



General Assembly

January Session, 2007

Raised Bill No. 1192

LCO No. 4181

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Referred to Committee on Public Health

Introduced by:
(PH)

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:

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 Section 19a-77 of the general statutes is repealed and the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

3 (a) As used in sections 19a-77 to 19a-80, inclusive, and 19a-82 to 19a-
4 87, inclusive, "child day care services" shall include:

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

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

13 (3) A "family day care home" which consists of a private family

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

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

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

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

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

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

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

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

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

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

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

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

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

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

71 Sec. 2. Subsection (b) of section 19a-80 of the general statutes is
72 repealed and the following is substituted in lieu thereof (*Effective*
73 *October 1, 2007*):

74 (b) Upon receipt of an application for a license, the Commissioner of
75 Public Health shall issue such license if, upon inspection and
76 investigation, he finds that the applicant, the facilities and the program
77 meet the health, educational and social needs of children likely to
78 attend the child day care center or group day care home and comply
79 with requirements established by regulations adopted under sections
80 19a-77 to 19a-80, inclusive, and 19a-82 to 19a-87, inclusive. Each license
81 [except a temporary license] shall be for a term of [two] four years,
82 shall be [inalienable] nontransferable, may be renewed upon [terms
83 and conditions established by regulation] payment of the licensure fee
84 and may be suspended or revoked after notice and an opportunity for
85 a hearing as provided in section 19a-84 for violation of the regulations
86 promulgated under sections 19a-77 to 19a-80, inclusive, and 19a-82 to
87 19a-87, inclusive. [The commissioner may issue a temporary license for
88 a term of six months and renewable for another six months, upon such
89 terms and conditions as shall be provided in regulations adopted
90 under said sections.] The Commissioner of Public Health shall collect
91 from the licensee of a day care center a fee of [two] four hundred
92 dollars for each license issued or renewed for a term of [two] four
93 years. [and a fee of fifty dollars for each temporary license issued or
94 renewed for a term of six months.] The Commissioner of Public Health
95 shall collect from the licensee of a group day care home a fee of [one]
96 two hundred dollars for each license issued or renewed for a term of
97 [two] four years. [and a fee of thirty dollars for each temporary license
98 issued or renewed for a term of six months.]

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

102 (a) When the Commissioner of Public Health has reason to believe
103 any person licensed under sections 19a-77 to 19a-80, inclusive, and 19a-
104 82 to 19a-87, inclusive, has failed substantially to comply with the
105 regulations adopted under said sections, the commissioner may notify
106 the licensee in writing of the commissioner's intention to suspend or

107 revoke the license or to impose a licensure action. Such notice shall be
108 served by certified mail stating the particular reasons for the proposed
109 action. The licensee may, if aggrieved by such intended action, make
110 application for a hearing in writing over the licensee's signature to the
111 commissioner. The licensee shall state in the application in plain
112 language the reasons why the licensee claims to be aggrieved. The
113 application shall be delivered to the commissioner within thirty days
114 of the licensee's receipt of notification of the intended action. The
115 commissioner shall thereupon hold a hearing within sixty days from
116 receipt of such application and shall, at least ten days prior to the date
117 of such hearing, mail a notice, giving the time and place of the hearing,
118 to the licensee. The hearing may be conducted by the commissioner or
119 by a hearing officer appointed by the commissioner in writing. The
120 licensee and the commissioner or hearing officer may issue subpoenas
121 requiring the attendance of witnesses. The licensee shall be entitled to
122 be represented by counsel and a transcript of the hearing shall be
123 made. If the hearing is conducted by a hearing officer, the hearing
124 officer shall state the hearing officer's findings and make a
125 recommendation to the commissioner on the issue of revocation or
126 suspension or the intended licensure action. The commissioner, based
127 upon the findings and recommendation of the hearing officer, or after
128 a hearing conducted by the commissioner, shall render the
129 commissioner's decision in writing suspending, revoking or
130 continuing the license or regarding the intended licensure action. A
131 copy of the decision shall be sent by certified mail to the licensee. The
132 decision revoking or suspending the license or a decision imposing a
133 licensure action shall become effective thirty days after it is mailed by
134 registered or certified mail to the licensee. A licensee aggrieved by the
135 decision of the commissioner may appeal as provided in section 19a-
136 85. Any licensee whose license has been revoked pursuant to this
137 subsection shall be ineligible to apply for a license for a period of one
138 year from the effective date of revocation.

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

141 (a) No person, group of persons, association, organization,
142 corporation, institution or agency, public or private, shall maintain a
143 family day care home, as defined in section 19a-77, without a license
144 issued by the Commissioner of Public Health. Licensure forms shall be
145 obtained from the Department of Public Health. Applications for
146 licensure shall be made to the commissioner on forms provided by the
147 department and shall contain the information required by regulations
148 adopted under this section. The licensure and application forms shall
149 contain a notice that false statements made therein are punishable in
150 accordance with section 53a-157b. Applicants shall state, in writing,
151 that they are in compliance with the regulations adopted by the
152 commissioner pursuant to subsection (c) of this section. Before a family
153 day care home license is granted, the department shall make an
154 inquiry and investigation which shall include a visit and inspection of
155 the premises for which the license is requested. Any inspection
156 conducted by the department shall include an inspection for evident
157 sources of lead poisoning. The department shall provide for a chemical
158 analysis of any paint chips found on such premises. [The] Neither the
159 commissioner nor the commissioner's designee shall [not] require an
160 annual inspection for homes seeking license renewal or for licensed
161 homes, except that the commissioner or the commissioner's designee
162 shall make unannounced visits, during customary business hours, to at
163 least thirty-three and one-third per cent of the licensed family day care
164 homes each year. A licensed family day care home shall not be subject
165 to any conditions on the operation of such home by local officials,
166 other than those imposed by the department pursuant to this
167 subsection, if the home complies with all local codes and ordinances
168 applicable to single and multifamily dwellings.

169 (b) The Commissioner of Public Health, within available
170 appropriations, shall require each initial applicant or prospective
171 employee of a family day care home in a position requiring the
172 provision of care to a child to submit to state and national criminal
173 history records checks. The criminal history records checks required
174 pursuant to this subsection shall be conducted in accordance with

175 section 29-17a. The commissioner shall also request a check of the state
176 child abuse registry established pursuant to section 17a-101k. The
177 commissioner shall notify each licensee of the provisions of this
178 subsection.

179 (c) The Commissioner of Public Health shall adopt regulations, in
180 accordance with the provisions of chapter 54, to assure that family day
181 care homes, as defined in section 19a-77, shall meet the health,
182 educational and social needs of children utilizing such homes. Such
183 regulations shall ensure that the family day care home is treated as a
184 residence, and not an institutional facility. Such regulations shall
185 specify that each child be protected as age-appropriate by adequate
186 immunization against diphtheria, pertussis, tetanus, poliomyelitis,
187 measles, mumps, rubella, hemophilus influenzae type B and any other
188 vaccine required by the schedule of active immunization adopted
189 pursuant to section 19a-7f. Such regulations shall provide appropriate
190 exemptions for children for whom such immunization is medically
191 contraindicated and for children whose parents object to such
192 immunization on religious grounds. Such regulations shall also specify
193 conditions under which family day care home providers may
194 administer tests to monitor glucose levels in a child with diagnosed
195 diabetes mellitus, and administer medicinal preparations, including
196 controlled drugs specified in the regulations by the commissioner, to a
197 child receiving day care services at a family day care home pursuant to
198 a written order of a physician licensed to practice medicine in this or
199 another state, an advanced practice registered nurse licensed to
200 prescribe in accordance with section 20-94a or a physician assistant
201 licensed to prescribe in accordance with section 20-12d, and the written
202 authorization of a parent or guardian of such child. Such regulations
203 shall specify appropriate standards for extended care and intermittent
204 short-term overnight care. The commissioner shall inform each
205 licensee, by way of a plain language summary provided not later than
206 sixty days after the regulation's effective date, of any new or changed
207 regulations adopted under this subsection with which a licensee must
208 comply.

209 [(d) Applications for initial licensure under this section shall be
210 accompanied by a fee of twenty dollars and such licenses shall be
211 issued for a term of two years. Applications for renewal of licenses
212 granted under this section shall be accompanied by a fee of twenty
213 dollars and such licenses shall be renewed for a term of two years. No
214 such license shall be renewed unless the licensee certifies that the
215 children enrolled in the family day care home have received age-
216 appropriate immunization in accordance with regulations adopted
217 pursuant to subsection (c) of this section.]

218 (d) Each license shall be for a term of four years, shall be
219 nontransferable and may be renewed upon payment of the licensure
220 fee and a signed statement from the licensee certifying that the
221 children enrolled in the family day care home have received age-
222 appropriate immunization in accordance with regulations adopted
223 pursuant to subsection (c) of this section. The Commissioner of Public
224 Health shall collect from the licensee of a family day care home a fee of
225 forty dollars for each license issued or renewed for a term of four
226 years.

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

230 (b) Notwithstanding any provision of the general statutes, during a
231 public health emergency, the commissioner may [authorize] require
232 any nursing home facility, child day care service or youth camp to
233 provide potassium iodide to residents, staff members, minors or other
234 persons present in such facility, day care service or camp. [, provided
235 (1) prior written permission has been obtained] Each nursing home
236 facility, child day care service or youth camp shall (1) upon admitting a
237 resident or minor to, or upon hiring a staff member for, such facility,
238 obtain prior written permission for such provision from each resident
239 or representative of a resident, staff member, or parent or guardian of a
240 minor, and (2) prior to obtaining such written permission, advise each

241 such person, [providing permission has been advised,] in writing (A)
242 that the ingestion of potassium iodide is voluntary only, (B) about the
243 contraindications of taking potassium iodide, and (C) about the
244 potential side effects of taking potassium iodide.

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

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

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

273 camps eat and sleep;

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

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	19a-77
Sec. 2	<i>October 1, 2007</i>	19a-80(b)
Sec. 3	<i>October 1, 2007</i>	19a-84(a)
Sec. 4	<i>October 1, 2007</i>	19a-87b
Sec. 5	<i>October 1, 2007</i>	19a-131k(b)
Sec. 6	<i>September 1, 2007</i>	19a-420

Statement of Purpose:

To revise licensing requirements for child day care services and youth camps and to clarify that the provision of potassium iodide tablets by certain licensed entities in emergency situations is mandatory and not permissive.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]