

# Public Health Committee JOINT FAVORABLE REPORT

**Bill No:** HB-5511

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S

**Title:** RECOMMENDATIONS REGARDING CONSENT ORDERS.

**Vote Date:** 3/23/2026

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/13/2026

**File No.:** 538

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## **SPONSORS OF BILL:**

Public Health Committee.

## **REASONS FOR BILL:**

This bill allows the Commissioner of Public Health to enter agreed upon resolutions of enforcement actions with licensees through the consent order process. It removes the process of filing formal charges, scheduling a hearing, and seeking approval from a professional licensing board.

## **SUBSTITUTE LANGUAGE (IF APPLICABLE):**

The language removed allowing the Commissioner of DPH to impose stipulations on the issuance or renewal of a permit, registration, certificate, or license if said stipulations were deemed necessary to ensure compliance with regulatory requirements.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

### **Commissioner Manisha Juthani, MD, Department of Public Health (DPH):**

Commissioner Juthani strongly supports HB-5511 because it will streamline the consent order process when all parties agree, removing the requirement that DPH file formal charges and schedule a hearing first. Cases or complaints against licensees for regulatory or statutory noncompliance can be resolved efficiently if license holders agree and choose the consent order process.

## **NATURE AND SOURCES OF SUPPORT:**

None expressed.

## **NATURE AND SOURCES OF OPPOSITION:**

### **Kimberly Sandor, MSN, RN, FNP, Executive Director, CT Nurses Association, Opposes:**

The Board of Examiners of Nursing (BOEN) regulates the education, licensure, and practice of nurses ensuring they meet standards for competence, safety, and professional conduct. HB-5511 removes required approval of consent orders by the profession's licensing board.

BOEN includes volunteer nurses at all levels – Licensed Practical Nurses (LPNs), Registered Nurses (RNs), and Advanced Practice Registered Nurses (APRNs) – as well as members of the public. DPH's staff, investigators, and legal counsel have supported BOEN's "professional expertise and public perspective." Connecticut's regulatory structure balances DPH's role in "investigating complaints and bringing disciplinary matters" to BOEN, with BOEN's role in providing "independent, peer-informed oversight and final decision-making on disciplinary actions." This "ensures that disciplinary decisions affecting patient safety and professional practice" are well-informed by experts in the practice area.

Consent orders are a formal disciplinary resolution that permanently affect a licensee. They become a public disciplinary record, following professionals and affecting employment, credentialing, and licensure in other states. BOEN provides independent professional review even when the licensee agrees to the consent order, itself agreeing to the terms, or requiring more, or less action. Disciplinary actions should not be decided "solely through DPH's administrative or legal lens," but rather through a combination of DPH and BOEN's "clinical expertise, understanding of scope of practice, and awareness of the realities of professional practice environments." This safeguard in Connecticut's regulatory framework "provides transparency, accountability, and balance within the system."

### **Cynthia Arpin, EDD, MSN, RN, Director of Nursing, Allied Health, and Human Services, CT State Community Colleges, Three Rivers Campus, and Board Member, CT Board of Examiners for Nursing (BOEN), Opposes:**

HB-5511 will allow DPH "to bypass or disregard the decisions of licensing boards." DPH and BOEN, a volunteer group of nursing peers and public members, currently work well together with the Board's expertise applied to finalizing approval or denial of consent orders. DPH and licensees are allowed to reach agreements, which are then brought before BOEN for approval. This occurs in most cases; however, occasionally BOEN will request a revision or a hearing in lieu of the previously agreed upon consent order. BOEN plays a crucial role in overseeing the needs of Connecticut nurses and protecting the public.

### **Connecticut Hospital Association (CHA), Opposes as Written:**

CHA opposes giving DPH "unlimited power to create new obligations and conditions for every licensee, permittee, or registrant based solely on the commissioner deeming such condition necessary." This power should be reserved for emergent situations only.

CHA supports the ability of DPH to enter consent orders that are voluntary. CHA recommends the following change at lines 44-51:

"In exercising any authority to issue or renew any permit, approval, registration, certificate or license, the commissioner may include any condition that the commissioner deems necessary to ensure compliance with the regulatory requirements related to such permit, approval, registration, certificate or license."

**Amanda Gunthel, President, CT Association of Ambulatory Surgery Centers (CAASC), President, ASC Patient Safety Organization, Expresses Concerns:**

The legislature established a balanced regulatory structure, and CAASC urges the legislature "to ensure that any changes to a consent order and agreed settlement authority preserve clear statutory guardrails." CAASC worries that HB-5511 grants open-ended authority to DPH, which threatens transparency, predictability, and due process as license holders struggle to understand and anticipate the state requirements governing their operations. Ambulatory Surgery Centers (ASCs) work diligently on a day-to-day basis to comply with licensing requirements. CAASC worries HB-5511 will lead to inconsistent application across licensees.

**Matthew Barrett, President and CEO, CT Association of Health Care Facilities/CT Center for Assisted Living (CAHCF/CCAL), Opposes as Written:**

The "broad and undefined discretionary authority" given to DPH presents a danger of "arbitrary and inconsistent decision-making." The language in lines 45-48 should be removed to fix the statutory construction. There already exists a wide range of mechanisms available to DPH to enforce "compliance with regulatory requirements including suspending, revoking, or placing a license on probation, issuance of directed plans of corrections or orders compelling compliance, imposition of a temporary manager, limiting scope of practice, and monetary penalties, among others." HB-5511 is unnecessary to address noncompliance.

**Mag Morelli, President, LeadingAge CT and RI, Opposes as Written:**

Existing law allows DPH to identify an issue and take enforcement action or enter a voluntary consent order. HB-5511 expands DPH's authority to impose additional obligations on a licensee as a prerequisite to obtaining or renewing a license without cause or due process. Lines 44-48 should be removed, and LeadingAge CT and RI would support the following language: "In the administration or enforcement of any applicable statute, regulation, permit or order, the department may resolve any dispute regarding compliance by agreed settlement or by consent order."

**Reported by: Rebecca Hyland**

**Date: March 25, 2026**