



General Assembly

Amendment

February Session, 2010

LCO No. 4368

HB0530604368HDO

Offered by:

REP. RITTER, 38th Dist.
REP. BYE, 19th Dist.
REP. BOUKUS, 22nd Dist.
SEN. HARRIS, 5th Dist.

To: Subst. House Bill No. 5306

File No. 319

Cal. No. 174

"AN ACT CONCERNING THE OPERATION OF CHILD DAY CARE CENTERS AND GROUP DAY CARE HOMES IN PUBLIC SCHOOLS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 19a-79 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) The Commissioner of Public Health shall adopt regulations, in
6 accordance with the provisions of chapter 54, to carry out the purposes
7 of sections 19a-77 to 19a-80, inclusive, and 19a-82 to 19a-87, inclusive,
8 and to assure that child day care centers and group day care homes
9 shall meet the health, educational and social needs of children utilizing
10 such child day care centers and group day care homes. Such
11 regulations shall (1) specify that before being permitted to attend any

12 child day care center or group day care home, each child shall be
13 protected as age-appropriate by adequate immunization against
14 diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella,
15 hemophilus influenzae type B and any other vaccine required by the
16 schedule of active immunization adopted pursuant to section 19a-7f,
17 including appropriate exemptions for children for whom such
18 immunization is medically contraindicated and for children whose
19 parents object to such immunization on religious grounds, (2) specify
20 conditions under which child day care center directors and teachers
21 and group day care home providers may administer tests to monitor
22 glucose levels in a child with diagnosed diabetes mellitus, and
23 administer medicinal preparations, including controlled drugs
24 specified in the regulations by the commissioner, to a child receiving
25 child day care services at such child day care center or group day care
26 home pursuant to the written order of a physician licensed to practice
27 medicine or a dentist licensed to practice dental medicine in this or
28 another state, or an advanced practice registered nurse licensed to
29 prescribe in accordance with section 20-94a, or a physician assistant
30 licensed to prescribe in accordance with section 20-12d, and the written
31 authorization of a parent or guardian of such child, (3) specify that an
32 operator of a child day care center or group day care home, licensed
33 before January 1, 1986, or an operator who receives a license after
34 January 1, 1986, for a facility licensed prior to January 1, 1986, shall
35 provide a minimum of thirty square feet per child of total indoor
36 usable space, free of furniture except that needed for the children's
37 purposes, exclusive of toilet rooms, bathrooms, coatrooms, kitchens,
38 halls, isolation room or other rooms used for purposes other than the
39 activities of the children, (4) specify that a child day care center or
40 group day care home licensed after January 1, 1986, shall provide
41 thirty-five square feet per child of total indoor usable space, (5)
42 establish appropriate child day care center staffing requirements for
43 employees certified in cardiopulmonary resuscitation by the American
44 Red Cross, the American Heart Association, the National Safety
45 Council, American Safety and Health Institute or Medic First Aid
46 International, Inc., (6) specify that on and after January 1, 2003, a child

47 day care center or group day care home (A) shall not deny services to a
48 child on the basis of a child's known or suspected allergy or because a
49 child has a prescription for an automatic prefilled cartridge injector or
50 similar automatic injectable equipment used to treat an allergic
51 reaction, or for injectable equipment used to administer glucagon, (B)
52 shall, not later than three weeks after such child's enrollment in such a
53 center or home, have staff trained in the use of such equipment on-site
54 during all hours when such a child is on-site, (C) shall require such
55 child's parent or guardian to provide the injector or injectable
56 equipment and a copy of the prescription for such medication and
57 injector or injectable equipment upon enrollment of such child, and (D)
58 shall require a parent or guardian enrolling such a child to replace
59 such medication and equipment prior to its expiration date, and (7)
60 specify that on and after January 1, 2005, a child day care center or
61 group day care home (A) shall not deny services to a child on the basis
62 of a child's diagnosis of asthma or because a child has a prescription
63 for an inhalant medication to treat asthma, and (B) shall, not later than
64 three weeks after such child's enrollment in such a center or home,
65 have staff trained in the administration of such medication on-site
66 during all hours when such a child is on-site, and (8) establish physical
67 plant requirements for licensed child day care centers and licensed
68 group day care homes that exclusively serve school-age children in a
69 public school building or at any other licensed location. Requirements
70 established by the commissioner pursuant to this subdivision may
71 supplant or supplement existing physical plant requirements
72 applicable to such child day care centers and group daycare homes.
73 With respect to this subdivision only, the commissioner may
74 implement policies and procedures necessary to implement the
75 provisions of this subdivision while in the process of adopting such
76 policies and procedures in regulation form. The department's existing
77 regulations concerning physical plant requirements for child day care
78 centers and group day care homes that exclusively serve school-age
79 children shall remain in effect until such regulations are replaced by
80 policies and procedures implemented pursuant to this subdivision.
81 The commissioner shall print notice of the intent to adopt regulations

82 pursuant to this subdivision in the Connecticut Law Journal not later
83 than twenty days after the date of implementation of such policies and
84 procedures. Policies and procedures implemented pursuant to this
85 subdivision shall be valid until the time final regulations are adopted.

86 (b) The Commissioner of Public Health may adopt regulations,
87 pursuant to chapter 54, to establish civil penalties of not more than one
88 hundred dollars per day for each day of violation and other
89 disciplinary remedies that may be imposed, following a contested-case
90 hearing, upon the holder of a license issued under section 19a-80 to
91 operate a child day care center or group day care home or upon the
92 holder of a license issued under section 19a-87b to operate a family day
93 care home.

94 (c) The Commissioner of Public Health shall exempt Montessori
95 schools accredited by the American Montessori Society or the
96 Association Montessori Internationale from any provision in
97 regulations adopted pursuant to subsection (a) of this section which
98 sets requirements on group size or child to staff ratios or the provision
99 of cots.

100 [(d) Any child day care center or group day care home that operates
101 in a public school building and serves exclusively school-age children
102 may apply for a variance to the physical plant requirements adopted
103 as regulations pursuant to subsection (a) of this section on a form and
104 in the manner prescribed by the Commissioner of Public Health. The
105 commissioner may not grant a variance under this subsection unless
106 (1) the operator of a child day care center or group day care home
107 provides documentation to the commissioner that the intent of the
108 specific requirement or requirements affected by the variance will be
109 satisfactorily achieved in a manner other than that prescribed by the
110 regulations, and (2) the child day care center or group day care home
111 and the Department of Public Health enter into a written agreement
112 specifying the physical plant requirement or requirements affected by
113 the variance, the duration of the variance and the terms under which
114 the variance is granted. If a child day care center or group day care

115 home fails to comply with the terms of such written agreement, the
 116 agreement and the variance shall be subject to immediate cancellation.
 117 Any operator of a child day care center or group day care home who is
 118 granted a variance under this section shall post such variance in close
 119 proximity to the operator's license and, at the time of enrollment of any
 120 child in the child day care center or group day care home, and
 121 annually thereafter, notify the child's parents or guardians of such
 122 variance. Such notification shall include the specific physical plant
 123 requirement or requirements for which the variance has been granted
 124 and an explanation of how the child day care center or group day care
 125 home will achieve the intent of the specific requirement or
 126 requirements affected by the variance in a manner that protects the
 127 health and safety of the children enrolled in the child day care center
 128 or group day care home.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	19a-79