



General Assembly

Amendment

February Session, 2024

LCO No. 4487



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 Section 19a-490dd of the general statutes is repealed and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 and section 2 of this act:

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; [and]

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

14 (3) "Practice location" means the office of a physician licensed
15 pursuant to chapter 370s, or of an advanced practice registered nurse
16 licensed pursuant to chapter 378; and

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

22 (b) [On and after January 1, 2023, each] Each health care facility and
23 practice location shall take into consideration the [technical] standards
24 for accessibility. [developed by the federal Architectural and
25 Transportation Barriers Compliance Board in accordance with Section
26 4203 of the Patient Protection and Affordable Care Act, P.L. 111-148, as
27 amended from time to time, when purchasing medical diagnostic
28 equipment.]

29 (c) Not later than December 1, 2022, and annually thereafter, the
30 Commissioner of Public Health shall notify each health care facility [,
31 physician licensed pursuant to chapter 370, physician assistant licensed
32 pursuant to chapter 370 and advanced practice registered nurse licensed
33 pursuant to chapter 378,] and each practice location of information
34 pertaining to the provision of health care to individuals with
35 accessibility needs, including, but not limited to, the [technical]
36 standards for accessibility. [developed by the federal Architectural and
37 Transportation Barriers Compliance Board in accordance with Section
38 4203 of the Patient Protection and Affordable Care Act, P.L. 111-148, as
39 amended from time to time, for medical diagnostic equipment.] The
40 Department of Public Health shall post such information on its Internet
41 web site.

42 (d) Not later than January 1, 2025, each health care facility and
43 practice location shall:

44 (1) Train all staff with direct patient care responsibilities regarding its
45 policies and procedures for addressing patients' access to care;

46 (2) Designate a contact phone number and provide the steps patients
47 may take to contact the health care facility or practice location for
48 assistance with patient access needs and post such information on its
49 Internet web site or otherwise make such information readily available
50 to the public; and

51 (3) (A) Take and document an inventory of all equipment that meets
52 the standards for accessibility and all equipment that does not meet such
53 standards, including, but not limited to, an action plan for addressing
54 gaps in such inventory, and make such documentation available to the
55 Department of Public Health upon request, and (B) identify and
56 document the steps necessary to comply with the requirements set forth
57 in subsection (e) of this section and make such documentation available
58 to the Department of Public Health upon request.

59 (e) On and after January 1, 2026, until such time as federal regulations
60 regarding the requirements for accessibility of medical diagnostic
61 equipment applicable to health care facilities and practice locations are
62 adopted pursuant to Section 504 of the Rehabilitation Act of 1973, as
63 amended from time to time, and except as provided in subsection (f) of
64 this section, each health care facility and practice location with three or
65 more examination rooms and nine or more physicians or advanced
66 practice registered nurses shall (1) when purchasing, leasing, replacing
67 or otherwise obtaining medical diagnostic equipment, independently
68 verify or obtain assurances from the seller or source of such equipment
69 that the equipment complies with the standards for accessibility and
70 maintain documentation of such verification or assurances, (2) maintain
71 an examination table or examination chair that meets the standards for
72 accessibility in at least one examination room that is capable of allowing
73 a patient using an assistive device, including, but not limited to, a
74 wheelchair, to easily enter, exit and maneuver in such examination
75 room, and (3) obtain at least one weight scale that meets the standards
76 for accessibility, provided the health care facility or practice location
77 uses a weight scale.

78 (f) It shall not be a violation of subsection (e) of this section:

79 (1) If a health care facility or practice location is unable to comply with
80 a provision of said subsection because such facility or location is unable
81 to obtain medical diagnostic equipment that is commercially available
82 at a reasonable price;

83 (2) If a health care facility or practice location is unable to comply with
84 a provision of said subsection because such facility or location is (A) in
85 the process of obtaining a necessary approval from a municipal or state
86 agency, including, but not limited to, an approval relating to the
87 building code, a building inspection, a site plan review or a certificate of
88 need pursuant to chapter 368z, and (B) delayed from compliance by
89 such approval process; and

90 (3) If a health care facility or practice location meets the criteria for an
91 exclusion from, exception to or exemption from a requirement set forth
92 in a federal law protecting persons with disabilities, including, but not
93 limited to, the Americans with Disabilities Act, 42 USC 12101 et seq., or
94 Section 504 of the Rehabilitation Act of 1973, as both may be amended
95 from time to time, that is the same as or substantially similar to a
96 requirement set forth in subsection (e) of this section.

97 Sec. 2. (NEW) (*Effective July 1, 2024*) Notwithstanding the provisions
98 of subsection (f) of section 19a-491 of the general statutes and to the
99 extent permitted by federal law, when the Department of Public Health
100 reviews a health care facility's plan for a project for construction or
101 building alteration that is necessary to comply with the provisions of
102 section 19a-490dd of the general statutes, as amended by this act, the
103 department shall accept substantial compliance with the nationally
104 established facility guidelines for health care construction approved by
105 the Commissioner of Public Health pursuant to subsection (f) of section
106 19a-491 of the general statutes, that are either (1) in place at the time such
107 facility provides the plan to the department, or (2) the most recent prior
108 version of such guidelines. The department shall adopt regulations in
109 accordance with the provisions of chapter 54 of the general statutes to
110 implement the provisions of this section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2024</i>	19a-490dd
Sec. 2	<i>July 1, 2024</i>	New section