

Legislative History for Connecticut Act

HB 7787	PA 146	Scun	1985
House	3295, 3357		(2)
Senate	1651, 1724-1726		(4)
Public Health	1107-1108, 1125-1126, 1229-1230		(6)
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CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1985

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63-3715

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House of Representatives Thursday, April 25, 1985

SPEAKER VAN NORSTRAND:

Rep. Esposito.

REP. ESPOSITO: (137th)

I'd like to place the following bills on the  
Consent Calendar today for final action later today.

SPEAKER VAN NORSTRAND:

Please proceed, sir.

REP. ESPOSITO: (137th)

On Page 11, Calendar No. 360, Bill No. 5478,  
AN ACT CONCERNING THE PASTEUR TREATMENT OF ANIMAL BITE  
INJURIES. File No. 441.

Calendar No. 362, Bill No. 7787, AN ACT CONCERNING  
POWERS OF THE COMMISSIONER OF HEALTH SERVICES RELATIVE  
TO THE LICENSURE OF CERTAIN HEALTH CARE INSTITUTIONS.  
File No. 437.

On Page 12, Calendar No. 365, Bill No. 7529, AN  
ACT CONCERNING MARKETING AND GRADING OF FARM PRODUCTS.  
File No. 425.

On Page 13, Calendar No. 373, Bill No. 6794,  
AN ACT CONCERNING JEWELERS' AND TELEVISION AND RADIO  
SERVICE DEALERS' LIENS. File No. 447. Thank you.

SPEAKER VAN NORSTRAND:

Thank you, Rep. Esposito. The motion is to place  
the items enumerated on the Consent Calendar for action

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House of Representatives

Thursday, April 25, 1985

REPRESENTATIVES:

No.

DEPUTY SPEAKER BELDEN:

The nays have it. The motion to reconsider fails.

The House will come to order.

REP. ESPOSITO: (137th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Esposito.

REP. ESPOSITO: (137th)

Mr. Speaker, I move acceptance and passage of the following bills placed on today's Consent Calendar. Page 11, Calendar 360, Bill 5478, File No. 441. Calendar No. 362, Bill No. 7787, File No. 437. Page 12, Calendar No. 365, Bill No. 7529, File No. 425. Page 13, Calendar No. 373, Bill No. 6794, File No. 447. Thank you.

DEPUTY SPEAKER BELDEN:

The motion is the passage of the Consent Calendar as just noted by Rep. Esposito. Is there objection to any item enumerated for passage on today's Consent Calendar? Hearing none, the Consent Calendar is passed.

CLERK:

Calendar No. 350, House Bill No. 7706, File No. 392, AN ACT CONCERNING POSITIONS EXEMPT FROM CLASSIFIED

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GENERAL INVESTIGATION

AND ANALYSIS

REPORT

CONFIDENTIAL

SECRET

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Regular Session  
Tuesday, April 30, 1985

1651 9  
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Cal. 357, Senate Bill 720; Cal. 361, Senate Bill 443; Cal. 363, Senate Bill 825; Cal. 365, Senate Bill 898; Cal. 366, Senate Bill 902; Cal. 374, House Bill 5904; Cal. 375, House Bill 6001; Cal. 376, House Bill 7433; Cal. 378, House Bill 6299; Cal. 388, House Bill 6794; Cal. 392, House Bill 5738; Cal. 393, House Bill 6592; Cal. 394, House Bill 7442; Cal. 398, House Bill 7375; Cal. 399, House Bill 5478; Cal. 400, House Bill 7612; Cal. 403, House Bill 7786; Cal. 404, House Bill 7787; Cal. 405, House Bill 6117.

THE CHAIR:

Thank you. Without objection, these items are placed on the consent calendar. Do you want to do the markings now Senator?

SENATOR SMITH:

Mr. President, at this time I think it would be advisable to move to the order of the day, because we would like to try to adjourn 6:00 p.m., or prior to that, and any item left on the calendar after we finish the discussion of the order of the day will be pass retained until tomorrow's session.

THE CHAIR:

Thank you. Proceed with the order of the day. Madame Clerk, please call the bill.

THE CLERK:

I have Cal. No. 410, An Act Concerning A Reduction In

Regular Session  
Tuesday, April 30, 1985

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dk

SENATOR SMITH:

I want to delete it right now, I have a question.

THE CHAIR:

Any other deletions?

THE CLERK:

I'll reread it just to double check. Page 8, Cal. 345 <sup>SB 237</sup>  
SB 669 SB 441, SB 448, SB 964, SB 149  
and 346. Page 9, Cal. 349, 350, 351, and 353. Page 10, Cal.  
SB 720 SB 443, SB 825, SB 898, SB 902  
No. 357. Page 11, Cal. 361, 363, 365, and 366. Page 13,  
HB 5904, HB 6001, HB 7433 HB 6299  
Cal. 374, 375, and 376. Page 14, Cal. 378. Page 15, Cal.  
HB 6794 HB 5738, HB 6592, HB 7442 HB 7375  
388. Page 16, Cal. 392, 393, and 394. Page 17, Cal. 398,  
HB 5478, HB 7612 HB 7786, HB 7787, HB 6117  
399, and 400. Page 18, Cal. 403, 404, and 405.

THE CHAIR:

Any corrections? Senator Kevin Johnston.

SENATOR KEVIN JOHNSTON:

Mr. President, I would ask on page 17, Cal. 398. HB 7375 Can I  
ask that that be withdrawn from the consent calendar?

THE CHAIR:

It's withdrawn. Any other deletions? Senator John  
Matthews.

SENATOR MATTHEWS:

Mr. President, I may have not heard the Senate Clerk,  
but I understood Senator O'Leary wished to have 374, H.B.  
5904 removed, and I believe the Senate Clerk read that in.

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dk

THE CHAIR:

You wish that to be removed?

SENATOR O'LEARY:

Mr. President, I meant to say 334, it may have come out 374. I think I asked Cal. No. 334.

THE CHAIR:

334.

SENATOR O'LEARY:

Thank you. I have no objection to the other one.

THE CHAIR:

That's the first item. All right. We're ready to vote on the consent calendar. Clerk please make an announcement.

THE CLERK:

An immediate roll call on the consent calendar, will all Senators please return to the Chamber. An immediate roll call on the consent calendar, will all Senators please return to the Chamber.

THE CHAIR:

The machine is open, please record your vote. Excuse me, will you strike that out, a correction has to be made. Wipe out the board please. All right. Will everyone please record your votes? Senator Schoolcraft. Has everyone voted? The machine is closed, Clerk please tally the vote.

Result of the vote: 36 yea, 0 nay. The consent calendar



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is adopted. Senator Smith.

SENATOR SMITH:

Yes, Mr. President, could we recess for ten minutes?  
It's now 4:25... about until 4:35?

THE CHAIR:

The Senate will stand at recess.

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The Senate recessed at 4:25 P.M., and reconvened at  
5:00 P.M., the President in the Chair.

THE CHAIR:

Senator Smith, we have an agenda, Agenda No.2. Senator  
Smith?

SENATOR SMITH:

Yes, Mr. President, I would move that all items on the  
Senate Agenda No. 2, dated April 30, 1985, be acted upon as  
indicated, and the Agenda be incorporated by reference into  
the Senate Journal and the Senate Transcript.

THE CHAIR:

Without objection, so ordered.

THE FOLLOWING IS SENATE AGENDA NO. 2, DATED APRIL 30, 1985:

SENATE BILLS FAVORABLY REPORTED - to be tabled for the calendar  
and printing.

Education

S.B. 814. An Act Concerning Certificates for Employment

JOINT  
STANDING  
COMMITTEE  
HEARINGS

PUBLIC  
HEALTH  
PART 4  
1007-1274

1985

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PUBLIC HEALTH

March 28, 1985

REP. COHEN: Thank you, and my other question is on line 28, if this act takes effect on July 21st, 1985, are you geared up to go. Can you really get the program going.

MR. McCONNELL: We have already been doing certain things with the deaf and hearing impaired. We have started four AA groups around the state with signers there and we have a demonstration program in New Haven through the Shirley Frank Foundation. We have learned some things. We are ready to go, and I think the commission on the Deaf and Hearing Impaired is ready to go with us on this. It has been a very fine cooperative effort between two state agencies.

Any other questions on the Deaf and Hearing?

One more Senator and I am going to go.

SEN. GUNTHER: You are going to take and put a hell of a tie on us.

MR. McCONNELL: Okay, very quickly. It is Committee Bill 6509, providing a hearing prior to action by our commission. We give people hearings right now when we wrote our regulations we had a hearing process in there, the Attorney General told us to get it out, and the program or the legislative regulation review committee left it that way and that is all I want to say.

I have nothing against hearings, but I think the way we operate we do hear people. Thank you very much.

SEN. GUNTHER: Thank you. Ann Nissi followed by Chris Pattee.

MS. ANN NISSI: Sen. Gunther, Rep. Kusnitz, my name is Ann Nissi and I am the Home Health Section Chief at the Department of Health Services and I am here this morning to convey the Department's support of Raised Committee Bill 7787, an act concerning the licensing powers of the Commissioner of Health Services. We appreciate the Committee's efforts in raising this bill which would provide some technical amendments to our present licensing statute and we feel that these

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MS. NISSI: (continued)  
amendments will allow us to apply the licensure program to home health care agencies more effectively.

Thank you. That is all I have to say.

SEN. GUNTHER: Christine Pattee.

DR. CHRISTINE PATTEE: Good morning, I am Dr. Pattee, Staff Director of Vital Records in the Department of Health Services. I am speaking in favor of Bill 7703, allowing the name of a putative father to be entered on a birth certificate.

The problem is at present the father of an out of wedlock child cannot easily put his name on a birth certificate in the hospital which is the time that you would want a name on the birth certificate. They have got to get it signed by a notary and generally notaries are not present at a hospital at the time when the father is present there to visit the mother and newborn child, so we have proposed a sentence that simply allows a procedure that was followed prior to 1979, which is a simple affidavit of parentage signed by both parents with witnesses in the hospital that would make it much more convenience for the members of the public, it would create a minor cost-savings in the department of Health Services, since we notice a distinct increase in the number of people applying through the Department of Health Services to get the father's name on a birth certificate. And since in general I think this is an appropriate thing to do as quickly and efficiently as possible, that is, to have a newborn child have both the father and mother's name on the certificate.

We hope you will support this bill. Thank you.

SEN. GUNTHER: Any questions. Rep. Cohen.

REP. COHEN: Can you tell us in line 22 and 23, what is the difference between an illegitimate child and a child born out of wedlock.

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MS. DAUBERT: (continued)

Recently we have a trend that has emerged in the State of Connecticut, whereby temporary employment agencies who are licensed by the Department of Labor have no licensure requirements under the Department of Health. Up until a few years ago, they were solely involved with arranging the placement of clerical personnel on a temporary basis. With our increasing elderly population, they saw a new market and have gotten into the home-care business.

For example, an elderly individual will call a temporary employment agency and ask for a home health aide, because they have seen an advertisement and I will be very happy if the members of this Committee would like samples of such advertisements which purports them to be home health care specialists. So you have an unsuspecting public, seeing an advertisement in either a newspaper or a telephone directory, call for home health aide. The temporary employment agency sends the patient 4 or 6 candidates to the patient's home, the patient or a family member interviews these candidates, selects one, there are no prior training requirements for any of these candidates, much less successful completion of the State-sponsored homemaker-home health aide program, arranges for the hours that that worker will work and the amount of payment and the patient thereby pays the worker directly for all services provided; the temporary employment agency, once it receives its \$2-300 finder fee from the patient for supplying these six candidates, then withdraws completely from the patient's situation. And it is up to the patient or the, if there is a family member, to be responsible for the training and the ongoing supervision of this many times untrained worker.

I would also like to take this opportunity to respond to some comments in relation to Bill 787, which Mrs. Nissi, from the Department of Health Services, spoke to because there is a definite relationship between 787 and 484.

SEN. GUNTHER: Are either one of those, 484, 787 we don't have before us.

MS. DAUBERT: No, Mrs. Nissi spoke to 787. I'm sorry, 7787 in her prior testimony, An Act Concerning Powers of the

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MS. DAUBERT: (continued)  
Commissioner of Health Services Relative to the Licensure  
of Certain Health Care Institutions.

Mrs. Nissi spoke in favor of 7787 and said that she believes that 7787 would give the Health Department the authority it needed to license home health agencies. I submit that perhaps the Health Department's perception that 7787 will give them a wide breadth of authority, in reality, this may not turn out to be the case. I suggest this and I raise the following questions for the Committee's further investigation.

If you look at the content of lines 41 and 42 of 7787, you will note that it speaks to Subsections B, C, D, E and F of Section 19A through 490. This is the section which currently applies to the licensure of home health care agencies. And this is indeed the problem; as is currently written, this Subsection excludes the temporary employment agency or the agency that does not provide professional nursing (inaudible). This is indeed why we are suggesting that you need 484, and perhaps what needs to be recommended is 484 in addition to 7787 might be the appropriate approach to take, because in reality, Bill 7787 increases the powers of the Commissioner of Health only in one area, and that is to give the Commissioner powers to perform an investigation if he believes it is indicated of a licensed home health care agency.

On the other hand, if the agency is not subject to licensure, then how can the Commissioner perform his investigation?

REP. PRAGUE: I have just one brief question.

SEN. GUNTHER: Rep. Prague?

REP. PRAGUE: Would you have any objection if the agency just advertised homemaker services? I know there's a difference between the home health aide and the homemaker. Sometimes a patient just needs a homemaker in order to keep them in the home instead of going into a nursing home.

MS. DAUBERT: Certainly not, Rep. Prague. We would have no

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MS. DAUBERT: (continued)

objection at all to that, because the duties of a home-maker do not involve personal care activities and the treatments and dressings and so on and so forth, and this is, you made a very important point, because you placed your finger right on the crux of the problem. You are having people who are providing medical care procedures and providing prescribed diet and they have had no training, they are under no supervision whatsoever. I would be happy to answer any other questions that the Committee may have. Thank you very much.

SEN. GUNTHER: Carroll Hughes.

MR. CARROLL HUGHES: Thank you, Chairman Gunther, Chairman Kusnitz, distinguished members of the Public Health Committee. My name is Carroll Hughes and I am here to speak on Senate Bill 484, representing the Connecticut Home Health Care and Staffing Association.

The Connecticut Home Health Care and Staffing Association represents the proprietary home health care agencies serving the State of Connecticut.

I should give you some history as to why this bill, 484, is before you this year. Sometime during the, probably 12 to 14 months ago, there became apparent that as the cost of regulations and the costs of meeting regulations of the Home Health Care Licensing which had been promulgated by the Department of Health Services as those regulations in regard to supervisors on different shifts and supervisors for a number of persons that were out on the field began to increase the cost of home health care, a number of agencies, or number of persons, decided that it might be better and they could do it less and make more money if they could create their own home health care agencies that were unlicensed at the time to start providing people into the homes.

We came back to the Committee at that time and met in the past with Sen. Smith and Rep. Gionfriddo and other members of the Public Health Committee that have been here for more than one term, and talked to them about the problem. We really ask a simple question, do you really think it's still public policy to regulate

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MR. STEVENS: (Continued)

#8 of the people that we treat are poor. Yet, my director of residential services is a Ph.D. psychologist, we have physicians available 24 hours a day, all of the subordinate people are also either advanced degrees or have bachelors degrees or have certification for alcoholism treatment.

SEN. GUNTHER: We get your point. Thank you. We'll now open up on 7787, Jacquelyn Coleman.

MS. JACQUELYN COLEMAN: Good afternoon. My name is Jackie Coleman. I am the Executive Director of the Connecticut Psychiatric Society. Once again, I appear to be the last person testifying on the last bill of the day. I pick the right ones, that's right.

We would like to ask that you consider an addition to this bill 7787. It is in our opinion germane and we hope that you will feel it is too. It deals with investigations of the Department or by the Department of Health Services and how the Department of Health Services gets records in connection with their investigations.

The purpose of the addition to the bill that we would propose is to moderate the effect of an amendment that was passed in the General Assembly last year without the benefit of Committee action on the issue. That amendment affected the confidentiality provisions of the Freedom of Information statutes. The amendment passed last year gives the Department of Health Services complete access to records of patients in hospitals, nursing homes, and other such facilities.

We feel that in its attempt to gain access to patients' records without consent the Department reached beyond the safeguards that were already written into the law. We feel that their access to patient records should be regulated in some way and that's the purpose of the language that we are proposing. It contains two provisions, they are attached to the testimony that was just submitted to you.

One provision is that the Department can't remove identifiable records from institutions. This is consistent



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MS. COLEMAN: (Continued)

with a body of state law that is already in effect.

The second provision provides that notice that the records have been reviewed must be given and this is after the fact and again it is consistent with current law. We are also, I would note, talking only about notice. This doesn't require that the Department obtain consent. We know this is a sensitive issue. As you heard earlier testimony on the Department of Mental Health tracking, proposed tracking system. We feel this bill has implications beyond the Department of Health Services because it changes the way we view the confidentiality of patient records. We view this bill as a dangerous precedent, kind of a foot in the door, and we would urge you to just adopt a policy or adopt language that conforms the practice of the Department of Health Services to what is already in the law.

SEN. GUNTHER: Thank you. Any questions? Mr. Schreiber.

MR. SCHREIBER: Thank you for allowing me to speak. Sen. Gunther, Rep. Kusnitz, members of the Joint Committee on Public Health. My name is Richard B. Schreiber and I am Deputy Director of the State Commission of the Deaf and Hearing Impaired. And I am speaking for the Commission, our Executive Director Barbara B. (inaudible).

We support fully Committee Bill 925, an act establishing a program of alcohol and drug abuse services for deaf and hearing impaired persons. This bill stems directly from a report that was mandated by the Joint Committee on Appropriations requiring KDAC and the Commission on the Deaf to prepare findings on recommendations concerning the need for services for deaf and hearing impaired persons. This report is here and it shows very clearly the number of people we consider at risk for these services.

Your bill has a blank spot where money should be shown and we are proposing that there are several choices. The biggest choice, of course, is to include what is proposed in the report, which is \$181,632, but we all live in the real world and we realize how well that would fare. A substantial amount of services, however, could