



Substitute House Bill No. 6820

Public Act No. 23-128

AN ACT PREVENTING AN ADVERSE ACTION AGAINST A HEALTH CARE PROVIDER DUE TO AN ADVERSE ACTION TAKEN BY ANOTHER STATE AS A RESULT OF SUCH PROVIDER'S INVOLVEMENT IN PROVIDING REPRODUCTIVE HEALTH CARE SERVICES.

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

Section 1. (NEW) (*Effective from passage*) (a) As used in this section, "reproductive health care services" has the same meaning as provided in section 52-571m of the general statutes.

(b) Notwithstanding the provisions of subsection (a) of section 19a-14 of the general statutes, the Department of Public Health shall not deny the eligibility of an applicant for a (1) permit, (2) license by examination, endorsement or reciprocity, or (3) reinstatement of a license (A) voided pursuant to the provisions of subsection (f) of section 19a-88 of the general statutes, (B) voluntarily surrendered, or (C) by agreement, not renewed or reinstated pursuant to the provisions of subsection (d) of section 19a-17 of the general statutes based on pending disciplinary action, an unresolved complaint or the imposition of disciplinary action against the applicant by a duly authorized professional disciplinary agency of another state, the District of Columbia or a commonwealth, territory or possession of the United States that is based solely on the alleged provision of, receipt of,

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assistance in provision or receipt of, material support for, or any theory of vicarious, joint, several or conspiracy liability derived therefrom, reproductive health care services that are permitted under the laws of this state and were provided in accordance with the standard of care applicable to such services, regardless of whether the patient receiving such services was a resident of this state. The provisions of this subsection shall not apply where the underlying conduct of the applicant would constitute the basis of disciplinary action against the applicant under the laws of this state if the applicant had been licensed or permitted in this state and the conduct had occurred in this state.

(c) Notwithstanding the provisions of section 19a-17 of the general statutes, a board or commission established under title 20 of the general statutes that has jurisdiction over persons licensed, certified or registered under said title who provide reproductive health care services, and the Department of Public Health, with respect to professions under the department's jurisdiction that are not subject to discipline by such a board or commission, shall not impose disciplinary action against a licensed, certified or registered person based on pending disciplinary action, an unresolved complaint or the imposition of disciplinary action against such persons before or by a duly authorized professional disciplinary agency of another state, the District of Columbia, or a commonwealth, territory or possession of the United States that is based solely on the alleged provision of, receipt of, assistance in provision or receipt of, material support for, or any theory of vicarious, joint, several or conspiracy liability derived therefrom, reproductive health care services that are permitted under the laws of this state and were provided in accordance with the standard of care applicable to such services, regardless of whether the patient receiving such services was a resident of this state. The provisions of this subsection shall not apply where the underlying conduct of the licensed, certified or registered person would constitute the basis of disciplinary action against such person under the laws of this state if the conduct had

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occurred in this state.

Sec. 2. (NEW) (*Effective from passage*) (a) As used in this section, "reproductive health care services" has the same meaning as provided in section 52-571m of the general statutes.

(b) Notwithstanding any provision of chapter 400j of the general statutes, the Commissioner of Consumer Protection and the Commission of Pharmacy shall not deny the eligibility of an applicant for a license, permit or registration under chapter 400j of the general statutes based on pending disciplinary action, an unresolved complaint or the imposition of disciplinary action against the applicant by a duly authorized professional disciplinary agency of another state, the District of Columbia or a commonwealth, territory or possession of the United States that is based solely on the alleged provision of, receipt of, assistance in provision or receipt of, material support for, or any theory of vicarious, joint, several or conspiracy liability derived therefrom, reproductive health care services that are permitted under the laws of this state and were provided in accordance with the standard of care applicable to such services, regardless of whether the patient receiving such services was a resident of this state. The provisions of this subsection shall not apply where the underlying conduct of the applicant would constitute the basis of disciplinary action against the applicant under the laws of this state if the applicant had been licensed, permitted or registered in this state and the conduct had occurred in this state.

(c) Notwithstanding any provision of chapter 400j of the general statutes, the Commissioner of Consumer Protection and the Commission of Pharmacy shall not impose disciplinary action against any person licensed, permitted or registered pursuant to the provisions of chapter 400j of the general statutes based on pending disciplinary action, an unresolved complaint or the imposition of disciplinary action against the applicant by a duly authorized professional disciplinary

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agency of another state, the District of Columbia, or a commonwealth, territory or possession of the United States that is based solely on the alleged provision of, receipt of, assistance in provision or receipt of, material support for, or any theory of vicarious, joint, several or conspiracy liability derived therefrom, reproductive health care services that are permitted under the laws of this state and were provided in accordance with the standard of care applicable to such services, regardless of whether the patient receiving such services was a resident of this state. The provisions of this subsection shall not apply where the underlying conduct of the person licensed, permitted or registered would constitute the basis of disciplinary action against such person under the laws of this state if such person had been licensed, permitted or registered in this state and the conduct had occurred in this state.

Sec. 3. (NEW) (*Effective from passage*) (a) As used in this section, (1) "credentialing" means the process of assessing and validating the qualifications of a health care provider applying to be approved to provide treatment, care or services in or for an institution, (2) "health care provider" means a person licensed pursuant to title 20 of the general statutes who provides reproductive health care services, (3) "institution" has the same meaning as provided in section 19a-490 of the general statutes, (4) "privileging" means the process of authorizing a health care provider to provide specific treatment, care or services at an institution, and (5) "reproductive health care services" has the same meaning as provided in section 52-571m of the general statutes.

(b) An institution shall not revoke, suspend, reprimand, penalize, refuse to issue or renew credentials or privileges or take any other adverse action against a health care provider with respect to credentialing or privileging based solely on the alleged provision of, receipt of, assistance in provision or receipt of, material support for, or any theory of vicarious, joint, several or conspiracy liability derived therefrom, reproductive health care services that (1) are permitted

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under the laws of this state, (2) were provided in accordance with the standard of care applicable to such services, and (3) were provided by the health care provider (A) before the date on which the health care provider entered an employment relationship with the institution, or (B) outside the scope of the health care provider's employment with the institution, regardless of whether the patient receiving such services was a resident of this state.

(c) An institution shall not revoke, suspend, reprimand, penalize, refuse to issue or renew credentials or privileges or take any other adverse action against a health care provider based on pending disciplinary action, an unresolved complaint or the imposition of disciplinary action against the applicant by a duly authorized professional disciplinary agency of another state, the District of Columbia, or a commonwealth, territory or possession of the United States that is based solely on the alleged provision of, receipt of, assistance in provision or receipt of, material support for, or any theory of vicarious, joint, several or conspiracy liability derived therefrom, reproductive health care services that (1) are permitted under the laws of this state, (2) were provided in accordance with the standard of care applicable to such services, and (3) were provided by the health care provider (A) before the date on which the health care provider entered an employment relationship with the institution, or (B) outside the scope of the health care provider's employment with the institution, regardless of whether the patient receiving such services was a resident of this state.

(d) The provisions of this section shall not be construed to prevent an institution from taking any of the actions described in subsections (b) and (c) of this section against a health care provider for conduct that (1) does not conform to the standards of care for the provider's profession, (2) is illegal under the laws of this state, or (3) violates policies or rules of the institution that define the scope of services provided by the

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institution if (A) such conduct occurs within the scope of the health care provider's employment with, or delivery of care at, the institution, and (B) the institution's enforcement of such policies or rules is not otherwise prohibited by law or regulation.

Sec. 4. (NEW) (*Effective from passage*) (a) As used in this section, (1) "health care provider" means a person licensed pursuant to title 20 of the general statutes who provides reproductive health care services, (2) "insurer" means an insurer that insures a health care provider against professional liability, and (3) "reproductive health care services" has the same meaning as provided in section 52-571m of the general statutes.

(b) An insurer shall not take any adverse action, including, but not limited to, denial or revocation of coverage, sanctions, fines, penalties or rate increases against a health care provider, if such action is based solely on:

(1) Such health care provider's alleged provision of, receipt of, assistance in provision or receipt of, material support for, or any theory of vicarious, joint, several or conspiracy liability derived therefrom, reproductive health care services that are permitted under the laws of this state and were provided in accordance with the standard of care applicable to such services, regardless of whether the patient receiving such services was a resident of this state; or

(2) Pending disciplinary action, an unresolved complaint or the imposition of disciplinary action against such health care provider by a duly authorized professional disciplinary agency of another state, the District of Columbia, or a commonwealth, territory or possession of the United States that is based solely on the alleged provision of, receipt of, assistance in provision or receipt of, material support for, or any theory of vicarious, joint, several or conspiracy liability derived therefrom, reproductive health care services that are permitted under the laws of this state and were provided in accordance with the standard of care

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applicable to such services, regardless of whether the patient receiving such services was a resident of this state.