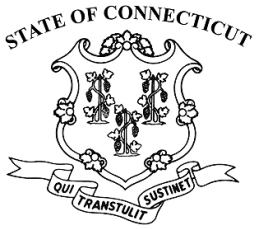

House Bill No. 5200

Public Act No. 24-113

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

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

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 Section 19a-490dd of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*):

(a) As used in this section and section 2 of this act:

(1) "Commercially reasonable price" means a price that does not exceed the fair market value of medical diagnostic equipment that meets the standards for accessibility;

[(1)**]** (2) "Health care facility" means a hospital or an outpatient clinic, as such terms are defined in section 19a-490, a long-term care facility, as defined in section **[**17a-405**]** 19a-491c, and a hospice facility, licensed pursuant to section 19a-122b; **[**and (2) "medical diagnostic equipment"**]**

(3) "Medical diagnostic equipment" means (A) an examination table, (B) an examination chair, (C) a weight scale, (D) mammography equipment, and (E) x-ray, imaging and other radiological diagnostic equipment;

(4) "Practice location" means the office of a practice of nine or more

physicians licensed pursuant to chapter 370 or advanced practice registered nurses licensed pursuant to chapter 378, or a combination thereof; and

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

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

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

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

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

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

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

(e) On and after January 1, 2026, until such time as federal regulations regarding the requirements for accessibility of medical diagnostic equipment applicable to health care facilities and practice locations adopted pursuant to Section 504 of the Rehabilitation Act of 1973, as amended from time to time, become mandatory and except as provided in subsection (f) of this section, each health care facility with three or more examination rooms and each practice location with three or more examination rooms shall (1) when purchasing, leasing, replacing or otherwise obtaining medical diagnostic equipment, independently verify or obtain assurances from the seller or source of such equipment that the equipment complies with the standards for accessibility and maintain documentation of such verification or assurances, (2) have available an examination table or examination chair that meets the standards for accessibility in at least one examination room that is capable of allowing a patient using an assistive device, including, but

not limited to, a wheelchair, to easily enter, exit and maneuver in such examination room, and (3) have available at least one weight scale that meets the standards for accessibility, provided the health care facility or practice location uses a weight scale.

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

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

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

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

Sec. 2. (NEW) (*Effective July 1, 2024*) Notwithstanding the provisions of subsection (f) of section 19a-491 of the general statutes and to the extent permitted by federal law, when the Department of Public Health reviews a health care facility's plan for a project for construction or building alteration that is necessary to comply with the provisions of section 19a-490dd of the general statutes, as amended by this act, the

department shall accept compliance with the nationally established facility guidelines for health care construction approved by the Commissioner of Public Health pursuant to subsection (f) of section 19a-491 of the general statutes, that are either (1) in place at the time such facility provides the plan to the department, or (2) the most recent prior version of such guidelines. The department shall adopt regulations in accordance with the provisions of chapter 54 of the general statutes to implement the provisions of this section.