

Legislative History for Connecticut Act

<u>HB 5558</u>	<u>PA 57</u>	<u>1996</u>
Senate	1694, 1710-1711	(3)
House	878-880, 892-897	(9)
Pub. Health	1418-1419, 1628-1632	(7)
		19 pages

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

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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1996

VOL 39  
PART 5  
1343-1701

Yes, thank you Madam President. Madam President, on this item I would like to, without objection, move it to the Consent Calendar. And I have a list of other items that I would move to the Consent Calendar.

THE CHAIR:

Is there any objection to moving Calendar 349 to the Consent Calendar? Without objection, so ordered. Would you proceed then, Senator Fleming.

SEN. FLEMING:

Yes, thank you Madam President. Madam President, if members would take their Calendars and turn to page 12.

THE CHAIR:

Proceed.

SEN. FLEMING:

HB 5630  
Yes, Calendar 356, I'd like to move that to the Consent Calendar. On Calendar page 14, Calendar 363. HB 5558  
I would like to move that to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. FLEMING:

On page 15, Calendar 372. SB 524

THE CHAIR:

Without objection, so ordered.

SEN. FLEMING:

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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

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Senators return to the chamber.

SB 437 SB 300  
 Page 6, Calendar 283. Page 6, Calendar 307. Page  
SB 492 SB 589 SB 621  
 7, Calendar 319. Page 9, Calendar 332 and 333. Page  
SB 307 HB 5470 HB 5428  
 10, Calendar 340. Page 11, Calendar 346 and 349. Page  
HB 5502 HB 5630 HB 5450  
 12, Calendar 352 and 356. Page 13, Calendar 358 and  
HB 5018 HB 5433 HB 5558  
 361. Page 12, Calendar 354. Page 14, Calendar 363.  
SB 524 SB 641 SB 613  
 Page 15, Calendar 372. Page 16, Calendar 375, 379,  
SB 687 HB 5527 HB 5278  
 380. Page 17, Calendar 383. Page 18, Calendar 387 and  
HB 5516 SB 570 SB 615 SB 87  
 389. Page 20, Calendar 397, 400. Page 29, Calendar 44  
SB 276 HB 5445 SB 543  
 and 123. Page 13, Calendar 357. Page 19, Calendar  
392.

THE CHAIR:

Does that cover the Consent Calendar, Mr. Clerk?

THE CLERK:

Yes.

THE CHAIR:

Would you make another announcement to make sure we're all here. The machine is now open, we're voting on the Consent Calendar.

THE CLERK:

The Consent Calendar is being voted in the Senate. All Senators return to the chamber. Consent Calendar is being voted in the Senate. Will all Senators return to the chamber.

THE CHAIR:

Senator Somma. Senator Prague. Senator  
Guglielmo. Senator Prague. Senator Prague. The  
machine is now closed. Mr. Clerk would you give me a  
tally please.

THE CLERK:

Total Number Voting	34
Necessary for passage	18
Those voting Yea	34
Those voting Nay	0

THE CHAIR:

Consent Calendar passes. Mr. Clerk.

THE CLERK:

Page 15, Calendar 371, Senate Bill 389, File 507.

AN ACT STRENGTHENING THE LAW CONCERNING CHILD RESTRAINT  
SYSTEMS. Favorable Report of Committee on  
Transportation, and Judiciary. File 507. The Clerk  
has two amendments.

THE CHAIR:

Senator Aniskovich.

SEN. ANISKOVICH:

Thank you Madam President. Madam President, I  
move adoption of the Joint Committee's Favorable Report  
and passage of the bill.

THE CHAIR:

Would you comment further?

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CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1996

VOL. 39  
PART 3  
661-1047

House of Representatives

Tuesday, April 9, 1996

Madam Speaker, I attempted to rise before the tally was announced. There are members in the Chamber who are not voting and our rules do require those present to cast a ballot and unfortunately, there were members in the chamber on that last vote who did not vote. And I am not sure the vote ever was on the board. It was taken off so quickly.

DEPUTY SPEAKER HARTLEY:

Representative Belden, I thank you for your keen observation. Your point is well taken. I will try also to be watchful of that and I remind the members of the Chamber who are engaged in a lot of things, most important of which is here to vote on legislation before us.

Thank you, sir. Will the Clerk please call Calendar 256? Thank you.

CLERK:

On page 10, Calendar 256, Substitute for House Bill Number 5558, AN ACT CONCERNING PEER REVIEW.

Favorable Report of the Committee on Public Health.

DEPUTY SPEAKER HARTLEY:

Representative McDonald of the 148th. You have the floor, Madam.

REP. MCDONALD: (148TH)

Thank you, Madam Speaker. I move acceptance of

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the Joint Committee's Favorable Report and passage of the bill.

DEPUTY SPEAKER HARTLEY:

The motion is acceptance and passage. Will you remark, Madam?

REP. MCDONALD: (148TH)

Yes, Madam Speaker. The Clerk has LCO Number 4150. I would like the Clerk to call and I be allowed to summarize.

DEPUTY SPEAKER HARTLEY:

The Clerk has LCO 4150, designated House "A". Would the Clerk please call?

CLERK:

LCO Number 4150, designated House "A" offered by Representative McDonald.

DEPUTY SPEAKER HARTLEY:

The Representative has asked leave to summarize and without objection, you may proceed, Madam.

REP. MCDONALD: (48TH)

Thank you, Madam Speaker. This amendment adds to the group of people of associations that are going to have peer review. The Association of Occupational Therapists and it also allows them to take part in all the established and modification of their own peer review statute.

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I move acceptance of the amendment.

DEPUTY SPEAKER HARTLEY:

Will the Chamber please stand at ease until the membership is in possession of the amendment that has been called?

Will the Chamber please come to order?

Representative Godfrey, you have the floor, sir.

REP. GODFREY: (110TH)

Thank you, Madam Speaker. Since we don't seem to be in possession of copies of this amendment, I would ask that at this time, this item be passed temporarily.

DEPUTY SPEAKER HARTLEY:

The motion is to pass temporarily and without objection, so ordered.

Will the Clerk please call Calendar 128?

CLERK:

On page 23, Calendar 128, Substitute for House Bill Number 5367, AN ACT CONCERNING THE DEPARTMENT OF PUBLIC WORKS STATE CONSTRUCTION SERVICES SELECTION PROCESS REPEALING OBSOLETE STATUTES CONCERNING LARGE BUILDING PROJECTS AND CONCERNING EMERGENCY REPAIRS TO STATE FACILITIES. Favorable Report of the Committee on Legislative Management.

DEPUTY SPEAKER HARTLEY:

Representative Landino of the 35th. You have the

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House of Representatives

Tuesday, April 9, 1996

Those voting Yea	139
Those voting Nay	2
Those absent and not voting	9

DEPUTY SPEAKER HARTLEY:

The bill, as amended is passed.

Would the Clerk please call Calendar 256?

CLERK:

On page 10, Calendar 256, Substitute for House  
Bill Number 5558, AN ACT CONCERNING PEER REVIEW.

Favorable Report of the Committee on Public Health.

DEPUTY SPEAKER HARTLEY:

Representative McDonald.

REP. MCDONALD: (148TH)

Yes, Madam Speaker. We left off with my asking  
the Clerk to call amendment 5150. Would he please call  
and I be allowed to summarize?

Oh, I am sorry. I move acceptance and passage. I  
am sorry. I didn't think I had to do it over again. I  
had done it before.

DEPUTY SPEAKER HARTLEY:

Please proceed, Representative McDonald.

REP. MCDONALD: (148TH)

Did the Clerk call? I don't know if I have to  
repeat what I did before, Madam Speaker.

DEPUTY SPEAKER HARTLEY:

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House of Representatives

Tuesday, April 9, 1996

If you had moved acceptance and passage --

REP. MCDONALD: (148TH)

They have to start over again. In other words. Okay. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

DEPUTY SPEAKER HARTLEY:

The motion is acceptance and passage. Will you remark, Madam?

REP. MCDONALD: (148TH)

Yes. Will the Clerk please call LCO Number 4150 and I be allowed to summarize?

DEPUTY SPEAKER HARTLEY:

The Clerk has LCO 4150, to be designated House "A". Will the Clerk please call?

CLERK:

LCO Number 4150, previously designated House "A"  
offered by Representative McDonald.

DEPUTY SPEAKER HARTLEY:

The Representative has asked leave to summarize. You may proceed without objection, Madam.

REP. MCDONALD: (148TH)

Through you, Madam Speaker, this amendment allows occupational therapy to be among the group of professional organizations that are allowed to have peer review. It adds them to the list of professional

House of Representatives

Tuesday, April 9, 1996

organizations that are able to do this and I move acceptance.

DEPUTY SPEAKER HARTLEY:

The question is adoption of House "A". Will you remark further on House "A"? Representative Ward.

REP. WARD: (86TH)

Thank you, Madam Speaker. Really just a question as to the drafting of it, not as to the intent, however.

DEPUTY SPEAKER HARTLEY:

Please frame your question.

REP. WARD: (86TH)

Through you, Madam Speaker, lines 48 and 49 we define occupational therapy to include the establishment and modification of peer review. Is that how in all other areas where there is peer review, is peer review always defined as part of the practice of that healing art? Through you, Madam Speaker.

DEPUTY SPEAKER HARTLEY:

Representative McDonald.

REP. MCDONALD: (148TH)

Through you, Madam Speaker, that language was given to us for the occupational therapists and it was approved by LCO. I concur with you, Representative Ward, it looks a little bit awkward there.

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DEPUTY SPEAKER HARTLEY:

Representative Ward, you have the floor.

REP. WARD: (86TH)

Thank you, Madam Speaker. That occupational therapists should have peer review and include that as part of their practice seems appropriate. I do think that it is a bit of an unusual ruling because it appears now that peer review is in fact, one of the types of medical treatment that they give. If that is how the experts in medicine say it ought to be drafted, I guess we can accept that, but it appears awkward to me.

Thank you, Madam Speaker.

DEPUTY SPEAKER HARTLEY:

Thank you, sir. Will you remark further on House "A"? If not, I will try your minds. All those in favor, please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER HARTLEY:

Those opposed, nay. The ayes have it. The amendment is adopted.

Representative McDonald, will you remark further on the bill, as amended?

REP. MCDONALD: (148TH)

Yes, Madam Speaker. The underlying bill -- what this does is last year at the request of physical therapists, we changed the language in where peer review groups can operate, we changed it from area to state. The state would have -- the organization would have a state peer review organization. This created great problems for the medical society because they don't do their peer reviews statewide. They do it by county.

So they requested us to go back and put it the way it used to be which is by area. The underlying bill allows the peer review to operate in a certain area. We purposely left the term "area" undefined so all of these professional groups can use any group they want, whether it be county or area or statewide. They could use what they wanted. That's what this bill does.

DEPUTY SPEAKER HARTLEY:

Thank you, Representative McDonald. Will you remark further? Will you remark further? If not, staff and guests please come to the well. Members, take your seat. The machine will be opened.

CLERK:

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

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DEPUTY SPEAKER HARTLEY:

Have all the members voted? Is your vote properly recorded? If all the members have voted, the machine will be locked. The Clerk will please take a tally.

The Clerk will please announce the tally.

CLERK:

House Bill 5558, as amended by House "A"

Total Number Voting	142
Necessary for Passage	72
Those voting Yea	142
Those voting Nay	0
Those absent and not voting	8

DEPUTY SPEAKER HARTLEY:

The bill, as amended is passed. Will the Clerk please call Calendar 258?

CLERK:

On page 11, Substitute for House Bill Number 5752,  
AN ACT CONCERNING RECYCLED CONTENT OF NEWSPRINT.  
Favorable Report of the Committee on Environment.

DEPUTY SPEAKER HARTLEY:

Representative Mushinsky of the 85th. You have the floor, Madam.

REP. MUSHINSKY: (85TH)

Thank you, Madam Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of

JOINT  
STANDING  
COMMITTEE  
HEARINGS

PUBLIC HEALTH  
PART 5  
1418-1757

1996

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PUBLIC HEALTH

March 12, 1996

Thank you for your time.

SEN. GUNTHER: Any questions? Thank you, Eric. We will now open up on HB5558. Dr. Montagut. Followed by Dr. David Parke.

DR. FERDINAND MONTAGUT: Senator Gunther, members of the Public Health Committee. Thank you for the opportunity of being here today. My name is Ferdinand Montagut. I am a physician with a surgical practice in Naugatuck Valley. My testimony today, however, is given on behalf of 1500 physicians of the New Haven County Medical Association and 2300 physicians of the Hartford County Medical Association who share administrative services.

In addition to serving on the board of governors of New Haven County Medical Association, I also serve as the association's peer review committee chairman, and it is in this capacity that I am here before you today.

During the last session of the General Assembly, subparagraph 3 of Section 19a-17b of the statutes which provides that the statutory shield of professional societies such as ours to do peer review as amended.

The purpose of the amending statute was to extend this protection to physical therapists. However, in the process of the revisions, some of the language was changed which inadvertently removed the statutory protection historically given to county medical associations in performance of peer review.

Prior to the change, the definition of a professional society included medical associations having members of at least the majority of eligible licensees in the area. The amended substituted the word state for the word area, thus county medical associations no longer had the protection to perform peer review, as their membership is limited to their respective geographical areas.

Peer review is an important function of our

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PUBLIC HEALTH

March 12, 1996

associations. We attempt to address as expeditiously as possible, those issues which patients and/or physicians and/or frequently third party peers, refer to our peer review committee. Peer review is a process frequently utilized by patients, physicians and peers alike to obtain information and often to achieve resolution of questions and concerns relative to ethical issues, issues of medical management and practice management.

All that is required to restore our peer review protection is to revise the statute by substituting the word area again for state as contained in HB5558. We ask for your support for HB5558. We ask too, in addition, that the legislation become effective upon being signed by the Governor and that it be retroactive to 1 October 1995, the date which the statute was changed.

Thank you for this opportunity of addressing the issue and I'll be happy to answer any questions.

SEN. GUNTHER: Any questions? Thank you.

DR. FERDINAND MONTAGUT: Thank you.

SEN. GUNTHER: Dr. David Parke, followed by Dr. Steven Katz. Dr. David Parke? Dr. Steven Katz? Followed by Arthur Schulman.

DR. STEVEN KATZ: Good afternoon, Sen. Gunther, HB5557 Representative McDonald and members of the Committee, I am Dr. Steven Katz, a member of the board of trustees of the Fairfield County Medical Association and a practicing obstetrician gynecologist who practiced for 23 years in Fairfield.

Seated with me is Mr. Michael Conway, the associate executive director of the Fairfield County Medical Association. Our association represents approximately 2000 physicians who live or work to improve the health care of all citizens in Fairfield County.

I come before you today to ask your support for

TESTIMONY CONCERNING HB 5558 AAC PEER REVIEW

Tuesday, March 12, 1996  
Legislative Office Building

Senator Gunther, Representative McDonald and members of the Public Health Committee. Thank you for the opportunity to testify before the committee today. I am Dr. Ferdinand Montegut, a physician with a surgical practice in the Naugatuck Valley. My testimony is given on behalf of the 1600 physicians of the New Haven County Medical Association and the 2300 physicians of Hartford County Medical Association, who share administrative services. In addition to serving on the Board of Governors of the New Haven County Medical Association, I also serve as the chairman of the Association's Peer Review Committee and it is in this capacity that I come before you today.

During the last session of the General Assembly, subparagraph 3 of section 19a-17b of the General Statutes -- which provides the statutory shield for professional societies such as ours to do peer review -- was amended. The purpose of amending the statute was to extend peer review protection to physical therapists. However, in the process of the revision some language was changed which inadvertently removed the statutory protection historically given to county medical associations to perform peer review. Prior to the change, the definition of a "professional society" included medical associations having as members at least a majority of the eligible licentiates in the area. The amendment substituted the word state for area. Thus, county medical associations no longer may have protection to perform peer review, as their membership is limited to their respective geographical areas.

Peer review is an important function of our medical associations. We attempt to address -- as expeditiously as possible -- those issues which patients and/or physicians refer to our peer review committee. Peer review is a process frequently utilized by patients and physicians alike to obtain information and often to achieve resolution to questions and concerns relative to ethical issues, issues of medical management and practice management. All that is required to restore our peer review protection is to revise the statute by substituting the word area for state, as contained in HB 5558.

We ask your support for HB 5558. We ask, too, that the legislation become effective upon being signed by the governor.

Thank you for the opportunity to address this issue. I will be happy to answer any questions.

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# The Fairfield County Medical Association

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## TESTIMONY CONCERNING HB 5558 AAC PEER REVIEW

Tuesday, March 12, 1996

Legislative Office Building

Good day, Senator Gunther and Representative McDonald and members of the Public Health Committee. I am Dr. Stephen Katz, a member of the Board of Trustees of the Fairfield County Medical Association, and an Obstetrician-Gynecologist who practiced in Fairfield for 23 years. Our Association represents approximately 2,000 physician members who are dedicated to improving the health of all citizens in Fairfield County. I come before you today to urge your support of HB 5558, An Act Concerning Peer Review.

It is our understanding that when the Legislature passed sHB 6854 last year, it was to accommodate the physical therapists who sought the same statutory protections for their peer review activities which other professional organizations have enjoyed for years. However, in making this change to include the physical therapists, the language of the statute was revised in such a way that it is no longer certain that organizations such as the Fairfield County Medical Association are still covered by the statute.

The Fairfield County Medical Association has an extensive and active

committee structure designed to evaluate the quality and efficiency of care ordered or performed by fellow members of the profession for the benefit of the public good. The Committees and Boards of the Association are involved in practice analysis, ambulatory care, utilization, and claim review. Without the peer review protection of the statute, physicians will be reluctant to volunteer and serve on these important committees. If these committees cease to operate, we would be taking away a valuable community service.

Therefore, we ask that you support HB 5558, to make it clear that statutory peer review protection does include a county medical association.

Also, since we understand that it was never the Legislature's intent to exclude the county medical associations from peer review, we ask that two amendments be made to the current proposal:

- that the bill be made effective upon signing by the Governor rather than waiting to some later date; and
- that the bill be made retroactive to October 1, 1995, the date when the statute was changed, thus eliminating any protection hiatus caused by the prior bill.

I thank you for your time and I will be happy to answer any questions which you may have concerning this issue.

LEG\TESTIFY\PEER1



160 St. Ronan Street, New Haven, CT 06511-2390 (203) 865-0587 FAX (203) 865-4997

Testimony of the Connecticut State Medical Society  
to the Public Health Committee  
regarding

HB 5558 An Act Concerning Peer Review by Physical Therapists  
March 12, 1996

Presented by David Parke, M.D.

Senator Gunther, Representative MacDonald, Members of the Public Health Committee, my name is David Parke, Legislative Chairman for the Connecticut State Medical Society, and I am here today to speak on behalf of the Society in support of HB 5558, An Act Concerning Peer Review by Physical Therapists.

Last year when the General Assembly passed Public Act 95-299, An Act Concerning Peer Review of Physical Therapists, one word was changed in the definition of the term "professional society" contained in the peer review statutes which had a potentially devastating effect on the historic structure of medical peer review activities conducted by organized medicine in this state. The definition of professional society was changed from those having as members at least a majority of the eligible licentiates in the area, to those societies having as members at least a majority of the eligible licentiates in the STATE. This change potentially disqualifies our County Medical Associations from receiving peer review protection under the General Statutes. Thus, it also has serious implications for organized medicine because we historically have functioned under a structure of peer review activity which is based at the County Medical Association level.

HB 5558 proposes changing the definition of the term "Professional Society" contained in the peer review statutes (Section 1. Subdivision (3) of subsection (a) of section 19a-17b) back to those societies having as members at least a majority of the eligible licentiates in the AREA.

The Connecticut State Medical Society is part of a federation of organized medicine made up of our eight County Medical Associations, the State Society, and the American Medical Association. Our peer review activities, which include review of ethical, malpractice, and practice management issues, begin at the county level. For six years I served as Chairman of the New Haven County Medical Association's Peer Review Committee and I can therefore attest to the fact that the vast majority of the volunteer peer review work is done by the County Associations' member physicians. The State Society functions as an appeals mechanism for county level decisions and the ultimate appeal of our decisions can be taken to the American Medical Association.

We ask that the Committee support HB 5558 which would revert the definition back to *societies having as members at least a majority of the eligible licentiates in the AREA* to ensure that the County Medical Associations can continue to receive the peer review protections under the General Statutes. This proposed change should not have any negative effect on the other professions currently covered by the peer review statute, including the physical therapists. We also request that it become effective upon passage.

Thank you for consideration of this matter.



Testimony in Support of HB 5558, AAC Peer Review

Public Health Committee

March 12, 1996

I am Arthur Schuman of the New London County Medical Association. The New London County Medical Association urges your support of House Bill 5558, An Act Concerning Peer Review.

This bill is needed because last year, when the physical therapist peer review statute was passed, a change was made, inadvertently, to the physician peer review statute. Previously, peer review activities of a medical association were protected by law if an organization represented all of the physicians in the area - as our county medical association does. Because the physical therapists have a state-wide association, rather than county organizations, the word "area" was changed to "state." The result was that county organizations are no longer protected in statute for peer review activities.

The bill seeks to return peer review statute for physicians to the way it was prior to the physical therapists' law, so that county medical associations can continue their peer review activities with protection under the law. We do not seek to affect the physical therapists peer review activities.

We respectfully suggest two additions to the bill. First, we ask you to make the bill effective upon passage. Second, we request that you make the bill retroactive to October 1, 1995 to protect the county medical associations for activities undertaken between October 1995 and the passage of the bill. Because members of the public contact our association to resolve problems with physicians, our committees have been acting without protection since the law was changed.

Thank you. I would be happy to answer any questions.