

Legislative History for Connecticut Act

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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
and House of Representatives Proceedings

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CONNECTICUT
GENERAL ASSEMBLY
HOUSE

PROCEEDINGS
1969

VOL. 13
PART 12
5298-5747

Tuesday, June 3, 1969

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MR. COLLINS: (165th)

Mr. Speaker, on Page 1 of the Calendar, I would request that Calendars 1411, Senate Bill 291, File 1369 and 1515, Substitute for Senate Bill 813, File 1572 be removed from the Consent Calendar.

THE SPEAKER:

Your objection is noted. These two items will be removed from the Consent Calendar.

MR. COLLINS: (165th)

Mr. Speaker, I would now request that if any member of the House wishes any further items removed from the Consent Calendar, they make their wishes known to the speaker at this time.

THE SPEAKER:

Are there any individual members who object to items which are now under consideration on today's Consent Calendar. Hearing none, the gentleman from the 165th.

MR. COLLINS: (165th)

Mr. Speaker, I would now move acceptance of the Joint Committee's favorable reports and passage of the following bills on the Consent Calendar:

Page 2 - Cal. 1519, Senate Bill 32, File 112
Cal. 1524, Substitute for Senate Bill 390, File 1562
Cal. 1525, Sub. for Senate Bill 477, File 1483
Cal. 1526, Senate Bill 510, File 308
Cal. 1527, Senate Bill 588, File 776

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Cal. 1533, Sub. for Senate bill 1296, File 982

Cal. 1537, Sub. for Senate Bill 1476, File 1568

Cal. 1538, Sub. for Senate Bill 1549, File 1509

Page 3 - Cal. 1540, Senate Bill 1582, File 1480

Cal. 1541, Senate Bill 1583, File 1552.

I move the adoption of those items, Mr. Speaker.

THE SPEAKER:

You have heard the motion of the gentleman from the 165th.
The gentleman from the 127th.

MR. PROVENZANO: (127th)

Mr. Speaker, I have a question on an item and I don't mean to hold it up but I would like to ask a question, if I may, for legislative intent. The third item on Page 2 of the Consent Calendar, Cal. 1525, Sub. for Senate Bill 477, File 1483. My question is - shall the reflectors which are customarily carried now in tractor-trailers conform with this section of the new bill.

THE SPEAKER:

Can the Chairman of the Transportation Committee, the gentleman from the 105th respond to the question of the gentleman of the 127th.

MR. O'DEA: (105th)

Through you, Mr. Speaker, yes, I believe they will.

THE SPEAKER:

Question is on acceptance and passage. All those in favor indicate by saying Aye. Those opposed. The Bills are PASSED.

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SENATOR MARCUS:

Mr. President, I believe you made a ruling on that matter and we had a roll call vote. Your ruling was sustained.

SENATOR HULL:

Mr. President, as a matter of legislative intent, I wish to point out it was not intended that Marshall L. Hopkins of East Hartford retire at 50.

THE CLERK:

Turn to page 24 of your Calendar please. The next item your Clerk has marked for business is on the top of the page. Calendar No. 192, File No. 112. Favorable report of the Joint Committee on Insurance on Senate Bill 32. An Act concerning Unfair Insurance Practices. The Clerk is in error. There is one more disagreeing action. Calendar No. 1117. The Clerk will return and call the Unfair Insurance Practices.

THE CHAIR:

Senator from the 21st.

SENATOR GUNTHER:

I move the committee's joint favorable report and passage of the bill.

THE CHAIR:

The question is on the passage of this bill. Will you remark Senator.

SENATOR GUNTHER:

This bill will centrally include all branches of the heal-

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ing arts under the unfair practices insurance act of the State of Connecticut. At this date it does not include natureopathic and osteopathic physicians.

THE CHAIR:

Are there further remarks on the passage of this bill. If not as many who are in favor signify by saying Aye. Opposed. The Ayes have it. The bill is passed.

THE CLERK:

The clerk inadvertently skipped over Calendar 1117, File No. 755 on page 23. Favorable report of the joint standing committee on Transportation. Substitute for Senate Bill 820.

An Act concerning the Establishment of a Department of Transportation. As amended by Senate Amendment Schedule "B" and "C" and House Amendment Schedule "A."

THE CHAIR:

Senator from the 3rd.

SENATOR BURKE:

Will the Clerk please read House Amendment Schedule "A."

THE CLERK:

House Amendment Schedule "A." offered by Mr. O'Dea and Mr. Provenzano. Section 37 subsection c, line 10. Strike out the following: determination by the Commissioner. Strike out lines 11 to 14 inclusive and substitute the following: in connection with the purchase or taking by the commissioner of any such property owned by any person other than a municipality, the determination by the commissioner that such purchase or taking

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doctors, very capable doctors are licensed to perform, the average group contract would pay. No question about it. But for example, if a union or an employer in collective bargaining agreement want to cover the services of these three areas, four areas in the healing arts they can do so. And the companies will provide that benefit. But the definition of Natureopathy in Section 20-34 doesn't include internal medication or as it's mentioned here other services which the doctors can explain whether it's medical treatment or not. What we're saying is to compel every single insurer on a group contract or an individual contract to pay for a service which can be legally performed by any of these healing arts is statutory underwriting of a contract by the legislature not by the unions and the collective bargaining agreement with the employer. These are previously written contracts and therefore you are writing a contract and not the unions and the others, and the people who are buying insurance.

Now statutory underwriting can divert insurance dollars to services which some union, some employer might consider less important than straight medical care and treatment. So that I file this respectfully sir, this memorandum, in opposition. If you would like further documentation we'd be glad to duplicate it. Thank you.

Chairman Lyddy: Thank you. Any questions?

Rep. Donnelly: Do any of the companies that you now represent, do they now write any contracts that would govern these items?

Mr. Hallett: They could if the union, if the union-employer want it. In it goes. It's a benefit we would charge for and they would pay if it's in the contract.

Rep. Donnelly: I'll ask the question again. Do they?

Mr. Hallett: I don't know. I'll find out. I know that Chiropractice we pay and I believe that in some cases these gentlemen will know whether any union or group contract in the area cover them specifically. Whether the service is medical or not. I will check on this. I don't know.

Chairman Lyddy: Any questions?

Rep. Vicino: I was told that some companies may or may not pay the bills as they so interpret their provisions of their policy. And in some cases have in fact paid.

Mr. Hallett: If a company has not paid and the service is medical care and treatment that they have performed within their license and the contract says so, I would think in that case that patient can sue them.

Senator Raymond C. Lyddy, presiding

Members present: Senators: Lyddy, Ives, Dinielli, Buckley
Representatives: Simons, Miller, Lyons, Donnelly,
Newman, Dzialo, Salsmone, Vicino, Pearson, Genovesi

Chairman Lyddy: All right Ladies and Gentlemen, we'll open the
Legislator part of the hearings and I would ask that any
Legislators who may wish to be heard on any of the bills
starting with the House come forward.

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Rep. Barrows, 13th District: I'd like to speak in favor of the Senate
Bill 32 which has the purpose of extending the non-discrimination
clause of Section 38-61, subdivision 7 to include natureopathic
physicians and osteopathic physicians. First it would appear that
by training and education that both of these classifications of
services which are beneficial to the ailing. Secondly, and more
importantly it is my personal experience and observation that the
services that they offer would be to the general welfare of the
ailing public. Thank you very much.

Chairman Lyddy: Thank you very much. Anyone else from the House who
wishes to be heard? Anyone from the Senate who wishes to be
heard? State your full name for the record.

Senator Gunther, 21st District: Senator Gunther, George L. 21st
District including the City of Milford in the Town of Stratford.
I would like to speak in favor of SB 32. SB 32 is a bill to correct a
defect in the existing law. Subdivision 7 Section 1 of the
Connecticut Statute 38-61 is to eliminate the discriminatory por-
tion of this law which was passed to eliminate any insurance
reimbursement being denied anyone based on race, color, creed, or
healing art. And in the 1967 Session the chiropratic physicians
found it necessary to introduce and have pass the bill to include
their profession under the Unfair Practice Clause. It is un-
fortunate that the broad statement in SB 32 was not adopted at that
time. At present the only two professions licensed under the
State Healing Arts Law that are not included in the unfair practices
are the Natureopathic and Osteopathic physicians.

Incidentally the previous speaker spoke of the training under the
State Healing Arts Law the medical field, the chiropratic, the
natureopathic, osteopathic fields all take physiology, diagnosis,
hygiene, and pathology, which is prerequisite to their own
examining board which shows by credential all these men are qualified
in the field of treating human ailments under the Physicians Law

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of the State Healing Arts Law. The entire philosophy of this act is to prevent discrimination, yet these two professions are disqualified by the act itself. In this day and age when we are constantly fighting to protect the rights of everyone, it is difficult to understand how this defect can continue.

I ask a favorable passage of SB 32 so that all professions will be included in the Unfair Insurance Practice Act. Any questions?

Chairman Lyddy: Thank you. Any other members of the committee wish to ask Senator Gunther any questions? Any other member of the Legislature who wishes to be heard on any bill?

Rep. Jotham G. Reynolds, 54th District: Hon. members of the committee, Jotham G. Reynolds, Rep. from the 54th Assembly District. I have a doctor practicing in healing arts in Putnam, Connecticut who has been discriminated against because of previous statute and Senator Gunther has said it all. I just wish to be registered in favor of SB 32. Thank you.

Chairman Lyddy: Thank you. Any questions? Any other Legislator in favor or opposed to any other bill designated for hearing today. Hearing will now proceed with the public hearing at this point. I might for the record state that SB 278 scheduled for hearing today will be postponed for hearing at a later time. It may also be that some of these bills are on the same subject matter so that if anyone wishes to address himself or herself to subject matter and would so designate the bills in their presentation we'd be happy to hear it. I will start with the bills as they are listed which I think is probably the easiest way to handle this. And start with SB 32 and want to know if anyone would like to speak in favor of SB 32.

Would you come forward. You can either sit or stand as you wish. And if you would please state your name for the record.

Dr. Charles Soderstrom, Hartford, Conn., Secretary of State Board of Examiners, Natureopathic State Board of Examiners: I'm speaking today in behalf of our Examining Board and I'd like to go on record that our Board unanimously is in favor of this bill. We have contended at a previous meeting of our examining board that the deprivation of the right of the residents of Connecticut, the freedom of choice of physician, the freedom of choice of religion, and the freedom of choice of speech should not be taken away from the citizens of Connecticut. The educational qualifications as Senator Gunther has stated are correct and I don't care to repeat that information again. Thank you.

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Chairman Lyddy: Any questions or any member of the committee? Anyone else wishing to speak in favor of SB 32 come forward please.

Dr. Dale Turner, Glastonbury: I'm Dr. Dale Turner of Glastonbury and on behalf of myself and many patients I wish to go on record as being in favor of SB 32 for the reasons that were given by Senator Gunther and Dr. Soderstrom. And we ask you to favorably consider this bill.

Chairman Lyddy: Thank you Dr. Anyone else? Anyone else wish to speak in favor of SB 32? Anyone opposed to SB 32?

James B. Hallett: Mr. Chairman, members of the committee, my name is James B. Hallett. And since this is the first bill of the legislative session that you heard it's my duty and unfortunately my duty to oppose it. I better say who I am because I will be up before you on many bills the rest of this session. I will be appearing before you on behalf in many cases of the Travelers Insurance Company and as well for the Health Insurance Association of American and The Life Insurance Association of America. These are two trade associations that with hundreds of member companies, writing possibly ninety per cent of the life insurance and the health insurance in the United States and Canada. All your large domestic life and health companies are members of this association.

I have a short statement to file with the committee if I may. I want to point out that our opposition is not a medical one at all. We have nothing to do with the qualifications and the licensing of these very capable doctors, whatever practice they are likely to be in. Our opposition is now and has been against arbitrary recognition of certain services. For example with your permission sir, I'll quote briefly from my statement. This bill amends the Unfair Trade Practices Act. Now this was done once, amended, and we thought it was in the wrong place in the 71 section. We still think this is the wrong place to talk about it. The wrong place to legislate. What this bill does is to strike out the present law passed in 67, which had the words "Persons licensed under the provisions of Chapter 372", that is Chiropractors and inserts "the practioners of the healing arts licensed to practice in this State." The healing arts are defined in Section 20-1 of the General Statute as the practice of medicine, I'm not even sure how to pronounce this osteopathy, chiropractic and natureopathy. All licensed by the State.

Now we get to the insurance companies position. We pay the bills of duty qualified physicians for medical care and treatment. If the services that these good

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