



General Assembly

Amendment

February Session, 2004

LCO No. 4729

SB0060504729SD0

Offered by:

SEN. SULLIVAN, 5th Dist.
SEN. DAILY, 33rd Dist.
SEN. WILLIAMS, 29th Dist.
SEN. HARP, 10th Dist.

To: Senate Bill No. 605

File No. 596

Cal. No. 419

**"AN ACT CONCERNING PERFORMANCE-BASED BUDGETING
AND LEGISLATIVE OVERSIGHT OF FEDERAL FUNDS."**

1 Strike sections 1 and 2 in their entirety and renumber the remaining
2 sections and internal references accordingly

3 After the last section, add the following and renumber sections and
4 internal references accordingly:

5 "Sec. 501. Section 4-67w of the general statutes, as amended by
6 section 4 of public act 03-19, is repealed and the following is
7 substituted in lieu thereof (*Effective July 1, 2004*):

8 Not later than July 1, 2004, the State Prevention Council shall submit
9 to the Secretary of the Office of Policy and Management and the joint
10 standing committee of the General Assembly having cognizance of
11 matters relating to appropriations its recommendations concerning the
12 potential expansion, including potential use of benchmarks, or

13 termination of the State Prevention Council. [pursuant to section 2c-
14 12.]

15 Sec. 502. Section 17a-2 of the general statutes is repealed and the
16 following is substituted in lieu thereof (*Effective July 1, 2004*):

17 (a) There shall be a Department of Children and Families which
18 shall be a single budgeted agency consisting of the institutions,
19 facilities programs now existing within the department, any programs
20 and facilities transferred to the department, and such other
21 institutions, facilities and programs as may hereafter be established by
22 or transferred to the department by the General Assembly.

23 (b) Said department shall constitute a successor department to the
24 Department of Children and Youth Services, for the purposes of
25 sections [2c-2b,] 4-5, as amended, 4-38c, as amended, 4-60i, 4-77a, 4-
26 165b, 4a-11b, 4a-12, 4a-16, 5-259, as amended, 7-127c, 8-206d, 10-8a, 10-
27 15d, 10-76d, as amended, 10-76h, as amended, 10-76i, as amended, 10-
28 76w, 10-76g, as amended, 10-94g, 10-253, as amended, 17-86a, 17-294,
29 17-409, 17-437, 17-572, 17-578, 17-579, 17-585, 17a-1 to 17a-89, inclusive,
30 17a-90 to 17a-209, inclusive, 17a-218, 17a-277, 17a-450, 17a-458, 17a-463,
31 17a-474, 17a-560, 17a-511, 17a-634, 17a-646, 17a-659, 18-69, 18-69a, 18-
32 87, as amended, 19a-78, 19a-125, 19a-216, 20-14i, 20-14j, 31-23, 31-306a,
33 38a-514, 45a-591 to 45a-705, inclusive, 45a-706 to 45a-770, inclusive,
34 46a-28, 46a-126, 46b-15 to 46b-19, inclusive, as amended, 46b-120 to
35 46b-159, inclusive, 54-56d, as amended, 54-142k, 54-199, 54-203 and in
36 accordance with the provisions of sections 4-38d and 4-39.

37 (c) Whenever the words "Commissioner of Children and Youth
38 Services", "Department of Children and Youth Services", or "Council
39 on Children and Youth Services" are used in sections [2c-2b,] 4-5, as
40 amended, 4-38c, as amended, 4-60i, 4-77a, 4-165b, 4a-11b, 4a-12, 4a-16,
41 5-259, as amended, 7-127c, 8-206d, 10-8a, 10-15d, 10-76d, as amended,
42 10-76h, as amended, 10-76i, as amended, 10-76w, 10-94g, 10-253, as
43 amended, 17-86a, 17-294, 17-409, 17-437, 17-572, 17-578, 17-579, 17-585,
44 17a-1 to 17a-89, inclusive, 17a-90 to 17a-209, inclusive, 17a-218, 17a-277,

45 17a-450, 17a-458, 17a-463, 17a-474, 17a-511, 17a-634, 17a-646, 17a-659,
46 18-69, 18-69a, 18-87, as amended, 19a-78, 19a-125, 19a-216, 20-14i, 20-
47 14j, 31-23, 31-306a, 38a-514, 45a-591 to 45a-705, inclusive, 45a-706 to
48 45a-770, inclusive, 46a-28, 46a-126, 46b-15 to 46b-19, inclusive, as
49 amended, 46b-120 to 46b-159, inclusive, 54-56d, as amended, 54-142k,
50 54-199, 54-203, the words "Commissioner of Children and Families",
51 "Department of Children and Families", and "Council on Children and
52 Families" shall be substituted respectively in lieu thereof.

53 Sec. 503. Section 17a-247a of the general statutes is repealed and the
54 following is substituted in lieu thereof (*Effective July 1, 2004*):

55 As used in sections 17a-247b to 17a-247e, inclusive: [, and
56 subdivision (31) of subsection (a) of section 2c-2b:]

57 (1) "Abuse" means the wilful infliction by an employee of physical
58 pain or injury or the wilful deprivation of services necessary to the
59 physical and mental health and safety of a department client.

60 (2) "Authorized agency" means any agency authorized in
61 accordance with the general statutes to conduct abuse and neglect
62 investigations and responsible for issuing or carrying out protective
63 services for persons with mental retardation.

64 (3) "Commissioner" means the Commissioner of Mental Retardation.

65 (4) "Department" means the Department of Mental Retardation.

66 (5) "Department client" means a person who is eligible for, and
67 receives services or funding from, the department.

68 (6) "Employee" means any individual employed (A) by the
69 department, or (B) by an agency, organization or individual that is
70 licensed or funded by the department.

71 (7) "Employer" means (A) the department, or (B) an agency,
72 organization or individual that is licensed or funded by the
73 department.

74 (8) "Neglect" means the failure by an employee, through action or
75 inaction, to provide a department client with the services necessary to
76 maintain such client's physical and mental health and safety.

77 (9) "Protective services" has the same meaning as provided in
78 section 46a-11a.

79 (10) "Registry" means a centralized data base containing information
80 regarding substantiated abuse or neglect.

81 (11) "Substantiated abuse or neglect" means a determination by an
82 authorized agency, following an investigation conducted or monitored
83 by such agency, that (A) abuse or neglect of a department client has
84 occurred, or (B) there has been a criminal conviction of a felony or
85 misdemeanor involving abuse or neglect.

86 Sec. 504. Subsection (a) of section 17a-450a of the general statutes is
87 repealed and the following is substituted in lieu thereof (*Effective July*
88 *1, 2004*):

89 (a) The Department of Mental Health and Addiction Services shall
90 constitute a successor department to the Department of Mental Health.
91 Whenever the words "Commissioner of Mental Health" are used or
92 referred to in the following general statutes, the words "Commissioner
93 of Mental Health and Addiction Services" shall be substituted in lieu
94 thereof and whenever the words "Department of Mental Health" are
95 used or referred to in the following general statutes, the words
96 "Department of Mental Health and Addiction Services" shall be
97 substituted in lieu thereof: [2c-2b,] 4-5, as amended, 4-38c, as amended,
98 4-60i, 4-77a, 4a-12, 4a-16, 5-142, as amended, 8-206d, 10-19, 10-71, as
99 amended, 10-76d, as amended, 17a-14, 17a-26, 17a-31, 17a-33, 17a-218,
100 17a-246, 17a-450, 17a-451, 17a-452, 17a-453, 17a-454, 17a-455, 17a-456,
101 17a-457, 17a-458, 17a-459, 17a-460, 17a-463, 17a-464, 17a-465, 17a-466,
102 17a-467, 17a-468, 17a-470, 17a-471, 17a-472, 17a-473, 17a-474, 17a-476,
103 as amended, 17a-478, 17a-479, 17a-480, as amended, 17a-481, 17a-482,
104 17a-483, 17a-484, 17a-498, 17a-499, 17a-502, 17a-506, 17a-510, 17a-511,
105 17a-512, 17a-513, 17a-519, 17a-528, 17a-560, 17a-561, 17a-562, 17a-565,

106 17a-576, 17a-581, 17a-582, 17a-675, 17b-28, 17b-222, 17b-223, 17b-225,
107 17b-359, 17b-420, 17b-694, 19a-82, 19a-495, 19a-498, 19a-507a, 19a-507c,
108 19a-576, 19a-583, 20-14i, 20-14j, 21a-240, as amended, 21a-301, 27-122a,
109 31-222, 38a-514, 46a-28, 51-51o, 52-146h and 54-56d, as amended.

110 Sec. 505. Subsection (b) of section 17a-456 of the general statutes is
111 repealed and the following is substituted in lieu thereof (*Effective July*
112 *1, 2004*):

113 (b) Whenever the term "Board of Mental Health" is used or referred
114 to in the following sections of the general statutes, the term "Board of
115 Mental Health and Addiction Services" shall be substituted in lieu
116 thereof: [2c-2b,] 17a-457, 17a-460, 17a-467, 17a-473, 17a-564.

117 Sec. 506. Section 19a-13 of the general statutes is repealed and the
118 following is substituted in lieu thereof (*Effective July 1, 2004*):

119 As used in [subsection (a) of section 2c-2b,] this chapter and
120 chapters 368v, 369 to 375, inclusive, 378 to 381, inclusive, 383 to 388,
121 inclusive, 398 and 399 unless the context otherwise requires:

122 (1) "Certificate" includes the whole or part of any Department of
123 Public Health permit which the department is authorized by the
124 general statutes to issue and which further: (A) Authorizes practice of
125 the profession by certified persons but does not prohibit the practice of
126 the profession by others, not certified; (B) prohibits a person from
127 falsely representing that [he] such person is certified to practice the
128 profession unless the person holds a certificate issued by the
129 department; (C) requires as a condition to certification that a person
130 submit specified credentials to the department which attest to
131 qualifications to practice the profession;

132 (2) "Emerging occupation or profession" means a group of health
133 care providers whose actual or proposed duties, responsibilities and
134 services include functions which are not presently regulated or
135 licensed or which are presently performed within the scope of practice
136 of an existing licensed or otherwise regulated health occupation or

137 profession;

138 (3) "License" includes the whole or part of any Department of Public
139 Health permit, approval or similar form of permission required by the
140 general statutes and which further requires: (A) Practice of the
141 profession by licensed persons only; (B) that a person demonstrate
142 competence to practice through an examination or other means and
143 meet certain minimum standards; (C) enforcement of standards by the
144 department or regulatory board or commission;

145 (4) "Public member" means an elector of the state who has no
146 substantial financial interest in, is not employed in or by, and is not
147 professionally affiliated with, any industry, profession, occupation,
148 trade or institution regulated or licensed by the board or commission
149 to which [he] such person is appointed a member, and who has had no
150 professional affiliation with any such industry, profession, occupation,
151 trade or institution for three years preceding [his] such person's
152 appointment to the board or commission;

153 (5) "Registration" means the required entry upon a list maintained
154 by the Department of Public Health of the name of a practitioner or the
155 address of a place where a practice or profession subject to the
156 provisions of [subsection (a) of section 2c-2b,] this chapter and chapters
157 368v, 369 to 375, inclusive, 378 to 381, inclusive, 383 to 388, inclusive,
158 398 and 399 may be engaged in;

159 (6) "Complaint" means a formal statement of charges issued by the
160 Department of Public Health.

161 Sec. 507. Subsection (a) of section 19a-14 of the general statutes is
162 repealed and the following is substituted in lieu thereof (*Effective July*
163 *1, 2004*):

164 (a) The Department of Public Health shall have the following
165 powers and duties with regard to the boards and commissions listed in
166 subsection (b) which are within the Department of Public Health. The
167 department shall:

168 (1) Control the allocation, disbursement and budgeting of funds
169 appropriated to the department for the operation of the boards and
170 commissions;

171 (2) Employ and assign such personnel as the commissioner deems
172 necessary for the performance of the functions of the boards and
173 commissions;

174 (3) Perform all management functions including purchasing,
175 bookkeeping, accounting, payroll, secretarial, clerical and routine
176 housekeeping functions;

177 (4) Adopt, with the advice and assistance of the appropriate board
178 or commission, and in accordance with chapter 54, any regulations
179 which are consistent with protecting the public health and safety and
180 which are necessary to implement the purposes of [subsection (a) of
181 section 2c-2b,] this chapter, and chapters 368v, 369 to 375, inclusive,
182 378 to 381, inclusive, 383 to 388, inclusive, 398 and 399;

183 (5) Develop and perform all administrative functions necessary to
184 process applications for licenses and certificates;

185 (6) Determine the eligibility of all applicants for permits, licensure,
186 certification or registration, based upon compliance with the general
187 statutes and administrative regulations. The department may deny the
188 eligibility of an applicant for a permit or for licensure by examination,
189 endorsement, reciprocity or for reinstatement of a license voided
190 pursuant to subsection (f) of section 19a-88, as amended, or may issue
191 a license pursuant to a consent order containing conditions that must
192 be met by the applicant if the department determines that the
193 applicant:

194 (A) Has failed to comply with the general statutes and
195 administrative regulations governing [his] such applicant's profession;

196 (B) Has been found guilty or convicted as a result of an act which
197 constitutes a felony under (i) the laws of this state, (ii) federal law or

198 (iii) the laws of another jurisdiction and which, if committed within
199 this state, would have constituted a felony under the laws of this state;

200 (C) Is subject to a pending disciplinary action or unresolved
201 complaint before the duly authorized professional disciplinary agency
202 of any state, the District of Columbia, a United States possession or
203 territory, or a foreign jurisdiction;

204 (D) Has been subject to disciplinary action similar to an action
205 specified in subsection (a) of section 19a-17 by a duly authorized
206 professional disciplinary agency of any state, the District of Columbia,
207 a United States possession or territory, or a foreign jurisdiction;

208 (E) Has committed an act which, if the applicant were licensed,
209 would not conform to the accepted standards of practice of the
210 profession, including but not limited to, incompetence, negligence,
211 fraud or deceit; illegal conduct; procuring or attempting to procure a
212 license, certificate or registration by fraud or deceit; or engaging in,
213 aiding or abetting unlicensed practice of a regulated profession,
214 provided the commissioner, or [his] the commissioner's designee, gives
215 notice and holds a hearing, in accordance with the provisions of
216 chapter 54, prior to denying an application for a permit or a license
217 based on this subparagraph; or

218 (F) Has a condition which would interfere with the practice of [his]
219 such applicant's profession, including, but not limited to, physical
220 illness or loss of skill or deterioration due to the aging process,
221 emotional disorder or mental illness, abuse or excessive use of drugs or
222 alcohol, provided the commissioner, or [his] the commissioner's
223 designee, gives notice and holds a hearing in accordance with the
224 provisions of chapter 54, prior to denying an application for a permit
225 or a license based on this subparagraph;

226 (7) Administer licensing examinations under the supervision of the
227 appropriate board or commission;

228 (8) Develop and perform all administrative functions necessary to

229 process complaints against persons licensed by the department;

230 (9) Consent to the approval or disapproval by the appropriate
231 boards or commissions of schools at which educational requirements
232 shall be met;

233 (10) Conduct any necessary review, inspection or investigation
234 regarding qualifications of applicants for licenses or certificates,
235 possible violations of statutes or regulations, and disciplinary matters.
236 In connection with any investigation, the Commissioner of Public
237 Health or said commissioner's authorized agent may administer oaths,
238 issue subpoenas, compel testimony and order the production of books,
239 records and documents. If any person refuses to appear, to testify or to
240 produce any book, record or document when so ordered, a judge of
241 the Superior Court may make such order as may be appropriate to aid
242 in the enforcement of this section;

243 (11) Conduct any necessary investigation and follow-up in
244 connection with complaints regarding persons subject to regulation or
245 licensing by the department;

246 (12) Perform any other function necessary to the effective operation
247 of a board or commission and not specifically vested by statute in the
248 board or commission;

249 (13) Contract with a third party, if the commissioner deems
250 necessary, to administer licensing examinations and perform all
251 attendant administrative functions in connection with such
252 examination.

253 Sec. 508. (*Effective July 1, 2004*) On and after the effective date of this
254 section, each section of a public or special act of the General Assembly
255 enacted on or after such date which results in a cost to the Department
256 of Public Health which cannot be absorbed within existing budgetary
257 resources of the department and which requires the appropriation of
258 additional state funds or the allocation of additional federal funds to
259 the department shall be reviewed by the legislative Office of Fiscal

260 Analysis on the first, second and fifth anniversary of the effective date
261 of such section. The office shall submit a report to the General
262 Assembly in accordance with the provisions of section 11-4a of the
263 general statutes which examines the estimated expenditure and the
264 actual expenditure with respect to each such section.

265 Sec. 509. (*Effective July 1, 2004*) Section 2c-1 of the general statutes,
266 section 2c-2b of the general statutes, as amended, sections 2c-3 to 2c-11,
267 inclusive, of the general statutes and section 2c-12 of the general
268 statutes, as amended, are repealed."