



# House of Representatives

General Assembly

**File No. 57**

February Session, 2002

Substitute House Bill No. 5289

*House of Representatives, March 18, 2002*

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 CONCERNING THE USE OF AUTOMATIC INJECTABLES.**

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

1 Section 1. Subsection (a) of section 19a-79 of the general statutes, as  
2 amended by section 48 of public act 01-4 of the June special session, is  
3 repealed and the following is substituted in lieu thereof (*Effective*  
4 *October 1, 2002*):

5 (a) The Commissioner of Public Health shall adopt regulations, in  
6 accordance with the provisions of chapter 54, to carry out the purposes  
7 of sections 19a-77 to 19a-80, inclusive, as amended, and 19a-82 to 19a-  
8 87, inclusive, and to assure that child day care centers and group day  
9 care homes shall meet the health, educational and social needs of  
10 children utilizing such child day care centers and group day care  
11 homes. Such regulations shall (1) specify that before being permitted to  
12 attend any child day care center or group day care home, each child  
13 shall be protected as age-appropriate by adequate immunization  
14 against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps,

15 rubella, hemophilus influenzae type B and any other vaccine required  
16 by the schedule of active immunization adopted pursuant to section  
17 19a-7f, including appropriate exemptions for children for whom such  
18 immunization is medically contraindicated and for children whose  
19 parents object to such immunization on religious grounds, (2) specify  
20 conditions under which child day care center directors and teachers  
21 and group day care home providers may administer tests to monitor  
22 glucose levels in a child with diagnosed diabetes mellitus, and  
23 administer medicinal preparations, including controlled drugs  
24 specified in the regulations by the commissioner, to a child receiving  
25 child day care services at such child day care center or group day care  
26 home pursuant to the written order of a physician licensed to practice  
27 medicine or a dentist licensed to practice dental medicine in this or  
28 another state, or an advanced practice registered nurse licensed to  
29 prescribe in accordance with section 20-94a, or a physician assistant  
30 licensed to prescribe in accordance with section 20-12d, and the written  
31 authorization of a parent or guardian of such child, (3) specify that an  
32 operator of a child day care center or group day care home, licensed  
33 before January 1, 1986, or an operator who receives a license after  
34 January 1, 1986, for a facility licensed prior to January 1, 1986, shall  
35 provide a minimum of thirty square feet per child of total indoor  
36 usable space, free of furniture except that needed for the children's  
37 purposes, exclusive of toilet rooms, bathrooms, coatrooms, kitchens,  
38 halls, isolation room or other rooms used for purposes other than the  
39 activities of the children, (4) specify that a child day care center or  
40 group day care home licensed after January 1, 1986, shall provide  
41 thirty-five square feet per child of total indoor usable space, [and] (5)  
42 establish appropriate child day care center staffing requirements for  
43 employees certified in cardiopulmonary resuscitation by the American  
44 Red Cross or the American Heart Association, (6) specify that on and  
45 after October 1, 2002, a child day care center or group day care home  
46 shall not deny services to a child on the basis of a child's known or  
47 suspected allergy or because a child has a prescription for an  
48 automatic prefilled cartridge injector or similar automatic injectable  
49 equipment, (7) specify that a child day care center or group day care

50 home that enrolls a child with a prescription for an automatic prefilled  
51 cartridge injector or similar automatic injectable equipment, shall have  
52 trained staff providing for the administration of medications, on site  
53 during all hours when such a child is allowed on site, within three  
54 weeks of such child's enrollment in such a center or home, (8) specify  
55 that a child day care center or group day care home that enrolls a child  
56 with a prescription for an automatic prefilled cartridge injector or  
57 similar automatic injectable equipment, shall require such child's  
58 parent or guardian to provide a copy of the prescription for such  
59 injector or injectable equipment and the injector or injectable  
60 equipment upon enrollment, and (9) specify that a parent or guardian  
61 enrolling a child with a prescription for an automatic prefilled  
62 cartridge injector or similar automatic injectable equipment in a child  
63 day care center or group day care home shall be responsible for  
64 ensuring that such injector or injectable equipment to be used at such  
65 center or home is replaced prior to its expiration date.

66 Sec. 2. Subsection (c) of section 19a-87b of the general statutes is  
67 repealed and the following is substituted in lieu thereof (*Effective*  
68 *October 1, 2002*):

69 (c) The Commissioner of Public Health shall adopt regulations, in  
70 accordance with the provisions of chapter 54, to assure that family day  
71 care homes, as defined in section 19a-77, shall meet the health,  
72 educational and social needs of children utilizing such homes. Such  
73 regulations shall ensure that the family day care home is treated as a  
74 residence, and not an institutional facility. Such regulations shall  
75 specify that each child be protected as age-appropriate by adequate  
76 immunization against diphtheria, pertussis, tetanus, poliomyelitis,  
77 measles, mumps, rubella, hemophilus influenzae type B and any other  
78 vaccine required by the schedule of active immunization adopted  
79 pursuant to section 19a-7f. Such regulations shall provide appropriate  
80 exemptions for children for whom such immunization is medically  
81 contraindicated and for children whose parents object to such  
82 immunization on religious grounds. Such regulations shall also specify  
83 conditions under which family day care home providers may

84 administer tests to monitor glucose levels in a child with diagnosed  
85 diabetes mellitus, and administer medicinal preparations, including  
86 controlled drugs specified in the regulations by the commissioner, to a  
87 child receiving day care services at a family day care home pursuant to  
88 a written order of a physician licensed to practice medicine in this or  
89 another state, an advanced practice registered nurse licensed to  
90 prescribe in accordance with section 20-94a or a physician assistant  
91 licensed to prescribe in accordance with section 20-12d, and the written  
92 authorization of a parent or guardian of such child. Such regulations  
93 shall specify appropriate standards for extended care and intermittent  
94 short-term overnight care. Such regulations shall also specify that a  
95 family day care home (1) on and after October 1, 2002, shall not deny  
96 services to a child on the basis of a child's known or suspected allergy  
97 or because a child has a prescription for an automatic prefilled  
98 cartridge injector or similar automatic injectable equipment, (2) that  
99 enrolls a child with a prescription for an automatic prefilled cartridge  
100 injector or similar automatic injectable equipment, shall have trained  
101 staff providing for the administration of medications, on site during all  
102 hours when such a child is allowed on site, within three weeks of such  
103 child's enrollment in such a home, (3) that enrolls a child with a  
104 prescription for an automatic prefilled cartridge injector or similar  
105 automatic injectable equipment, shall require such child's parent or  
106 guardian to provide a copy of the prescription for such injector or  
107 injectable equipment and the injector or injectable equipment upon  
108 enrollment, and (4) enrolls a child with a prescription for an automatic  
109 prefilled cartridge injector or similar automatic injectable equipment  
110 shall hold the parent or guardian responsible for ensuring that such  
111 injector or injectable equipment to be used at such home is replaced  
112 prior to its expiration date. The commissioner shall inform each  
113 licensee, by way of a plain language summary provided not later than  
114 sixty days after the regulation's effective date, of any new or changed  
115 regulations adopted under this subsection with which a licensee must  
116 comply.

This act shall take effect as follows:

Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>

**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:**

Fund-Type	Agency Affected	FY 03 \$	FY 04 \$
General Fund - Cost	Agencies having on-site child day care programs	Potential Minimal	Potential Minimal

**Municipal Impact:**

Effect	Municipalities	FY 03 \$	FY 04 \$
STATE MANDATE - Cost	Municipalities with affiliated child day care programs	Potential Minimal	Potential Minimal

**Explanation**

It is anticipated that any resulting state or local costs associated with training child care staff in the use of automatic injectable devices will be minimal and can be absorbed within normally budgeted resources. Training courses can cost up to \$25 per person and must be repeated annually. (It should be noted that private providers operate most day care programs serving state or municipal agencies.)

The Department of Public Health will be able to adopt the required regulations within its anticipated budgetary resources.

**OLR Bill Analysis**

sHB 5289

***AN ACT CONCERNING THE USE OF AUTOMATIC INJECTABLES*****SUMMARY:**

This bill requires the public health commissioner to adopt regulations prohibiting child day care centers and group and family day care homes from denying services to a child because he has a known or suspected allergy or a prescription for an automatic prefilled cartridge injector or similar device that administers medication. The regulations must specify that:

1. centers and homes, within three weeks of enrolling a child with such a prescription, have staff trained to administer medication on site whenever the child is allowed there;
2. centers and homes require the child's parent or guardian to provide the device and a copy of the prescription when the child enrolls; and
3. the parent or guardian is responsible for ensuring the device is replaced before its expiration date.

EFFECTIVE DATE: October 1, 2002

**BACKGROUND*****Medication Administration Regulations***

Department of Public Health regulations require directors, head teachers, program staff, and providers of day care centers and homes that accept children who require the administration of medication of any kind to be trained by a physician, physician assistant, or registered or advanced practice nurse. They must receive special training to administer injectable medications. Their approval for injections must be validated annually and every three years for administering other medications.

Parents must give their written consent before a center or home staff can administer medication. The consent must be kept on file at the facility. The regulations also specify record keeping, storage, and labeling requirements (Conn. Agency Regs., 19a-79-9a and 87b-17).

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute

Yea 21      Nay 0