



General Assembly

Amendment

February Session, 2024

LCO No. 4037



Offered by:
REP. DEMICCO, 21st Dist.

To: House Bill No. 5200

File No. 402

Cal. No. 258

"AN ACT CONCERNING HEALTH CARE ACCESSIBILITY FOR PERSONS WITH A DISABILITY."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 19a-490dd of the general statutes is repealed and
4 the following is substituted in lieu thereof (*Effective July 1, 2024*):

5 (a) As used in this section:

6 (1) "Health care facility" means a hospital or an outpatient clinic, as
7 such terms are defined in section 19a-490, a long-term care facility, as
8 defined in section 17a-405, [and] a hospice facility, licensed pursuant to
9 section 19a-122b, or a physician's office or an advanced practice
10 registered nurse's office; [and]

11 (2) ["medical diagnostic equipment"] "Medical diagnostic equipment"
12 means (A) an examination table, (B) an examination chair, (C) a weight
13 scale, (D) mammography equipment, and (E) x-ray, imaging and other

14 radiological diagnostic equipment; and

15 (3) "Standards for accessibility" means the technical standards for
16 accessibility developed by the federal Architectural and Transportation
17 Barriers Compliance Board in accordance with Section 4203 of the
18 Patient Protection and Affordable Care Act, P.L. 111-148, as amended
19 from time to time, for medical diagnostic equipment.

20 (b) [On and after January 1, 2023, each] Each health care facility shall
21 take into consideration the [technical] standards for accessibility,
22 [developed by the federal Architectural and Transportation Barriers
23 Compliance Board in accordance with Section 4203 of the Patient
24 Protection and Affordable Care Act, P.L. 111-148, as amended from time
25 to time, when purchasing medical diagnostic equipment.]

26 (c) Not later than December 1, 2022, and annually thereafter, the
27 Commissioner of Public Health shall notify each health care facility,
28 physician licensed pursuant to chapter 370, physician assistant licensed
29 pursuant to chapter 370 and advanced practice registered nurse licensed
30 pursuant to chapter 378, of information pertaining to the provision of
31 health care to individuals with accessibility needs, including, but not
32 limited to, the [technical] standards for accessibility. [developed by the
33 federal Architectural and Transportation Barriers Compliance Board in
34 accordance with Section 4203 of the Patient Protection and Affordable
35 Care Act, P.L. 111-148, as amended from time to time, for medical
36 diagnostic equipment.] The Department of Public Health shall post such
37 information on its Internet web site.

38 (d) On and after January 1, 2025, each health care facility with two or
39 more examination rooms, except as provided in subdivision (3) of
40 subsection (e) of this section, shall (1) when purchasing, leasing or
41 otherwise acquiring medical diagnostic equipment, purchase, lease or
42 otherwise acquire only medical diagnostic equipment that complies
43 with the standards for accessibility, and (2) ensure that at least one of
44 such examination rooms has the necessary (A) dimensions to enable a
45 patient using an assistive device, including, but not limited to, a

46 wheelchair, to easily enter, exit and maneuver around such examination
47 room, and (B) staff and equipment, including, but not limited to, a
48 power patient lift, a stand up patient lift or an overhead lift that is fixed
49 or mobile and has three different sizes of slings, to assist a patient with
50 a disability in accessing the health care facility's medical diagnostic
51 equipment. On and after July 1, 2025, each health care facility with two
52 or more examination rooms shall purchase, lease or otherwise acquire
53 the following equipment, unless the health care facility already has such
54 equipment: (i) At least one examination table that meets the standards
55 for accessibility, provided the health care facility uses an examination
56 table; and (ii) at least one weight scale that meets the standards for
57 accessibility, provided the health care facility uses a weight scale.

58 (e) (1) No health care facility shall be required to take any action
59 pursuant to subsection (d) of this section that would result in a
60 fundamental alteration to the nature of a program or activity of the
61 health care facility or in an undue financial or administrative burden to
62 the health care facility. If an officer or member of management of a
63 health care facility, or the officer's or member's designee, reasonably
64 determines, after considering all resources available for use by the
65 health care facility, that compliance with a provision of subsection (d) of
66 this section would fundamentally alter a program or activity of the
67 health care facility or result in an undue financial or administrative
68 burden to the health care facility, (A) such officer or member shall
69 submit to the Department of Public Health a written statement
70 containing the reasons for such determination, and (B) the health care
71 facility shall ensure that each individual who seeks services from the
72 health care facility, but is unable to receive such services as a result of
73 the health care facility's lack of medical diagnostic equipment that
74 complies with the standards for accessibility, receive such services,
75 including, but not limited to, by referring the individual, where feasible,
76 to another provider that is within a reasonable distance of the health
77 care facility and provides services that are accessible to the individual.
78 Prior to making a referral pursuant to subparagraph (B) of this
79 subdivision, the health care facility shall determine whether the other

80 provider is accepting new patients and the services offered by such
81 provider are accessible to such individual and offer assistance to such
82 individual in making an appointment with the provider.

83 (2) A health care facility with fewer than fifteen employees that
84 determines that there is no method of complying with the requirements
85 of subsection (d) of this section other than by making a significant
86 alteration to its existing facilities (A) shall be exempt from the
87 requirements of said subsection, and (B) may refer an individual seeking
88 services from the health care facility that the health care facility is unable
89 to provide as a result of a lack of medical diagnostic equipment that
90 complies with the standards for accessibility to another provider that is
91 within a reasonable distance of the health care facility and provides
92 services that are accessible to such individual. Prior to making a referral
93 pursuant to subparagraph (B) of this subdivision, the health care facility
94 shall determine whether the other provider is accepting new patients
95 and the services offered by such provider are accessible to such
96 individual and offer assistance to such individual in making an
97 appointment with the provider.

98 (3) A health care facility shall not be required to purchase, lease or
99 otherwise acquire medical diagnostic equipment that complies with the
100 standards for accessibility if not less than twenty per cent and one unit
101 of each type of medical diagnostic equipment in use by the health care
102 facility complies with the standards for accessibility. In any health care
103 facility with multiple departments, clinics or specialties, where a
104 program or activity of the facility uses medical diagnostic equipment
105 that complies with the standards for accessibility, the facility shall,
106 wherever feasible, disperse such medical diagnostic equipment in a
107 manner that is proportionate by department, clinic or specialty using
108 medical diagnostic equipment.

109 (f) On and after January 1, 2025, not later than thirty days after a
110 health care facility with two or more examination rooms purchases,
111 leases or otherwise acquires medical diagnostic equipment, the health
112 care facility shall submit a report to the Department of Public Health

113 regarding such purchase, lease or acquisition and whether such
114 equipment complies with the standards for accessibility. Not later than
115 January 1, 2026, and annually thereafter, the Commissioner of Public
116 Health shall report, in accordance with the provisions of section 11-4a,
117 to the joint standing committee of the General Assembly having
118 cognizance of matters relating to public health regarding the
119 information contained in the reports submitted to the department
120 pursuant to this subsection."

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	19a-490dd