



Substitute Senate Bill No. 1192

Public Act No. 07-129

AN ACT CONCERNING CHILD DAY CARE SERVICES, YOUTH CAMPS AND THE EMERGENCY DISTRIBUTION OF POTASSIUM IODIDE TABLETS IN CERTAIN FACILITIES.

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

Section 1. Section 19a-77 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) As used in sections 19a-77 to 19a-80, inclusive, as amended by this act, and sections 19a-82 to 19a-87, inclusive, "child day care services" shall include:

(1) A "child day care center" which offers or provides a program of supplementary care to more than twelve related or unrelated children outside their own homes on a regular basis;

(2) A "group day care home" which offers or provides a program of supplementary care (A) to not less than seven nor more than twelve related or unrelated children on a regular basis, or (B) that meets the definition of a family day care home except that it operates in a facility other than a private family home;

(3) A "family day care home" which consists of a private family home caring for not more than six children, including the provider's

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own children not in school full time, where the children are cared for not less than three nor more than twelve hours during a twenty-four-hour period and where care is given on a regularly recurring basis except that care may be provided in excess of twelve hours but not more than seventy-two consecutive hours to accommodate a need for extended care or intermittent short-term overnight care. During the regular school year, a maximum of three additional children who are in school full time, including the provider's own children, shall be permitted, except that if the provider has more than three children who are in school full time, all of the provider's children shall be permitted;

(4) "Night care" means the care provided for one or more hours between the hours of 10:00 p.m. and 5:00 a.m.;

(5) "Year-round" program means a program open at least fifty weeks per year.

(b) For licensing requirement purposes, child day care services shall not include such services which are:

(1) (A) Administered by a public school system, or (B) administered by a municipal agency or department and located in a public school building;

(2) Administered by a private school which is in compliance with section 10-188 and is approved by the State Board of Education or is accredited by an accrediting agency recognized by the State Board of Education;

[(3) Recreation operations such as, but not limited to, creative art studios for children that offer parent-child recreational programs and classes in music, dance, drama and art that are no longer than two hours in length, library programs, church-related activities, scouting, camping or community-youth programs;]

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(3) Classes in music, dance, drama and art that are no longer than two hours in length; classes that teach a single skill that are no longer than two hours in length; library programs that are no longer than two hours in length; scouting; 4-H; programs operated exclusively for sports activities; rehearsals; academic tutoring programs; or programs exclusively for children thirteen years of age or older;

(4) Informal arrangements among neighbors or relatives in their own homes, provided the relative is limited to any of the following degrees of kinship by blood or marriage to the child being cared for or to the child's parent: Child, grandchild, sibling, niece, nephew, aunt, uncle or child of one's aunt or uncle;

(5) Drop-in supplementary child care operations for educational or recreational purposes and the child receives such care infrequently where the parents are on the premises;

(6) Drop-in supplementary child care operations in retail establishments where the parents are on the premises for retail shopping, in accordance with section 19a-77a, provided that the drop-in supplementary child-care operation does not charge a fee and does not refer to itself as a child day care center;

(7) Drop-in programs administered by a nationally chartered boys' and girls' club; or

(8) Religious educational activities administered by a religious institution exclusively for children whose parents or legal guardians are members of such religious institution.

(c) No registrant or licensee of any child day care services as defined in subsection (a) of this section shall be issued an additional registration or license to provide any such services at the same facility.

Sec. 2. Subsection (b) of section 19a-80 of the general statutes is

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repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(b) (1) Upon receipt of an application for a license, the Commissioner of Public Health shall issue such license if, upon inspection and investigation, [he] said commissioner finds that the applicant, the facilities and the program meet the health, educational and social needs of children likely to attend the child day care center or group day care home and comply with requirements established by regulations adopted under sections 19a-77 to 19a-80, inclusive, as amended by this act, and sections 19a-82 to 19a-87, inclusive. Each license [except a temporary license] shall be for a term of two years, provided on and after October 1, 2008, each license shall be for a term of four years, shall be [inalienable] nontransferable, may be renewed upon [terms and conditions established by regulation] payment of the licensure fee and may be suspended or revoked after notice and an opportunity for a hearing as provided in section 19a-84, as amended by this act, for violation of the regulations [promulgated] adopted under sections 19a-77 to 19a-80, inclusive, as amended by this act, and sections 19a-82 to 19a-87, inclusive. [The commissioner may issue a temporary license for a term of six months and renewable for another six months, upon such terms and conditions as shall be provided in regulations adopted under said sections. The]

(2) Prior to October 1, 2008, the Commissioner of Public Health shall collect from the licensee of a day care center a fee of two hundred dollars for each license issued or renewed for a term of two years, [and a fee of fifty dollars for each temporary license issued or renewed for a term of six months. The Commissioner of Public Health] Prior to October 1, 2008, said commissioner shall collect from the licensee of a group day care home a fee of one hundred dollars for each license issued or renewed for a term of two years, [and a fee of thirty dollars for each temporary license issued or renewed for a term of six months.]

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(3) On and after October 1, 2008, the Commissioner of Public Health shall collect from the licensee of a day care center a fee of four hundred dollars for each license issued or renewed for a term of four years. On and after October 1, 2008, said commissioner shall collect from the licensee of a group day care home a fee of two hundred dollars for each license issued or renewed for a term of four years.

Sec. 3. Subsection (a) of section 19a-84 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) When the Commissioner of Public Health has reason to believe any person licensed under sections 19a-77 to 19a-80, inclusive, as amended by this act, and sections 19a-82 to 19a-87, inclusive, has failed substantially to comply with the regulations adopted under said sections, the commissioner may notify the licensee in writing of the commissioner's intention to suspend or revoke the license or to impose a licensure action. Such notice shall be served by certified mail stating the particular reasons for the proposed action. The licensee may, if aggrieved by such intended action, make application for a hearing in writing over the licensee's signature to the commissioner. The licensee shall state in the application in plain language the reasons why the licensee claims to be aggrieved. The application shall be delivered to the commissioner within thirty days of the licensee's receipt of notification of the intended action. The commissioner shall thereupon hold a hearing within sixty days from receipt of such application and shall, at least ten days prior to the date of such hearing, mail a notice, giving the time and place of the hearing, to the licensee. The hearing may be conducted by the commissioner or by a hearing officer appointed by the commissioner in writing. The licensee and the commissioner or hearing officer may issue subpoenas requiring the attendance of witnesses. The licensee shall be entitled to be represented by counsel and a transcript of the hearing shall be made. If

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the hearing is conducted by a hearing officer, the hearing officer shall state the hearing officer's findings and make a recommendation to the commissioner on the issue of revocation or suspension or the intended licensure action. The commissioner, based upon the findings and recommendation of the hearing officer, or after a hearing conducted by the commissioner, shall render the commissioner's decision in writing suspending, revoking or continuing the license or regarding the intended licensure action. A copy of the decision shall be sent by certified mail to the licensee. The decision revoking or suspending the license or a decision imposing a licensure action shall become effective thirty days after it is mailed by registered or certified mail to the licensee. A licensee aggrieved by the decision of the commissioner may appeal as provided in section 19a-85. Any licensee whose license has been revoked pursuant to this subsection shall be ineligible to apply for a license for a period of one year from the effective date of revocation.

Sec. 4. Section 19a-87b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) No person, group of persons, association, organization, corporation, institution or agency, public or private, shall maintain a family day care home, as defined in section 19a-77, as amended by this act, without a license issued by the Commissioner of Public Health. Licensure forms shall be obtained from the Department of Public Health. Applications for licensure shall be made to the commissioner on forms provided by the department and shall contain the information required by regulations adopted under this section. The licensure and application forms shall contain a notice that false statements made therein are punishable in accordance with section 53a-157b. Applicants shall state, in writing, that they are in compliance with the regulations adopted by the commissioner pursuant to subsection (c) of this section. Before a family day care home license is

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granted, the department shall make an inquiry and investigation which shall include a visit and inspection of the premises for which the license is requested. Any inspection conducted by the department shall include an inspection for evident sources of lead poisoning. The department shall provide for a chemical analysis of any paint chips found on such premises. [The] Neither the commissioner nor the commissioner's designee shall [not] require an annual inspection for homes seeking license renewal or for licensed homes, except that the commissioner or the commissioner's designee shall make unannounced visits, during customary business hours, to at least thirty-three and one-third per cent of the licensed family day care homes each year. A licensed family day care home shall not be subject to any conditions on the operation of such home by local officials, other than those imposed by the department pursuant to this subsection, if the home complies with all local codes and ordinances applicable to single and multifamily dwellings.

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

(c) The Commissioner of Public Health shall adopt regulations, in accordance with the provisions of chapter 54, to assure that family day care homes, as defined in section 19a-77, as amended by this act, shall meet the health, educational and social needs of children utilizing such homes. Such regulations shall ensure that the family day care home is

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treated as a residence, and not an institutional facility. Such regulations shall specify that each child be protected as age-appropriate by adequate immunization against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, hemophilus influenzae type B and any other vaccine required by the schedule of active immunization adopted pursuant to section 19a-7f. Such regulations shall provide appropriate exemptions for children for whom such immunization is medically contraindicated and for children whose parents object to such immunization on religious grounds. Such regulations shall also specify conditions under which family day care home providers may administer tests to monitor glucose levels in a child with diagnosed diabetes mellitus, and administer medicinal preparations, including controlled drugs specified in the regulations by the commissioner, to a child receiving day care services at a family day care home pursuant to a written order of a physician licensed to practice medicine in this or another state, an advanced practice registered nurse licensed to prescribe in accordance with section 20-94a or a physician assistant licensed to prescribe in accordance with section 20-12d, and the written authorization of a parent or guardian of such child. Such regulations shall specify appropriate standards for extended care and intermittent short-term overnight care. The commissioner shall inform each licensee, by way of a plain language summary provided not later than sixty days after the regulation's effective date, of any new or changed regulations adopted under this subsection with which a licensee must comply.

(d) Applications for initial licensure under this section submitted prior to October 1, 2008, shall be accompanied by a fee of twenty dollars and such licenses shall be issued for a term of two years. Applications for renewal of licenses granted under this section submitted prior to October 1, 2008, shall be accompanied by a fee of twenty dollars and such licenses shall be renewed for a term of two years. No such license shall be renewed unless the licensee certifies

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that the children enrolled in the family day care home have received age-appropriate immunization in accordance with regulations adopted pursuant to subsection (c) of this section.

(e) Each license issued on or after October 1, 2008, shall be for a term of four years, shall be nontransferable and may be renewed upon payment of the licensure fee and a signed statement from the licensee certifying that the children enrolled in the family day care home have received age-appropriate immunization in accordance with regulations adopted pursuant to subsection (c) of this section. The Commissioner of Public Health shall collect from the licensee of a family day care home a fee of forty dollars for each license issued or renewed for a term of four years.

Sec. 5. Subsection (b) of section 19a-131k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(b) Notwithstanding any provision of the general statutes, [during a public health emergency, the commissioner may authorize any] each nursing home facility, child day care service or youth camp [to] shall provide potassium iodide to residents, staff members, minors or other persons present in such facility, day care service or camp [, provided (1) prior written permission has been obtained] when directed by the commissioner during a public health emergency. Each nursing home facility, child day care service or youth camp shall (1) upon admitting a resident or minor to, or upon hiring a staff member for, such facility, notify each resident or representative of a resident, staff member or parent or guardian of a minor of the requirement for the provision of potassium iodide under this subsection and obtain prior written permission or written objection for such provision from each [resident or representative of a resident, staff member, or parent or guardian of a minor] such person, and (2) prior to obtaining such written permission or written objection, advise each such person, [providing permission

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has been advised,] in writing, (A) that the ingestion of potassium iodide is voluntary only, (B) about the contraindications of taking potassium iodide, and (C) about the potential side effects of taking potassium iodide.

Sec. 6. Section 19a-420 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective September 1, 2007*):

As used in this chapter:

(1) "Youth camp" means any regularly scheduled program or organized group activity that operates only during school vacations or on weekends and is advertised as a camp or operated by a person, partnership, corporation, association, the state or a municipal agency for recreational or educational purposes and accommodating for profit or under philanthropic or charitable auspices five or more children, who are at least three years of age and under [eighteen] sixteen years of age, who are (A) not bona fide personal guests in the private home of an individual, and (B) living apart from their relatives, parents or legal guardian, for a period of three days or more per week or portions of three or more days per week, provided any such relative, parent or guardian who is an employee of such camp shall not be considered to be in the position of loco parentis to such employee's child for the purposes of this chapter, but does not include (i) classroom-based summer instructional programs operated by any person, provided no activities that may pose a health risk or hazard to participating children are conducted at such programs, (ii) schools which operate a summer educational program, [or] (iii) licensed day care centers, (iv) programs or parts of programs that accommodate children under three years of age or operate at times other than during school vacations or on weekends, or (v) drop-in programs for children who are at least six years of age administered by a nationally chartered boys' and girls' club;

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(2) "Resident camp" means any youth camp which is established, conducted or maintained on any parcel or parcels of land on which there are located dwelling units or buildings intended to accommodate five or more children under sixteen years of age for at least seventy-two consecutive hours and in which the campers attending such camps eat and sleep;

(3) "Day camp" means any youth camp which is established, conducted or maintained on any parcel or parcels of land on which there are located dwelling units or buildings intended to accommodate five or more children under sixteen years of age during daylight hours for at least three days a week with the campers eating and sleeping at home, except for one meal per day, but does not include programs operated by a municipal agency;

(4) "Person" means any individual, partnership, association, organization, limited liability company or corporation;

(5) "Commissioner" means the Commissioner of Public Health; and

(6) "Department" means the Department of Public Health.

Approved June 29, 2007