



General Assembly

Substitute Bill No. 1192

January Session, 2007

* SB01192FIN 050107 *

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 Section 19a-77 of the general statutes is repealed and the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) (1) Upon receipt of an application for a license, the
76 Commissioner of Public Health shall issue such license if, upon
77 inspection and investigation, [he] said commissioner finds that the

78 applicant, the facilities and the program meet the health, educational
79 and social needs of children likely to attend the child day care center or
80 group day care home and comply with requirements established by
81 regulations adopted under sections 19a-77 to 19a-80, inclusive, as
82 amended by this act, and sections 19a-82 to 19a-87, inclusive. Each
83 license [except a temporary license] shall be for a term of two years,
84 provided on and after October 1, 2008, each license shall be for a term
85 of four years, shall be [inalienable] nontransferable, may be renewed
86 upon [terms and conditions established by regulation] payment of the
87 licensure fee and may be suspended or revoked after notice and an
88 opportunity for a hearing as provided in section 19a-84, as amended
89 by this act, for violation of the regulations [promulgated] adopted
90 under sections 19a-77 to 19a-80, inclusive, as amended by this act, and
91 sections 19a-82 to 19a-87, inclusive. [The commissioner may issue a
92 temporary license for a term of six months and renewable for another
93 six months, upon such terms and conditions as shall be provided in
94 regulations adopted under said sections. The]

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

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

110 Sec. 3. Subsection (a) of section 19a-84 of the general statutes is

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

113 (a) When the Commissioner of Public Health has reason to believe
114 any person licensed under sections 19a-77 to 19a-80, inclusive, as
115 amended by this act, and sections 19a-82 to 19a-87, inclusive, has failed
116 substantially to comply with the regulations adopted under said
117 sections, the commissioner may notify the licensee in writing of the
118 commissioner's intention to suspend or revoke the license or to impose
119 a licensure action. Such notice shall be served by certified mail stating
120 the particular reasons for the proposed action. The licensee may, if
121 aggrieved by such intended action, make application for a hearing in
122 writing over the licensee's signature to the commissioner. The licensee
123 shall state in the application in plain language the reasons why the
124 licensee claims to be aggrieved. The application shall be delivered to
125 the commissioner within thirty days of the licensee's receipt of
126 notification of the intended action. The commissioner shall thereupon
127 hold a hearing within sixty days from receipt of such application and
128 shall, at least ten days prior to the date of such hearing, mail a notice,
129 giving the time and place of the hearing, to the licensee. The hearing
130 may be conducted by the commissioner or by a hearing officer
131 appointed by the commissioner in writing. The licensee and the
132 commissioner or hearing officer may issue subpoenas requiring the
133 attendance of witnesses. The licensee shall be entitled to be
134 represented by counsel and a transcript of the hearing shall be made. If
135 the hearing is conducted by a hearing officer, the hearing officer shall
136 state the hearing officer's findings and make a recommendation to the
137 commissioner on the issue of revocation or suspension or the intended
138 licensure action. The commissioner, based upon the findings and
139 recommendation of the hearing officer, or after a hearing conducted by
140 the commissioner, shall render the commissioner's decision in writing
141 suspending, revoking or continuing the license or regarding the
142 intended licensure action. A copy of the decision shall be sent by
143 certified mail to the licensee. The decision revoking or suspending the
144 license or a decision imposing a licensure action shall become effective

145 thirty days after it is mailed by registered or certified mail to the
146 licensee. A licensee aggrieved by the decision of the commissioner may
147 appeal as provided in section 19a-85. Any licensee whose license has
148 been revoked pursuant to this subsection shall be ineligible to apply
149 for a license for a period of one year from the effective date of
150 revocation.

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

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

179 other than those imposed by the department pursuant to this
180 subsection, if the home complies with all local codes and ordinances
181 applicable to single and multifamily dwellings.

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

192 (c) The Commissioner of Public Health shall adopt regulations, in
193 accordance with the provisions of chapter 54, to assure that family day
194 care homes, as defined in section 19a-77, as amended by this act, shall
195 meet the health, educational and social needs of children utilizing such
196 homes. Such regulations shall ensure that the family day care home is
197 treated as a residence, and not an institutional facility. Such
198 regulations shall specify that each child be protected as age-
199 appropriate by adequate immunization against diphtheria, pertussis,
200 tetanus, poliomyelitis, measles, mumps, rubella, hemophilus
201 influenzae type B and any other vaccine required by the schedule of
202 active immunization adopted pursuant to section 19a-7f. Such
203 regulations shall provide appropriate exemptions for children for
204 whom such immunization is medically contraindicated and for
205 children whose parents object to such immunization on religious
206 grounds. Such regulations shall also specify conditions under which
207 family day care home providers may administer tests to monitor
208 glucose levels in a child with diagnosed diabetes mellitus, and
209 administer medicinal preparations, including controlled drugs
210 specified in the regulations by the commissioner, to a child receiving
211 day care services at a family day care home pursuant to a written order
212 of a physician licensed to practice medicine in this or another state, an

213 advanced practice registered nurse licensed to prescribe in accordance
214 with section 20-94a or a physician assistant licensed to prescribe in
215 accordance with section 20-12d, and the written authorization of a
216 parent or guardian of such child. Such regulations shall specify
217 appropriate standards for extended care and intermittent short-term
218 overnight care. The commissioner shall inform each licensee, by way of
219 a plain language summary provided not later than sixty days after the
220 regulation's effective date, of any new or changed regulations adopted
221 under this subsection with which a licensee must comply.

222 (d) Applications for initial licensure under this section submitted
223 prior to October 1, 2008, shall be accompanied by a fee of twenty
224 dollars and such licenses shall be issued for a term of two years.
225 Applications for renewal of licenses granted under this section
226 submitted prior to October 1, 2008, shall be accompanied by a fee of
227 twenty dollars and such licenses shall be renewed for a term of two
228 years. No such license shall be renewed unless the licensee certifies
229 that the children enrolled in the family day care home have received
230 age-appropriate immunization in accordance with regulations adopted
231 pursuant to subsection (c) of this section.

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

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

244 (b) Notwithstanding any provision of the general statutes, [during a

245 public health emergency, the commissioner may authorize any] each
246 nursing home facility, child day care service or youth camp [to] shall
247 provide potassium iodide to residents, staff members, minors or other
248 persons present in such facility, day care service or camp [, provided
249 (1) prior written permission has been obtained] when directed by the
250 commissioner during a public health emergency. Each nursing home
251 facility, child day care service or youth camp shall (1) upon admitting a
252 resident or minor to, or upon hiring a staff member for, such facility,
253 notify each resident or representative of a resident, staff member or
254 parent or guardian of a minor of the requirement for the provision of
255 potassium iodide under this subsection and obtain prior written
256 permission or written objection for such provision from each [resident
257 or representative of a resident, staff member, or parent or guardian of a
258 minor] such person, and (2) prior to obtaining such written permission
259 or written objection, advise each such person, [providing permission
260 has been advised,] in writing, (A) that the ingestion of potassium
261 iodide is voluntary only, (B) about the contraindications of taking
262 potassium iodide, and (C) about the potential side effects of taking
263 potassium iodide.

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

266 As used in this chapter: (1) "Youth camp" means any regularly
267 scheduled program or organized group activity that operates only
268 during school vacations or on weekends and is advertised as a camp or
269 operated by a person, partnership, corporation, association, the state or
270 a municipal agency for recreational or educational purposes and
271 accommodating for profit or under philanthropic or charitable
272 auspices five or more children, who are at least three years of age and
273 under [eighteen] sixteen years of age, who are (A) not bona fide
274 personal guests in the private home of an individual, and (B) living
275 apart from their relatives, parents or legal guardian, for a period of
276 three days or more per week or portions of three or more days per
277 week, provided any such relative, parent or guardian who is an
278 employee of such camp shall not be considered to be in the position of

279 loco parentis to such employee's child for the purposes of this chapter,
280 but does not include (i) classroom-based summer instructional
281 programs operated by any person, provided no activities that may
282 pose a health risk or hazard to participating children are conducted at
283 such programs, (ii) schools which operate a summer educational
284 program, [or] (iii) licensed day care centers, (iv) programs or parts of
285 programs that accommodate children under three years of age or
286 operate at times other than during school vacations or on weekends, or
287 (v) drop-in programs for children who are at least six years of age
288 administered by a nationally chartered boys' and girls' club;

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

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

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

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

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

This act shall take effect as follows and shall amend the following sections:

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| Section 1 | October 1, 2007 | 19a-77 |
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| 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 |

FIN *Joint Favorable Subst.*