



# Senate

General Assembly

File No. 101

February Session, 2014

Substitute Senate Bill No. 36

Senate, March 25, 2014

The Committee on Public Health reported through SEN. GERRATANA of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## AN ACT CONCERNING THE GOVERNOR'S RECOMMENDATIONS TO IMPROVE ACCESS TO HEALTH CARE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 20-87a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (Effective July  
3 1, 2014):

4 (b) (1) Advanced nursing practice is defined as the performance of  
5 advanced level nursing practice activities that, by virtue of [postbasic]  
6 post-basic specialized education and experience, are appropriate to  
7 and may be performed by an advanced practice registered nurse. The  
8 advanced practice registered nurse performs acts of diagnosis and  
9 treatment of alterations in health status, as described in subsection (a)  
10 of this section. [, and shall]

11 (2) An advanced practice registered nurse having been issued a  
12 license pursuant to section 20-94a shall, for the first three years after  
13 having been issued such license, collaborate with a physician licensed

14 to practice medicine in this state. In all settings, [the] such advanced  
15 practice registered nurse may, in collaboration with a physician  
16 licensed to practice medicine in this state, prescribe, dispense and  
17 administer medical therapeutics and corrective measures and may  
18 request, sign for, receive and dispense drugs in the form of  
19 professional samples in accordance with sections 20-14c to 20-14e,  
20 inclusive, except [that an] such advanced practice registered nurse  
21 licensed pursuant to section 20-94a and maintaining current  
22 certification from the American Association of Nurse Anesthetists who  
23 is prescribing and administering medical therapeutics during surgery  
24 may only do so if the physician who is medically directing the  
25 prescriptive activity is physically present in the institution, clinic or  
26 other setting where the surgery is being performed. For purposes of  
27 this [subsection] subdivision, "collaboration" means a mutually agreed  
28 upon relationship between [an] such advanced practice registered  
29 nurse and a physician who is educated, trained or has relevant  
30 experience that is related to the work of such advanced practice  
31 registered nurse. The collaboration shall address a reasonable and  
32 appropriate level of consultation and referral, coverage for the patient  
33 in the absence of [the] such advanced practice registered nurse, a  
34 method to review patient outcomes and a method of disclosure of the  
35 relationship to the patient. Relative to the exercise of prescriptive  
36 authority, the collaboration between [an] such advanced practice  
37 registered nurse and a physician shall be in writing and shall address  
38 the level of schedule II and III controlled substances that [the] such  
39 advanced practice registered nurse may prescribe and provide a  
40 method to review patient outcomes, including, but not limited to, the  
41 review of medical therapeutics, corrective measures, laboratory tests  
42 and other diagnostic procedures that [the] such advanced practice  
43 registered nurse may prescribe, dispense and administer.

44 ~~(3) An advanced practice registered nurse having been issued a~~  
45 ~~license pursuant to section 20-94a and having maintained such license~~  
46 ~~for a period of not less than three years in accordance with the~~  
47 ~~provisions of subdivision (2) of this subsection may thereafter, alone or~~  
48 ~~in collaboration with a physician or another health care provider~~

~~49 licensed to practice in this state: (A) Perform the acts of diagnosis and~~  
~~50 treatment of alterations in health status, as described in subsection (a)~~  
~~51 of this section; and (B) prescribe, dispense and administer medical~~  
3) An advanced practice registered nurse having (A) been issued a  
4 license pursuant to section 20-94a, (B) maintained such license for a  
5 period of not less than three years, and (C) engaged in the performance  
6 of advanced practice level nursing activities in collaboration with a  
7 physician for a period of not less than three years in accordance with  
8 the provisions of subdivision (2) of this subsection, may, thereafter,  
9 alone or in collaboration with a physician or another health care  
10 provider licensed to practice in this state: (i) Perform the acts of  
11 diagnosis and treatment of alterations in health status, as described in  
12 subsection (a) of this section; and (ii) prescribe, dispense and  
13 administer medical therapeutics and corrective measures and dispense  
drugs in the form of professional samples as described in subdivision  
(2) of this subsection in all settings.

55 (4) An advanced practice registered nurse licensed under the  
56 provisions of this chapter may make the determination and  
57 pronouncement of death of a patient, provided the advanced practice  
58 registered nurse attests to such pronouncement on the certificate of  
59 death and signs the certificate of death [no] not later than twenty-four  
60 hours after the pronouncement.

61 Sec. 2. Subsection (b) of section 20-9 of the 2014 supplement to the  
62 general statutes, as amended by section 138 of public act 13-234, is  
63 repealed and the following is substituted in lieu thereof (Effective July  
64 1, 2014):

65 (b) The provisions of this chapter shall not apply to:

66 (1) Dentists while practicing dentistry only;

67 (2) Any person in the employ of the United States government while  
68 acting in the scope of his employment;

69 (3) Any person who furnishes medical or surgical assistance in cases  
70 of sudden emergency;

71 (4) Any person residing out of this state who is employed to come  
72 into this state to render temporary assistance to or consult with any  
73 physician or surgeon who has been licensed in conformity with the  
74 provisions of this chapter;

75 (5) Any physician or surgeon residing out of this state who holds a  
76 current license in good standing in another state and who is employed  
77 to come into this state to treat, operate or prescribe for any injury,  
78 deformity, ailment or disease from which the person who employed  
79 such physician, or the person on behalf of whom such physician is  
80 employed, is suffering at the time when such nonresident physician or  
81 surgeon is so employed, provided such physician or surgeon may  
82 practice in this state without a Connecticut license for a period not to  
83 exceed thirty consecutive days;

84 (6) Any person rendering service as (A) an advanced practice  
85 registered nurse if such service is rendered in [collaboration with a  
86 licensed physician] accordance with section 20-87a, as amended by this  
87 act, or (B) an advanced practice registered nurse maintaining  
88 classification from the American Association of Nurse Anesthetists if  
89 such service is under the direction of a licensed physician;

90 (7) Any nurse-midwife practicing nurse-midwifery in accordance  
91 with the provisions of chapter 377;

92 (8) Any podiatrist licensed in accordance with the provisions of  
93 chapter 375;

94 (9) Any Christian Science practitioner who does not use or prescribe  
95 in his practice any drugs, poisons, medicines, chemicals, nostrums or  
96 surgery;

97 (10) Any person licensed to practice any of the healing arts named  
98 in section 20-1, who does not use or prescribe in his practice any drugs,  
99 medicines, poisons, chemicals, nostrums or surgery;

100       (11) Any graduate of any school or institution giving instruction in  
101       the healing arts who has been issued a permit in accordance with  
102       subsection (a) of section 20-11a and who is serving as an intern,  
103       resident or medical officer candidate in a hospital;

104       (12) Any student participating in a clinical clerkship program who  
105       has the qualifications specified in subsection (b) of section 20-11a;

106       (13) Any person, otherwise qualified to practice medicine in this  
107       state except that he is a graduate of a medical school located outside of  
108       the United States or the Dominion of Canada which school is

109 recognized by the American Medical Association or the World Health  
110 Organization, to whom the Connecticut Medical Examining Board,  
111 subject to such regulations as the Commissioner of Public Health, with  
112 advice and assistance from the board, prescribes, has issued a permit  
113 to serve as an intern or resident in a hospital in this state for the  
114 purpose of extending his education;

115 (14) Any person rendering service as a physician assistant licensed  
116 pursuant to section 20-12b, a registered nurse, a licensed practical  
117 nurse or a paramedic, as defined in subdivision (15) of section 19a-175,  
118 acting within the scope of regulations adopted pursuant to section 19a-  
119 179, if such service is rendered under the supervision, control and  
120 responsibility of a licensed physician;

121 (15) Any student enrolled in an accredited physician assistant  
122 program or paramedic program approved in accordance with  
123 regulations adopted pursuant to section 19a-179, who is performing  
124 such work as is incidental to his course of study;

125 (16) Any person who, on June 1, 1993, has worked continuously in  
126 this state since 1979 performing diagnostic radiology services and who,  
127 as of October 31, 1997, continued to render such services under the  
128 supervision, control and responsibility of a licensed physician solely  
129 within the setting where such person was employed on June 1, 1993;

130 (17) Any person practicing athletic training, as defined in section 20-  
131 65f;

132 (18) When deemed by the Connecticut Medical Examining Board to  
133 be in the public's interest, based on such considerations as academic  
134 attainments, specialty board certification and years of experience, to a  
135 foreign physician or surgeon whose professional activities shall be  
136 confined within the confines of a recognized medical school;

137 (19) Any technician engaging in tattooing in accordance with the  
138 provisions of section 20-266o or 20-266p and any regulations adopted  
139 thereunder;

140 (20) Any person practicing perfusion, as defined in section 20-162aa;  
 141 or

142 (21) Any foreign physician or surgeon (A) participating in  
 143 supervised clinical training under the direct supervision and control of  
 144 a physician or surgeon licensed in accordance with the provisions of  
 145 this chapter, and (B) whose professional activities are confined to a  
 146 licensed hospital that has a residency program accredited by the  
 147 Accreditation Council for Graduate Medical Education or that is a  
 148 primary affiliated teaching hospital of a medical school accredited by  
 149 the Liaison Committee on Medical Education. Such hospital shall  
 150 verify that the foreign physician or surgeon holds a current valid  
 151 license in another country.

152 Sec. 3. Section 20-94b of the general statutes is repealed and the  
 153 following is substituted in lieu thereof (Effective July 1, 2014):

154 An advanced practice registered nurse licensed pursuant to section  
 155 20-94a and maintaining current certification from the American  
 156 Association of Nurse Anesthetists may prescribe, dispense and  
 157 administer drugs, including controlled substances in schedule II, III,  
 158 IV, or V. An advanced practice registered nurse licensed pursuant to  
 159 section 20-94a who does not maintain current certification from the  
 160 American Association of Nurse Anesthetists may prescribe, dispense,  
 161 and administer drugs, including controlled substances in schedule [IV]  
 162 II, III, IV or V, [except that such an advanced practice registered nurse  
 163 may also prescribe controlled substances in schedule II or III that are  
 164 expressly specified in written collaborative agreements pursuant to  
 165 subsection (b) of] in accordance with section 20-87a, as amended by  
 166 this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2014	20-87a(b)
Sec. 2	July 1, 2014	20-9(b)
Sec. 3	July 1, 2014	20-94b

Sec. 501. (NEW) (Effective from passage) As used in this section:

- 17       (1) "Commissioner" means the Commissioner of Public Health;
- 18       (2) "Contact hour" means a minimum of fifty minutes of continuing  
19 education and activities;
- 20       (3) "Department" means the Department of Public Health;
- 21       (4) "Licensee" means an advanced practice registered nurse licensed  
22 pursuant to section 20-94a of the general statutes; and
- 23       (5) "Registration period" means the one-year period for which a  
24 license has been renewed in accordance with section 19a-88 of the  
25 general statutes and is current and valid.
- 26       (b) Except as provided in this section, for registration periods  
27 beginning on and after October 1, 2014, a licensee applying for license  
28 renewal shall earn a minimum of fifty contact hours of continuing  
29 education within the preceding twenty-four-month period. Such  
30 continuing education shall: (1) Be in an area of the advanced practice  
31 registered nurse's practice; (2) reflect the professional needs of the  
32 licensee in order to meet the health care needs of the public; and (3)  
33 include at least five contact hours of training or education in  
34 pharmacotherapeutics. For purposes of this section, qualifying  
35 continuing education activities include, but are not limited to, courses,  
36 including on-line courses, offered or approved by the American  
37 Nurses Association, Connecticut Hospital Association, Connecticut  
38 Nurses Association, Connecticut League for Nursing, a specialty  
39 nursing society or an equivalent organization in another jurisdiction,  
40 an educational offering sponsored by a hospital or other health care  
41 institution or a course offered by a regionally accredited academic  
42 institution or a state or local health department. The commissioner  
43 may grant a waiver of not more than ten contact hours of continuing



44 education for an advanced practice registered nurse who: (A) Engages  
45 in activities related to the advanced practice registered nurse's service  
46 as a member of the Connecticut State Board of Examiners for Nursing,  
47 established pursuant to section 20-88 of the general statutes; or (B)  
48 assists the department with its duties to boards and commissions as  
49 described in section 19a-14 of the general statutes.

50 (c) Each licensee applying for license renewal pursuant to section  
51 19a-88 of the general statutes shall sign a statement attesting that he or  
52 she has satisfied the continuing education requirements of subsection  
53 (b) of this section on a form prescribed by the department. Each  
54 licensee shall retain records of attendance or certificates of completion  
55 that demonstrate compliance with the continuing education  
56 requirements of subsection (b) of this section for a minimum of three  
57 years following the year in which the continuing education activities  
58 were completed and shall submit such records or certificates to the  
59 department for inspection not later than forty-five days after a request  
60 by the department for such records or certificates.

61 (d) A licensee applying for the first time for license renewal  
62 pursuant to section 19a-88 of the general statutes is exempt from the  
63 continuing education requirements of this section.

64 (e) (1) A licensee who is not engaged in active professional practice  
65 in any form during a registration period shall be exempt from the  
66 continuing education requirements of this section, provided the  
67 licensee submits to the department, prior to the expiration of the  
68 registration period, a notarized application for exemption on a form  
69 prescribed by the department and such other documentation as may  
70 be required by the department. The application for exemption  
71 pursuant to this subdivision shall contain a statement that the licensee  
72 may not engage in professional practice until the licensee has met the  
73 requirements of this section.

74 (2) Any licensee who is exempt from the provisions of subsection (b)  
75 of this section for less than two years shall complete twenty-five

76 contact hours of continuing education that meets the criteria set forth  
77 in subsection (b) of this section within the twelve-month period  
78 immediately preceding the licensee's return to active professional  
79 practice.

80 (f) In individual cases involving medical disability or illness, the  
81 commissioner, or the commissioner's designee, may grant a waiver of  
82 the continuing education requirements or an extension of time within  
83 which to fulfill the continuing education requirements of this section to  
84 any licensee, provided the licensee submits to the department an  
85 application for waiver or extension of time on a form prescribed by the  
86 department, along with a certification by a licensed physician,  
87 physician assistant or advanced practice registered nurse of the  
88 disability or illness and such other documentation as may be required  
89 by the commissioner. The commissioner or his or her designee may  
90 grant a waiver or extension for a period not to exceed one registration  
91 period, except that the commissioner or his or her designee may grant  
92 additional waivers or extensions if the medical disability or illness  
93 upon which a waiver or extension is granted continues beyond the  
94 period of the waiver or extension and the licensee applies for an  
95 additional waiver or extension.

96 (g) Any licensee whose license has become void pursuant to section  
97 19a-88 of the general statutes and who applies to the department for  
98 reinstatement of such license pursuant to section 19a-14 of the general  
99 statutes shall submit evidence documenting successful completion of  
100 twenty-five contact hours of continuing education within the one-year  
101 period immediately preceding application for reinstatement.

102 Sec. 502. (NEW) (Effective October 1, 2014) (a) For purposes of this  
103 section:

104 (1) "Advanced practice registered nurse" means a person licensed  
105 pursuant to chapter 378 of the general statutes;

106 (2) "Applicable manufacturer" means a manufacturer of a covered

107 drug, device, biological, or medical supply that is operating in the  
108 United States, or in a territory, possession, or commonwealth of the  
109 United States;

110 (3) "Payment or other transfer of value" means a transfer of anything  
111 of value, except a transfer of anything of value that is made indirectly  
112 to an advanced practice registered nurse through a third party in  
113 connection with an activity or service in the case where the applicable  
114 manufacturer is unaware of the identity of the advanced practice  
115 registered nurse;

116 (4) "Covered drug, device, biological, or medical supply" means any  
117 drug, biological product, device, or medical supply for which payment  
118 is available under subchapter XVIII of chapter 7 of Title 42 or the state  
119 Medicaid plan under subchapter XIX or XXI of said chapter or a  
120 waiver of such a plan; and

121 (5) "Covered device" means any device for which payment is  
122 available under subchapter XVIII of chapter 7 of Title 42 or the state  
123 Medicaid plan under subchapter XIX or XXI of said chapter or a  
124 waiver of such a plan.

125 (b) (1) Not later than January 1, 2015, and quarterly thereafter, an  
126 applicable manufacturer that provides a payment or other transfer of  
127 value to an advanced practice registered nurse, who is practicing in the  
128 state, shall submit to the Commissioner of Public Health, in the form  
129 and manner prescribed by the commissioner, the information  
130 described in 42 USC 1320a-7h, as amended from time to time.

131 (2) The commissioner may publish such information on the  
132 Department of Public Health's Internet web site.

133 (c) An applicable manufacturer that fails to report in accordance  
134 with this section shall be assessed a civil penalty in an amount not less  
135 than one thousand dollars or more than four thousand dollars for each  
136 payment or other transfer of value not reported."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	from passage	New section
Sec. 502	October 1, 2014	New section

PH      Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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## OFA Fiscal Note

State Impact: None

Municipal Impact: None

### Explanation

There is no fiscal impact to the Department of Public Health from allowing advanced practice registered nurses (ARPNs) to practice without physician collaboration after having maintained their APRN licenses for at least three years. The bill does not alter licensure or regulatory requirements of the Department. Other technical changes under the bill do not result in a fiscal impact.

### The Out Years

State Impact: None

Municipal Impact: None

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**OLR Bill Analysis****sSB 36****AN ACT CONCERNING THE GOVERNOR'S RECOMMENDATIONS  
TO IMPROVE ACCESS TO HEALTH CARE.****SUMMARY:**

This bill allows advanced practice registered nurses (APRNs) who have been licensed in Connecticut for at least three years to practice independently without needing to collaborate with physicians. Current law requires APRNs to work in collaboration with a physician, including having a written agreement regarding the APRN's prescriptive authority.

The bill also makes technical and conforming changes.

By law, nurse anesthetists (one category of APRNs) must work under a physician's direction. Under current law, certified nurse anesthetists can prescribe and administer medication during surgery only if the physician medically directing the prescriptive activity is physically present in the facility where the surgery is taking place. It is unclear if this restriction continues to apply under the bill to such nurse anesthetists who have been licensed for three years.

EFFECTIVE DATE: July 1, 2014

**APRN COLLABORATION WITH PHYSICIANS**

Under the bill, the current requirement for an APRN to work in collaboration with a physician applies for the first three years after the APRN becomes licensed in the state. After that, collaboration is optional, and APRNs can practice independently. The bill also specifically permits APRNs licensed at least three years to collaborate with other licensed health care providers.

By law, collaboration is defined as a mutually agreed upon relationship between an APRN and a physician whose education, training, or relevant experience is related to the APRN's work. The collaboration must address (1) a reasonable and appropriate level of consultation and referral, (2) patient coverage in the APRN's absence, (3) methods to review patient outcomes and disclose the relationship to the patient, and (4) what schedule II and III controlled substances the APRN can prescribe. (APRNs can also prescribe schedule IV and V controlled substances.)

#### COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea    22    Nay   4    (03/10/2014)