



General Assembly

January Session, 2001

Amendment

LCO No. 7690

Offered by:

REP. NYSTROM, 46th Dist.

REP. MALONE, 47th Dist.

REP. DEMARINIS, 40th Dist.

SEN. PETERS, 20th Dist.

To: House Bill No. 5052

File No. 368

Cal. No. 277

"AN ACT CONCERNING RESIDENTIAL TREATMENT FACILITY DISCHARGE PLANS AND A STUDY OF PUBLIC HEALTH CODE COMPLIANCE OF HOUSING FOR RECIPIENTS OF BASIC NEEDS SUPPORT."

1 After line 19, insert the following:

2 "Sec. 3. Section 19a-495 of the general statutes is repealed and the
3 following is substituted in lieu thereof:

4 (a) The Department of Public Health shall, after consultation with
5 the appropriate public and voluntary hospital planning agencies,
6 establish classifications of institutions. [It] The department shall, in [its]
7 the Public Health Code, adopt, amend, promulgate and enforce such
8 regulations based upon reasonable standards of health, safety and
9 comfort of patients and demonstrable need for such institutions, with
10 respect to each classification of institutions to be licensed under
11 sections 19a-490 to 19a-503, inclusive, including their special facilities,

12 as will further the accomplishment of the purposes of said sections in
13 promoting safe, humane and adequate care and treatment of
14 individuals in institutions. [Said] The department shall adopt such
15 regulations, in accordance with chapter 54, concerning home health
16 care agencies and homemaker-home health aide agencies, as defined in
17 section 19a-490.

18 (b) The department shall establish a pilot program in New London
19 County under which the department shall include within one such
20 classification of institutions designated as special facilities to be
21 licensed pursuant to subsection (a) of this section any property owned,
22 leased or controlled by any such institution that operates on a for-
23 profit basis and accommodates not less than three or more than five
24 unrelated persons, each of whom is receiving mental health or
25 substance abuse treatment from such institution or its subsidiary or
26 affiliate, provided such services and treatment were identified in the
27 discharge plan prepared by such institution for such individual. The
28 department shall adopt regulations, in accordance with chapter 54, to
29 implement the pilot program established pursuant to this subsection.

30 [(b)] (c) The Department of Public Health, with the advice of the
31 Department of Mental Health and Addiction Services, shall include in
32 the regulations adopted pursuant to subsection (a) of this section,
33 additional standards for community residences, as defined in section
34 19a-507a, which shall include, but not be limited to, standards for: (1)
35 Safety, maintenance and administration; (2) protection of human
36 rights; (3) staffing requirements; (4) administration of medication; (5)
37 program goals and objectives; (6) services to be offered; and (7)
38 population to be served.

39 [(c)] (d) The Commissioner of Public Health may waive any
40 provisions of the regulations affecting the physical plant requirements
41 of residential care homes, as defined in section 19a-490, if the
42 commissioner determines that such waiver would not endanger the
43 health, safety or welfare of any resident. The commissioner may
44 impose conditions, upon granting the waiver, that assure the health,

45 safety and welfare of residents, and may revoke the waiver upon a
46 finding that the health, safety or welfare of any resident has been
47 jeopardized. The commissioner shall not grant a waiver that would
48 result in a violation of the State Fire Safety Code or State Building
49 Code. The commissioner may adopt regulations, in accordance with
50 chapter 54, establishing procedures for an application for a waiver
51 pursuant to this subsection."