



Substitute Senate Bill No. 936

Public Act No. 19-121

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE OFFICE OF EARLY CHILDHOOD.

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

Section 1. Subsections (a) to (c), inclusive, of section 17b-749 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

(a) The Commissioner of Early Childhood shall establish and operate a child care subsidy program to increase the availability, affordability and quality of child care services for families with a parent or caretaker who (1) is working or attending high school, or (2) receives cash assistance under the temporary family assistance program from the Department of Social Services and is participating in an education, training or other job preparation activity approved pursuant to subsection (b) of section 17b-688i or subsection (b) of section 17b-689d. Services available under the child care subsidy program shall include the provision of child care subsidies for children under the age of thirteen or children under the age of nineteen with special needs. The Office of Early Childhood shall open and maintain enrollment for the child care subsidy program and shall administer such program within the existing budgetary resources available. The office shall issue a notice on the office's Internet web site any time the

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office closes the program to new applications, changes eligibility requirements, changes program benefits or makes any other change to the program's status or terms, except the office shall not be required to issue such notice when the office expands program eligibility. Any change in the office's acceptance of new applications, eligibility requirements, program benefits or any other change to the program's status or terms for which the office is required to give notice pursuant to this subsection, shall not be effective until thirty days after the office issues such notice.

(b) The commissioner shall establish income standards for applicants and recipients at a level to include a family with gross income up to fifty per cent of the state-wide median income, except the commissioner (1) may increase the income level [to up to seventy-five per cent of the state-wide median income] up to the maximum level allowed under federal law, (2) upon the request of the Commissioner of Children and Families, may waive the income standards for adoptive families so that children adopted on or after October 1, 1999, from the Department of Children and Families are eligible for the child care subsidy program, and (3) on and after March 1, 2003, shall reduce the income eligibility level to up to fifty-five per cent of the state-wide median income for applicants and recipients who qualify based on their loss of eligibility for temporary family assistance. The commissioner may adopt regulations in accordance with chapter 54 to establish income criteria and durational requirements for such waiver of income standards.

(c) The commissioner, in consultation with the Commissioner of Social Services, shall establish eligibility and program standards including, but not limited to: (1) A priority intake and eligibility system with preference given to serving (A) recipients of temporary family assistance who are employed or engaged in employment activities under the Department of Social Services' "Jobs First"

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program, (B) working families whose temporary family assistance was discontinued not more than five years prior to the date of application for the child care subsidy program, (C) teen parents, (D) low-income working families, (E) adoptive families of children who were adopted from the Department of Children and Families and who are granted a waiver of income standards under subdivision (2) of subsection (b) of this section, and (F) working families who are at risk of welfare dependency; [and (G) any household with a child or children participating in the Early Head Start-Child Care Partnership federal grant program for a period of up to twelve months based on Early Head Start eligibility criteria;] (2) health and safety standards for child care providers not required to be licensed; (3) a reimbursement system for child care services which account for differences in the age of the child, number of children in the family, the geographic region and type of care provided by licensed and unlicensed caregivers, the cost and type of services provided by licensed and unlicensed caregivers, successful completion of fifteen hours of annual in-service training or credentialing of child care directors and administrators, and program accreditation; (4) supplemental payment for special needs of the child and extended nontraditional hours; (5) an annual rate review process for providers which assures that reimbursement rates are maintained at levels which permit equal access to a variety of child care settings; (6) a sliding reimbursement scale for participating families; (7) an administrative appeals process; (8) an administrative hearing process to adjudicate cases of alleged fraud and abuse and to impose sanctions and recover overpayments; (9) an extended period of program and payment eligibility when a parent who is receiving a child care subsidy experiences a temporary interruption in employment or other approved activity; and (10) a waiting list for the child care subsidy program that (A) allows the commissioner to exercise discretion in prioritizing within and between existing priority groups, including, but not limited to, children described in 45 CFR 98.46, as amended from time to time, and households with an infant or toddler, and (B)

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reflects the priority and eligibility system set forth in subdivision (1) of this subsection, which is reviewed periodically, with the inclusion of this information in the annual report required to be issued annually by the office to the Governor and the General Assembly in accordance with section 17b-733. Such action will include, but not be limited to, family income, age of child, region of state and length of time on such waiting list.

Sec. 2. Section 19a-79 of the general statutes is amended by adding subsection (f) as follows (*Effective July 1, 2019*):

(NEW) (f) Any child care center or group child care home may provide child care services to a foster child for a period not to exceed forty-five days without complying with any provision in regulations adopted pursuant to this section relating to immunization and physical examination requirements. Any child care center or group child care home that provides child care services to a foster child at such center or home under this subsection shall maintain a record on file of such foster child for a period of two years after such foster child is no longer receiving child care services at such center or home. For purposes of this subsection, "foster child" means a child who is in the care and custody of the Commissioner of Children and Families and placed in a foster home licensed pursuant to section 17a-114, foster home approved by a child-placing agency licensed pursuant to section 17a-149, facility licensed pursuant to section 17a-145 or with a relative or fictive kin caregiver pursuant to section 17a-114.

Sec. 3. Section 19a-87b of the general statutes is amended by adding subsection (i) as follows (*Effective July 1, 2019*):

(NEW) (i) Any family child care home may provide child care services to a foster child for a period not to exceed forty-five days without complying with any provision in regulations adopted pursuant to this section relating to immunization and physical

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examination requirements. Any family child care home that provides child care services to a foster child at such home under this subsection shall maintain a record on file of such foster child for a period of two years after such foster child is no longer receiving child care services at such home. For purposes of this subsection, "foster child" means a child who is in the care and custody of the Commissioner of Children and Families and placed in a foster home licensed pursuant to section 17a-114, foster home approved by a child-placing agency licensed pursuant to section 17a-149, facility licensed pursuant to section 17a-145 or with a relative or fictive kin caregiver pursuant to section 17a-114.

Sec. 4. Section 10-530 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

(a) As used in this section:

(1) "Child care facility" means a "child care center", "group child care home" or "family child care home" that provides "child care services", each as described in section 19a-77, or any provider of child care services under the child care subsidy program established pursuant to section 17b-749, as amended by this act;

(2) "Child care services provider or staff member" means any person who is (A) a licensee, employee, volunteer or alternate staff, assistant, substitute or household member of a child care facility, (B) a family child care provider, or (C) any other person who provides child care services under the child care subsidy program established pursuant to section 17b-749, as amended by this act, but does not include a person who is providing child care services under the child care subsidy program (i) exclusively to children with whom such person is related, and (ii) without being issued a license to provide child care services by the Office of Early Childhood; and

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(3) "Family child care provider" means any person who provides child care services under the child care subsidy program established pursuant to section 17b-749, as amended by this act, (A) in a family child care home, as defined in section 19a-77, or (B) in a home not requiring a license pursuant to subdivision (4) of subsection (b) of section 19a-77.

(b) The comprehensive background checks required pursuant to subsection (c) of section 19a-80, subsection (c) of section 19a-87b, and subsection (a) of section 17b-749k, shall be conducted at least once every five years for each child care services provider or staff member in accordance with the provisions of 45 CFR 98.43, as amended from time to time.

(c) Any person who applies for a position at a child care facility in the state shall not be required to submit to such comprehensive background checks if such person (1) is an employee of a child care facility in the state, or [was previously an employee of a child care facility in the state during the previous one hundred eighty days] has not been separated from employment as a child care services provider or staff member in the state for a period of more than one hundred eighty days, and (2) has successfully completed such comprehensive background checks in the previous five years. Nothing in this section prohibits the Commissioner of Early Childhood from requiring that [an employee or prospective employee of a child care facility to] a person applying for a position as a child care services provider or staff member submit to comprehensive background checks more than once during a five-year period. [For purposes of this section, "child care facility" means a child care center, group child care home or family child care home that provides "child care services", as described in section 19a-77, and the home of a family child care provider, as defined in section 17b-705.]

Sec. 5. Section 19a-84 of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective July 1, 2019*):

(a) When the Commissioner of Early Childhood has reason to believe any person licensed under sections 19a-77 to 19a-80, inclusive, and sections 19a-82 to 19a-87, inclusive, has failed substantially to comply with the regulations adopted under said sections, the commissioner may notify the licensee in writing of the commissioner's intention to suspend or revoke the license or to impose a licensure action. Such notice shall be served by certified mail stating the particular reasons for the proposed action. The licensee may, if aggrieved by such intended action, make application for a hearing in writing over the licensee's signature to the commissioner. The licensee shall state in the application in plain language the reasons why the licensee claims to be aggrieved. The application shall be delivered to the commissioner not later than thirty days after the licensee's receipt of notification of the intended action. The commissioner shall thereupon hold a hearing or cause a hearing to be held not later than sixty days after receipt of such application and shall, at least ten days prior to the date of such hearing, mail a notice, giving the time and place of the hearing, to the licensee. The hearing may be conducted by the commissioner or by a hearing officer appointed by the commissioner in writing. The licensee and the commissioner or hearing officer may issue subpoenas requiring the attendance of witnesses. The licensee shall be entitled to be represented by counsel and a transcript of the hearing shall be made. If the hearing is conducted by a hearing officer, the hearing officer shall state the hearing officer's findings and make a recommendation to the commissioner on the issue of revocation or suspension or the intended licensure action. The commissioner, based upon the findings and recommendation of the hearing officer, or after a hearing conducted by the commissioner, shall render the commissioner's decision in writing suspending, revoking or continuing the license or regarding the intended licensure action. A copy of the decision shall be sent by

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certified mail to the licensee. The decision revoking or suspending the license or a decision imposing a licensure action shall become effective thirty days after it is mailed by registered or certified mail to the licensee. A licensee aggrieved by the decision of the commissioner may appeal as provided in section 19a-85. Any licensee whose license has been revoked pursuant to this subsection shall be ineligible to apply for a license for a period of one year from the effective date of revocation.

(b) The provisions of this section shall not apply to the denial of an initial application for a license under sections 19a-77 to 19a-80, inclusive, and 19a-82 to 19a-87, inclusive, provided the commissioner shall notify the applicant of any such denial and the reasons for such denial by mailing written notice to the applicant at the applicant's address shown on the license application.

(c) If the commissioner finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in his or her order, the commissioner may order summary suspension or summary probation of a license issued under sections 19a-77 to 19a-80, inclusive, and 19a-82 to 19a-87, inclusive, pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

Sec. 6. Section 19a-87e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

(a) The Commissioner of Early Childhood may (1) refuse to license under section 19a-87b, as amended by this act, a person to own, conduct, operate or maintain a family child care home, as defined in section 19a-77, (2) refuse to approve under section 19a-87b, as amended by this act, a person to act as an assistant or substitute staff member in a family child care home, as defined in section 19a-77, or (3) suspend or revoke the license or approval or take any other action that

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may be set forth in regulation that may be adopted pursuant to section 19a-79, as amended by this act, if the person who owns, conducts, maintains or operates the family child care home, the person who acts as an assistant or substitute staff member in a family child care home, a person employed in such family child care home in a position connected with the provision of care to a child receiving child care services or a household member, as defined in subsection (c) of section 19a-87b, who is sixteen years of age or older and resides therein, has been convicted, in this state or any other state of a felony, as defined in section 53a-25, involving the use, attempted use or threatened use of physical force against another person, or has a criminal record in this state or any other state that the commissioner reasonably believes renders the person unsuitable to own, conduct, operate or maintain or be employed by a family child care home, or act as an assistant or substitute staff member in a family child care home, or if such persons or a household member has been convicted in this state or any other state of cruelty to persons under section 53-20, injury or risk of injury to or impairing morals of children under section 53-21, abandonment of children under the age of six years under section 53-23, or any felony where the victim of the felony is a child under eighteen years of age, a violation of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a, illegal manufacture, distribution, sale, prescription, dispensing or administration under section 21a-277 or 21a-278, or illegal possession under section 21a-279, or if such person, a person who acts as assistant or substitute staff member in a family child care home or a person employed in such family child care home in a position connected with the provision of care to a child receiving child care services, either fails to substantially comply with the regulations adopted pursuant to section 19a-87b, as amended by this act, or conducts, operates or maintains the home in a manner which endangers the health, safety and welfare of the children receiving child care services. Any refusal of a license or approval pursuant to this section shall be rendered in accordance with the provisions of sections

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46a-79 to 46a-81, inclusive. Any person whose license or approval has been revoked pursuant to this section shall be ineligible to apply for a license or approval for a period of one year from the effective date of revocation.

(b) When the commissioner intends to suspend or revoke a license or approval or take any other action against a license or approval set forth in regulation adopted pursuant to section 19a-79, as amended by this act, the commissioner shall notify the licensee or approved staff member in writing of the commissioner's intended action. The licensee or approved staff member may, if aggrieved by such intended action, make application for a hearing in writing over the licensee's or approved staff member's signature to the commissioner. The licensee or approved staff member shall state in the application in plain language the reasons why the licensee or approved staff member claims to be aggrieved. The application shall be delivered to the commissioner within thirty days of the licensee's or approved staff member's receipt of notification of the intended action. The commissioner shall thereupon hold a hearing within sixty days from receipt of such application and shall, at least ten days prior to the date of such hearing, mail a notice, giving the time and place of the hearing, to the licensee or approved staff member. The provisions of this subsection shall not apply to the denial of an initial application for a license or approval under section 19a-87b, as amended by this act, provided the commissioner shall notify the applicant of any such denial and the reasons for such denial by mailing written notice to the applicant at the applicant's address shown on the license or approval application.

(c) Any person who is licensed to conduct, operate or maintain a family child care home or approved to act as an assistant or substitute staff member in a family child care home shall notify the commissioner of any conviction of the owner, conductor, operator or maintainer of

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the family child care home or of any household member, as defined in subsection (c) of section 19a-87b, who is sixteen years of age or older, or any person employed in such family child care home in a position connected with the provision of care to a child receiving child care services, of a crime which affects the commissioner's discretion under subsection (a) of this section, immediately upon obtaining knowledge of such conviction. Failure to comply with the notification requirement of this subsection may result in the suspension or revocation of the license or approval or the taking of any other action against a license or approval set forth in regulation adopted pursuant to section 19a-79, as amended by this act, and shall subject the licensee or approved staff member to a civil penalty of not more than one hundred dollars per day for each day after the person obtained knowledge of the conviction.

(d) It shall be a class A misdemeanor for any person seeking employment in a position connected with the provision of care to a child receiving family child care home services to make a false written statement regarding prior criminal convictions pursuant to a form bearing notice to the effect that such false statements are punishable, which statement such person does not believe to be true and is intended to mislead the prospective employer.

(e) Any person having reasonable cause to believe that a family child care home, as defined in section 19a-77, is operating without a current and valid license or in violation of the regulations adopted under section 19a-87b, as amended by this act, or in a manner which may pose a potential danger to the health, welfare and safety of a child receiving child care services, may report such information to the Office of Early Childhood. The office shall investigate any report or complaint received pursuant to this subsection. The name of the person making the report or complaint shall not be disclosed unless (1) such person consents to such disclosure, (2) a judicial or administrative

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proceeding results from such report or complaint, or (3) a license action pursuant to subsection (a) of this section results from such report or complaint. All records obtained by the office in connection with any such investigation shall not be subject to the provisions of section 1-210 for a period of thirty days from the date of the petition or other event initiating such investigation, or until such time as the investigation is terminated pursuant to a withdrawal or other informal disposition or until a hearing is convened pursuant to chapter 54, whichever is earlier. A formal statement of charges issued by the office shall be subject to the provisions of section 1-210 from the time that it is served or mailed to the respondent. Records which are otherwise public records shall not be deemed confidential merely because they have been obtained in connection with an investigation under this section.

(f) If the commissioner finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in his or her order, the commissioner may order summary suspension or summary probation of a license issued under section 19a-87b, as amended by this act, pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

Sec. 7. (NEW) (*Effective July 1, 2019*) (a) Any licensee child care center or group child care home, as described in section 19a-77 of the general statutes, that fails to provide written notice to (1) the Office of Early Childhood, (2) all staff employed at such child care center or group child care home, and (3) the parents or guardians of children receiving child care services, as described in section 19a-77 of the general statutes, at such child care center or group child care home, at least thirty days prior to the effective date of a proposed closure of such child care center or group child care home, shall be subject to a civil penalty of not more than five thousand dollars.

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(b) If the Commissioner of Early Childhood has reason to believe that a violation has occurred for which a civil penalty is authorized by subsection (a) of this section, he or she may send to such licensee by certified mail, return receipt requested, or personally serve upon such licensee, a notice which shall include: (1) A reference to the section or sections of the general statutes or regulations involved; (2) a short and plain statement of the matters asserted or charged; (3) a statement of the maximum civil penalty which may be imposed for such violation; and (4) a statement of the licensee's right to request a hearing, such request to be submitted in writing to the commissioner not later than thirty days after the notice is mailed or served.

(c) If such licensee so requests, the commissioner shall cause a hearing to be held. The hearing shall be held in accordance with the provisions of chapter 54 of the general statutes. If such licensee fails to request a hearing or fails to appear at the hearing or if, after the hearing, the commissioner finds that the licensee has committed such violation, the commissioner may, in his or her discretion, order that a civil penalty be imposed that is not greater than the penalty stated in the notice. The commissioner shall send a copy of any order issued pursuant to this subsection by certified mail, return receipt requested, to the licensee named in such order.

Sec. 8. Section 10-520a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Not later than ~~July~~ January first, annually, the Office of Early Childhood shall submit a report regarding the status of school readiness program providers' compliance with the staff qualifications requirement, described in subsection (b) of section 10-16p, to the joint standing committee of the General Assembly having cognizance of matters relating to education, in accordance with the provisions of section 11-4a.

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Sec. 9. Subdivision (1) of subsection (d) of section 10-16p of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

(d) (1) The commissioner shall establish a competitive grant program to provide spaces in accredited school readiness programs or school readiness programs seeking accreditation located in (A) an area served by a priority school or a former priority school, (B) a town ranked one to fifty when all towns are ranked in ascending order according to town wealth, as defined in subdivision (26) of section 10-262f, whose school district is not a priority school district pursuant to section 10-266p, (C) a town formerly a town described in subparagraph (B) of this subdivision, as provided for in subdivision (2) of this subsection, or (D) a town designated as an alliance district, as defined in section 10-262u, whose school district is not a priority school district pursuant to section 10-266p. A town in which a priority school is located, a regional school readiness council, pursuant to subsection (c) of section 10-16r, for a region in which such a school is located or a town described in subparagraph (B) of this subdivision may apply for such a grant in an amount equal to the number of spaces in an accredited school readiness program or a school readiness program seeking accreditation multiplied by the per child cost set forth in subdivision (1) of subsection (b) of section 10-16q. Eligibility shall be determined for a [five-year] three-year period based on an applicant's designation as having a priority school or being a town described in subparagraph (B) of this subdivision for the initial year of application. Grant awards shall be made annually contingent upon available funding and a satisfactory annual evaluation. The chief elected official of such town and the superintendent of schools of the school district or the regional school readiness council shall submit a plan, as described in subsection (c) of this section, for the expenditure of such grant funds to the commissioner. In awarding grants pursuant to this subsection, the commissioner shall give preference to applications submitted by

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regional school readiness councils and may, within available appropriations, provide a grant to such town or regional school readiness council that increases the number of spaces for eligible children who reside in an area or town described in subparagraphs (A) to (D), inclusive, of this subdivision, in an accredited school readiness program or a school readiness program seeking accreditation. A town or regional school readiness council awarded a grant pursuant to this subsection shall use the funds to purchase spaces for such children from providers of accredited school readiness programs or school readiness programs seeking accreditation.

Sec. 10. Section 10-265n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

The Office of Early Childhood shall administer, within available appropriations, an even start family literacy program [, in accordance with the William F. Goodling Even Start Family Literacy Program under the No Child Left Behind Act, P.L. 107-111,] to provide grants to establish new or expand existing local family literacy programs that provide literacy services for children and the parents or guardians of such children.

Sec. 11. Subsection (c) of section 17a-248e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

(c) The individualized family service plan shall be [developed in consultation with the child's pediatrician or primary care physician] signed by the child's pediatrician or a primary care provider or qualified personnel, as those terms are defined in section 17a-248.

Sec. 12. Section 17a-248g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

(a) Subject to the provisions of this section, funds appropriated to

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the lead agency for purposes of section 17a-248, sections 17a-248b to 17a-248f, inclusive, this section and sections 38a-490a and 38a-516a shall not be used to satisfy a financial commitment for services that would have been paid from another public or private source but for the enactment of said sections, except for federal funds available pursuant to Part C of the Individuals with Disabilities Education Act, 20 USC 1431 et seq., except that whenever considered necessary to prevent the delay in the receipt of appropriate early intervention services by the eligible child or family in a timely fashion, funds provided under said sections may be used to pay the service provider pending reimbursement from the public or private source that has ultimate responsibility for the payment.

(b) Nothing in section 17a-248, sections 17a-248b to 17a-248f, inclusive, this section and sections 38a-490a and 38a-516a shall be construed to permit the Department of Social Services or any other state agency to reduce medical assistance pursuant to this chapter or other assistance or services available to eligible children. Notwithstanding any provision of the general statutes, costs incurred for early intervention services that otherwise qualify as medical assistance that are furnished to an eligible child who is also eligible for benefits pursuant to this chapter shall be considered medical assistance for purposes of payments to providers and state reimbursement to the extent that federal financial participation is available for such services.

(c) Providers of early intervention services shall, in the first instance and where applicable, seek payment from all third-party payers prior to claiming payment from the birth-to-three system for services rendered to eligible children, provided, for the purpose of seeking payment from the Medicaid program or from other third-party payers as agreed upon by the provider, the obligation to seek payment shall not apply to a payment from a third-party payer who is not prohibited from applying such payment, and who will apply such payment, to an

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annual or lifetime limit specified in the third-party payer's policy or contract.

(d) The commissioner, in consultation with the Office of Policy and Management and the Insurance Commissioner, shall adopt regulations, pursuant to chapter 54, providing public reimbursement for deductibles and copayments imposed under an insurance policy or health benefit plan to the extent that such deductibles and copayments are applicable to early intervention services.

(e) The commissioner shall establish and periodically revise, in accordance with this section, a schedule of fees based on a sliding scale for early intervention services. The schedule of fees shall consider the cost of such services relative to the financial resources of the state and the parents or legal guardians of eligible children, provided that on and after October 6, 2009, the commissioner shall (1) charge fees to such parents or legal guardians that are sixty per cent greater than the amount of the fees charged on the date prior to October 6, 2009; and (2) charge fees for all services provided, including those services provided in the first two months following the enrollment of a child in the program. Fees may be charged to any such parent or guardian, regardless of income, and shall be charged to any such parent or guardian with a gross annual family income of forty-five thousand dollars or more, except that no fee may be charged to the parent or guardian of a child who is eligible for Medicaid. Notwithstanding the provisions of subdivision (8) of section 17a-248, as used in this subsection, "parent" means the biological or adoptive parent or legal guardian of any child receiving early intervention services. The lead agency may assign its right to collect fees to a designee or provider participating in the early intervention program and providing services to a recipient in order to assist the provider in obtaining payment for such services. The commissioner may implement procedures for the collection of the schedule of fees while in the process of adopting or

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amending such criteria in regulation, provided the commissioner posts notice of intention to adopt or amend the regulations on the eRegulations System, established pursuant to section 4-173b, within twenty days of implementing the policy. Such collection procedures and schedule of fees shall be valid until the time the final regulations or amendments are effective.

(f) The commissioner shall develop and implement procedures to hold a recipient harmless for the impact of pursuit of payment for early intervention services against lifetime insurance limits.

(g) Notwithstanding any provision of title 38a relating to the permissible exclusion of payments for services under governmental programs, no such exclusion shall apply with respect to payments made pursuant to section 17a-248, sections 17a-248b to 17a-248f, inclusive, this section and sections 38a-490a and 38a-516a. Except as provided in this subsection, nothing in this section shall increase or enhance coverages provided for within an insurance contract subject to the provisions of section 10-94f, subsection (a) of section 10-94g, subsection (a) of section 17a-219b, subsection (a) of section 17a-219c, sections 17a-248, 17a-248b to 17a-248f, inclusive, this section, and sections 38a-490a and 38a-516a.

[(h) Notwithstanding any provision of the general statutes or the regulations of Connecticut state agencies, the signature on an individualized family service plan of an advanced practice registered nurse, working within said nurse's scope of practice in collaboration with a physician licensed to practice medicine in this state, in accordance with section 20-87a, and performing or directly supervising the primary care services for children enrolled in the birth-to-three program, shall be deemed sufficient to order all such services included in the individualized family service plan and shall be deemed sufficient by the Department of Social Services to substantiate a claim for federal financial participation.]

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Sec. 13. (NEW) (*Effective July 1, 2019*) (a) Upon receipt of an application for approval to work as a head teacher or an educational consultant in a licensed child care center or group child care home, the Commissioner of Early Childhood shall issue such approval to any person who satisfies the requirements established by regulations adopted pursuant to section 19a-79 of the general statutes, as amended by this act.

(b) Whenever the Commissioner of Early Childhood has reason to believe that any person who has been issued an approval to work as a head teacher or an educational consultant in a licensed child care center or group child care home, pursuant to subsection (a) of this section, (1) has failed substantially to comply with the regulations adopted pursuant to section 19a-79 of the general statutes, as amended by this act, (2) has knowingly made or causes to be made any false or misleading statements to the Office of Early Childhood, or (3) has engaged in any other behavior that renders the person unsuitable to so work as a head teacher or an educational consultant, the commissioner may notify such person in writing of the commissioner's intention to suspend or revoke such approval. Such notice shall be served by certified mail stating the particular reasons for the intended suspension or revocation. Such person may, if aggrieved by such intended suspension or revocation, make application for a hearing in writing over such person's signature to the commissioner. Such person shall state in the application in plain language the reasons why such person claims to be aggrieved. The application shall be delivered to the commissioner not later than thirty days after such person's receipt of notification of the intended suspension or revocation. The commissioner shall thereupon hold a hearing or cause a hearing to be held not later than sixty days after receipt of such application and shall, at least ten days prior to the date of such hearing, mail a notice, giving the time and place of the hearing, to such person. The hearing may be conducted by the commissioner or by a hearing officer

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appointed by the commissioner in writing. Such person and the commissioner or hearing officer may issue subpoenas requiring the attendance of witnesses. Such person shall be entitled to be represented by counsel and a transcript of the hearing shall be made. If the hearing is conducted by a hearing officer, the hearing officer shall state the hearing officer's findings and make a recommendation to the commissioner on the issue of suspension or revocation. The commissioner, based upon the findings and recommendation of the hearing officer, or after a hearing conducted by the commissioner, shall render the commissioner's decision in writing suspending, revoking or continuing such approval. A copy of the decision shall be sent by certified mail to such person. The decision suspending or revoking such approval shall become effective thirty days after it is mailed by registered or certified mail to such person. Any person aggrieved by the decision of the commissioner may appeal as provided in section 19a-85 of the general statutes. Any person whose approval has been revoked pursuant to this subsection shall be ineligible to apply for an approval for a period of one year from the effective date of revocation.

(c) The provisions of this section shall not apply to the denial of an initial application for an approval to work as a head teacher or an educational consultant in a licensed child care center or group child care home, pursuant to subsection (a) of this section, provided the commissioner shall notify the applicant of any such denial and the reasons for such denial by mailing written notice to the applicant at the applicant's address shown on the application for such approval.

Sec. 14. (NEW) (*Effective July 1, 2019*) Any child care center or group child care home that is licensed with a preschool endorsement, in accordance with regulations adopted pursuant to section 19a-79 of the general statutes, as amended by this act, may deem a child who is thirty-two to thirty-six months of age, inclusive, to be three years of age for purposes of enrolling such child in a preschool program

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provided by such center or home, provided such center or home receives written authorization from such child's parent or guardian and the program director to so enroll such child in the preschool program.

Sec. 15. Section 10-520 of the general statutes is repealed. (*Effective from passage*)

Approved July 12, 2019