

Judiciary Committee

JOINT FAVORABLE REPORT

Bill No.: SB-1380

AN ACT PROHIBITING DISCRIMINATION BY HEALTH CARE PROVIDERS IN

Title: THE PROVISION OF HEALTH CARE SERVICES IN THE STATE.

Vote Date: 4/4/2025

Vote Action: Joint Favorable Substitute

PH Date: 3/7/2025

File No.:

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SPONSORS OF BILL:

Judiciary Committee

REASONS FOR BILL:

To address the issue of discrimination in health and medical care, this bill aims to prohibit health care providers from discriminating against persons in the provision of health care services in the state by allowing aggrieved individuals to file a complaint with the Commission on Human Rights and Opportunities (CHRO) alleging discrimination.

SUBSTITUTE LANGUAGE:

The substitute language makes wording changes to the thirteenth and fourteenth lines by clarifying that medical professionals aren't required to deliver "futile" health care services in conflict with their "professional judgment or ethical considerations." It also adds "knowingly" to the third line in reference to medical professionals who knowingly discriminate.

RESPONSE FROM ADMINISTRATION/AGENCY:

None expressed.

NATURE AND SOURCES OF SUPPORT:

Kathleen Flaherty, Esq., Executive Director, CT Legal Rights Project, Inc.: She testified in support of this bill. This bill will make it discriminatory for a healthcare provider to refuse to provide healthcare due to a person's membership protected class. She explained that the American with Disabilities Act and Section 1557 of the Affordable Care Act prohibit discrimination in the provision regarding healthcare when providing care to a person is in a

certain protected class and this includes disabilities. During a time when federal authorities are not clear on whether they will protect a person's rights if they have a disability, it would be helpful if the state has a remedy to process a complaint.

Timothy Gabriele: He testified in support of this bill, stating that discrimination has no place in healthcare. As the federal agencies are softening their stance on hate crimes, discrimination, inequity, and civil rights, it is important that Connecticut strengthens its protections. One amendment he would recommend is adding insurance to this bill and extending its protections.

Dante Gennaro: He testified in support of this bill. As a gay man, he has experienced discrimination within the medical field, both in the state and outside. When left unchecked, a medical provider with biases, conscious or not, can have devastating effects. He has had to fight for fair and respectful treatment; an unfortunate reality is that when medical providers allow personal beliefs to dictate the quality of care they offer, it puts lives at risk. No one should be denied care due to prejudice.

David Grant, Executive Director of the Health Collective, Co-Chair of Connecticut's LGBTQ+ Social Justice and Opportunity Network: He testified in support of this bill. As providers, it is their moral obligation to provide high-quality compassionate care, and advocate for systemic solutions to the healthcare access barriers and health disparities faced by sexual and gender minority groups. LGBTQ+ are faced with high rates of discrimination and are likely to report unfair treatment compared to those who are not LGBTQ+. He asked the committee to consider adding insurance to SB 1380 as that will increase protection for people accessing healthcare in Connecticut.

Christina Hatfield, PharmD, MBA, Pharmacist: She testified in support of this bill. According to surveys and statistics, there is notable inequity, and it is important as a state we work to providing equal healthcare outcomes for all residents. She believes there is a focus on improving healthcare equity with the recent Executive Orders that are being signed at the federal level. She stated that while there is a lot of confusion about what is currently allowed at the federal level and what might happen in the future, this bill will give providers a level of support so they can continue to work towards equity in healthcare.

Hannah Hussey, Staff Attorney, GLBTQ Legal Advocates and Defenders (GLAD Law): She testified in support of this bill. She stated that this law would further reinforce the rights of its residents to receive services. She explained that research shows a link between discrimination in healthcare and adverse health outcomes and given the shift of the federal landscape, this bill is coming in a critical moment. GLAD Law encourages the committee to consider ways to expand the existing bill to further codify the protections that LGBTQ people, people of color, and others have benefitted from under Section 1557. Finally, she believes the language in Section 1557 regarding insurance should also be codified.

Mary Lee Kiernan, President and CEO, Simone Quartey, Director of Center for Equity and Justice, YWCA Greenwich: They testified in support of this bill. This bill supports the mission of YWCA Greenwich to eliminate racism, empower women, and promote peace, justice, freedom, and dignity for all. They believe SB 1380 is a proactive step in the right direction in ensuring fair treatment in healthcare for all residents of Connecticut.

Evelyn Landau: She testified in support of this bill. Protecting everyone in the state from discrimination is an important action and she fully supports this bill.

Pamela Lucas: She testified in support of this bill. Residents of our state should have the right to receive healthcare without discrimination. The law should be made clear that patients have the right for nondiscriminatory care regardless of race, color, religious creed, sex, gender identity or expression, sexual orientation, marital status, age, national origin, ancestry, and intellectual, mental, learning, and physical disabilities. She believes that this bill should encompass insurance coverage as well.

William Marut: He testified in support of this bill. He believes that by passing this legislation, it ensures all Connecticut residents receive equitable and fair treatment in healthcare. He explained that there is a lack of trust in medical institutions due to well-documented discrimination, which can lead to health disparities, delayed, or denied treatment. He respectfully asked to add language to extend nondiscrimination protections to insurance providers.

Maq Morelli, President of LeadingAge Connecticut: They are in support of this bill with an amendment. They state that Connecticut already prohibits discrimination as a general matter, and they have no objection with strengthening that concept with this bill; however, Section 3 would single out the healthcare setting and allow for someone to file a complaint for three years. LeadingAge Connecticut does not understand nor see the reason for changing the 300-day limit.

Heather Page: She testified in support of this bill. She has worked in healthcare for nine years and has personally witnessed how personal bias certainly affects care. Many things impact how a person receives healthcare, including personal bias, misinformation, conflicting perspectives, personal judgments, and variability in care; all these things can lead to discrimination. SB1380 sends a message that Connecticut is setting the standard to ensure we are creating environments that are nondiscriminatory. She asked that the committee please consider adding insurance providers to this bill as this would increase protections for people accessing care in the state.

Kara Papa: She testified in support of this bill. She believes this bill will alleviate the suffering of vulnerable people who are denied services. She asks that insurance be added to the statutory language of this bill.

Mallory Sanchez, Staff Attorney, LGBTQ Youth Advocacy Project, Center for Children's Advocacy: She testified in support of this bill. Currently Connecticut lacks statutory language preventing discrimination by healthcare providers and having that language will make the state's anti-discrimination laws stronger by helping prevent patients from being denied recourse.

Rachel Simon, Executive Director, Triangle Community Center: She testified in support of this bill. She stated that there are many in the country who would like to end policies of inclusion. She explained that many people do not have the luxury to seek alternative providers if they are discriminated against; many healthcare insurance providers do not allow for a change in provider. She stated that distrust will impact a person being compliant with

their provider's directives, which can cause real health outcomes. Finally, she asked to add nondiscrimination protections to insurance.

Alinor Sterling, President, CT Trial Lawyers Association: She testified in support of this bill. CT Trial Lawyers Association strongly supports this bill to prohibit discrimination of healthcare services. They stated that healthcare discrimination keeps people from seeking necessary preventive services and treatment, often causing minor issues to become serious medical conditions. SB 1380 would provide clear and enforceable mandate against discrimination. Connecticut Trial Lawyers Association does request longer than 300 days to file a complaint with CHRO as often discrimination will not be evident in that time.

Gayelan Tietje-Ulrich, APRN FNP-C: They testified in support of this bill. Working in an agency that serves some of the most marginalized populations, these populations are burdened by poor health outcomes and high rates of morbidity and mortality. As a medical provider, it is their moral duty and ethical responsibility to provide unbiased, non-judgmental care to any person who walks into the clinic. There is credible medical research on social determinants of health have revealed socially stigmatized populations are more likely to avoid seeking medical care for a variety of reasons. These individuals suffer high rates of medical comorbidities, which cost the taxpayer large amounts of dollars and healthcare system funds.

Katherine Villeda, Coalition Director, HUSKY for Immigrants: She testified in support of this bill. The coalition recognizes access to quality healthcare does not just include medicine, hospitals, and vaccines, but access to holistic and comprehensive medical services without fear of discrimination. As an immigrant-led coalition, they respectfully recommend that the committee also include protections based on someone's citizenship status, and preferred language. Given the threats on the federal level, prohibiting discrimination that is based on someone's citizenship status or primary language alleviates the fear in the immigrant community when accessing healthcare. In addition, they respectfully ask the committee to consider health insurance carriers be added to prohibit discrimination like Section 1557 of the Affordable Care Act. These changes will protect Connecticut residents despite any potential changes at the federal level.

Anonymous, Pediatrician: Testimony without attribution was submitted in support of this bill. They believe that when people are discriminated against in healthcare, it leads to delayed treatment, poor outcomes, and minority stress. As the federal civil rights agencies are weakened, this will ensure that patients who are discriminated against have legal recourse. They stated that no one should be turned away due to race, color, religious creed, sex, gender identity, sexual orientation, marital status, age, national origin, ancestry, intellectual disability, mental disability, learning disability, physical disability, including but not limited to blindness, status as a veteran or status of a victim of domestic violence. They asked to add nondiscriminatory protections to insurance as added protection for people accessing healthcare in Connecticut.

Anonymous, Parent and Public-School Employee: Testimony without attribution was submitted in support of this bill. They stated that ensuring their child continues to have access to healthcare without discrimination is incredibly important to their family. They asked to extend the same protections to insurance providers to increase the protections for people accessing healthcare in Connecticut.

NATURE AND SOURCES OF OPPOSITION:

The Connecticut Hospital Association (CHA): They testified that they have concerns about the bill as drafted. CHA supports protecting people from discrimination in the healthcare setting and it is appreciated that this bill clarifies that it is not the policy of Connecticut to override medical practices or public health planning. This acknowledgement is essential due to the unique nature of healthcare. They are in opposition of Section 3 that would allow for a longer period to file a complaint with CHRO from the typical 300 days to 3 years after the act of discrimination. CHA is not aware of a reason to extend the deadline for filing a discrimination complaint. CHRO has required a complaint be brought in a timely manner to enable an investigation and prosecution of such complaints when everyone involved is more available.

Connecticut State Medical Society (CSMS): They testified in opposition to this bill. CSMS believes all people should not be discriminated against when accessing healthcare. They believe the bill needs to distinguish between discrimination and evidence-based decisions made by a physician to protect safety of their staff, other patients, and themselves. People can have violent outbursts in medical offices stemming from a variety of factors such as unmanaged mental and behavioral health concerns and, in this case, the primary concern must be safety to staff and other patients. They would like the Committee to clarify if a patient is dismissed for justifiable reasons, even as a member of a protected class, if the action will be considered discriminatory.

David Reynolds, Deacon, Associate Director of Public Policy Connecticut Catholic Public Affairs Conference: He testified in opposition to this bill. He stated that this bill has serious issues as it impedes a medical providers legitimate right to deny services to a patient. He explained that SB 1380 does not have a religious exemption, so Catholic hospitals, doctors, nurse practitioners, physician assistants, nurses, and others could be required to provide services against their religious beliefs. He asked whether CHRO was the correct organization to oversee the complaints and have staff who has the knowledge for such complaints. The Catholic Conference believes there is discrimination concerns in the delivery of healthcare services, but SB 1380 is an overly broad approach to solving this problem. This bill can have unanticipated negative consequences which include infringing on someone's religious beliefs.

Reported by: Bonnie Gray

Date: April 11, 2025