



General Assembly

Amendment

February Session, 2024

LCO No. 5032



Offered by:

REP. DEMICCO, 21st Dist.
REP. MCCARTHY VAHEY, 133rd Dist.
SEN. ANWAR, 3rd Dist.
SEN. SOMERS, 18th Dist.
SEN. GORDON, 35th 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 Section 19a-490dd of the general statutes is repealed and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) "Commercially reasonable price" means a price that does not
7 exceed the fair market value of medical diagnostic equipment that meets
8 the standards for accessibility;

9 (2) "Health care facility" means a hospital or an outpatient clinic, as
10 such terms are defined in section 19a-490, a long-term care facility, as

11 defined in section 17a-405, and a hospice facility, licensed pursuant to
12 section 19a-122b; [and]

13 [(2) "medical diagnostic equipment"] (3) "Medical diagnostic
14 equipment" means (A) an examination table, (B) an examination chair,
15 (C) a weight scale, (D) mammography equipment, and (E) x-ray,
16 imaging and other radiological diagnostic equipment;

17 (4) "Practice location" means the office of a practice of nine or more
18 physicians licensed pursuant to chapter 370 or advanced practice
19 registered nurses licensed pursuant to chapter 378, or a combination
20 thereof; and

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

26 (b) [On and after January 1, 2023, each] Each health care facility and
27 practice location shall take into consideration the [technical] standards
28 for accessibility. [developed by the federal Architectural and
29 Transportation Barriers Compliance Board in accordance with Section
30 4203 of the Patient Protection and Affordable Care Act, P.L. 111-148, as
31 amended from time to time, when purchasing medical diagnostic
32 equipment.]

33 (c) Not later than December 1, 2022, and annually thereafter, the
34 Commissioner of Public Health shall notify each health care facility [,
35 physician licensed pursuant to chapter 370, physician assistant licensed
36 pursuant to chapter 370 and advanced practice registered nurse licensed
37 pursuant to chapter 378,] and each practice location of information
38 pertaining to the provision of health care to individuals with
39 accessibility needs, including, but not limited to, the [technical]
40 standards for accessibility. [developed by the federal Architectural and
41 Transportation Barriers Compliance Board in accordance with Section
42 4203 of the Patient Protection and Affordable Care Act, P.L. 111-148, as

43 amended from time to time, for medical diagnostic equipment.] The
44 Department of Public Health shall post such information on its Internet
45 web site.

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

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

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

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

64 (e) On and after January 1, 2026, until such time as federal regulations
65 regarding the requirements for accessibility of medical diagnostic
66 equipment applicable to health care facilities and practice locations
67 adopted pursuant to Section 504 of the Rehabilitation Act of 1973, as
68 amended from time to time, become mandatory and except as provided
69 in subsection (f) of this section, each health care facility with three or
70 more examination rooms and each practice location with three or more
71 examination rooms shall (1) when purchasing, leasing, replacing or
72 otherwise obtaining medical diagnostic equipment, independently
73 verify or obtain assurances from the seller or source of such equipment
74 that the equipment complies with the standards for accessibility and

75 maintain documentation of such verification or assurances, (2) have
76 available an examination table or examination chair that meets the
77 standards for accessibility in at least one examination room that is
78 capable of allowing a patient using an assistive device, including, but
79 not limited to, a wheelchair, to easily enter, exit and maneuver in such
80 examination room, and (3) have available at least one weight scale that
81 meets the standards for accessibility, provided the health care facility or
82 practice location uses a weight scale.

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

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

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

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

102 Sec. 2. (NEW) (*Effective July 1, 2024*) Notwithstanding the provisions
103 of subsection (f) of section 19a-491 of the general statutes and to the
104 extent permitted by federal law, when the Department of Public Health
105 reviews a health care facility's plan for a project for construction or
106 building alteration that is necessary to comply with the provisions of

107 section 19a-490dd of the general statutes, as amended by this act, the
108 department shall accept substantial compliance with the nationally
109 established facility guidelines for health care construction approved by
110 the Commissioner of Public Health pursuant to subsection (f) of section
111 19a-491 of the general statutes, that are either (1) in place at the time such
112 facility provides the plan to the department, or (2) the most recent prior
113 version of such guidelines. The department shall adopt regulations in
114 accordance with the provisions of chapter 54 of the general statutes to
115 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