

PA13-305

HB6389

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
PART 27
9050 – 9390**

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HOUSE OF REPRESENTATIVES

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Have all the Members voted? Have all the Members voted? Will the Members please check the board to make sure your vote is properly cast.

If all the Members have voted, Representative Sayers, the machine will be locked and the Clerk will take a tally. And the Clerk will please announce the tally.

THE CLERK:

Senate Bill 928 as amended by Senate "A" and "B".

Total Number Voting	146
Necessary for Passage	74
Those voting Yea	139
Those voting Nay	7
Those absent and not voting	4

SPEAKER SHARKEY:

The bill as amended passes.

Will the Clerk please call Calendar Number 80.

THE CLERK:

On Page 2, House Calendar 80, Favorable Report of the Joint Standing Committee on Public Health. House Bill 6389 AN ACT CONCERNING PRESCRIPTION DRUG MONITORING.

SPEAKER SHARKEY:

Representative Sayers.

REP. SAYERS (60th):

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

SPEAKER SHARKEY:

The question is acceptance of the Joint Committee's Favorable Report and passage of the bill. Will you remark, madam?

REP. SAYERS (60th):

Thank you, Mr. Speaker. I will be calling an amendment. That will become the bill, so therefore, Mr. Speaker, the Clerk has in his possession an amendment, LCO 8700. I ask that he call it and I be allowed to summarize.

SPEAKER SHARKEY:

Will the Clerk please call LCO 8700, which will be designated House Amendment "A".

THE CLERK:

Mr. Speaker, House Amendment "A", LCO 8700
introduced by Representative Sayers, et al.

SPEAKER SHARKEY:

The gentle woman seeks leave of the Chamber to summarize. Is there objection? Seeing none, you may proceed with summarization, madam.

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REP. SAYERS; (60th):

Thank you, Mr. Speaker. As I said before, this Amendment basically becomes the bill. It does four things. It sets up a task force to study the provision of food and beverages at funeral homes.

Secondly, it allows naturopathic physicians to delegate to colon hydrotherapists to provide colon hydrotherapy.

Third, it changes the requirement for podiatrists to perform ankle surgery from board certified to qualified for board certification provided they have met the required number of surgeries identified in the permitting process.

And fourth it prevents the possession prescribing, manufacturing, selling or trading of counterfeit drugs.

I move adoption.

SPEAKER SHARKEY:

The question before the Chamber is adoption of House Amendment "A". Would you remark?
Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. If I may, a couple of quick questions for legislative intent.

SPEAKER SHARKEY:

Please proceed, sir.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. In this bill the colon hydrotherapists are not going to have to work in conjunction with naturopathic doctors and that supervision, does it need to be on premises or could it be done remotely? Through you.

SPEAKER SHARKEY:

Representative Sayers.

REP. SAYERS (60th):

Through you, Mr. Speaker, that may be done remotely.

SPEAKER SHARKEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you; Mr. Speaker. And then also, the naturopathic doctor needs to evaluate a patient before treatment. Can this also, does it need to be done in person or could it be merely by review of the medical files? Through you.

SPEAKER SHARKEY:

Representative Sayers.

REP. SAYERS (60th):

It could be either or, through meeting the person through person or through medical review.

SPEAKER SHARKEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. I appreciate the answers.

SPEAKER SHARKEY:

Thank you, sir. Do you care to remark further on House Amendment "A"? Representative Srinivasan of the 31st.

REP. SRINIVASAN (31st):

Good evening, Mr. Speaker.

SPEAKER SHARKEY:

Good evening, sir.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, to the proponent of the Amendment, which will now become the bill.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Please proceed, sir.

REP. SRINIVASAN (31st):

Thank you, Mr. Speaker. In Section 4, where we talk about the podiatrists being able to perform the

ankle foot surgery, through you, Mr. Speaker, the criteria of the surgical experience that these podiatrists would have is that in accordance with their requirements are for their both certification.

I know we're qualifying them and the qualified surgeon can now perform the surgery by themselves, but will it be the requirements be met if they're needed to be certified?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Sayers.

REP. SAYERS (60th):

Through you, Mr. Speaker, the qualifications, what is required will not change by this legislation at all. They will still be required to perform a certain number of surgeries and the permitting process actually spells out the actual surgeries, the type and the amount of surgeries that need to be performed.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, these surgeries that have to be done by the podiatrist so that they are

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able to now perform the surgery on their own when they come out into practice, into real life, will they have to be done in their residency program alone, or can they be done outside the residency program? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Sayers.

REP. SAYERS (60th):

Through you, Mr. Speaker, they have to be done as part of the permitting process, which identifies all those qualifications that are necessary before they can perform any ankle surgeries, and the number of surgeries that have to be required to perform under supervision.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, who then is this body that does this permitting process? Is that the DPH that does it for us, or is it the, some national organization of podiatry? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Sayers.

REP. SAYERS (60th):

Through you, Mr. Speaker, it's the Department of Public Health. Through you.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

So through you, Mr. Speaker, our DPH will look at these various surgical procedures that have been done by these podiatrists and make sure that all of them fall in line before they give the appropriate permitting process?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Sayers.

REP. SAYERS (60th):

Through you, Mr. Speaker, yes.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, will they, can these podiatrists, once they have the permitting process, can they do the surgery on their own, or will it be under the supervision of another orthopedic surgeon or a podiatrist?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Sayers.

REP. SAYERS: (60th):

Through you, Mr. Speaker, once they become board qualified.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, will the, I know there are different podiatry programs in the nation and some of them are excellent as far as these surgical procedures are done. We heard that loud and clear in our public hearings. But some of them do not have strength in that particular area.

Would the DPH be making a difference between these various programs, which come out with well qualified people to do the surgical procedures and those where the training is not that sound in that area? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Sayers.

REP. SAYERS (60th):

Through you, Mr. Speaker. In order to perform any kind of ankle surgery, they have to meet certain qualifications. Not all podiatrists will be able to perform ankle surgery, only those who have gone through specific programs that actually have a program that adheres to those precedents for ankle surgery.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, my final question. So what we are changing here is that a podiatrist does not have to be certified to be able to do this ankle foot surgery on his or her own and that she can be qualified he or she can be qualified having met the criteria and would be able to perform this surgery on their own.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Sayers.

REP. SAYERS (60th):

Through you, Mr. Speaker, that is correct.

SPEAKER SHARKEY:

Representative Srinivasan.

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REP. SRINIVASAN (31st):

Mr. Speaker, I want to thank the good lady for all her answers, and thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir. Do you care to remark further on House Amendment "A"? Do you care to remark further on House Amendment "A"?

If not, let me try your minds. All those in favor of House Amendment "A", please signify by saying Aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, Nay. The Ayes have it and the Amendment is adopted.

Would you care to remark further on the bill as amended? Would you care to remark further on the bill as amended?

If not, staff and guests to the Well of the House. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll.
The House of Representatives is voting by Roll.

Will Members please return to the Chamber post haste, if not sooner.

SPEAKER SHARKEY:

Have all the Members voted? Have all the Members voted? Will the Members please check the board and make sure your vote is properly cast.

If all the Members have voted, the machine will be locked and the Clerk will take a tally. The Clerk please announce the tally.

THE CLERK:

House Bill 6389 as amended by House "A.

Total Number Voting	145
Necessary for Passage	73
Those voting Yea	125
Those voting Nay	20
Those absent and not voting	5

SPEAKER SHARKEY:

The bill as amended passes.

Are there any announcements or introductions?

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Yes, Mr. Speaker, in a few brief moments House Democrats will be caucusing in Room 207A for a very quick caucus.

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GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
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**VETO
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(Chamber at ease.)

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, I would like to -- to mark some additional items at this time.

First, on Calendar page 21, Calendar 630, House Joint Resolution Number 45, I would mark that item go -- in -- and as the next item to be -- to be called.

In addition, madam President, have some additional items to -- to mark on Calendar page 15, Calendar 698, House Bill Number 6518, Madam President, would move to place that item on the Consent Calendar.

THE CHAIR:

So ordered, sir, seeing no objection.

SENATOR LOONEY:

Thank you, Madam President.

And also, Madam President, Calendar page 15, Calendar 699, which is a single-starred item, move for suspension to take it up for purposes of placing it on the Consent Calendar. HB 6389

THE CHAIR:

So ordered. Seeing no objection, it's on the Consent Calendar.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, also would like to mark go, Calendar page 11, Calendar 661, House Bill Number 6160.

THE CLERK:

-- House Bill 6685.

On page 4, Calendar 467, House Bill 6514.

On page 7, Calendar 57, House Bill 6515.

And on page 12, Calendar 669, House Bill 6610.

On page 13, Calendar 679, House Bill 5423.

On page 14, Calendar 688, House Bill 6477.

On page 15, Calendar 698, House Bill 6518; Calendar
699, House Bill 6389.

And on page 21, Calendar 630, House Joint Resolution
Number 45.

THE CHAIR:

Okay. Mr. Clerk, will you please call for roll call
vote. The machine will be open for Consent Calendar
1.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators return to the chamber please. Immediate roll
call on Consent Calendar Number 1 has been ordered in
the Senate.

THE CHAIR:

All members have voted? All members have voted, the
machine will be closed.

Mr. Clerk, will you call the tally.

THE CLERK:

On Consent Calendar Number 1

Total Number Voting	35
Those voting Yea	35

Those voting Nay 0

Those absent and not voting 1

THE CHAIR:

The consent Calendar is passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, some additional items to mark go at this time.

THE CHAIR:

Please proceed, sir.

SENATOR LOONEY:

Thank you, Madam President.

On Calendar page 4, Calendar 464, House Bill 5601 should be marked go.

Also Calendar page 4, Calendar 465, House Bill Number 6630 should be marked go.

Calendar page 10, Calendar 644, House Bill Number 6363 should be marked go.

Also, Madam President, Calendar page 8, Calendar 601, House Bill Number 6490 should be marked go.

And, Madam President, Calendar page 18, Calendar 239, Senate Bill Number 190 should be marked go at this time.

Thank you, Madam President.

THE CHAIR:

Thank you.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PUBLIC
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public information in probate. And when processing an estate for someone in probate, the family would bring the death certificate there. So, probate wouldn't be requesting that death certificate. It would be brought from a family member to probate.

SENATOR GERRATANA: Yes, we understand that.

AILEEN NOSAL: Yes.

SENATOR GERRATANA: Okay.

AILEEN NOSAL: Yes.

SENATOR GERRATANA: Okay. Thank you so much.
Thank you.

Representative Hampton. Is he here?

Let's see. Paul Pescatello. Here he is.

Welcome.

PAUL PESCATELLO: Good afternoon.

SENATOR GERRATANA: Good afternoon.

PAUL PESCATELLO: So, I'm Paul Pescatello. I'm president of Connecticut United for Research Excellence or Cure.

Thank you for this opportunity to testify today in opposition to Senate Bill 62, AN ACT CONCERNING THE USE OF PATIENT CELLS IN MEDICAL RESEARCH.

If you will, I'd also like to make some quick comments, also, in opposition about House Bill 6389, AN ACT CONCERNING PRESCRIPTION DRUG MONITORING.

Now, Cure's mission is to represent and foster the growth of the Connecticut Life Sciences Research and Development cluster and technology transfer. Our most important job is to support the growth of the cluster of biotechnology and biopharma companies and all that we've done here in Connecticut and you have done in the General Assembly to build this cluster and make Connecticut a player in the biotech world.

Now, Senate Bill 62 would require notice to donor patients each time a tissue or cell sample is used and require payment to the patient. Patients already need to give consent for the use of their issue and cells taken from medical procedures. Adding notice each time a tissue sample is used and calculating and tracking payments would, it's not an understatement to say drive biomedical research out of Connecticut.

Now, the number one thing that Cure members ask or say they want are more companies in Connecticut, more biopharma companies. And the number one way to get more biopharma companies and more of a biopharma industry in Connecticut is the research universities and the research hospitals. There are all sorts of economic development initiatives, all very good. But the number one thing that drives biomedical clusters no matter where they are, whether they're Cambridge, Massachusetts or Cambridge, England is the quality and the quantity of biomedical research done by the companies and by the research universities.

This bill would severely undercut that research and, essentially, drive research out of Connecticut. So, again, we strongly oppose this bill.

If I could just make a few quick comments about 6389.

SENATOR GERRATANA: Yes, please proceed.

PAUL PESCATELLO: Thank you. You know, first and foremost, here's about a lot of things about economic development, about building the cluster. But, first and foremost, it's about patients and getting medicines to patients as quickly as possible in the most efficient way possible.

6389 would add another layer. Physicians are already required to be certified to administer controlled and prescribe controlled substances. This would set up an electronic monitoring system and, in our opinion, add another layer slowing down the process, making it less efficient and without a whole lot of indication of need for the entire class of controlled substances. Thank you.

SENATOR GERRATANA: Thank you. Are there any questions?

If not, thank you for coming and testifying today.

PAUL PESCATELLO: Thank you.

SENATOR GERRATANA: Last call, Representative Hampton. If not, we'll go onto Senator Boucher? No.

Then we'll go onto Representative Vargas. Is he here?

REP. VARGAS: Yes, I am.

SENATOR GERRATANA: Great.

We have Dr. John Foley. Welcome.

JOHN FOLEY: Thank you very much for the record. My name is John Foley. I am a practicing cardiologist, both, in Norwich, Connecticut at Baptist Hospital and also on the faculty of Yale University.

I'm speaking today as president of the Connecticut State Medical Society. I'm also proud to say I was a former nurse. So, I bring that to the table.

So, thank you, again, Senator Gerratana and Representative Johnson and the members of the Public Health Committee.

I, again, am here today representing the State Medical Society in Connecticut over 7,000 physicians and physicians in training. We thank you for the opportunity to allow me to speak in support of H.B. 6389 which is AN ACT CONCERNING THE PRESCRIPTION DRUG MONITORING.

This legislation would require practitioners with prescriptive authority to register for the State's prescription monitoring program when retaining a certificate of registration to prescribe controlled substances from the Commissioner of Consumer Protection.

HB5275

The State Medical Society strongly supported the establishment of the state's prescription monitoring and reporting system. Furthermore, in addition to working closely with the Department of Consumer Protection during the development and implementation of the program, we have continued to work with and communicate regularly with the DCP to promote its use.

In addition, the State Medical Society has for decades had a Committee, a quite active

committee that develops information, education, and tools that serve as resources for physicians associated with controlled substances, both, in their use and abuse.

The State Medical Society supports the requirement that physician's register for the program when obtaining or renewing their Connecticut medical license if it was available -- tied to license renewal. This would provide a system in which all physicians receive the important educational and informational updates about the system and its intended use.

The State Medical Society and our members offer our continued assistance to ensure the successful use of the prescription monitoring and recording system and to identify and reduce misuse of controlled substances to aggressive education and information. Requiring registration as included in House Bill 6389 is a step to help us achieve our mutual goals.

If I might just very quickly sort of piggyback some support on Bill 5275 which is an act for, basically, reciprocity involved the State Board of Examiners for Nursing. We support as exist in medicine, the ability of a nurse to go from state to state and have their license be respected from one state to another. I think there are issues that will need to be addressed with respect to how they practice and the requirements. And we would just sort of say, publically, that should the Legislature decide to put a working group together, we would more than willing and happy to sit down and participate in that.

So, I thank you, again, and I'm open to any questions on this or others.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PUBLIC
HEALTH
PART 3
681-1010**

2013



Statement Before
The Public Health Committee
Wednesday, February 20, 2013

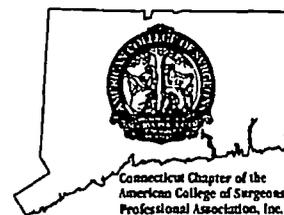
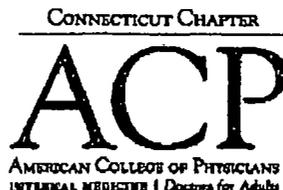
Re: HB 6389: An Act Concerning Prescription Drug Monitoring

Good Afternoon Senator Gerrantana, Representative Johnson and members of the Public Health Committee. My name is Marghie Giuliano. I am a pharmacist and the Executive Vice President of the Connecticut Pharmacists Association. The Connecticut Pharmacists Association is a professional organization representing 1,000 pharmacists in the state of Connecticut. I am submitting written testimony *in support of HB 6389: AAC. Prescription Drug Monitoring*

This legislation would require any health care provider who is writing a prescription for, dispensing, distributing or administering controlled substances in the state to **obtain a certificate** of registration for the Prescription Drug Monitoring Program (PMP). This legislation also would require the practitioner to **register for access** to the program. *It doesn't require that the practitioner actually review the PMP for information regarding patients they are prescribing or dispensing controlled substances for the first time.* Assuming the intent of this legislation is to strengthen the Prescription Monitoring Program (PMP) as a tool for curbing prescription drug abuse, this legislation doesn't address closing the loop for pharmacists who fill the prescriptions – but it is a step in the right direction.

Currently many pharmacists access the PMP on a regular basis to resolve any questions that might arise regarding the veracity of a prescription. The PMP is also a great tool to ensure that the pharmacist understands what the patient is being treated for and ensure best practices are being followed. It is unfortunate that only pharmacists are utilizing this system on a regular basis. Hopefully prescribers will also begin using the PMP on a regular basis so that this important tool can be as effective as possible. Both pharmacists and prescribers can benefit not only from training on the technical aspects of the program but from learning "best practices" regarding how to address a patient that may suffer from an addiction, or what to do if diversion is suspected.

While we support this legislation, we would ask the committee to strengthen it by having prescribers review the data collected by the PMP for new patients that they might be prescribing controlled substances for the first time.



Connecticut State Medical Society Testimony in Support of
House Bill 6389 An Act Concerning Prescription Drug Monitoring.
Public Health Committee
February 20, 2013

Senator Gerratana, Representative Johnson and Members of the Public Health Committee, on behalf of the almost 7,000 physicians and physicians in training of the Connecticut State Medical Society (CSMS) thank you for the opportunity to provide this testimony to you today in support of House Bill 6389 An Act Concerning Prescription Drug Monitoring. This legislation would require practitioners with prescriptive authority to register for the state's prescription monitoring program when obtaining a certificate of registration to prescribe controlled substances, from the Commissioner of Consumer Protection

CSMS strongly supported the establishment of the State's Prescription Monitoring and Reporting System (PMRP). Furthermore, in addition to working closely with the Department of Consumer Protection (DCP) during its development and implementation, CSMS has continued to work with and communicate regularly with DCP to promote its use. In addition, CSMS has had for decades, a committee that develops information, education and tools and resources for physicians associated with controlled substances and their use and abuse.

CSMS supports the requirement that physicians register for the program when obtaining or renewing their Connecticut medical license if it was available tied to license renewal. This would provide a system in which all physicians receive important educational information and updates about the system and its intended use.

CSMS and our members offer our continued assistance to ensure the successful use of the PMRP and to identify and reduce the misuse of controlled substance through aggressive education and information. Requiring registration as included in HB 6389 is a step to help us achieve our mutual goals.

Please support HB 6389