



House of Representatives

General Assembly

File No. 305

February Session, 2018

Substitute House Bill No. 5150

House of Representatives, April 9, 2018

The Committee on Public Health reported through REP. STEINBERG of the 136th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING REVISIONS TO THE GENERAL STATUTES CONCERNING MUNICIPAL HEALTH AUTHORITIES AND DISTRICT DEPARTMENTS OF HEALTH.

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

1 Section 1. Section 19a-200 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2018*):

3 (a) The mayor of each city, [the warden of each borough, and] the
4 chief executive officer of each town and the warden of each borough
5 shall, unless the charter of such city, town or borough otherwise
6 provides, nominate some person to be director of health for such city,
7 town or borough, which nomination shall be confirmed or rejected by
8 the Commissioner of Public Health and the board of selectmen, if there
9 be such a board, otherwise by the legislative body of such city or town
10 or by the burgesses of such borough within thirty days thereafter.
11 Notwithstanding the charter provisions of any city, town or borough
12 with respect to the qualifications of the director of health, on and after

13 [October 1, 2010] July 1, 2018, any person nominated to be a director of
14 health shall (1) [be a licensed physician and hold a degree in public
15 health from an accredited school, college, university or institution, or
16 (2)] (A) hold the degree of doctor of medicine or doctor of osteopathy
17 from a medical school located in the United States or Canada
18 accredited by the Liaison Committee on Medical Education or of a
19 medical education program accredited by the American Osteopathic
20 Association, or (B) be a graduate of a medical school located outside
21 the United States or Canada and have received the degree of doctor of
22 medicine, osteopathic medicine or its equivalent and satisfy the
23 educational requirements specified in regulations adopted pursuant to
24 chapter 370; (2) (A) (i) hold a graduate degree in nursing or in a related
25 field recognized for certification as either a nurse practitioner, clinical
26 nurse specialist or nurse anesthetist by a national certifying body
27 identified in subdivision (2) of subsection (a) of section 20-94a, or (ii)
28 on or before December 31, 2004, completed an advanced nurse
29 practitioner program that a national certifying body identified in said
30 subdivision recognized for certification of a nurse practitioner, clinical
31 nurse specialist or nurse anesthetist, and (B) hold and maintain current
32 certification as a nurse practitioner, clinical nurse specialist or nurse
33 anesthetist from one of the national certifying bodies identified in said
34 subsection; or (3) hold a graduate degree in public health from an
35 accredited [school, college or] institution of higher education
36 accredited to grant such degree by a regional accrediting agency
37 recognized by the United States Department of Education. The
38 educational requirements of this section shall not apply to any director
39 of health nominated or otherwise appointed as director of health prior
40 to [October 1, 2010] July 1, 2018. In cities, towns or boroughs with a
41 population of forty thousand or more, [for five consecutive years,
42 according to the estimated population figures authorized pursuant to
43 subsection (b) of section 8-159a,] such director of health shall serve in a
44 full-time capacity, except where a town has designated such director as
45 the chief medical advisor for its public schools under section 10-205,
46 and shall not, during such director's term of office, have any financial
47 interest in or engage in any employment, transaction or professional

48 activity that is in substantial conflict with the proper discharge of the
49 duties required of directors of health by the general statutes or the
50 [Public Health Code] regulations of Connecticut state agencies or
51 specified by the appointing authority of the city, town or borough in
52 its written agreement with such director. Such director of health shall
53 have and exercise within the limits of the city, town or borough for
54 which such director is appointed all powers necessary for enforcing
55 the general statutes, provisions of the [Public Health Code] regulations
56 of Connecticut state agencies relating to the preservation and
57 improvement of the public health and preventing the spread of
58 diseases therein. In case of the absence or inability to act of a city, town
59 or borough director of health or if a vacancy exists in the office of such
60 director, the appointing authority of such city, town or borough may,
61 with the approval of the Commissioner of Public Health, designate in
62 writing a [suitable] person who meets the qualifications of a director of
63 health under this section, or such other qualifications as may be
64 approved by the commissioner, to serve as acting director of health
65 during the period of such absence or inability or vacancy, provided the
66 commissioner may appoint such acting director if the city, town or
67 borough fails to do so. The person so designated, when sworn, shall
68 have all the powers and be subject to all the duties of such director. In
69 case of vacancy in the office of such director, if such vacancy exists for
70 thirty days, said commissioner may appoint a director of health for
71 such city, town or borough. Said commissioner, may, for cause,
72 remove an officer the commissioner or any predecessor in said office
73 has appointed, and the common council of such city, town or the
74 burgesses of such borough may, respectively, for cause, remove a
75 director whose nomination has been confirmed by them, provided
76 such removal shall be approved by said commissioner; and, within
77 two days thereafter, notice in writing of such action shall be given by
78 the clerk of such city, town or borough, as the case may be, to said
79 commissioner, who shall, within ten days after receipt, file with the
80 clerk from whom the notice was received, approval or disapproval.
81 [Each such director of health shall hold office for the term of four years
82 from the date of appointment and until a successor is nominated and

83 confirmed in accordance with this section.] Each director of health
84 shall, annually, at the end of the fiscal year of the city, town or
85 borough, file with the Department of Public Health a report [of] on the
86 [doings as such director] provision of a basic health program pursuant
87 to section 19a-207a by the city, town or borough for the year preceding.

88 (b) On and after July 1, 1988, each [municipality] city, town and
89 borough shall provide for the services of a sanitarian certified under
90 chapter 395 to work under the direction of the local director of health.
91 Where practical, the local director of health may act as the sanitarian.

92 (c) As used in this chapter, "authorized agent" means a sanitarian
93 certified under chapter 395 and any individual certified for a specific
94 program of environmental health by the Commissioner of Public
95 Health in accordance with the Public Health Code.

96 Sec. 2. Section 19a-242 of the general statutes is repealed and the
97 following is substituted in lieu thereof (*Effective July 1, 2018*):

98 (a) The board shall, after approval of the Commissioner of Public
99 Health, appoint some discreet person, possessing the qualifications
100 specified in section 19a-244, as amended by this act, to be director of
101 health for such district, and if [he] the director of health is not selected
102 within sixty days from the formation of any such district, or if a
103 vacancy in said office continues to exist for sixty days, such director
104 shall then be appointed by said commissioner. The board, with the
105 approval of the Commissioner of Public Health, may appoint a person
106 to serve as the acting director of health during such time as the director
107 of health is absent or a vacancy exists, provided such acting director
108 shall meet the qualifications for directors of health in section 19a-244,
109 as amended by this act, or such other qualifications as may be
110 approved by said commissioner. Upon the appointment of a director
111 of health under the provisions of this section, the terms of office of the
112 directors of health of the towns, cities or boroughs forming such
113 district shall terminate.

114 (b) Such director of health may be removed whenever a majority of

115 the [directors] board of such health district [find] finds that such
116 director of health is guilty of misconduct, material neglect of duty or
117 incompetence in the conduct of [his] such director's office.

118 (c) On and after July 1, 1988, each district health department shall
119 provide for the services of a sanitarian [certified] licensed under
120 chapter 395 to work under the direction of the district director of
121 health. Where practical, the district director of health may act as the
122 sanitarian.

123 (d) As used in this chapter, "authorized agent" means a sanitarian
124 [certified] licensed under chapter 395 and any individual certified for a
125 specific program of environmental health by the Commissioner of
126 Public Health in accordance with the [Public Health Code] general
127 statutes and regulations of Connecticut state agencies.

128 Sec. 3. Subsection (a) of section 19a-243 of the general statutes is
129 repealed and the following is substituted in lieu thereof (*Effective July*
130 *1, 2018*):

131 (a) Each board may make and adopt reasonable rules and
132 regulations for the promotion of general health within the district not
133 in conflict with law or with the [Public Health Code] general statutes
134 or regulations of Connecticut state agencies. The powers of each
135 district shall include but not be limited to the following enumerated
136 powers: (1) To sue and be sued; (2) to make and execute contracts and
137 other instruments necessary or convenient to the exercise of the
138 powers of the health district; (3) to make and from time to time amend
139 and repeal bylaws, rules and regulations; (4) to acquire real estate; (5)
140 to provide for the financing of the programs, projects or other
141 functions of the district in the manner described in subsection (b) of
142 this section; [and] (6) to join an existing health district; and (7) to have
143 such other powers as are necessary to properly carry out its powers as
144 an independent entity of government.

145 Sec. 4. Section 19a-244 of the general statutes is repealed and the
146 following is substituted in lieu thereof (*Effective July 1, 2018*):

147 On and after [October 1, 2010] July 1, 2018, any person nominated to
148 be the director of health shall (1) [be a licensed physician and hold a
149 degree in public health from an accredited school, college, university
150 or institution, or (2)] (A) hold the degree of doctor of medicine or
151 doctor of osteopathy from a medical school located in the United States
152 or Canada accredited by the Liaison Committee on Medical Education
153 or of a medical education program accredited by the American
154 Osteopathic Association, or (B) be a graduate of a medical school
155 located outside the United States or Canada and have received the
156 degree of doctor of medicine, osteopathic medicine or its equivalent
157 and satisfy the educational requirements specified in regulations
158 adopted pursuant to chapter 370; (2) (A) (i) hold a graduate degree in
159 nursing or in a related field recognized for certification as either a
160 nurse practitioner, clinical nurse specialist or nurse anesthetist by a
161 national certifying body identified in subdivision (2) of subsection (a)
162 of section 20-94a, or (ii) on or before December 31, 2004, completed an
163 advanced nurse practitioner program that a national certifying body
164 identified in said subdivision recognized for certification of a nurse
165 practitioner, clinical nurse specialist or nurse anesthetist, and (B) hold
166 and maintain current certification as a nurse practitioner, clinical nurse
167 specialist or nurse anesthetist from one of the national certifying
168 bodies identified in said subsection; or (3) hold a graduate degree in
169 public health from an accredited [school, college or] institution of
170 higher education accredited to grant such degree by a regional
171 accrediting agency recognized by the United States Department of
172 Education. The educational requirements of this section shall not apply
173 to any director of health nominated or otherwise appointed as director
174 of health prior to [October 1, 2010] July 1, 2018. The board may specify
175 in a written agreement with such director the term of office, [which
176 shall not exceed three years,] salary and duties required of and
177 responsibilities assigned to such director in addition to those required
178 by the general statutes or the [Public Health Code] regulations of
179 Connecticut state agencies, if any. Such director shall be removed
180 during the term of such written agreement only for cause after a public
181 hearing by the board on charges preferred, of which reasonable notice

182 shall have been given. No director shall, during such director's term of
183 office, have any financial interest in or engage in any employment,
184 transaction or professional activity that is in substantial conflict with
185 the proper discharge of the duties required of directors of health by the
186 general statutes or the [Public Health Code] regulations of Connecticut
187 state agencies or specified by the board in its written agreement with
188 such director. Such director shall serve in a full-time capacity and act
189 as secretary and treasurer of the board, without the right to vote. Such
190 director shall give to the district a bond with a surety company
191 authorized to transact business in the state, for the faithful
192 performance of such director's duties as treasurer, in such sum and
193 upon such conditions as the board requires. Such director shall be the
194 executive officer of the district department of health. Full-time
195 employees of a city, town or borough health department at the time
196 such city, town or borough votes to form or join a district department
197 of health shall become employees of such district department of health.
198 Such employees may retain their rights and benefits in the pension
199 system of the town, city or borough by which they were employed and
200 shall continue to retain their active participating membership therein
201 until retired. Such employees shall pay into such pension system the
202 contributions required of them for their class and membership. Any
203 additional employees to be hired by the district or any vacancies to be
204 filled shall be filled in accordance with the rules and regulations of the
205 merit system of the state of Connecticut and the employees who are
206 employees of cities, towns or boroughs which have adopted a local
207 civil service or merit system shall be included in their comparable
208 grade with fully attained seniority in the state merit system. Such
209 employees shall perform such duties as are prescribed by the director
210 of health. In the event of the withdrawal of a town, city or borough
211 from the district department, or in the event of a dissolution of any
212 district department, the employees thereof, originally employed
213 therein, shall automatically become employees of the appropriate
214 town, city or borough's board of health. Each director of health shall,
215 annually, at the end of the fiscal year of the district department of
216 health, file with the Department of Public Health a report on the

217 provision of a basic health program pursuant to section 19a-207a by
218 the district department of health.

219 Sec. 5. Subsection (a) of section 19a-246 of the general statutes is
220 repealed and the following is substituted in lieu thereof (*Effective July*
221 *1, 2018*):

222 (a) Any constituent town, city or borough may, by vote passed prior
223 to January first in any year, withdraw from the district, such
224 withdrawal to become effective on the first day of July following,
225 provided such city, town or borough shall have been a member of the
226 district for at least [twenty-four] thirty-six months prior to such vote of
227 withdrawal. A city, town or borough on withdrawal shall [at once] (1)
228 hire a full-time director of health, (2) provide a basic health program
229 pursuant to section 19a-207a, and (3) immediately resume such status
230 with respect to the appointment of its director of health, employees
231 and board of health as it held prior to becoming a member of the
232 district as provided in section 19a-244, as amended by this act.
233 Employees shall not lose any benefits or civil services status as a result
234 of the withdrawal from the district.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2018</i>	19a-200
Sec. 2	<i>July 1, 2018</i>	19a-242
Sec. 3	<i>July 1, 2018</i>	19a-243(a)
Sec. 4	<i>July 1, 2018</i>	19a-244
Sec. 5	<i>July 1, 2018</i>	19a-246(a)

PH *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill modifies the qualifications for municipal and district health directors. This has no fiscal impact, as it is not anticipated to result in changes to salaries of health directors.

The bill makes other clarifying changes to statutes governing local health districts. These changes have no fiscal impact.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sHB 5150*****AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING REVISIONS TO THE GENERAL STATUTES CONCERNING MUNICIPAL HEALTH AUTHORITIES AND DISTRICT DEPARTMENTS OF HEALTH.*****SUMMARY**

Starting July 1, 2018, this bill modifies the qualifications for municipal and district health directors. Specifically, it requires such nominees to hold (1) an allopathic or osteopathic medical degree; (2) a graduate degree in nursing or a related field and be certified as a nurse practitioner, clinical nurse specialist, or nurse anesthetist; or (3) a graduate public health degree from an accredited higher education institution. Under current law, nominees must either (1) be a licensed physician with a public health degree or (2) have a graduate public health degree from an accredited higher education institution.

Additionally, the bill:

1. requires the Department of Public Health (DPH) commissioner to approve the appointment of full-time municipal health directors and acting district health directors, as he must currently do for acting municipal health directors and full-time district health directors;
2. removes the four-year term limit for municipal health directors and three-year term limit for district health directors;
3. expressly allows a health district to join an existing health district;
4. requires municipal and district health directors to annually report to DPH on the provision of a basic health program,

required by law, instead of the directors' activities; and

5. modifies the requirements for municipalities that choose to withdrawal from a health district.

EFFECTIVE DATE: July 1, 2018

QUALIFICATIONS FOR MUNICIPAL AND DISTRICT HEALTH DIRECTORS

Starting July 1, 2018, the bill requires a nominee for municipal or district health director to:

1. have (a) an allopathic or osteopathic medical degree from an American or Canadian medical school accredited by the Liaison Committee on Medical Education or American Osteopathic association or (b) such a degree or its equivalent from a medical school outside of the U.S. or Canada and satisfy the education requirements needed for a Connecticut license;
2. (a) hold and maintain current certification as a nurse practitioner, clinical nurse specialist, or nurse anesthetist from a specified national certifying body and (b) either have a graduate degree in nursing or a related field or have completed an advanced nurse practitioner program prior to January 1, 2005 recognized for such certification; or
3. have a graduate public health degree from an accredited higher education institution.

Current law requires nominees to (1) be a licensed physician with a public health degree or (2) have a graduate public health degree.

Additionally, the bill generally requires a municipal health director to serve full-time in any town with a population of at least 40,000 instead of only a town that meets this population threshold for five consecutive years. It also removes the requirement that the town base its population on the federal census, or in intervening years, DPH's most recent population estimate. But as under current law, the director

may serve part-time if the town also designates him or her as the chief medical advisor for its public schools.

Current law allows a town, with the DPH commissioner’s approval, to designate an acting municipal health director during an absence or vacancy. The bill specifies that the designee must meet the qualifications for a municipal health director, as well as any other qualifications the DPH commissioner approves.

WITHDRAWAL FROM A HEALTH DISTRICT

The bill lengthens the time before which a town, city, or borough (i.e., municipality) that belongs to a health district may vote to withdrawal from the district to 36 months, instead of 24 month, as under current law. A municipality that does so must (1) hire a full-time health director, (2) provide a basic health program, and (3) as under current law, immediately resume the local health department staffing and governance it had prior to joining the health district.

By law, health department employees do not lose any benefits or civil services status resulting from the municipality’s withdrawal from a health district.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 20 Nay 7 (03/19/2018)