

**Proposed Substitute  
Bill No. 5150**

LCO No. 2793

**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 Section 19a-200 of the general statutes is repealed and the  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)