



General Assembly

Amendment

January Session, 2003

LCO No. 6940

SB0101106940SR0

Offered by:

SEN. ANISKOVICH, 12th Dist.

SEN. GAFFEY, 13th Dist.

To: Subst. Senate Bill No. 1011

File No. 389

Cal. No. 262

**"AN ACT CONCERNING DEPARTMENT OF SOCIAL SERVICES
REPORTING REQUIREMENTS TO THE GENERAL ASSEMBLY."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (a) As used in this section, subsection (a) of section 19a-490
4 of the general statutes, as amended by this act, and section 19a-495 of
5 the general statutes, as amended by this act, "outpatient surgical
6 facility" means any entity, individual, firm, partnership, corporation,
7 limited liability company or association, other than a hospital, engaged
8 in providing surgical services for human health conditions that include
9 the use of moderate or deep sedation or analgesia or general
10 anesthesia, as such levels of anesthesia are defined from time to time
11 by the American Society of Anesthesiologists, or by such other
12 professional or accrediting entity as recognized by the Department of
13 Public Health.

14 (b) No entity, individual, firm, partnership, corporation, limited

15 liability company or association, other than a hospital, shall
16 individually or jointly establish, conduct, operate or maintain an
17 outpatient surgical facility in this state without obtaining a license
18 from the Department of Public Health for such facility pursuant to the
19 provisions of chapter 368v of the general statutes, and complying with
20 sections 19a-613, 19a-630, 19a-630a, 19a-633, 19a-637, 19a-638, 19a-639,
21 19a-639a, 19a-639c, 19a-639e, 19a-641, 19a-642, 19a-643, and 19a-653 of
22 the general statutes as the Commissioner of Health Care Access shall
23 require by regulations adopted pursuant to subsection (e) of this
24 section, except that a certificate of need application shall not be
25 required for (1) facilities in operation on or before July 1, 2003, or (2) an
26 entity, individual, firm, partnership, corporation, limited liability
27 company or association, other than a hospital, which has, on or before
28 July 1, 2003, (A) obtained a determination from the Commissioner of
29 Health Care Access that a certificate of need is not required, and (B)
30 commenced development of the outpatient surgical facility. Any
31 entity, individual, firm, partnership, corporation, limited liability
32 company or association that can provide evidence satisfactory to the
33 Commissioner of Public Health of operating an outpatient surgical
34 facility on or before July 1, 2003, shall have until April 1, 2006, to
35 obtain a license from the Department of Public Health pursuant to
36 chapter 368v of the general statutes, and shall be permitted to operate
37 through April 1, 2006, without such license. On or before April 1, 2004,
38 the Department of Public Health shall adopt regulations, in accordance
39 with the provisions of chapter 54 of the general statutes, to implement
40 the licensing requirements of this subsection.

41 (c) The provisions of this section shall not apply to persons licensed
42 to practice dentistry or dental medicine pursuant to chapter 379 of the
43 general statutes or to outpatient clinics licensed pursuant to chapter
44 368v of the general statutes.

45 (d) Any outpatient surgical facility that is accredited as provided in
46 section 19a-691 of the general statutes, shall continue to be subject to
47 the requirements of said section 19a-691.

48 (e) The Commissioner of Health Care Access shall adopt
49 regulations, in accordance with the provisions of chapter 54 of the
50 general statutes, to implement the provisions of this section, including
51 the standards that may, in lieu of existing standards, be used to
52 determine approval of certificate of need applications. The
53 commissioner shall apply existing regulations to determine approval
54 of certificate of need applications until such time as new regulations
55 are effective or July 1, 2005, whichever is earlier.

56 Sec. 502. Subsection (a) of section 19a-490 of the general statutes is
57 repealed and the following is substituted in lieu thereof (*Effective July*
58 *1, 2003*):

59 (a) "Institution" means a hospital, residential care home, health care
60 facility for the handicapped, nursing home, rest home, home health
61 care agency, homemaker-home health aide agency, mental health
62 facility, substance abuse treatment facility, outpatient surgical facility,
63 an infirmary operated by an educational institution for the care of
64 students enrolled in, and faculty and employees of, such institution; a
65 facility engaged in providing services for the prevention, diagnosis,
66 treatment or care of human health conditions, including facilities
67 operated and maintained by any state agency, except facilities for the
68 care or treatment of mentally ill persons or persons with substance
69 abuse problems; and a residential facility for the mentally retarded
70 licensed pursuant to section 17a-227 and certified to participate in the
71 Title XIX Medicaid program as an intermediate care facility for the
72 mentally retarded.

73 Sec. 503. Section 19a-495 of the general statutes is repealed and the
74 following is substituted in lieu thereof (*Effective July 1, 2003*):

75 (a) The Department of Public Health shall, after consultation with
76 the appropriate public and voluntary hospital planning agencies,
77 establish classifications of institutions. The department shall, in the
78 Public Health Code, adopt, amend, promulgate and enforce such
79 regulations based upon reasonable standards of health, safety and

80 comfort of patients and demonstrable need for such institutions, with
81 respect to each classification of institutions to be licensed under
82 sections 19a-490 to 19a-503, inclusive, including their special facilities,
83 as will further the accomplishment of the purposes of said sections in
84 promoting safe, humane and adequate care and treatment of
85 individuals in institutions. The department shall adopt such
86 regulations, in accordance with chapter 54, concerning home health
87 care agencies and homemaker-home health aide agencies.

88 (b) The Department of Public Health, with the advice of the
89 Department of Mental Health and Addiction Services, shall include in
90 the regulations adopted pursuant to subsection (a) of this section,
91 additional standards for community residences, as defined in section
92 19a-507a, which shall include, but not be limited to, standards for: (1)
93 Safety, maintenance and administration; (2) protection of human
94 rights; (3) staffing requirements; (4) administration of medication; (5)
95 program goals and objectives; (6) services to be offered; and (7)
96 population to be served.

97 (c) The commissioner may waive any provisions of the regulations
98 affecting the physical plant requirements of residential care homes if
99 the commissioner determines that such waiver would not endanger
100 the health, safety or welfare of any resident. The commissioner may
101 impose conditions, upon granting the waiver, that assure the health,
102 safety and welfare of residents, and may revoke the waiver upon a
103 finding that the health, safety or welfare of any resident has been
104 jeopardized. The commissioner shall not grant a waiver that would
105 result in a violation of the State Fire Safety Code or State Building
106 Code. The commissioner may adopt regulations, in accordance with
107 chapter 54, establishing procedures for an application for a waiver
108 pursuant to this subsection.

109 (d) The commissioner may include in the regulations adopted
110 pursuant to subsection (a) of this section, additional standards for
111 outpatient surgical facilities, as defined in section 501 of this act.

112 Sec. 504. (NEW) (*Effective July 1, 2003*) The Department of Public
113 Works, Department of Social Services and the Connecticut Health and
114 Educational Facilities Authority shall, within available appropriations,
115 develop a plan for planning and financing the installation of fire
116 sprinkler systems in nursing homes licensed under chapter 368v of the
117 general statutes."