



General Assembly

Substitute Bill No. 1192

January Session, 2007

* SB01192PH 032107 *

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 Section 19a-77 of the general statutes is repealed and the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, as amended by
4 this act, and sections 19a-82 to 19a-87, inclusive, "child day care
5 services" shall include:

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

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

14 (3) A "family day care home" which consists of a private family
15 home caring for not more than six children, including the provider's
16 own children not in school full time, where the children are cared for
17 not less than three nor more than twelve hours during a twenty-four-

18 hour period and where care is given on a regularly recurring basis
19 except that care may be provided in excess of twelve hours but not
20 more than seventy-two consecutive hours to accommodate a need for
21 extended care or intermittent short-term overnight care. During the
22 regular school year, a maximum of three additional children who are
23 in school full time, including the provider's own children, shall be
24 permitted, except that if the provider has more than three children
25 who are in school full time, all of the provider's children shall be
26 permitted;

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

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

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

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

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

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

45 (3) Classes in music, dance, drama and art that are no longer than
46 two hours in length; classes that teach a single skill that are no longer
47 than two hours in length; library programs that are no longer than two

48 hours in length; scouting; 4-H; programs operated exclusively for
49 sports activities; rehearsals; academic tutoring programs; or programs
50 exclusively for children thirteen years of age or older;

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

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

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

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

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

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

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

75 (b) Upon receipt of an application for a license, the Commissioner of
76 Public Health shall issue such license if, upon inspection and
77 investigation, he finds that the applicant, the facilities and the program

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

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

105 (a) When the Commissioner of Public Health has reason to believe
106 any person licensed under sections 19a-77 to 19a-80, inclusive, as
107 amended by this act, and sections 19a-82 to 19a-87, inclusive, has failed
108 substantially to comply with the regulations adopted under said
109 sections, the commissioner may notify the licensee in writing of the
110 commissioner's intention to suspend or revoke the license or to impose
111 a licensure action. Such notice shall be served by certified mail stating

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

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

145 (a) No person, group of persons, association, organization,

146 corporation, institution or agency, public or private, shall maintain a
147 family day care home, as defined in section 19a-77, as amended by this
148 act, without a license issued by the Commissioner of Public Health.
149 Licensure forms shall be obtained from the Department of Public
150 Health. Applications for licensure shall be made to the commissioner
151 on forms provided by the department and shall contain the
152 information required by regulations adopted under this section. The
153 licensure and application forms shall contain a notice that false
154 statements made therein are punishable in accordance with section
155 53a-157b. Applicants shall state, in writing, that they are in compliance
156 with the regulations adopted by the commissioner pursuant to
157 subsection (c) of this section. Before a family day care home license is
158 granted, the department shall make an inquiry and investigation
159 which shall include a visit and inspection of the premises for which the
160 license is requested. Any inspection conducted by the department shall
161 include an inspection for evident sources of lead poisoning. The
162 department shall provide for a chemical analysis of any paint chips
163 found on such premises. [The] Neither the commissioner nor the
164 commissioner's designee shall [not] require an annual inspection for
165 homes seeking license renewal or for licensed homes, except that the
166 commissioner or the commissioner's designee shall make
167 unannounced visits, during customary business hours, to at least
168 thirty-three and one-third per cent of the licensed family day care
169 homes each year. A licensed family day care home shall not be subject
170 to any conditions on the operation of such home by local officials,
171 other than those imposed by the department pursuant to this
172 subsection, if the home complies with all local codes and ordinances
173 applicable to single and multifamily dwellings.

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

180 section 29-17a. The commissioner shall also request a check of the state
181 child abuse registry established pursuant to section 17a-101k. The
182 commissioner shall notify each licensee of the provisions of this
183 subsection.

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

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

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

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

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

247 permission or written objection for such provision from each [resident
248 or representative of a resident, staff member, or parent or guardian of a
249 minor] such person, and (2) prior to obtaining such written permission
250 or written objection, advise each such person, [providing permission
251 has been advised,] in writing, (A) that the ingestion of potassium
252 iodide is voluntary only, (B) about the contraindications of taking
253 potassium iodide, and (C) about the potential side effects of taking
254 potassium iodide.

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

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

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

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

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

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

296 (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

PH *Joint Favorable Subst.*