

Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages			
PA 71-397		885	8	1	1
<u>Committee Pages:</u>				<u>House Pages:</u>	<u>Senate Pages:</u>
<ul style="list-style-type: none"> • <i>Public Health & Safety</i> 181 • <i>Public Health & Safety</i> 190-192 • <i>Public Health & Safety</i> 263 • <i>Public Health & Safety</i> 278-280 				• 3561	• 1972-1973

H-115

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 8
3377-3877**

Monday, May 24, 1971

6.

Cal. 1069, S.B. 0885. AN ACT CONCERNING FURNISHING BLOOD
AND TISSUE AS A MEDICAL SERVICE. File 961.

If there is no objection, I move that those Calendar items
be accepted and passed.

THE SPEAKER:

You have heard the motion of the gentleman from the 114th.
Is there any individual objection. Hearing none, the question
is on acceptance of the Joint Committees favorable reports and
passage of the bills. All those in favor indicate by saying
AYE. Opposed. THE BILLS ARE PASSED.

MR. PRETE: (114th)

Mr. Speaker, I move suspension of the rules for the
immediate consideration of the following resolutions on the
Consent Calendar.

THE SPEAKER:

Unless there is objection, please proceed.

MR. PRETE: (114th)

Cal. 1129, H.J. Resolution 217. RESOLUTION CONGRATULATING
JOHN A WILSON.

Cal. 1134, House Resolution 84. RESOLUTION COMMENDING DR.
WILFRED J. ROBINSON OF SOUTH WINDSOR FOR 50 YEARS OF
SERVICE AS A MEDICAL PRACTITIONER.

Cal. 1135, H.J. Resolution 218. RESOLUTION CONGRATULATING
MISS MARTHA WHITE, MANCHESTER'S JUNIOR WOMEN'S CLUB
WOMAN OF THE YEAR.

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S-80
CONNECTICUT
GENERAL ASSEMBLY

SENATE

PROCEEDINGS
1971

VOL.14
PART 5
1921-2435

May 17, 1971

Page 20

all those in favor of passage, signify by saying, "aye". Opposed, "nay". The ayes have it. The bill is passed.

THE CLERK:

In case you are concerned that last item which was passed, was a favorable report of the committee on Corrections, Welfare and Humane Institutions and not Appropriations, as it was in your Calendar. Last item on Page 6, Calendar No. 658, File No. 965. Favorable substitute report of the joint standing committee on Government Administration and Policy on Substitute Senate Bill 659. An Act Concerning Reports of Medical Deductions.

SENATOR BUCKLEY:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill.

THE CHAIR:

Will you remark?

SENATOR BUCKLEY:

The bill just requires that the Comptroller give State employees evidence of their medical deductions.

THE CHAIR:

Question is on passage. Will you remark further? If not, all those in favor signify by saying, "aye". Opposed, "nay". The ayes have it. The bill is passed.

THE CLERK:

Turn to Page 7, please. First item. Calendar No. 659, File No. 961. Favorable report of the joint standing committee on Public Health and Safety on Senate Bill 885. An Act Concerning

May 17, 1971

Page 21

Furnishing Blood and Tissue as a Medical Service.

SENATOR PAC:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill.

THE CHAIR:

Will you remark?

SENATOR PAC:

This bill would absolve any of our hospitals from any liability as to an implied warrantee or guarantee in the use of blood or human tissue. We, in Connecticut, are fortunate we have one of the highest quality blood banks in the nation, and one of the lowest processing costs. This is because we have a volunteer donor program, and these kind of people are not very likely to forget a history of hepatitis or malaria. However, there is no real way of screening out these agents in making this procedure completely safe. Now, this bill would save our hospitals quite a bit of money. For instance, I understand that Hartford Hospital, \$15,000.00 of their insurance premium is attributable to the reserve that is being held as a reserve. So, I think if you would extract all these savings, there's quite a few hospitals in this state. It would be a tremendous savings.

THE CHAIR:

Question is on passage of the bill. Will you remark further? If not, all those in favor of passage, signify by saying, "aye". Opposed, "nay". The ayes have it. The bill is passed.

THE CLERK:

Fourth item on Page 7, Calendar No. 663, File No. 956.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PUBLIC
HEALTH
AND
SAFETY**

**PART 1
1-491**

**1971
Index**

PUBLIC HEALTH AND SAFETY

THURSDAY

FEBRUARY 25, 1971

difficult being remote from home to get such permission. In this regard we feel that the present law is a deterrent and inhibiting factor in developing a youthful blood program and would like to have the law altered as it is written here. The average age of blood donors in the state at the present time is 46. And so we have a program made up of individuals who have been dedicated to it for a long time. We would like to open the doors wider to allow the youth of this state to begin participation early in their life to develop these good habits that will support our hospitals throughout their lives.

If I may ask permission to also speak to S.B. 885 at this time?

Rep. Rose: The matter of the responsibility under the law of parents giving permission to minors. Is this at all involved? Surely Red Cross doesn't want to get involved in law suits that might be drawn connected with a child not having been given permission from the parents. I presume this has been cleared.

Mr. Morse: We are supporting this bill specifically because we do want to maintain our approach in the most legal possible way, but recognize that requiring a permission from the parents from an individual who is capable of determining his own will in this situation is a deterrent. In these instances where the parents may approve the individual by dint of his coming to the bloodmobile indicates his willingness to give the unit of blood. But the legal requirement that there be a demonstration of parental permission is what is inhibitory at the present time. Now I'm not sure that answers your question.

Rep. Rose: No, but that's because I'm concerned about the danger and I'm sure it must have been cleared by the Red Cross that under the present law a minor must get permission for surgery in the hospital or certain other treatments and I just would hope that this would not be a matter - I'm sure somebody else could answer that

Mr. Morse: Yes, I'm sure Mr. Cornish, the manager of the Greater Hartford Chapter can speak to that question.

Sen. Pac: Any other question? Thank you.

Donald L. Cornish, Manager of the American National Red Cross for the state of Connecticut: I speak in favor of bill 6909 and add to what these two gentlemen have said by saying:

PUBLIC HEALTH AND SAFETY

THURSDAY

FEBRUARY 25, 1971

of what you did with them, you don't make a horse or a cow. The man is an optometrist and he would be more than under the state enabling act practicing his field. So that regardless of whether you cover the fees he couldn't invade your practice because by law he wouldn't be allowed to enter your field.

Dr. O'Rourke: I'm concerned with the way the public would interpret this.

Sen. Gunther: We're talking public interpretation and we're talking about law. We license these various fields and we set them up so we have very definite, in fact Conn. is very severe in their limiting of the various professions and para-medical and that type of thing, so that we aren't talking about allowing them greater latitude. You're talking about public image.

Dr. O'Rourke: Correct.

Sen. Gunther: And you feel this -

Dr. O'Rourke: The law separates them and the coverage of fees includes them. And I feel this would confuse the public.

Sen. Pac: Any other questions? Thank you. Anyone else wishing to be heard on any of the bills?

Dr. John Thayer, representing the State Medical Society: I would like to talk to bill 6909 which is an act concerning permitting persons eighteen years of age to donate blood without parental permission in certain instances.

I do not wish to talk the bill to death and this statement and the statement on the S.B. 885 An act concerning blood and tissue as a medical service which has been referred to previously this morning, I believe both of these statements have been given to your secretary, and I would like to just reinforce the fact that they have been here and that they are before your committee.

Sen. Pac: Any questions?

Sen. Lyons: Mr. Chairman, will the doctor indicate whether he is opposed or in favor?

Dr. Thayer: I am in favor of passage of both bills.

Sen. Pac: Thank you. Anyone else wishing to speak on any bill? If not the hearing is ended.

PUBLIC HEALTH AND SAFETY

THURSDAY

FEBRUARY 25, 1971

Statement from Dr. John Thayer to be read before the Committee on Public Health and Safety: Senate Bill No. 885: An Act Concerning Blood and Tissue as a Medical Service is a very important step in the continuing development of blood and tissue transfer in this state.

The people of this state have every right to be proud of their blood bank. Your blood bank started in 1950 as a cooperative effort between dedicated people in the American Red Cross, the Conn. State Hospital Association, and the Conn. State Medical Society as a purely voluntary donor blood bank. The people of this state gave, without recompense, over 108,000 pints of blood this last year.

The program started out with equipment remaining from a plasma program of the second World War, went to supplying whole blood to the people of this state and then step by step, fractions and products such as plasma, some "fresh frozen" for people with hemophilia to concentrates of plasma, immune globulin, platelets, cells alone, globulins to prevent the development of Rh disease, etc. The equipment has increased. We have a mobile laboratory to get these fractions and "fresh" blood processed and then delivered to the person who needs it now. With all this we are proud that we have one of the lowest processing costs in the nation. We are proud that no one has made money nor will on the transfer of this vital tissue from one person to another.

The State Medical Society has no vested interest in the blood bank outside of assuring that our people get the best possible "blood", and all that means, service possible.

I personally cannot lay claim to such lack of interest, even bias. I have been for seventeen or eighteen years chairman of the State Medical Society's Committee on Blood Banking and now tissue transfer, an extension. I have watched my baby grow. I have cajoled, bought, prayed and gloated over this great growing child, this conglomeration of diverse motivations, interest, and all that is represented by the Medical Society, the Hospital Association, the Red Cross, and most importantly the people of this state that make this program possible.

PUBLIC HEALTH AND SAFETY

THURSDAY

FEBRUARY 25, 1971

These complexities, human as they are, emphasize the purpose of this bill. "The furnishing of blood, blood plasma or tissue is a medical service and should not be construed in the same manner as the sale of ordinary merchandise." The emphasis is mine.

I respectfully urge the passage of this bill.

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PUBLIC HEALTH AND SAFETY

TUESDAY

MARCH 9, 1971

I'd like to speak briefly on two bills, 885 (AN ACT CONCERNING FURNISHING BLOOD AND TISSUE AS A MEDICAL SERVICE), you heard the bill that I drafted on this subject two weeks ago, H.B. 6379. You will recollect this involves a question of hepatitis in the blood and a suggestion that this may be made a delivery of a service rather than a sale in order that the hospitals would not be stuck with the problem of warranting something they cannot do anything about. There's no sense in going through this again but I might just point out to show how active things are in this particular field, that in the two weeks since you heard the same bill, the National Institutes of Health have suggested the safety of a device that will now test for hepatitis in a small percentage of cases. They say it won't do the job but at least a step has been made in that direction. And secondly the same bill has been passed by two states in the past two weeks, both western states, Utah and Wyoming to the best of my knowledge although I haven't gotten the exact details. They were both considering it. So it is an active problem. Mr. Spaulding of Hartford Hospital was going to tell you that the hospital had made a computation that would indicate that there would be about a \$15,000 a year saving to the hospital if this bill were passed. And that would be the amount that would be involved in their malpractice insurance premium that could be attributable to this particular issue. And while \$15,000 isn't a tremendous amount in a big hospital like Hartford, when you multiply it by thirty-five hospitals in the state, you're talking about quite a substantial amount of money that could be saved to the hospitals if this bill were passed. If the day comes that we can truly test for hepatitis, find, but that day hasn't come and we are being, if this bill isn't passed, subject to having to pay substantial sums for something as I say we can't do anything about.

The other bill is 6588 (AN ACT CONCERNING INSPECTION OF PHARMACIES AT CARE-GIVING INSTITUTIONS), concerning the transfer of inspection of hospital pharmacies back from the Department of Consumer Protection to the Department of Health. You heard the Commissioner of Consumer Protection talk on this bill. The background of the bill is that there was a ruling by the Attorney General back in '69 to the effect that both consumer protection and health had jurisdiction under the statutes to inspect hospital pharmacies. Up to that point the Commissioner of Health had been doing the inspecting. After that ruling came out there was a controversy between the two departments as to whether either or both should inspect, and the legislature wound up passing Public Act 593 in the last session which transferred the authority to the Department of Consumer Protection. We would seriously urge you to reconsider what you did at the last session. We think that this is one opportunity

PUBLIC HEALTH AND SAFETY

TUESDAY

MARCH 9, 1971

Dr. Kenny: As the case warrants. I think that this is far too stringent. It only allows for a doctor or policeman and, you know, I really question how this is going to improve the care of mental patients. It seems that we're introducing a trailing system rather than trying to alleviate it.

Rep. Cohen: Well, this is only in regard to transferring them to a mental institution. It has nothing to do with the care. If he's a violent patient as you say then he needs greater protection and the people who are transporting may need greater protection. You might wreck the car for example. I mean you just can't make a blanket statement that would cover every situation.

Dr. Kenny: No, no, absolutely. Most of these people at the present time go by ambulance. I'm not so sure why a policeman has to be there.

Sen. Pac: Any other questions? Thank you very much, doctor.

Dr. Edward E. Morse, Director, Division of Hematology, Department of Laboratory Medicine, University of Connecticut and Medical Director, Connecticut Red Cross Blood Program: There are two important aspects to the provision of blood and its components as a service, rather than as a product. The first is medical, the second is economic. (S.B. 885)

First, Connecticut has led the way in providing a total coverage Red Cross Blood Program in which all the blood and blood components transfused are provided by volunteer donors who give their blood for the benefit of the sick. This altruistic approach relieves the patient and his family of the pressures of providing blood at the very time they are most concerned with the illness itself and its disrupting effect on their lives.

Medically, the blood from volunteers is the best, because they have no ulterior motives, such as earning a fee, that might cause them to forget they had a history of hepatitis or malaria, diseases that are transmitted by blood transfusion. For this reason, Connecticut has a very low incidence of hepatitis following blood transfusions.

Medically, the blood from volunteers is the best, because they have no ulterior motives, such as earning a fee, that might cause them to forget they had a history of hepatitis or malaria, diseases that are transmitted by blood transfusion.

Second, because the blood is donated there is no charge made for the blood itself. Only the costs of services; the collection, the typing, processing, crossmatching and transfusing are necessary in this State, economically such a program is sound.

TUESDAY

MARCH 9, 1971

In addition, the implied warranty imposed by the Federal Drug Administration on medicines sold to hospitals and patients cannot logically be applied to blood, since it is not, and cannot be rendered completely safe by any known techniques.

I respectfully urge passage of Bill 885 to assure continuing medical and economic excellence in the provision of blood and other tissues to patients in this State.

Dr. John E. Thayer: S.B. 885: "An Act Concerning Blood and Tissue as a Medical Service" is a very important step in the continuing development of blood and tissue transfer in this state.

The people of this state have every right to be proud of their blood bank. Your blood bank started in 1950 as a cooperative effort between dedicated people in the American Red Cross, the Conn. State Hospital Association, and the Conn. State Medical Society as a purely voluntary donor blood bank. The people of this state gave, without recompense, over 108,000 pints of blood this last year.

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MARCH 9, 1971

TUESDAY

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I respectfully urge the passage of this bill.

Edward G. Williams, President of the Visiting Nurse Association of New Haven: I am speaking on behalf of and in support of Senate Bills 1368, 1369, 1370, 1371 and the other related bills.

First, I would like to express my agreement with the earlier testimony of Mrs. Wilson, Rev. Mr. Hoyt and the others in support of the proposed legislation. As the person responsible for the guidance of one of the state's larger home health agencies, I can speak with first-hand knowledge of the financial crisis that confronts the providers of home health care.

Second, more than anything else, I am concerned with the very simple fact that unless this legislation is enacted soon, further drastic cuts in the care of the mentally ill and in maternal and child health care will be made because these agencies do not have the money or access to the money to continue the services - even on their presently reduced basis. This is nothing short of tragic and clearly a case of being "penny-wise and pound-foolish".

Third, in the city of New Haven alone, the absence of adequate financial support has forced us virtually to eliminate the maternal and child health care portion of our service. We estimate that the cost of restoring this valuable preventative segment of the care we provide in New Haven would be in the vicinity of \$125,000 annually. Even in these financially difficult years, this seems a small price indeed to pay for a kind of care that can save many times the dollars currently needed by helping to identify and prevent medical problems at the earliest possible time. Since by far the greatest bulk of these funds would be expended for inner-city areas, failure to support these programs can only result in greater demands for funds to care for illnesses which might have been prevented.

Finally, may I express our appreciation for the opportunity of expressing these views to you. We strongly urge the passage of these bills.

Rep. Cohen: Any questions of the speaker? Thank you very much. Jane Keeler?

Jane Keeler, Executive Director of the Visiting Nurse Association of New Haven: We cover the communities of East Haven, New