients with Medicaid.

Kally Moquete, Senior Manager of Policy, Health Equity Solutions: She testified in support of this bill, stating that every Connecticut resident should receive optimal healthcare regardless of race, ethnicity, or socioeconomic status. She believes we should protect the rights and dignity of all including those with disabilities, veterans, and victims of domestic violence. She explained that it is well documented that certain demographics such as ethnic minorities, LGBTQ+ individuals, and people with disabilities face excessive barriers to obtaining quality healthcare. She stated that passing this bill would send a clear message that diversity and inclusion are necessary within the healthcare profession; healthcare providers would be encouraged to adopt inclusive practices, which would ultimately improve the quality of care.

Cecilia Plaza, J.D., Doctoral Candidate, New York University, Department of Sociology: She testified in support of this bill, stating that the problem addressed is the long history of discrimination in biomedicine. She stated that we know less about women's bodies and treatment effects on those bodies and health of gender minorities. She explained that medical professionals throughout history often write off, ignore, or disbelieve patients when they report their own symptoms, especially if those symptoms cannot be measured, such as pain. She believes the bill is necessary and that marginalized people should not be ignored, dismissed, or left unprotected. She believes all patients deserve to be protected and have access to quality healthcare.

Carol Scully, Director of Advocacy, The Arc of Connecticut, Inc.: She testified in support of this bill, stating that research has shown people with disabilities have higher rates of preventable conditions such as heart disease, diabetes, obesity, types of cancer, and lower rates of screenings. She believes many of these disparities are made worse by the lack of accessible medical diagnostic equipment in hospital and medical offices. She furthered stating that people in wheelchairs often cannot access exam tables and scales and receive care from physicians while in their wheelchairs; many cannot even be weighed. She stated that the bill will require that all patients have access to equipment and to medical facilities regardless of their disabilities by January 1, 2025.

Sarah Steinfeld, Attorney, Koskoff Koskoff and Bieder, Member of Connecticut Trial Lawyers Association: She testified in support of the bill with amendments. She stated that this would provide protection for healthcare discrimination under Connecticut law. She explained that many patients receive no care or low-quality care, and this bill should provide a remedy for such discrimination. She believes the time to file a complaint should be granted to individuals who are filing under this law. She urged the legislature to restore anti-discrimination remedies to Connecticut patients who were previously protected under the Affordable Care Act before the Cumming's decision.

Sheldon Toubman, Litigation Attorney, Disability Rights Connecticut: He testified in support of this bill, stating that it will make it discriminatory practice for healthcare providers to refuse to provide healthcare on a person in a protected class. He stated that it also provides a way to file a complaint through Commission on Human Rights and Opportunities (CHRO).

He explained that the Americans with Disabilities Act and Section 1557 on the ACA prohibit discrimination in healthcare, including people with disabilities, but that it might not be enough, which is why this bill is so important.

NATURE AND SOURCES OF OPPOSITION:

Connecticut Hospital Association (CHA): They oppose certain provisions in this bill. Though the CHA supports this bill by protecting people from discrimination when receiving healthcare service, they stated that it is important the legislature realize that the healthcare landscape is unique on issues such as public health, medical futility, and professional judgement. They believe the bill needs clarification that it is not the intent of the law nor the policy of Connecticut to override medical practice. They requested language be added as follows: "Nothing in this act shall be interpreted to require delivery of futile care, affect the professional standard of care, or interfere with public health planning."

Maq Morelli, President, LeadingAge Connecticut: She testified in opposition to this bill, stating that she believes that licensed healthcare providers are already included in federal and state laws. She explained that clients are afforded a bill of rights specific to aging services, so others would indirectly be included in this and be protected against discrimination.

Reported by: Bonnie Gray

Date: 4-8-24