

Act Number: 09-022
Bill Number: 6301
Senate Pages: 1595, 1657, 1659 3
House Pages: 1581-1584 4
Committee: General Law: 351, 358-359,
557, 560 5

Page Total: 12

S - 581

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2009**

**VOL. 52
PART 5
1351 - 1666**

Calendar 457, House Bill Number 6356, Mr.

President, I move to place this item on the Consent Calendar.

THE CHAIR:

Motion is on the floor for consent. Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 458, PR.

Calendar 460, House Bill Number 6301, Mr.

President, I move to place this item on the Consent Calendar.

THE CHAIR:

Motion is on the floor for consent. Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 463, Senate Bill Number 646, Mr. President, I move to refer this item to the Appropriations Committee.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 465, Senate Bill Number 963, Mr. President, I move to place this item on the Consent Calendar.

md
SENATE

161
April 29, 2009

Calendar page 6, Calendar 245, Substitute for House Bill 6266.

Calendar page 7, Calendar 272, Substitute for Senate Bill 1040.

Calendar Page 8, Calendar 359, Senate Bill 1082.

Calendar page 10, Calendar 389, Substitute for House Bill 6327; Calendar 391, Substitute for House Bill 5930.

Calendar page 11, Calendar 395, Substitute for House Bill 5297; Calendar 403, House Bill 6462.

Calendar page 12, Calendar 414, Senate Bill 905.

Calendar page 13, Calendar 416, Senate Bill 998;
Calendar 432, Substitute for Senate Bill 1020.

Calendar page 15, Calendar 457, Substitute for House Bill 6356.

Calendar page 16, Calendar 460, Substitute for House Bill 6301; Calendar 465, Senate Bill 963.

Calendar page 18, Calendar 487, Senate Bill 707;
Calendar 489, Substitute for Senate Bill 810.

Calendar page 21, Calendar Number 506, Senate Bill 1136; Calendar 507, Senate Bill 1141.

Calendar page 22, Calendar 515, Substitute for Senate Bill 832.

Calendar page 23, Calendar 524, Substitute for

md
SENATE

163
April 29, 2009

Have all Senators voted?

If all Senators have voted, please check the machine. The machine will be locked, the Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number 1. Total number voting, 36; those voting yea, 36; those voting nay, 0; those absent/not voting, 0.

THE CHAIR:

Consent Calendar Number 1 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, I would move that all items referred to various committees from the chamber today be transmitted to those committees immediately.

THE CHAIR:

Without objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, also, would announce that we will be convening tomorrow about -- at 11:30 a.m., it's our intention to pick up with bills that had previously been marked "go" today. So I would move that all items previously marked go

H – 1041

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2009**

**VOL.52
PART 5
1290 – 1608**

rgd
HOUSE OF REPRESENTATIVES

6
April 14, 2009

Point of personal privilege.

SPEAKER DONOVAN:

Please proceed, sir.

REP. DAVIS (117th):

Thank you, Mr. Speaker.

Mr. Speaker, it's a pleasure to rise for some good news. Over the weekend I -- we and -- well, we had a new addition to our family, born on Saturday morning, Nathan John Sissente, grandson, weighed in at eight pounds and two ounces.

Fortunately, as a grandparent, I will not have to suffer the evenings that your assistant up there will be. So we ask that you forgive him should he fall asleep on you over the next few weeks. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative. Congratulations. Go ahead. My rule is: baby sleeps, you sleep.

Will the Clerk please call Calendar Number 89.

THE CLERK:

State of Connecticut House of Representatives
Calendar for Tuesday, April 14, 2009. On page 30,
Calendar 89, substitute for House bill Number 6301, AN
ACT CONCERNING THE PRACTICE OF PHARMACY AND ELECTRONIC

rgd
HOUSE OF REPRESENTATIVES

7
April 14, 2009

PRESCRIPTIONS, favorable report of the Committee on
Public Health.

SPEAKER DONOVAN:

Representative Shapiro.

REP. SHAPIRO (144th):

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

SPEAKER DONOVAN:

The question is on acceptance of the joint
committee's favorable report and passage of the bill.
Representative Shapiro, you have the floor.

REP. SHAPIRO (144th):

Thank you, Mr. Speaker. Mr. Speaker, this bill
is -- has a purpose of making improvements in the
efficiency and reducing costs in pharmacy prescription
processes. It allows Connecticut pharmacies to
maintain records and prescribe certain prescriptions
in electronic format and brings us into the 21st
century. In addition, it does importantly allow that
that all of the information we currently collect will
still be collected, just in the electronic format. In
addition, it allows Connecticut pharmacies to
prescribe controlled substances, schedule 2

rgd
HOUSE OF REPRESENTATIVES

8
April 14, 2009

substances, through electronic form, where previously, it must have been reduced to writing.

Importantly, we must still comply with all federal laws, including the controlled substances act. And we will do that in accordance with state statute and our state regs. And I move passage of the bill. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative. Will you remark further on the bill? Remark further? Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker. I also want to point out to the chamber that this bill passed unanimously through General Law, and we do believe it will help the pharmacies stay up to speed and meet all of the current regulations as they come down from the federal government. Thank you.

SPEAKER DONOVAN:

Thank you, Representative. Will you remark further? Remark further on the bill? Remark further on the bill? If not, staff and guests come to the well of the House. Members take their seats. The machine will be open.

rgd
HOUSE OF REPRESENTATIVES

9
April 14, 2009

THE CLERK:

In 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.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Members please check the board to determine if your vote has been properly cast. If all the members have voted, the machine will be locked and the Clerk will take a tally. Will the Clerk please announce the tally.

THE CLERK:

House Bill 6301.

Total Number Voting	134
Necessary for Passage	68
Those voting Yea	134
Those voting Nay	0
Those absent and not voting	17

SPEAKER DONOVAN:

The bill is passed.

Will the Clerk please call Calendar 361.

THE CLERK:

Page 23 Calendar 361, House Bill 5138, AN ACT
CONCERNING THE PLACEMENT OF UNITED STATES FLAGS ON THE

**JOINT
STANDING
COMMITTEE
HEARINGS**

**GENERAL
LAW
PART 2
342 - 713**

2009

to start with Commissioner Farrell, if you please, followed by Representative Sawyer.

JERRY FARRELL: Good morning, Representative Shapiro, Senator Colapietro, the members of the General Law Committee. It's good to be back in front of General Law, this legislative session. You have my written testimony on a number of bills that are being advanced by the department, namely Senate Bill 778, which deals with the work comp statute; 779, which deals with wood burning fireplaces, furnaces; 780, which deals with the Charitable Funds Act, and 6301 that deals with e-Pharmacy.

Now I think most of these topics that members of the General Law Committee are quite familiar with. The one that is a little different for you, and maybe if I can explain and spend a couple minutes clarifying why it's before you, would be the amendments to the work comp statute contained in 778.

As you know, Department of Consumer Protection does a ton of occupational licensing. There is, I believe, 180 different categories of licenses that we give out. Now one of the requirements that's presently in statute is that we collect a certificate, a physical certificate, of Workmens' Compensation Insurance for those getting a license from the department.

For many years the department has not necessarily enforced this statute that, as you can imagine, with 221,000 licensees, there was a time for a couple months, I believe back in the early nineties, where the department attempted to do this and it became overwhelming, so at some point it was just set to the side. However, in the past three audits that the State Auditors have done of

compensation.

REP. ALTOBELLO: Thank you. Thank you,
Mr. Chairman.

REP. SHAPIRO: Representative Nicastro.

REP. NICASTRO: Thank you, Mr. Chairman.

Commissioner, regarding -- good morning to
you, sir.

Regarding House Bill 6301, could you walk us
through that just a teeny little bit? I
realize what you're saying about using, you
know, electronic prescriptions and things like
that, and we've had people come before us
before and talk about errors that have created
serious hardships for families and almost
caused, you know, fatal accidents and things
like that, but computers and things like that
are not perfect either.

JERRY FARRELL: I know.

REP. NICASTRO: They can shut down; they can, you
know, go down, yet, you know, you can lose
power and you're saying just using that as a
backup, I mean, that's why I'd like to have
you come out a little bit more on that because
all you're saying is use that computer,
nothing else. You don't feel you that they
should keep records besides that just on the
computer?

JERRY FARRELL: Well, we feel that they should be
allowed to retain records electronically.
That, you know, if you look at what's going on
within the industry, putting aside the laws as
they exist, but what's going on within the
industry, I mean certainly amongst pharmacies
there's an enormous amount of information that

gets transmitted electronically and gets stored electronically. The problem becomes when our department goes out there and has some need for that information, you know, right now largely it's required to be kept on paper. You know, you look at some of the vary large drugstore chains, you know, part of -- sometimes the convenience of dealing with that kind of chain is that you can go into almost any one of their facilities no matter where it is and your records can come up electronically.

So in terms of the information that we need, we're happy with it being electronic. But, as -- as it stands right now, the law largely requires paper copies and probably that just is antiquated at this point. The other piece of this that, you know, there are Schedule 2 drugs that physicians would be enabled to prescribe and transmit electronically to pharmacies. So, it takes into account the fact that right now those Scheduled 2 drugs could not move between the doctor and the pharmacy electronically.

So I mean I think many people desire the convenience. You know, on the accuracy cuts both ways, that computers can be fallible; doctors' handwriting can be fallible. So, it goes both ways. At the end of the day, perhaps the doctor is going to look more carefully at what goes on the computer, rather than writing something and figuring, well everybody understands my handwriting, don't they?

REP. NICASTRO: Thank you, Commissioner. Thank you, Mr. Chairman.

REP. SHAPIRO: Thank you, Representative.



STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

TESTIMONY OF DEPARTMENT OF CONSUMER PROTECTION COMMISSIONER
JERRY FARRELL, JR.

PRESENTED TO THE GENERAL LAW COMMITTEE

FRIDAY, FEBRUARY 13, 2009

Senator Colapietro, Representative Shapiro, Senator Witkos, Representative Bacchiochi and Honorable Members of the Committee. Thank you for providing me with the opportunity to comment on four DCP legislative proposals before you today.

SB-778 AN ACT AMENDING THE WORKERS' COMPENSATION ACT

Current law requires state agencies such as Consumer Protection to obtain "sufficient evidence" of workers' compensation insurance before they issue new or renewal licenses to applicants. Specifically, the law mandates that no license be issued unless a candidate submits proof of insurance coverage in the form of a "certificate". The intent of this 1986 legislation was to ensure that employers - such as home improvement contractors and new home construction companies - comply with state laws to provide workers' compensation coverage for their employees. If they do not, workers who are injured on the job must be paid by the State's Second Injury Fund.

The Department of Consumer Protection has been increasingly unable to fully comply with this "hard-copy" certificate requirement not only because it entails a labor-intensive, manual review process for tens of thousands of renewal applications but also because it conflicts with agency efforts to streamline and automate its services to the public which now include an online license renewal process. In 1995, the Department established a wholesale lockbox arrangement with a bank in order to ensure the immediate deposit of state funds and to expedite the issuance of renewal licenses to the public. This new process, however, necessitated the replacement of the "hard-copy" insurance declaration with a signed statement included on the renewal application form certifying to the appropriate workers' compensation insurance coverage. In 2001, we upgraded to a retail lockbox arrangement which does not allow any paperwork other than the renewal coupon and payment to be mailed to the bank. This situation of technical non-compliance was noted by the Auditors of Public Accounts in our audit reports for the fiscal years ending June 30, 2004 thru June 30, 2007. As a result, we have been working with the State Workers' Compensation Commission in order to address the needs of both agencies while ensuring compliance with the statutes.

Accordingly, I am requesting your approval for an amendment to the law that would allow us to accept a certified statement rather than a separate "hard-copy" workers' compensation

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SB779
SB780
HB6301

Our proposed audit threshold - \$500,000 in gross receipts - is much more reasonable. A charitable organization with this level of revenue will most likely have an audit done routinely simply to keep its financial house in order.

HB 6301 AN ACT CONCERNING THE PRACTICE OF PHARMACY AND ELECTRONIC PRESCRIPTIONS

This legislative proposal would make two separate changes to existing law in the area of electronic prescriptions. They are as follows:

- Allow Connecticut pharmacies to maintain records of prescriptions electronically rather than in paper format as currently required
- Add Schedule II drugs to the list that physicians can prescribe and transmit electronically to pharmacies - current state law allows Schedule III, IV and V drugs to be transmitted electronically to pharmacies. It is significant to note that this proposed legislation (as well as the currently codified list of drugs) would only take effect when specifically allowed under The Federal Controlled Substances Act. At the present time, changes to the Federal Act consistent with the changes described have been enacted and are currently awaiting the promulgation of regulation by the Drug Enforcement Administration within the next several months.

If passed, this legislative proposal would:

- Further the use of "e-prescribing" and "e-health" and the associated efficiency and improvements that come with electronic/computer records
- Reduce the number of medication errors caused by illegible handwriting by allowing the expanded use of electronic transmission of prescriptions from physician to pharmacy
- Enable pharmacies to fill prescriptions more quickly, efficiently and accurately since allowing pharmacies to maintain their filled-prescription record-keeping electronically would result in a more efficient and dependable system. Furthermore, electronic prescribing is exempt from Federal requirements to use tamper-resistant paper, thereby reducing the burden on practitioners.
- Result in improved efficiency, accuracy and a reduction in costs, although federal legislation will be required to allow the practices contained in this proposal to take effect in Connecticut. However, as in similar legislation passed in previous years, we are preparing ourselves in advance of anticipated enabling Federal legislation.

I thank you for your time and attention and am open to any questions that you may have regarding our legislative proposals.

If you should require any additional information, please contact Gary Berner, Legislative Program Manager, at 713-6208.

Thank you.