



Legislative History for Connecticut Act

<u>SB 899</u>	<u>P.A. 112</u>	<u>1993</u>
Sen: 1979, 2012-2014		(4)
House: 5417-5421		(5)
Public Health 385-388, 441-442, 469-470		(8)

17p

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

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S-348

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1993

VOL. 36
PART 6
1849-2228

WEDNESDAY
May 12, 1993

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Calendar Item No. 403, Substitute for Senate Bill
No. 1093, I move this to the Consent Calendar.

THE CHAIR:

Is there any objection to placing Senate Calendar
No. 403, Substitute for Senate Bill 1093, on the
Consent Calendar? Any objection? Hearing none, so
ordered.

SENATOR DIBELLA:

On Page 23, Matters Returned From Committee,
Calendar Item No. 33 is Pass Retained. Calendar Item
No. 57 -- Calendar Item No. 57 is Pass Retained.
Calendar Item No. 70 is Pass Retained. Calendar
Item No. 79, Senate Bill No. 899, I move this to the
Consent Calendar.

THE CHAIR:

Is there any objection to placing Senate Calendar
No. 79, Senate Bill No. 899 on the Consent Calendar?
Is there any objection? Any objection? Hearing none,
so ordered.

SENATOR DIBELLA:

Calendar Item No. 80, Substitute for Senate Bill
No. 795, I move this to the Consent Calendar.

THE CHAIR:

Is there any objection to placing Senate Calendar
No. 80, Substitute for Senate Bill 795 on the Consent

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Calendar Page 7, Calendar No. 271, Substitute for
House Bill 6817. Calendar 276, Substitute for House
Bill 6961. Calendar 279, Senate Bill No. 411.

Calendar Page 8, Calendar No. 290, House Bill No.
5882.

Calendar Page 9, Calendar No. 322, Substitute for
Senate Bill 1056.

Calendar Page 10, Calendar No. 325, Substitute for
Senate Bill 198.

Calendar Page 14, Calendar No. 357, Substitute for
Senate Bill 1028.

Calendar Page 15, Calendar No. 365, House Bill
No. 7012.

Calendar Page 17, Calendar No. 382, Substitute for
House Bill 6850. Calendar 383, Substitute for House
Bill 6294.

Calendar Page 18, Calendar No. 390, Substitute for
House Bill 7256.

Calendar Page 20, Calendar No. 403, Substitute for
Senate Bill 1093.

Calendar Page 24, Calendar No. 79, Senate Bill
No. 899. Calendar No. 85, Substitute for Senate
Bill 292.

Calendar Page 25, Calendar 110, Substitute for
Senate Bill 978. Calendar 159, House Bill No. 7078.

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Calendar Page 26, Calendar 180, Substitute for
Senate Bill 965.

Calendar Page 27, Calendar 191, House Bill 7045.

Calendar Page 28, Calendar 242, Senate Bill
No. 462. Calendar 243, Substitute for Senate Bill
1040. Calendar 285, Substitute for House Bill 6866.

Calendar Page 30, Calendar No. 50, Senate Bill
683.

Calendar Page 31, Calendar 303, Substitute for
Senate Bill 875.

Madam President, that completes the first Consent
Calendar.

THE CHAIR:

Thank you very much, Mr. Clerk. You've heard the
items that have been placed on Consent Calendar No. 1
for today. The machine is on. You may record your
vote.

THE CHAIR:

Have all Senators voted? Have all Senators voted
and are your votes properly recorded? The machine is
closed.

The result of the vote:

36	Yea
0	Nay
0	Absent

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The Consent Calendar is adopted and the Chair would recognize Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. I'd yield the floor to Senator Looney.

THE CHAIR:

Senator Looney, will you accept the yield?

SENATOR LOONEY:

Yes, Madam President. Thank you. Madam President, earlier today there was an item which was Calendar 291, House Bill 6438, File No. 161 that was -- the motion was to recommit. After consultation with the Chair of the Judiciary Committee, it is requested that that item be reconsidered so that it might be Pass Retained rather than recommitted.

THE CHAIR:

Thank you very much, Senator. Were you on the prevailing side and are you making the motion?

SENATOR LOONEY:

Yes, I am, Madam President.

THE CHAIR:

And yes, you were.

SENATOR LOONEY:

Yes.

THE CHAIR:

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1993

VOL. 36
PART 15
5153-5527

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House of Representatives

Tuesday, May 18, 1993

SPEAKER RITTER:

The bill as amended passes.

At this point, the Chair will accept points of personal privilege. The Honorable Deputy Majority Leader, Carl Schiessl.

REP. SCHIESSL: (60th)

Thank you, Mr. Speaker.

Have you ever been involved in a situation where you asked the question is there an assessor in the house? Well, ladies and gentlemen of the General Assembly, there are assessors in the House today.

I would like the assessors in the Gallery to please stand in order to be recognized by the members of the Chamber. These are assessors from North Central Connecticut including the Towns of Enfield and Windsor Locks. They work hard for you and I appreciate your showing them the appropriate support.

Thank you for visiting the Capitol today.

Thank you, Mr. Speaker.

SPEAKER RITTER:

Any other points of personal privilege? If not, we will continue the call of the Calendar.

CLERK:

Page 16, please. Turn to Calendar 573, SB899 899, AN ACT CONCERNING PEER REVIEW. Favorable report of the

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Committee of Appropriations.

SPEAKER RITTER:

Representative Joseph Courtney from the 56th.

REP. COURTNEY: (56th)

Thank you, Mr. Speaker. I move acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

SPEAKER RITTER:

We haven't gotten too many concurrences with the Senate so far this year, so I apologize for cutting you off. The motion is on acceptance and passage in concurrence with the Senate. Please proceed, Sir.

REP. COURTNEY: (56th)

Thank you, Mr. Speaker. This is a relatively simple bill which simply requires that the statutory requirement that health care institutions have a peer review committee be extended to State facilities as well as the private facilities which presently have that requirement.

This bill was referred to the Appropriations Committee because it seemed, at first, that the Office of Fiscal Analysis thought that there might be some State costs associated with establishing peer review committees in State hospitals.

I would note, Mr. Speaker, that we have a revised

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fiscal note which actually determines that there is a potential savings to the State with enactment of this bill as a result of the fact that hospitals which have peer review committees, by and large, operate in a fashion where malpractice suits and other claims against the hospitals are reduced.

This is a good practice that all health care providers who came before the Public Health Committee indicated would be a favorable direction for the State to head in and all the State agencies which would be effected by it such as DMH, testified in support of the bill.

I would urge the Chamber's support. Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Thank you, Sir.

Will you remark? Will you remark further on the bill that is before us?

Representative Gyle.

REP. GYLE: (108th)

Thank you, Madam Speaker. I just wanted the Chamber to be aware that every other hospital in this State does this statutorily. It is certainly something that we can say that the State hospitals here have been doing. They just need to be covered under the statute

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to continue doing it with impunity and if you have heard of the Death Committee, that is usually what it is in the hospital when they get together and discuss why someone died or how accidents can be avoided or what could be done the next time which might better improve patient care and it is certainly something that we can vote for without any fear of controversy.

Thank you.

DEPUTY SPEAKER LYONS:

Thank you, Madam. Will you remark? Will you remark further on the bill that is before us? If not, will staff and guests please come to the well. Members, take your seats, the machine will be open.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber, please. Members to the Chamber, please. The House of Representatives is voting by roll call.

DEPUTY SPEAKER LYONS:

If all the members have voted, the machine will be locked. If all the members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will announce the tally.

CLERK:

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House of Representatives

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Senate Bill 899	
Total Number Voting	144
Necessary for Passage	73
Those Voting Yea	144
Those Voting Nay	0
Those absent and not Voting	7

DEPUTY SPEAKER LYONS:

The bill passes.

CLERK:

Please turn to Page 5. Calendar 439, Substitute
for House Bill 7001, AN ACT CONCERNING VOTER
REGISTRATION PROCEDURES. Favorable report of Committee
on GAE.

DEPUTY SPEAKER LYONS:

Representative Rapoport.

REP. RAPOPORT: (18th)

Madam Speaker, thank you. I move adoption of the
joint committee's favorable report and passage of the
bill.

DEPUTY SPEAKER LYONS:

The question before us is on acceptance and
passage. Will you remark?

REP. RAPOPORT: (18th)

Yes, Madam Speaker. This is a first of a small
series of bills that are coming before us today from

JOINT
STANDING
COMMITTEE
HEARINGS

PUBLIC HEALTH
PART 2
381-752

1993

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PUBLIC HEALTH

February 16, 1993
2:00 p.m.

PRESIDING CHAIRMEN:

Senator Przybysz
Representative Courtney

SENATORS:

Gunther, Peters

REPRESENTATIVES:

Gyle, McGrattan, Conway,
DiMeo, Donovan, Fahrback,
Garcia, Gerratana,
Holbrook, McDonald,
Metsopoulos, Pudlin,
Ryan, Winkler

REPRESENTATIVE COURTNEY: (Beginning of hearing not recorded.) Right now, okay, and it is now 2:09 and until 3:09 we will have representatives of various public agencies and departments -- excuse me, could we get started here -- representatives of various agencies and departments will be testifying. The first signed up speaker is Ken Marcus from the Department of Mental Health and he'll be followed by Representative Mushinsky and then Representative Farr. I thought I saw the commissioner there. If you want to fill in for Mr. Marcus, we'd be honored.

KEN MARCUS: Okay, Representative Courtney, Senator Gunther, members of the committee, the Department of Mental Health strongly supports SB899, AN ACT CONCERNING PEER REVIEW. This bill is part of the Department of Mental Health's legislative package and clarifies existing law regarding the integrity of the peer review process.

Peer review is a statutorily mandated process which provides an ongoing opportunity for medical professionals to review their colleagues' work objectively and allows candid evaluation and critique of the performance of one's medical peers and central to this concept is the provision that free and honest exchange of dialogue occur. State law promotes this atmosphere.

Our proposal clarifies current language so that the peer review process in state facilities may

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continue to be an important and useful technique to assure continued quality care to the patients who are served in our system.

The Department of Mental Health urges favorable action on this bill. Thank you.

REP. COURTNEY: Do you want to speak regarding HB6646 as well?

COMM. ALBERT SOLNIT: Yes.

REP. COURTNEY: Okay, why don't you do that and then we'll have questions on both?

COMM. ALBERT SOLNIT: All right. I'm Commissioner Solnit. Representative Courtney, Senator Gunther and members of the committee, the Department of Mental Health supports the concept embodied in HB6646, AN ACT ESTABLISHING A TASK FORCE FOR DEVELOPING A COMMUNITY PLAN FOR FAIRFIELD HILLS HOSPITAL, which was introduced by Representative Julia Wasserman.

As the Department of Mental Health continues to downsize its hospitals, an important issue is the determination of appropriate usage for the space no longer used by the hospital.

In Newton Representative Wasserman has taken a proactive approach to future usage of property at Fairfield Hills Hospital. HB6646 formalizes the process which has begun and establishes a sensible time frame to allow the task force to accomplish its charge and present a report to both the Commissioner of the Department of Mental Health and the Secretary of the Office of Policy and Management.

Additionally, the composition of the proposed task force strikes an important balancing of interest. The Department of Mental Health urges favorable action on this bill.

REP. COURTNEY: Thank you, Commissioner. Turning back to SB899 for just a moment, just so I'm clear, the purpose of the proposed change in statute was just simply to extend the peer review process to state facilities?

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COMM. ALBERT SOLNIT: Yes.

REP. COURTNEY: So the present law does not.

COMM. ALBERT SOLNIT: We think it does, but it's unclear, the language leaves it unclear and what that has done is it has left a number of people in a kind of void as to whether it applies or whether it doesn't even though we're assuming that it does. This language makes it absolutely clear that it does.

REP. COURTNEY: So were there -- just again so I'm just trying to get the context for it, was there some type of complaints or issues that were brought to the peer review group and they found that they had no jurisdiction. Is that --?

COMM. ALBERT SOLNIT: Well, what would happen was that there was some question about whether the -- if the state facilities which were not considered to be licensed facilities were not under the peer review statute, they were not subject to the same confidentiality protections as were all other hospitals and licensed health care facilities in the state and that began to have a chilling effect on the quality of the peer review processes.

REP. COURTNEY: Thank you. Are there any other questions from committee members? Yes, Representative Gyle.

REP. GYLE: My understanding was that in order for (inaudible, mic not on) peer review process has to use part of the (inaudible) process. (inaudible)

COMM. ALBERT SOLNIT: Yes.

REP. GYLE: (inaudible, mic not on).

COMM. ALBERT SOLNIT: That's right. It's a technical change, but it also, while you have to have a peer review process in place, the quality of the peer review process depends very much on whether that process is protected in terms of confidentiality, so we want to make sure that it's protected in terms of confidentiality so that the quality is high.

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REP. COURTNEY: Thank you. Any other questions from committee members? Thanks for coming.

COMM. ALBERT SOLNIT: Thank you.

REP. COURTNEY: Representative Mushinsky is on next. She will be followed by Representative Farr and then Representative Fritz.

REP. FRITZ: Can you have two for one? Because we're going to testify on the same bill. Hello, everybody, how are you all?

REP. MUSHINSKY: I'm Representative Mary Mushinsky from the 85th District in Wallingford.

REP. FRITZ: And I'm Representative Mary Fritz from the 90th District in Wallingford.

REP. MUSHINSKY: And we're speaking today on Raised HB5943, AN ACT CONCERNING THE WALLINGFORD COMMUNITY POOL. I also wanted to go on record, and I don't know if Representative Fritz agrees on this, but I also want to go on record in favor of HB5275, banning smoking in public buildings.

I support Raised HB5943, which would grant a narrowly limited waiver from the Department of Health Services regulations concerning public pools. I don't normally disagree with the Department of Health Services, who I respect, but in this case I am attempting to remove an obstacle to improving the filtration and thus the cleanliness of this pool.

The Wallingford community pool is a nonconforming pool that was created several decades ago without Department of Health Services' approval by conversion of a farm pond. It is therefore shaped like a bowl with sloping sides, at least on side it's sloping, rather than the typical rectangular shape with virtual walls.

Many Wallingford parents like the sloping bowl shape because it allows them to watch all their children who have different ages and swimming abilities at the same time just as they would do at Long Island Sound, at the beach.

don't care about smoking don't have to be breathing in smoke filled air and the passive and the detrimental effects of passive breathing.

I would like to encourage the committee to increase the number of place of the public situation to include child care centers. There was a recent study published in this month's issue of Pediatrics the official journal of the American Academy of Pediatrics. It showed that only three states, Alaska, Arkansas and Minnesota have required day care centers to be smoke free indoors.

More than 752,000 children in the United States are at risk for environmental smoke exposure in these settings. The authors concluded, because exposure to environmental smoke, tobacco smoke has such serious health consequences there is no known safe level of exposure. Parents and pediatricians should insist that day care centers in their communities be at least smoke free indoors and preferably entirely smoke free.

Therefore, we would strongly recommend that these bills be passed and that our public places be made safe for all people to breathe and keep us from having to breathe the smoke of other people. Thank you very much.

SEN. PRZYBYSZ: Thank you Dr. Leonard. Any comments or questions? Good to see you. Thank you. Where's my sheet. We have CCM left, I can't read that. Dr. Zeman, Julie Lewin is she here? Would you and then Angelo James. Dr. Zeman. Again we would ask that you stick to the three minutes if you can.

DR. PETER ZEMAN: Good afternoon. My name is Doctor Peter Zeman. I'm a psychiatrist and I serve as chair of the Connecticut Psychiatric Society Ethics Committee and as president elect of Connecticut Psychiatric Society. I am here to express the society's support of raised bill SB899, AN ACT CONCERNING PEER REVIEW.

Hospital peer review is essential to the maintenance of quality. This is obviously been recognized by the existence of this statute in which peer review is clearly defined and the peer reviewers are protected. The peer review process

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allows for exhaustive inquiry into treatment situations and full and open discussion of issues raised. This process is just as important to maintaining quality of care in state mental health facilities as in any other hospital setting.

We can think of no good reason why state hospitals should not be included in this statute and we hope that you will approve this bill. Thank you.

SEN. PRZYBYSZ: Thank you, stayed within three minutes that's for sure.

DR. PETER ZEMAN: We appreciate any questions.

SEN. PRZYBYSZ: Thank you. Thank you very much. Miss Lewin. Is Angelo, Angela James?

JULIE LEWIN: Hi, Senator Przybysz and members of the Committee, I'm Julie Lewin, although I'm a registered lobbyist I'm speaking as an individual harmed and frightened by smoke in the legislative office building and the capitol building. I ask you to return to the original language of the two bills regarding smoking in public buildings. To prohibit completely, I think the mic just went off, to prohibit completely smoking in these buildings and in the closed entrance ways of public buildings such as the State Office building.

HB's 5275
5403

For a non-smoker using the enclosed front entrance of the State Office building it is sometimes like trying to survive a laboratory experiment on smoking, surely defeating the purpose of smoking restrictions in the building itself. I suffer from asthma and am becoming increasingly sensitive to smoke. My chest is tight right now, from the building. I frequently have to leave these buildings early solely because of the smoke.

For a lobbyist, smoke is nearly inescapable here. Lobbyists must spend most of their time in areas in which the joint rules allow smoking, i.e. the atrium and halls, as most contacts with legislators are in them. If you see me suddenly change direction, it might be because I'm trying to avoid a clutch of smokers.



STATE OF CONNECTICUT
DEPARTMENT OF MENTAL HEALTH

000469

February , 19

THE FOLLOWING IS A STATEMENT BY KENNETH MARCUS, M.D., DEPUTY COMMISSIONER FOR CLINICAL SERVICES, IN SUPPORT OF S.B. 899, AN ACT CONCERNING PEER REVIEW.

The Department of Mental Health strongly supports the S.B. 899, An Act Concerning Peer Review.

This bill is part of the Department of Mental Health's legislative package and clarifies existing law regarding the integrity of the peer review process.

Peer review is a statutorily mandated process which provides an ongoing opportunity for medical professionals to review their colleagues' work objectively and allows candid evaluation and critique of the performance of one's medical peers. Central to this concept is the provision that free and honest exchange of dialogue occur. State law promotes this atmosphere.

Our proposal clarifies current language so that the peer review process in state facilities may continue to be an important and useful technique to assure continued quality care to the patients who are served in our system.

The Department of Mental Health urges favorable action on this bill.

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Connecticut
Psychiatric
Society

*District Branch
American Psychiatric
Association, Inc.*

Public Health Committee
February 16, 1993
Bill 899

Good Afternoon. I am Peter Zeman, M.D. I am a psychiatrist and I serve as chair of the Ethics Committee and President-elect of the Connecticut Psychiatric Society.

I am here to express the Society's support of Raised Bill 899, An Act Concerning Peer Review.

Hospital peer review is essential to the maintenance of quality. This has obviously been recognized by the existence of this statute in which peer review is clearly defined and the peer reviewers are protected.

The peer review process allows for exhaustive inquiry into treatment situations and full and open discussion of issues raised.

This process is just as important to maintaining quality of care in state mental health facilities as in any other hospital setting. We can think of no good reason why state hospitals should not be included in this statute, and we hope you will approve this bill.