



## Senate

General Assembly

**File No. 212**

February Session, 2002

Substitute Senate Bill No. 540

*Senate, March 28, 2002*

The Committee on Public Health reported through SEN. HARP of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### **AN ACT CONCERNING CHILD CARE LICENSORS.**

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

1 Section 1. Section 19a-80 of the general statutes, as amended by  
2 section 15 of public act 01-175, is repealed and the following is  
3 substituted in lieu thereof (*Effective October 1, 2002*):

4 (a) No person, group of persons, association, organization,  
5 corporation, institution or agency, public or private, shall maintain a  
6 child day care center or group day care home without a license issued  
7 in accordance with sections 19a-77 to 19a-80, inclusive, and 19a-82 to  
8 19a-87, inclusive. Applications for such license shall be made to the  
9 Commissioner of Public Health on forms provided by him and shall  
10 contain the information required by regulations adopted under said  
11 sections. The forms shall contain a notice that false statements made  
12 therein are punishable in accordance with section 53a-157b.

13 (b) Upon receipt of an application for a license, the Commissioner of

14 Public Health shall issue such license if, upon inspection and  
15 investigation, he finds that the applicant, the facilities and the program  
16 meet the health, educational and social needs of children likely to  
17 attend the child day care center or group day care home and comply  
18 with requirements established by regulations adopted under sections  
19 19a-77 to 19a-80, inclusive, and 19a-82 to 19a-87, inclusive. Each license  
20 except a temporary license shall be for a term of two years, shall be  
21 inalienable, may be renewed upon terms and conditions established by  
22 regulation and may be suspended or revoked after notice and an  
23 opportunity for a hearing as provided in section 19a-84 for violation of  
24 the regulations promulgated under sections 19a-77 to 19a-80, inclusive,  
25 and 19a-82 to 19a-87, inclusive. The commissioner may issue a  
26 temporary license for a term of six months and renewable for another  
27 six months, upon such terms and conditions as shall be provided in  
28 regulations adopted under said sections. The Commissioner of Public  
29 Health shall collect from the licensee of a day care center a fee of two  
30 hundred dollars for each license issued or renewed for a term of two  
31 years and a fee of fifty dollars for each temporary license issued or  
32 renewed for a term of six months. The Commissioner of Public Health  
33 shall collect from the licensee of a group day care home a fee of one  
34 hundred dollars for each license issued or renewed for a term of two  
35 years and a fee of thirty dollars for each temporary license issued or  
36 renewed for a term of six months.

37 (c) The Commissioner of Public Health, within available  
38 appropriations, shall require each prospective employee of a child day  
39 care center or group day care home in a position requiring the  
40 provision of care to a child to submit to state and national criminal  
41 history records checks. The criminal history records checks required  
42 pursuant to this subsection shall be conducted in accordance with  
43 section 29-17a. The commissioner shall also request a check of the state  
44 child abuse registry established pursuant to section 17a-101k, as  
45 amended. Pursuant to the interagency agreement provided for in  
46 section 10-16s, the Department of Social Services may agree to transfer  
47 funds appropriated for criminal history records checks to the  
48 Department of Public Health. The commissioner shall notify each

49 licensee of the provisions of this subsection.

50 (d) The commissioner shall inform each licensee, by way of a plain  
51 language summary provided not later than sixty days after the  
52 regulation's effective date, of new or changed regulations adopted  
53 under sections 19a-77 to 19a-80, inclusive, or sections 19a-82 to 19a-87,  
54 inclusive, with which a licensee must comply.

55 (e) On and after October 1, 2002, all persons hired by the  
56 Department of Public Health to conduct facility inspections, as  
57 provided in subsection (b) of this section, shall have attained, as a  
58 prerequisite to conducting such inspections, a baccalaureate degree  
59 from a regionally accredited institution of higher education and shall  
60 have not less than three years of work experience in early childhood  
61 education or child development.

62 Sec. 2. Section 19a-87b of the general statutes, as amended by section  
63 16 of public act 01-175, is repealed and the following is substituted in  
64 lieu thereof (*Effective October 1, 2002*):

65 (a) No person, group of persons, association, organization,  
66 corporation, institution or agency, public or private, shall maintain a  
67 family day care home, as defined in section 19a-77, without a license  
68 issued by the Commissioner of Public Health. Licensure forms shall be  
69 obtained from the Department of Public Health. Applications for  
70 licensure shall be made to the commissioner on forms provided by the  
71 department and shall contain the information required by regulations  
72 adopted under this section. The licensure and application forms shall  
73 contain a notice that false statements made therein are punishable in  
74 accordance with section 53a-157b. Applicants shall state, in writing,  
75 that they are in compliance with the regulations adopted by the  
76 commissioner pursuant to subsection (c) of this section. Before a family  
77 day care home license is granted, the department shall make an  
78 inquiry and investigation which shall include a visit and inspection of  
79 the premises for which the license is requested. Any inspection  
80 conducted by the department shall include an inspection for evident  
81 sources of lead poisoning. The department shall provide for a chemical

82 analysis of any paint chips found on such premises. The commissioner  
83 shall not require an annual inspection for homes seeking license  
84 renewal or for licensed homes, except that the commissioner shall  
85 make unannounced visits, during customary business hours, to at least  
86 thirty-three and one-third per cent of the licensed family day care  
87 homes each year. A licensed family day care home shall not be subject  
88 to any conditions on the operation of such home by local officials,  
89 other than those imposed by the department pursuant to this  
90 subsection, if the home complies with all local codes and ordinances  
91 applicable to single and multifamily dwellings.

92 (b) The Commissioner of Public Health, within available  
93 appropriations, shall require each initial applicant or prospective  
94 employee of a family day care home in a position requiring the  
95 provision of care to a child to submit to state and national criminal  
96 history records checks. The criminal history records checks required  
97 pursuant to this subsection shall be conducted in accordance with  
98 section 29-17a. The commissioner shall also request a check of the state  
99 child abuse registry established pursuant to section 17a-101k, as  
100 amended. The commissioner shall notify each licensee of the  
101 provisions of this subsection.

102 (c) The Commissioner of Public Health shall adopt regulations, in  
103 accordance with the provisions of chapter 54, to assure that family day  
104 care homes, as defined in section 19a-77, shall meet the health,  
105 educational and social needs of children utilizing such homes. Such  
106 regulations shall ensure that the family day care home is treated as a  
107 residence, and not an institutional facility. Such regulations shall  
108 specify that each child be protected as age-appropriate by adequate  
109 immunization against diphtheria, pertussis, tetanus, poliomyelitis,  
110 measles, mumps, rubella, hemophilus influenzae type B and any other  
111 vaccine required by the schedule of active immunization adopted  
112 pursuant to section 19a-7f. Such regulations shall provide appropriate  
113 exemptions for children for whom such immunization is medically  
114 contraindicated and for children whose parents object to such  
115 immunization on religious grounds. Such regulations shall also specify

116 conditions under which family day care home providers may  
117 administer tests to monitor glucose levels in a child with diagnosed  
118 diabetes mellitus, and administer medicinal preparations, including  
119 controlled drugs specified in the regulations by the commissioner, to a  
120 child receiving day care services at a family day care home pursuant to  
121 a written order of a physician licensed to practice medicine in this or  
122 another state, an advanced practice registered nurse licensed to  
123 prescribe in accordance with section 20-94a or a physician assistant  
124 licensed to prescribe in accordance with section 20-12d, and the written  
125 authorization of a parent or guardian of such child. Such regulations  
126 shall specify appropriate standards for extended care and intermittent  
127 short-term overnight care. The commissioner shall inform each  
128 licensee, by way of a plain language summary provided not later than  
129 sixty days after the regulation's effective date, of any new or changed  
130 regulations adopted under this subsection with which a licensee must  
131 comply.

132 (d) Applications for initial licensure under this section shall be  
133 accompanied by a fee of twenty dollars and such licenses shall be  
134 issued for a term of two years. Applications for renewal of licenses  
135 granted under this section shall be accompanied by a fee of twenty  
136 dollars and such licenses shall be renewed for a term of two years. No  
137 such license shall be renewed unless the licensee certifies that the  
138 children enrolled in the family day care home have received age-  
139 appropriate immunization in accordance with regulations adopted  
140 pursuant to subsection (c) of this section.

141 (e) On and after October 1, 2002, all persons hired by the  
142 Department of Public Health to conduct family day care home  
143 inspections, as provided in subsection (b) of this section, shall have  
144 attained, as a prerequisite to conducting such inspections, a  
145 baccalaureate degree from a regionally accredited institution of higher  
146 education and shall have not less than three years of work experience  
147 in early childhood education or child development.

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	Department of Public Health	Potential	Potential
General Fund - Cost	Department of Administrative Services	None	

**Municipal Impact:** None

**Explanation**

This bill requires any person hired by the Department of Public Health as a Child Care Licensing Specialist or Child Care Licensing Supervisor on or after October 1, 2002, to have a baccalaureate degree from a regionally-accredited college and also have at least three years of work experience in early childhood education or child development.

The Department of Administrative Services (DAS) will be able to rewrite the two job specifications within its anticipated budgetary resources. An indeterminate cost to the state may result should the department evaluate the salaries of these job classes subsequent to this policy change and adjust them upward. The timing and magnitude of such an adjustment cannot be determined in advance. DPH currently employs thirty-two (32) Specialists and four (4) Supervisors.

**The preceding Fiscal Impact statement is prepared for the benefit of the members of the General Assembly, solely for the purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either House thereof for any purpose.**

**OLR Bill Analysis**

sSB 540

***AN ACT CONCERNING CHILD CARE LICENSORS*****SUMMARY:**

This bill sets minimum job qualifications for newly hired Department of Public Health (DPH) staff who conduct licensing and other inspections of child day care centers, group day care homes, and family day care homes. It requires all inspectors hired after September 30, 2002 to have a BA degree from a regionally accredited college or university and at least three years of work experience in early childhood education or child development.

EFFECTIVE DATE: October 1, 2002

**BACKGROUND*****Licensing Specialist Classification***

Day care inspectors are called licensing specialists in the state's classified service. Currently, licensing specialists must possess the following minimum education and experience requirements.

1. They must have at least six years experience in providing professional child care services with involvement in program development and operational policy.
2. College education may be substituted for experience, up a maximum of four years for a BA degree. The substitution is based on 15 semester hours equaling one-half year of experience.
3. A masters' degree in child development, early childhood education, public health, social work, or a related area may substitute for an additional year of experience.

***Related Bill***

SB 357, favorably reported by the Program Review and Investigations and Public Health committees, requires DPH inspectors to provide technical assistance to family day care homes. They already do this for

day care centers and group day care homes, and the bill renames the work they do technical assistance, rather than consultative services.

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute

Yea 24 Nay 0