CONNECTICUT HOSPITAL ASSOCIATION

TESTIMONY OF
CONNECTICUT HOSPITAL ASSOCIATION
SUBMITTED TO THE
PUBLIC HEALTH COMMITTEE
Monday, March 6, 2023

HB 6820, An Act Preventing An Adverse Action Against A Health Care Provider Due To An Adverse Action Taken By Another State As A Result Of Such Provider's Involvement In The Termination Of A Pregnancy

The Connecticut Hospital Association (CHA) appreciates this opportunity to submit testimony concerning **HB 6820, An Act Preventing An Adverse Action Against A Health Care Provider Due To An Adverse Action Taken By Another State As A Result Of Such Provider's Involvement In The Termination Of A Pregnancy.** CHA supports the goal of the bill but recommends needed modifications.

The purpose of HB 6820 is to ensure that the mechanisms used in Connecticut to review, license, and oversee practitioners, for both regulatory processes and practice setting compliance, are not unfairly influenced by laws that were passed, or revived, in other states in the aftermath of the U.S. Supreme Court overturning *Roe v. Wade*. Those other states' laws seek to punish providers who care for patients who choose to exercise their right to seek reproductive healthcare services.

CHA agrees entirely that Connecticut should not punish those providers (or patients). But the bill, as drafted, is problematic. As written, the bill would create highly negative unintended consequences.

Section 1 of HB 6820 contains an outdated morality clause that would be inserted into the practitioner review process. The problematic language shown below in bold is found at lines 24-29 and 74-76 of the bill:

> "The provisions of subsections (a) and (b) of this section shall not be construed to prevent the Commissioner of Public Health or the Commissioner of Consumer Protection, as applicable, from disciplining a health care provider for care provided that **would otherwise constitute dishonorable,** unethical or unprofessional conduct**, immoral conduct or gross negligence**."

This is similar, if not identical, to language that was rightfully abandoned in Connecticut law decades ago because it was typically used to exclude members of minority communities, chiefly members of the LGBTQ community, from being deemed "unqualified" to be a teacher, a doctor, or other "trusted" profession. We should not go back to that language.

Current statutes and regulations have well-informed standards for assessing professional conduct. The clause also indicates that *negligence* is not sufficient grounds for licensure review. CHA does not believe that is the goal of this bill.

To address these concerns, we urge the Committee to:

- At lines 27-29 and 74-76 delete "would otherwise constitute dishonorable, unethical or unprofessional conduct, immoral conduct or gross negligence"
- At lines 27-29 and 74-76 re-insert reference to the correct oversight sections in existing law – as well as an express direction that "negligence and competence" are undisturbed as categories on which oversight and review can be based.

We have the privilege of living in a state that is standing up for patient and provider rights relating to reproductive healthcare and gender-affirming care. To date, the legislature, Governor, Attorney General, the Department of Public Health, the Department of Consumer Protection, and others have been stalwarts in working to ensure these rights are not eroded. We appreciate those efforts in what is certain to be a long battle.

At the same time, we urge caution in how Connecticut reflects these protections so that we are not accidentally disrupting existing frameworks that need to be in place to ensure patient safety and to facilitate appropriate provider review.

Thank you for your consideration of our position. For additional information, contact CHA Government Relations at (203) 294-7310.