



House of Representatives

General Assembly

File No. 461

January Session, 2001

Substitute House Bill No. 6572

House of Representatives, April 25, 2001

The Committee on Public Health reported through REP. EBERLE of the 15th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT MAKING TECHNICAL AND OTHER CHANGES TO CERTAIN PUBLIC HEALTH STATUTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 19a-14 of the general statutes is
2 repealed and the following is substituted in lieu thereof:

3 (c) No board shall exist for the following professions that are
4 licensed or otherwise regulated by the Department of Public Health:

5 (1) Speech pathologist and audiologist;

6 (2) Hearing [aid dealer] instrument specialist;

7 (3) Nursing home administrator;

8 (4) Sanitarian;

9 (5) Subsurface sewage system installer or cleaner;

- 10 (6) Marital and family therapist;
- 11 (7) Nurse-midwife;
- 12 (8) Licensed clinical social worker;
- 13 (9) Respiratory care practitioner;
- 14 (10) Asbestos contractor and asbestos consultant;
- 15 (11) Massage therapist;
- 16 (12) Registered nurse's aide;
- 17 (13) Radiographer;
- 18 (14) Dental hygienist;
- 19 (15) Dietitian-Nutritionist;
- 20 (16) Asbestos abatement worker;
- 21 (17) Asbestos abatement site supervisor;
- 22 (18) Licensed or certified alcohol and drug counselor;
- 23 (19) Professional counselor;
- 24 (20) Acupuncturist;
- 25 (21) Occupational therapist and occupational therapist assistant;
- 26 (22) Lead abatement contractor, [; and] lead consultant contractor,
- 27 lead consultant, lead abatement supervisor, lead abatement worker,
- 28 inspector and planner-project designer;
- 29 (23) Emergency medical technician, emergency medical technician-
- 30 intermediate, medical response technician and emergency medical
- 31 services instructor;

32 (24) Paramedic; and

33 ~~[(23)]~~ (25) Nail technician.

34 The department shall assume all powers and duties normally vested
35 with a board in administering regulatory jurisdiction over [said] such
36 professions. The uniform provisions of this chapter and chapters 368v,
37 369 to 381a, inclusive, 383 to 388, inclusive, 393a, 395, 398, 399, 400a
38 and 400c, including, but not limited to, standards for entry and
39 renewal; grounds for professional discipline; receiving and processing
40 complaints; and disciplinary sanctions, shall apply, except as otherwise
41 provided by law, to the professions listed in this subsection.

42 Sec. 2. Subsection (c) of section 19a-14 of the general statutes, as
43 amended by section 8 of public act 00-226, is repealed and the
44 following is substituted in lieu thereof:

45 (c) No board shall exist for the following professions that are
46 licensed or otherwise regulated by the Department of Public Health:

47 (1) Speech pathologist and audiologist;

48 (2) Hearing [aid dealer] instrument specialist;

49 (3) Nursing home administrator;

50 (4) Sanitarian;

51 (5) Subsurface sewage system installer or cleaner;

52 (6) Marital and family therapist;

53 (7) Nurse-midwife;

54 (8) Licensed clinical social worker;

55 (9) Respiratory care practitioner;

- 56 (10) Asbestos contractor and asbestos consultant;
- 57 (11) Massage therapist;
- 58 (12) Registered nurse's aide;
- 59 (13) Radiographer;
- 60 (14) Dental hygienist;
- 61 (15) Dietitian-Nutritionist;
- 62 (16) Asbestos abatement worker;
- 63 (17) Asbestos abatement site supervisor;
- 64 (18) Licensed or certified alcohol and drug counselor;
- 65 (19) Professional counselor;
- 66 (20) Acupuncturist;
- 67 (21) Occupational therapist and occupational therapist assistant;
- 68 (22) Lead abatement contractor, lead consultant contractor, lead
69 consultant, lead abatement supervisor, lead abatement worker,
70 inspector and planner-project designer;
- 71 (23) Emergency medical technician, emergency medical technician-
72 intermediate, medical response technician and emergency medical
73 services instructor;
- 74 (24) Paramedic;
- 75 [(23)] (25) Nail technician; and
- 76 [(24)] (26) Athletic trainer.

77 The department shall assume all powers and duties normally vested

78 with a board in administering regulatory jurisdiction over [said] such
79 professions. The uniform provisions of this chapter and chapters 368v,
80 369 to 381a, inclusive, 383 to 388, inclusive, 393a, 395, 398, 399, 400a
81 and 400c, including, but not limited to, standards for entry and
82 renewal; grounds for professional discipline; receiving and processing
83 complaints; and disciplinary sanctions, shall apply, except as otherwise
84 provided by law, to the professions listed in this subsection.

85 Sec. 3. Section 19a-423 of the general statutes is repealed and the
86 following is substituted in lieu thereof:

87 (a) Upon the denial of an application [of] for an original youth camp
88 license under this chapter, the commissioner shall notify the applicant
89 in writing of such denial, by mailing a notice to [him] the applicant at
90 the applicant's address shown on [his] the application. [Any applicant
91 aggrieved by such denial may appeal therefrom in accordance with the
92 provisions of section 19a-424.]

93 (b) The commissioner may suspend, revoke or refuse to renew the
94 license of any youth camp regulated and licensed under this chapter if
95 the licensee: (1) Is convicted of any offense involving moral turpitude,
96 the record of conviction being conclusive evidence thereof; (2) is
97 legally adjudicated insane or mentally incompetent, the record of such
98 adjudication being conclusive evidence thereof; (3) uses any narcotic or
99 any controlled drug, as defined in section 21a-240, to an extent or in a
100 manner that such use impairs [his] the licensee's ability to properly
101 care for children; (4) consistently fails to maintain standards prescribed
102 and published by the [Department of Public Health] department; (5)
103 furnishes or makes any misleading or any false statement or report to
104 the department; (6) refuses to submit to the department any reports or
105 refuses to make available to the department any records required by it
106 in investigating the facility for licensing purposes; (7) fails or refuses to
107 submit to an investigation or inspection by the department or to admit
108 authorized representatives of the department at any reasonable time

109 for the purpose of investigation, inspection or licensing; (8) fails to
110 provide, maintain, equip and keep in safe and sanitary condition
111 premises established for or used by the campers pursuant to minimum
112 standards prescribed by the [Department of Public Health] department
113 or by ordinances or regulations applicable to the location of such
114 facility; or (9) wilfully or deliberately violates any of the provisions of
115 this chapter.

116 Sec. 4. Section 19a-424 of the general statutes is repealed and the
117 following is substituted in lieu thereof:

118 Any [applicant or] licensee aggrieved by the action of the
119 [Commissioner of Public Health] commissioner in [denying,]
120 suspending or revoking any license under the provisions of this
121 chapter may appeal therefrom in accordance with the provisions of
122 section 4-183.

123 Sec. 5. Section 20-195cc of the general statutes is repealed and the
124 following is substituted in lieu thereof:

125 (a) The Commissioner of Public Health shall grant a license as a
126 professional counselor to any applicant who furnishes evidence
127 satisfactory to the commissioner that [he] such applicant has met the
128 requirements of section 20-195dd. The commissioner shall develop and
129 provide application forms. The application fee shall be two hundred
130 fifty dollars.

131 (b) [The license] Licenses issued under this section may be renewed
132 annually pursuant to section 19a-88. [for a fee of] The fee for such
133 renewal shall be one hundred fifty dollars. Each licensed professional
134 counselor applying for license renewal shall furnish evidence
135 satisfactory to the commissioner of having participated in continuing
136 education programs. The commissioner shall adopt regulations, in
137 accordance with chapter 54, to (1) define basic requirements for
138 continuing education programs, (2) delineate qualifying programs, (3)

139 establish a system of control and reporting, and (4) provide for a
140 waiver of the continuing education requirement for good cause.

141 Sec. 6. Subsection (c) of section 20-402a of the general statutes is
142 repealed and the following is substituted in lieu thereof:

143 (c) Every hearing [aid dealer] instrument specialist, audiologist,
144 corporation, partnership, trust, association or like organization that
145 engages in the sale of hearing aids at retail shall include in every
146 receipt, contract or order pertaining to the sale of a hearing aid, in
147 reasonable proximity to the space reserved for the signature of the
148 buyer, or on the first page if there is no space reserved for the
149 signature of the buyer, a clear and conspicuous disclosure of the
150 following specific statement in all capital letters of no less than twelve
151 point boldface type of uniform font and in an easily readable style:
152 ANY BUYER WHO ORDERS A HEARING AID AND LEAVES A
153 DEPOSIT OF ONE HUNDRED DOLLARS OR MORE WITH THE
154 SELLER SHALL BE ENTITLED TO CANCEL SUCH ORDER AND
155 DEMAND A FULL REFUND OF SUCH DEPOSIT, LESS ANY
156 EXAMINATION COSTS, IF THE BUYER IS UNABLE TO INSPECT
157 THE HEARING AID AT THE SELLER'S PLACE OF BUSINESS
158 WITHIN FORTY-FIVE DAYS AFTER THE DATE THE SELLER
159 RECEIVES THE DEPOSIT.

160 Sec. 7. Subdivision (7) of section 20-413 of the general statutes is
161 repealed and the following is substituted in lieu thereof:

162 (7) The activity and services of hearing [aid dealers] instrument
163 specialists.

164 Sec. 8. Subsection (d) of section 1 of special act 99-8 is amended to
165 read as follows:

166 (d) The pilot program established under this section shall terminate
167 September 30, [2001] 2003.

168 Sec. 9. Section 18 of public act 00-135 is repealed.

169 Sec. 10. This act shall take effect from its passage, except that
170 sections 3 to 5, inclusive, shall take effect October 1, 2001, and section 2
171 shall take effect the later of its passage or on the date notice is
172 published by the Commissioner of Public Health in the Connecticut
173 Law Journal indicating that the licensing of athletic trainers and
174 physical therapist assistants is being implemented by the
175 commissioner.

PH *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Department of Public Health

Municipal Impact: None

Explanation

State Impact:

Passage of this bill will result in no fiscal impact for the Department of Public Health.

Changes contained within Sections 1, 2, 6 and 7 are technical in nature and have no associated fiscal impact.

Sections 3 and 4 eliminate potential appeals by youth camps denied initial licensure. DPH may hold a minimal number of fewer administrative hearings a year as a result. Staff time devoted to these hearings (approximately 7 days each) will instead be dedicated to other regulatory duties involving youth camps.

Section 5 requires professional counselors to participate in continuing education as a condition of licensure renewal. The department will incur minimal costs, which can be accommodated within its anticipated budgetary resources, to adopt required regulations.

Section 8 extends the authorization for a freestanding children's comfort care center operated by Sunshine House, Inc. from September 30, 2001 to September 30, 2003. As this organization receives no state funding, this change has no associated fiscal impact.

Section 9 repeals Section 18 of PA 00 - 135, which required the department to reinstate the license of certain registered nurses who failed to pay fees in a timely manner in either 1998 or 1999, upon payment of the overdue amounts. Since it is assumed that any nurse who desired to benefit from this provision has already done so, no fiscal impact is associated with this change.

OLR Bill Analysis

sHB 6572

AN ACT MAKING TECHNICAL AND OTHER CHANGES TO CERTAIN PUBLIC HEALTH STATUTES.**SUMMARY:**

This bill (1) requires licensed professional counselors to participate in continuing education programs for license renewal; (2) extends the termination date for the pilot program for a children's comfort care center for two years, from September 30, 2001 to September 30, 2003; (3) specifies that an applicant for an original youth camp license may not appeal a decision by the Department of Public Health (DPH) denying the license; (4) repeals a provision of law that requires DPH to reinstate, without conditions, a registered nurse (RN) whose license is void for failure to pay the annual license fee in 1998 or 1999 upon application and payment of the fees; (5) updates the listing of certain health-related practitioners licensed or certified by DPH for which there are no separate boards or commissions; and (6) makes technical changes.

EFFECTIVE DATE: Upon passage for the update of the list of practitioners without boards overseen by DPH, the children's pilot program extension, and repeal of the RN license reinstatement; and October 1, 2001 for youth camp license appeals and the professional counselor continuing education requirements.

Section 2 which also updates the list of practitioners without boards to include athletic trainers and physical therapist assistants takes effect upon passage or when the DPH commissioner publishes notice in the *Connecticut Law Journal* that he is implementing their licensure programs, whichever is later.

PROFESSIONAL COUNSELORS-CONTINUING EDUCATION

When applying for license renewal, the bill requires licensed

counselors to provide satisfactory evidence to the DPH commissioner of participation in continuing education programs. DPH must adopt regulations that (1) define basic continuing education program requirements; (2) delineate qualifying programs; (3) establish a control and reporting system; and (4) provide for continuing education waivers for good cause.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 25 Nay 0