



General Assembly

January Session, 2019

Raised Bill No. 1035

LCO No. 4609



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT AUTHORIZING DEEMED STATUS LICENSE RENEWALS FOR CERTAIN NONPROFIT COMMUNITY SERVICE PROVIDERS.

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

1 Section 1. Section 17a-20 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2019, and*
3 *applicable to applications for renewal submitted after the adoption of*
4 *regulations in accordance with this section*):

5 (a) For the purposes of this section, "psychiatric clinic" means an
6 organization licensed by the Department of Children and Families and
7 staffed by psychiatrists, psychologists, social workers and such other
8 professional, paraprofessional and clerical personnel as local
9 circumstances may require, working in collaboration with other social
10 service agencies, to provide mental health services that are designed to
11 (1) effectively decrease the prevalence and incidence of mental illness,
12 emotional disturbance and social [disfunctioning] dysfunction, and (2)
13 promote mental health in individuals, groups and institutions, and
14 includes a general hospital with such clinic services. The Department
15 of Children and Families shall develop and maintain a program of

16 outpatient psychiatric clinics for children and youths and their
17 families.

18 (b) For the purposes of this section, "child guidance clinic" means a
19 subset of psychiatric clinics for children designated by the Department
20 of Children and Families pursuant to this section to receive grant
21 funds for the purpose of assisting the department to provide
22 community-based psychiatric services for children, youths and
23 families. In order to meet such mandate, the department shall
24 designate a subset of outpatient psychiatric clinics for children to be
25 known as child guidance clinics. The department shall provide grants
26 to such child guidance clinics in accordance with the provisions of this
27 section. Any town having a population of not less than forty thousand,
28 as most recently determined by the Secretary of the Office of Policy
29 and Management, or any combination of towns with a combined
30 population of not less than forty thousand as similarly determined, or
31 any nonprofit corporation organized or existing for the purpose of
32 establishing or maintaining a psychiatric clinic for children and youths
33 or for children and youths and their families, or any clinic designated
34 by the Department of Children and Families as of January 1, 1995, may
35 apply to the Department of Children and Families for funds to be used
36 to assist in establishing, maintaining or expanding a psychiatric clinic.
37 The applications, and any grant of funds pursuant thereto, shall not be
38 subject to the provisions of section 17a-476, except to the extent
39 required by federal law. The department shall base any grant of funds
40 on the services provided to children and youths under eighteen years
41 of age and on the effectiveness of the services. No grant shall exceed
42 two-thirds of the ordinary recurring operating expenses of the clinic,
43 nor shall any grant be made to pay for any portion of capital
44 expenditures for the clinic. No clinic in existence as of October 1, 1995,
45 shall be eligible for grants of any funds under this section unless it has
46 obtained a license within six months of the adoption of regulations
47 under subsection (c) of this section. No clinic receiving funds under
48 this section shall refuse services to any resident of this state solely
49 because of his or her place of residence.

50 (c) The Department of Children and Families shall adopt
51 regulations, in accordance with the provisions of chapter 54, defining
52 the minimum requirements for outpatient psychiatric clinics for
53 children to be eligible for licensure under this section in regard to (1)
54 qualification and number of staff members, (2) clinic operation,
55 including, but not limited to physical plant, governing body and
56 recordkeeping, (3) effectiveness of services, [and] (4) populations
57 targeted for priority access, (5) national accrediting organizations that
58 the department finds have standards that are more or at least as
59 stringent for obtaining accreditation as the state requirements for
60 obtaining a license under this section, and (6) any other provisions
61 necessary to implement the provisions of subsection (d) of this section.
62 The regulations shall also govern the granting of the funds to assist in
63 establishing, maintaining and expanding psychiatric clinics. The
64 regulations may also set an administrative fee sufficient to pay for the
65 costs to the department of processing an application for a deemed
66 status license under subsection (d) of this section. The department
67 shall, upon payment of a fee of three hundred dollars, issue to any
68 qualifying clinic a license that shall be in force for twenty-four months
69 from the date of issue and, except as provided in subsection (d) of this
70 section, shall be renewable for additional twenty-four-month periods,
71 upon payment of a fee of three hundred dollars for each such period,
72 provided the clinic continues to meet conditions satisfactory to the
73 department. The department shall make available to child guidance
74 clinics forms to be used in making application for available funds.
75 Upon receipt of proper application, the department shall grant the
76 funds, provided the plans for financing, the standards of operation and
77 the effectiveness of services of the clinics are approved by the
78 department in accordance with the provisions of this section. The
79 grants shall be made on an annual basis.

80 (d) In lieu of applying for renewal of a license under subsection (c)
81 of this section, a clinic may, at the time when any renewal is due,
82 submit evidence, satisfactory to the department, that such clinic has
83 been accredited as a provider of outpatient psychiatric services within

84 the immediately preceding twelve-month period by a national
85 accrediting organization that the department has listed in regulations
86 adopted pursuant to subsection (c) of this section. The department
87 may waive the inspection and investigation of such clinic required by
88 this section and, in such event, any such clinic shall be deemed to have
89 satisfied the requirements of this section for the purposes of licensure.
90 Such deemed status license shall be valid for two years and shall not
91 be transferable or assignable. The provisions of this subsection shall
92 not be construed to limit the department's authority to inspect any
93 clinic, suspend or revoke any license or deemed status license issued
94 pursuant to this section or take any other legal action authorized by
95 any provision of the general statutes.

96 Sec. 2. Section 17a-145 of the general statutes is repealed and the
97 following is substituted in lieu thereof (*Effective October 1, 2019, and*
98 *applicable to applications for renewal submitted after the adoption of*
99 *regulations in accordance with this section*):

100 (a) No person or entity shall care for or board a child without a
101 license obtained from the Commissioner of Children and Families,
102 except: (1) When a child has been placed by a person or entity holding
103 a license from the commissioner; (2) any residential educational
104 institution exempted by the State Board of Education under the
105 provisions of section 17a-152; (3) residential facilities under contract
106 with or licensed by the Department of Developmental Services
107 pursuant to section 17a-227, as amended by this act; (4) facilities
108 providing child care services, as defined in section 19a-77; or (5) any
109 home that houses students participating in a program described in
110 subparagraph (B) of subdivision (8) of section 10a-29.

111 (b) The person or entity seeking a child care facility license shall file
112 with the commissioner an application for a license, in such form as the
113 commissioner furnishes, stating the location where it is proposed to
114 care for such child, the number of children to be cared for, in the case
115 of a corporation, the purpose of the corporation and the names of its
116 chief officers and of the actual person responsible for the child. The

117 Commissioner of Children and Families is authorized to fix the
118 maximum number of children to be boarded and cared for in any such
119 home or institution or by any person or entity licensed by the
120 commissioner. If the population served at any facility, institution or
121 home operated by any person or entity licensed under this section
122 changes after such license is issued, such person or entity shall file a
123 new license application with the commissioner, and the commissioner
124 shall notify the chief executive officer of the municipality in which the
125 facility is located of such new license application, except that no
126 confidential client information may be disclosed.

127 (c) In lieu of applying for the renewal of a license under this section,
128 a person or entity may, at the time when any renewal is due, submit
129 evidence, satisfactory to the commissioner, that such person or entity
130 has been accredited as a provider of services within the immediately
131 preceding twelve-month period by a national accrediting organization
132 that the department has listed in regulations adopted pursuant to
133 subsection (f) of this section. The commissioner may waive any
134 inspection and investigation of such person or entity and, in such
135 event, any such person or entity shall be deemed to have satisfied the
136 requirements of this section for the purposes of licensure. Such
137 deemed status license shall be valid for two years and shall not be
138 transferable or assignable. The provisions of this subsection shall not
139 be construed to limit the commissioner's authority to inspect any
140 person or entity, suspend or revoke any license or deemed status
141 license issued pursuant to this section or take any other legal action
142 authorized by any provision of the general statutes.

143 ~~[(b)]~~ (d) The Commissioner of Children and Families shall adopt
144 regulations, in accordance with the provisions of chapter 54, (1) setting
145 forth standards for the licensing of child care facilities, and (2) to
146 implement the provisions of subsection (c) of this section. Such
147 regulations setting forth licensing standards shall include, but not be
148 limited to, minimum standards for [(1)] the physical requirements of
149 such facilities, [(2)] the care and treatment of children cared for or
150 boarded in such facilities, and [(3)] the staffing of such facilities. Such

151 regulations implementing the provision of subsection (c) of this section
152 shall (A) list any national accrediting organizations that the
153 commissioner finds have standards that are more or at least as
154 stringent for obtaining accreditation as the state requirements for
155 obtaining a license under this section, and (B) contain any other
156 provisions necessary to implement the provisions of subsection (c) of
157 this section. The regulations may also set an administrative fee
158 sufficient to pay for the costs to the department of processing an
159 application for a deemed status license under subsection (c) of this
160 section.

161 [(c)] (e) Each person or entity licensed by the commissioner
162 pursuant to subsection (a) of this section shall designate an on-site staff
163 member who shall apply a reasonable and prudent parent standard, as
164 defined in subsection (a) of section 17a-114d, on behalf of the child.

165 [(d)] (f) The Commissioner of Children and Families shall not be
166 responsible for the licensing of any facility that does not board or care
167 for children or youths under eighteen years of age.

168 Sec. 3. Section 17a-147 of the general statutes is repealed and the
169 following is substituted in lieu thereof (*Effective October 1, 2019, and*
170 *applicable to applications for renewal submitted after the adoption of*
171 *regulations in accordance with this section*):

172 (a) For the purposes of this section and section 17a-22, "extended
173 day treatment" means a supplementary care community-based
174 program providing a comprehensive multidisciplinary approach to
175 treatment and rehabilitation of emotionally disturbed, mentally ill,
176 behaviorally disordered or multiply handicapped children and youths
177 during the hours immediately before and after school while they
178 reside with their parents or surrogate family. Extended day treatment
179 programs, except any such program provided by a regional
180 educational service center established in accordance with section 10-
181 66a, shall be licensed by the Department of Children and Families.

182 (b) The goal of extended day treatment is to improve the

183 functioning of the child or youth as an individual and the family as a
184 unit with the least possible interruption of beneficial relationships with
185 the family and the community. An extended day treatment program
186 (1) shall offer the broadest range of therapeutic services consistent with
187 the needs of the children and youths it serves, including, but not
188 limited to, (A) a therapeutic setting, (B) the integration of the family
189 into the treatment and the treatment planning process, (C) support and
190 emergency services to families designed to allow continued residence
191 of the children and youths in their homes, (D) professional clinical
192 services, (E) access to educational services, and (F) the coordination of
193 community services in support of the treatment effort, or (2) if
194 provided for children requiring special education by a regional
195 educational service center, shall offer such services as are specified in
196 the prescribed educational program for each such child in accordance
197 with section 10-76d.

198 (c) The Commissioner of Children and Families shall adopt such
199 regulations, in accordance with chapter 54, as are necessary to establish
200 procedures and requirements for the licensure of extended day
201 treatment programs, except any such program provided by a regional
202 educational service center. Such regulations shall (1) set forth an
203 optional process for the provider of an extended day treatment
204 program to apply for renewal of such license by submitting evidence,
205 satisfactory to the commissioner, that such person or entity has been
206 accredited as a provider of extended day treatment services within the
207 immediately preceding twelve-month period by a national accrediting
208 organization, (2) list the national accrediting organizations that the
209 department finds have standards that are more or at least as stringent
210 for obtaining accreditation as the state requirements for obtaining a
211 license under this section, and (3) contain any other provisions
212 necessary to implement this section. The regulations may also set an
213 administrative fee sufficient to pay for the costs to the department of
214 processing an application for a deemed status license.

215 (d) After the adoption of regulations in accordance with this section,
216 the commissioner may waive any inspection and investigation of a

217 provider of extended day treatment programs applying for a renewal
218 of such license that is accredited in accordance with, and that satisfies
219 any other requirements of, the regulations adopted under this section,
220 and, in such event, any such provider shall be deemed to have satisfied
221 the requirements of this section for the purposes of licensure. Such
222 license shall not be transferable or assignable. The provisions of this
223 subsection shall not be construed to limit the commissioner's authority
224 to inspect any provider, suspend or revoke any license or deemed
225 status license issued pursuant to this section or take any other legal
226 action authorized by any provision of the general statutes.

227 Sec. 4. Section 17a-149 of the general statutes is repealed and the
228 following is substituted in lieu thereof (*Effective October 1, 2019, and*
229 *applicable to applications for renewal submitted after the adoption of*
230 *regulations in accordance with section 17a-150*):

231 (a) No person or entity except a parent, an adult relative as specified
232 by section 17b-75 or guardian of any child shall place a child without a
233 license obtained from the Commissioner of Children and Families.
234 Application for a child-placing license shall be in a form furnished by
235 the commissioner, and shall state the location of the principal place of
236 business of the applicant, its organization or corporate name, its
237 purposes and the name, title and degree of professional training of
238 each of its staff members engaged in carrying out its stated purposes.
239 Any such applicant shall consent to such inspection, review and
240 supervision of all acts in relation to child placing as are reasonably
241 necessary to enable the commissioner to perform his or her duties
242 under section 17a-151, as amended by this act. The provisions of this
243 section with regard to the commissioner's authority to inspect, review
244 and supervise all acts in relation to child placing under section 17a-151,
245 as amended by this act, shall be limited to inspection, review and
246 supervision of the applicant under this section and shall not include
247 inspection, review or supervision of the homes in which a child is
248 placed.

249 (b) In lieu of applying for renewal of a license under this section, an

250 applicant may, at the time when any renewal is due, submit evidence,
251 satisfactory to the commissioner, that such applicant has been
252 accredited as a provider of child-placing services within the
253 immediately preceding twelve-month period by a national accrediting
254 organization that the department has listed in regulations adopted
255 pursuant to section 17a-150, as amended by this act. The commissioner
256 may waive any inspection and investigation of such applicant required
257 under this section and, in such event, any such applicant shall be
258 deemed to have satisfied the requirements of this section for the
259 purposes of licensure. Such deemed status license shall be valid for
260 two years and shall not be transferable or assignable. The provisions of
261 this subsection shall not be construed to limit the commissioner's
262 authority to inspect any applicant, suspend or revoke any license or
263 deemed status license issued pursuant to this section or take any other
264 legal action authorized by any provision of the general statutes.

265 Sec. 5. Section 17a-150 of the general statutes is repealed and the
266 following is substituted in lieu thereof (*Effective October 1, 2019*):

267 The Commissioner of Children and Families shall adopt regulations
268 in accordance with chapter 54 setting forth standards for licensing of
269 child-placing agencies, as defined in section 17a-93. Such regulations
270 shall (1) set minimum standards for homes in which children may be
271 placed, (2) require that a child-placing agency have a minimum of two
272 staff persons who are qualified by a combination of education and
273 work experience, and (3) require that a child-placing agency be a
274 nonprofit organization qualified as a tax-exempt organization under
275 Section 501(c)(3) of the Internal Revenue Code of 1986, or any
276 subsequent corresponding internal revenue code of the United States,
277 as from time to time amended. Such regulations shall (A) set forth an
278 optional process for persons or entities that place children to apply for
279 renewal of their license by submitting evidence, satisfactory to the
280 commissioner, that such person or entity has been accredited as a
281 provider of child placement services within the immediately preceding
282 twelve-month period by a national accrediting organization, (B) list the
283 national accrediting organizations that the department finds have

284 standards that are more or at least as stringent for obtaining
285 accreditation as the state requirements for obtaining a license under
286 section 17a-149, as amended by this act, and (C) contain any other
287 provisions necessary to implement the provisions of section 17a-149, as
288 amended by this act. The regulations may also set an administrative
289 fee sufficient to pay for the costs to the department of processing an
290 application for a deemed status license under section 17a-149, as
291 amended by this act.

292 Sec. 6. Section 17a-151 of the general statutes is repealed and the
293 following is substituted in lieu thereof (*Effective October 1, 2019*):

294 (a) [The] Except as provided in subsection (b) of this section, the
295 Commissioner of Children and Families shall investigate the
296 conditions stated in each application made under the provisions of
297 sections 17a-145 and 17a-149, as amended by this act, and shall require
298 any person identified on the application under said sections to submit
299 to state and national criminal history records checks. [The] Except as
300 provided in subsection (b) of this section, the commissioner shall
301 investigate the conditions in each application under the provisions of
302 sections 17a-145 and 17a-149, as amended by this act, and, if the
303 commissioner finds such conditions suitable for the proper care of
304 children, or for the placing out of children, under such standards for
305 the promotion of the health, safety, morality and well-being of such
306 children as the commissioner prescribes, shall issue such license as is
307 required as promptly as possible, without expense to the licensee. If,
308 after such investigation, the commissioner finds that the applicant,
309 notwithstanding good faith efforts, is not able to fully comply with all
310 the requirements the commissioner prescribes, but compliance can be
311 achieved with minimal efforts, the commissioner may issue a
312 provisional license for a period not to exceed sixty days. The
313 provisional license may be renewed for additional sixty-day periods,
314 but in no event shall the total of such periods be for longer than one
315 year. Before issuing any license, the commissioner shall give to the
316 selectmen of the town wherein such licensee proposes to carry on the
317 licensed activity ten days' notice in writing that the issuance of such

318 license is proposed, but such notice shall not be required in case of
319 intention to issue such license to any corporation incorporated for the
320 purpose of caring for or placing such children. Each license so issued
321 shall specify whether it is granted for child-caring or child-placing
322 purposes, shall state the number of children who may be cared for,
323 shall be in force twenty-four months from date of issue, and shall be
324 renewed for the ensuing twenty-four months, if conditions continue to
325 be satisfactory to the commissioner. The commissioner shall also
326 provide such periodical inspections and review as shall safeguard the
327 well-being, health and morality of all children cared for or placed
328 under a license issued by the commissioner under this section and
329 shall visit and consult with each such child and with the licensee as
330 often as the commissioner deems necessary but, for licenses other than
331 deemed status licenses, at intervals of not more than ninety days. Each
332 licensee under the provisions of this section shall file annually with the
333 commissioner a report containing such information concerning its
334 functions, services and operation, including financial data, as the
335 commissioner requires. Any license issued under this section,
336 including a deemed status license, may be revoked, suspended or
337 limited by the commissioner for cause, after notice given to the person
338 or entity concerned and after opportunity for a hearing thereon. Any
339 party whose application is denied or whose license is revoked,
340 suspended or limited by the commissioner may appeal from such
341 adverse decision in accordance with the provisions of section 4-183.
342 Appeals under this section shall be privileged in respect to the order of
343 trial assignment.

344 (b) The criminal history records checks required pursuant to
345 subsection (a) of this section shall be conducted in accordance with
346 section 29-17a.

347 (c) The commissioner may waive any inspection and investigation
348 of a person who is applying or who has obtained a deemed status
349 license in accordance with the provisions of sections 17a-145 and 17a-
350 149, as amended by this act.

351 Sec. 7. Section 17a-227 of the general statutes is repealed and the
352 following is substituted in lieu thereof (*Effective October 1, 2019, and*
353 *applicable to applications for renewal submitted after the adoption of*
354 *regulations in accordance with this section*):

355 (a) No person, firm or corporation shall operate within this state a
356 community living arrangement or community companion home which
357 it owns, leases or rents for the lodging, care or treatment of persons
358 with intellectual disability, Prader-Willi syndrome or autism spectrum
359 disorder unless such person, firm or corporation, upon written
360 application, has obtained a license issued by the Department of
361 Developmental Services. An application for licensure under this
362 section shall be verified by oath, but need not be notarized.

363 (b) The commissioner shall adopt regulations, in accordance with
364 the provisions of chapter 54, to ensure the comfort, safety, adequate
365 medical care and treatment of such persons at the residential facilities
366 described in subsection (a) of this section. Such regulations shall
367 include requirements that: (1) All residential facility staff be certified in
368 cardiopulmonary resuscitation in a manner and time frame prescribed
369 by the commissioner; (2) records of staffing schedules and actual staff
370 hours worked, by residential facility, be available for inspection by the
371 department upon advance notice; (3) each residential facility develop
372 and implement emergency plans and staff training to address
373 emergencies that may pose a threat to the health and safety of the
374 residents of the facility; (4) department staff verify during quality
375 service reviews and licensing inspections, that (A) staff is adequately
376 trained to respond in an emergency, and (B) a summary of information
377 on each resident is available to emergency medical personnel for use in
378 an emergency; (5) all residential facilities serving persons with Down
379 syndrome fifty years of age or older have at least one staff member
380 trained in Alzheimer's disease and dementia symptoms and care; and
381 (6) for community living arrangements, the commissioner shall
382 determine a minimum number of licensure-related visits that are
383 unannounced. Such regulations shall also set forth an optional process
384 for a person, firm or corporation that operates a community living

385 arrangement or community companion home within this state to apply
386 for renewal of a license under this section by submitting evidence,
387 satisfactory to the commissioner, that such person, firm or corporation
388 has been accredited as a provider of services within the immediately
389 preceding twelve-month period by a national accrediting organization,
390 list the national accrediting organizations that the department finds
391 have standards that are more or at least as stringent for obtaining
392 accreditation as the state requirements for obtaining a license under
393 this section, and contain any other provisions necessary to implement
394 the provisions of this subsection. The regulations may also set an
395 administrative fee sufficient to pay for the costs to the department of
396 processing an application for a deemed status license under this
397 section.

398 (c) After receiving an application and making such investigation as
399 is deemed necessary and after finding the specified requirements to
400 have been fulfilled, the department shall grant a license to such
401 applicant to operate a facility of the character described in such
402 application, which license shall specify the name of the person to have
403 charge and the location of each facility operated under the license. In
404 the case of a renewal of such license, an applicant may, at the time
405 when any such renewal is due, submit evidence, satisfactory to the
406 department, that such applicant has been accredited as a provider of
407 services within the immediately preceding twelve-month period by a
408 national accrediting organization that the department has listed in
409 regulations adopted pursuant to subsection (b) of this section. The
410 department may waive any inspection and investigation of such
411 applicant required under this section and, in such event, any such
412 applicant shall be deemed to have satisfied the requirements of this
413 section for the purposes of licensure. Such deemed status license shall
414 be valid for two years and shall not be transferable or assignable. The
415 provisions of this subsection shall not be construed to limit the
416 department's authority to inspect any applicant, suspend or revoke
417 any license or deemed status license issued pursuant to this section or
418 take any other legal action authorized by any provision of the general

419 statutes. Any person, firm or corporation aggrieved by any
420 requirement of the regulations or by the refusal to grant any license
421 may request an administrative hearing in accordance with the
422 provisions of chapter 54. If the licensee of any such facility desires to
423 place in charge thereof a person other than the one specified in the
424 license, application shall be made to the Department of Developmental
425 Services, in the same manner as provided for the original application,
426 for permission to make such change. Such application shall be acted
427 upon not later than ten calendar days from the date of the filing of the
428 application. Each such license shall be renewed annually upon such
429 terms as may be established by regulations and may be revoked by the
430 department upon proof that the facility for which such license was
431 issued is being improperly operated, or for the violation of any of the
432 provisions of this section or of the regulations adopted pursuant to this
433 section, provided the licensee shall first be given a reasonable
434 opportunity to be heard in reference to such proposed revocation. Any
435 person, firm or corporation aggrieved by such revocation may request
436 an administrative hearing in accordance with the provisions of chapter
437 54. Each person, firm or corporation, upon filing an application under
438 the provisions of this section for a license for a community living
439 arrangement, shall pay to the State Treasurer the sum of fifty dollars
440 unless such fee is waived by the commissioner.

441 (d) The Department of Developmental Services may contract, within
442 available appropriations, with any qualified provider for the operation
443 of a community-based residential facility, provided the qualified
444 provider is licensed by the department to operate such facilities,
445 including a deemed status license. The department shall include in all
446 contracts with such licensed qualified providers, provisions requiring
447 the department to (1) conduct periodic reviews of contract
448 performance, and (2) take progressive enforcement actions if the
449 department finds poor performance or noncompliance with the
450 contract, as follows: (A) The licensed qualified provider may be placed
451 on a strict schedule of monitoring and oversight by the department; (B)
452 the licensed qualified provider may be placed on a partial-year

453 contract; and (C) payments due under the contract may be reduced by
454 specific amounts on a monthly basis until the licensed qualified
455 provider complies with the contract. If compliance cannot be achieved,
456 the department shall terminate the contract.

457 (e) The department may contract with any person, firm or
458 corporation to provide residential support services for persons with
459 intellectual disability, Prader-Willi syndrome or autism spectrum
460 disorder who reside in settings which are not licensed by the
461 department. The commissioner shall adopt regulations, in accordance
462 with the provisions of chapter 54, to ensure the safety, adequate
463 supervision and support of persons receiving such residential support
464 services.

465 (f) Any person, firm or corporation who operates any facility
466 contrary to the provisions of this section shall be fined not more than
467 one thousand dollars or imprisoned not more than six months or both.
468 Any person, firm or corporation who operates any facility contrary to
469 the regulations adopted pursuant to subsection (b) of this section shall
470 be fined not more than one thousand dollars.

471 Sec. 8. Subsections (a) to (e), inclusive, of section 19a-491 of the
472 general statutes are repealed and the following is substituted in lieu
473 thereof (*Effective October 1, 2019, and applicable to applications for renewal*
474 *submitted after the adoption of regulations in accordance with this section*):

475 (a) No person acting individually or jointly with any other person
476 shall establish, conduct, operate or maintain an institution in [this] the
477 state without a license as required by this chapter, except for persons
478 issued a license by the Commissioner of Children and Families
479 pursuant to section 17a-145, as amended by this act, for the operation
480 of (1) a substance abuse treatment facility, or (2) a facility for the
481 purpose of caring for women during pregnancies and for women and
482 their infants following such pregnancies. Application for such license
483 shall (A) be made to the Department of Public Health upon forms
484 provided by it, (B) be accompanied by the fee required under

485 subsection (c), (d) or (e) of this section, (C) contain such information as
486 the department requires, which may include affirmative evidence of
487 ability to comply with reasonable standards and regulations
488 prescribed under the provisions of this chapter or of a national
489 accrediting organization listed in regulations adopted by the
490 commissioner under subsection (b) of section 19a-493, as amended by
491 this act, and (D) not be required to be notarized. The commissioner
492 may require as a condition of licensure that an applicant sign a consent
493 order providing reasonable assurances of compliance with the Public
494 Health Code. The commissioner may issue more than one chronic
495 disease hospital license to a single institution until such time as the
496 state offers a rehabilitation hospital license.

497 (b) If any person acting individually or jointly with any other person
498 owns real property or any improvements thereon, upon or within
499 which an institution, as defined in subsection (c) of section 19a-490, is
500 established, conducted, operated or maintained and is not the licensee
501 of the institution, such person shall submit a copy of the lease
502 agreement to the department at the time of any change of ownership
503 and with each license renewal application. The lease agreement shall,
504 at a minimum, identify the person or entity responsible for the
505 maintenance and repair of all buildings and structures within which
506 such an institution is established, conducted or operated. If a violation
507 is found as a result of an inspection or investigation, the commissioner
508 may require the owner to sign a consent order providing assurances
509 that repairs or improvements necessary for compliance with the
510 provisions of the Public Health Code shall be completed within a
511 specified period of time or may assess a civil penalty of not more than
512 one thousand dollars for each day that such owner is in violation of the
513 Public Health Code or a consent order. A consent order may include a
514 provision for the establishment of a temporary manager of such real
515 property who has the authority to complete any repairs or
516 improvements required by such order. Upon request of the
517 Commissioner of Public Health, the Attorney General may petition the
518 Superior Court for such equitable and injunctive relief as such court

519 deems appropriate to ensure compliance with the provisions of a
520 consent order. The provisions of this subsection shall not apply to any
521 property or improvements owned by a person licensed in accordance
522 with the provisions of subsection (a) of this section to establish,
523 conduct, operate or maintain an institution on or within such property
524 or improvements.

525 (c) Notwithstanding any regulation other than the regulations
526 adopted under subsection (b) of section 19a-493, as amended by this
527 act, the Commissioner of Public Health shall charge the following fees
528 for the biennial licensing and inspection of the following institutions:
529 (1) Chronic and convalescent nursing homes, per site, four hundred
530 forty dollars; (2) chronic and convalescent nursing homes, per bed, five
531 dollars; (3) rest homes with nursing supervision, per site, four hundred
532 forty dollars; (4) rest homes with nursing supervision, per bed, five
533 dollars; (5) outpatient dialysis units and outpatient surgical facilities,
534 six hundred twenty-five dollars; (6) mental health residential facilities,
535 per site, three hundred seventy-five dollars; (7) mental health
536 residential facilities, per bed, five dollars; (8) hospitals, per site, nine
537 hundred forty dollars; (9) hospitals, per bed, seven dollars and fifty
538 cents; (10) nonstate agency educational institutions, per infirmary, one
539 hundred fifty dollars; (11) nonstate agency educational institutions, per
540 infirmary bed, twenty-five dollars; (12) home health care agencies,
541 except certified home health care agencies described in subsection (d)
542 of this section, per agency, three hundred dollars; (13) home health
543 care agencies, except certified home health care agencies described in
544 subsection (d) of this section, per satellite patient service office, one
545 hundred dollars; (14) assisted living services agencies, except such
546 agencies participating in the congregate housing facility pilot program
547 described in section 8-119n, per site, five hundred dollars; (15) short-
548 term hospitals special hospice, per site, nine hundred forty dollars; (16)
549 short-term hospitals special hospice, per bed, seven dollars and fifty
550 cents; (17) hospice inpatient facility, per site, four hundred forty
551 dollars; and (18) hospice inpatient facility, per bed, five dollars.

552 (d) Notwithstanding any regulation other than the regulations

553 adopted under subsection (b) of section 19a-493, as amended by this
554 act, the commissioner shall charge the following fees for the triennial
555 licensing and inspection of the following institutions: (1) Residential
556 care homes, per site, five hundred sixty-five dollars; (2) residential care
557 homes, per bed, four dollars and fifty cents; (3) home health care
558 agencies that are certified as a provider of services by the United States
559 Department of Health and Human Services under the Medicare or
560 Medicaid program, three hundred dollars; and (4) certified home
561 health care agencies, as described in section 19a-493, as amended by
562 this act, per satellite patient service office, one hundred dollars.

563 (e) The commissioner shall charge one thousand dollars for the
564 licensing and inspection every three years of outpatient clinics that
565 provide either medical or mental health service, urgent care services
566 and well-child clinical services, except those that have a deemed status
567 license under section 19a-493, as amended by this act, or those
568 operated by a municipal health [departments] department, health
569 [districts] district or licensed nonprofit nursing or community health
570 [agencies] agency.

571 Sec. 9. Section 19a-493 of the general statutes is repealed and the
572 following is substituted in lieu thereof (*Effective October 1, 2019, and*
573 *applicable to applications for renewal submitted after the adoption of*
574 *regulations in accordance with this section*):

575 (a) Upon receipt of an application for an initial license, the
576 Department of Public Health, subject to the provisions of section 19a-
577 491a, shall issue such license if, upon conducting a scheduled
578 inspection and investigation, the department finds that the applicant
579 and facilities meet the requirements established under section 19a-495,
580 provided a license shall be issued to or renewed for an institution, as
581 defined in section 19a-490, only if such institution is not otherwise
582 required to be licensed by the state. If an institution, (1) as defined in
583 subsections (b), (d), (e) and (f) of section 19a-490, applies for license
584 renewal and has been certified as a provider of services by the United
585 States Department of Health and Human Services under Medicare or

586 Medicaid programs within the immediately preceding twelve-month
587 period, [or if an institution,] (2) as defined in subsection (b) of section
588 19a-490, is currently certified, or (3) as defined in subsections (g), (h)
589 and (m) of section 19a-490, applies for license renewal and has been
590 accredited as a provider of services within the immediately preceding
591 twelve-month period by a national accrediting organization that the
592 department has listed in regulations adopted pursuant to subsection
593 (b) of this section, the commissioner or the commissioner's designee
594 may waive on renewal the inspection and investigation of such facility
595 required by this section and, in such event, any such facility shall be
596 deemed to have satisfied the requirements of section 19a-495 for the
597 purposes of licensure. Such license shall be valid for two years or a
598 fraction thereof and shall terminate on March thirty-first, June
599 thirtieth, September thirtieth or December thirty-first of the
600 appropriate year. A license issued pursuant to this chapter, unless
601 sooner suspended or revoked, shall be renewable biennially [(1)] (A)
602 after an unscheduled inspection is conducted by the department, and
603 [(2)] (B) upon the filing by the licensee, and approval by the
604 department, of a report upon such date and containing such
605 information in such form as the department prescribes and satisfactory
606 evidence of continuing compliance with requirements established
607 under section 19a-495. In the case of an institution, as defined in
608 subsection (d) of section 19a-490, that is also certified as a provider
609 under the Medicare program, the license shall be issued for a period
610 not to exceed three years, to run concurrently with the certification
611 period. Except in the case of a multicare institution, each license shall
612 be issued only for the premises and persons named in the application.
613 Such license shall not be transferable or assignable. Licenses shall be
614 posted in a conspicuous place in the licensed premises.

615 (b) The Commissioner of Public Health shall adopt regulations, in
616 accordance with the provisions of chapter 54, to implement the
617 provisions of subsection (a) of this section concerning licensure
618 renewal for an institution, as defined in subsections (g), (h) and (m) of
619 section 19a-490. Such regulations shall (1) list any national accrediting

620 organizations that the department finds have standards that are more
621 or at least as stringent for obtaining accreditation as the state
622 requirements for obtaining a license under this section, and (2) contain
623 any other provisions necessary to implement the provisions of
624 subsection (a) of this section. The regulations may also set an
625 administrative fee sufficient to pay for the costs to the department of
626 processing an application for a deemed status license under subsection
627 (a) of this section.

628 [(b)] (c) (1) A nursing home license may be renewed biennially after
629 (A) an unscheduled inspection conducted by the department, (B)
630 submission of the information required by section 19a-491a, and (C)
631 submission of evidence satisfactory to the department that the nursing
632 home is in compliance with the provisions of this chapter, the Public
633 Health Code and licensing regulations.

634 (2) Any change in the ownership of a facility or institution, as
635 defined in subsection (c) of section 19a-490, owned by an individual,
636 partnership or association or the change in ownership or beneficial
637 ownership of ten per cent or more of the stock of a corporation which
638 owns, conducts, operates or maintains such facility or institution, shall
639 be subject to prior approval of the department after a scheduled
640 inspection of such facility or institution is conducted by the
641 department, provided such approval shall be conditioned upon a
642 showing by such facility or institution to the commissioner that it has
643 complied with all requirements of this chapter, the regulations relating
644 to licensure and all applicable requirements of the Public Health Code.
645 Any such change in ownership or beneficial ownership resulting in a
646 transfer to a person related by blood or marriage to such an owner or
647 beneficial owner shall not be subject to prior approval of the
648 department unless: (A) Ownership or beneficial ownership of ten per
649 cent or more of the stock of a corporation, partnership or association
650 which owns, conducts, operates or maintains more than one facility or
651 institution is transferred; (B) ownership or beneficial ownership is
652 transferred in more than one facility or institution; or (C) the facility or
653 institution is the subject of a pending complaint, investigation or

654 licensure action. If the facility or institution is not in compliance, the
655 commissioner may require the new owner to sign a consent order
656 providing reasonable assurances that the violations shall be corrected
657 within a specified period of time. Notice of any such proposed change
658 of ownership shall be given to the department at least ninety days
659 prior to the effective date of such proposed change. For the purposes of
660 this subdivision, "a person related by blood or marriage" means a
661 parent, spouse, child, brother, sister, aunt, uncle, niece or nephew. For
662 the purposes of this subdivision, a change in the legal form of the
663 ownership entity, including, but not limited to, changes from a
664 corporation to a limited liability company, a partnership to a limited
665 liability partnership, a sole proprietorship to a corporation and similar
666 changes, shall not be considered a change of ownership if the
667 beneficial ownership remains unchanged and the owner provides such
668 information regarding the change to the department as may be
669 required by the department in order to properly identify the current
670 status of ownership and beneficial ownership of the facility or
671 institution. For the purposes of this subdivision, a public offering of
672 the stock of any corporation that owns, conducts, operates or
673 maintains any such facility or institution shall not be considered a
674 change in ownership or beneficial ownership of such facility or
675 institution if the licensee and the officers and directors of such
676 corporation remain unchanged, such public offering cannot result in
677 an individual or entity owning ten per cent or more of the stock of
678 such corporation, and the owner provides such information to the
679 department as may be required by the department in order to properly
680 identify the current status of ownership and beneficial ownership of
681 the facility or institution.

682 [(c)] (d) (1) A multicare institution may, under the terms of its
683 existing license, provide behavioral health services or substance use
684 disorder treatment services on the premises of more than one facility,
685 at a satellite unit or at another location outside of its facilities or
686 satellite units that is acceptable to the patient receiving services and is
687 consistent with the patient's assessment and treatment plan.

688 (2) Any multicare institution that intends to offer services at a
689 satellite unit or other location outside of its facilities or satellite units
690 shall submit an application for approval to offer services at such
691 location to the Department of Public Health. Such application shall be
692 submitted on a form and in the manner prescribed by the
693 Commissioner of Public Health. Not later than forty-five days after
694 receipt of such application, the commissioner shall notify the multicare
695 institution of the approval or denial of such application. If the satellite
696 unit or other location is approved, that satellite unit or location shall be
697 deemed to be licensed in accordance with this section and shall comply
698 with the applicable requirements of this chapter and regulations
699 adopted under this chapter.

700 (3) The Commissioner of Public Health may adopt regulations, in
701 accordance with the provisions of chapter 54, to carry out the
702 provisions of this subsection. The Commissioner of Public Health may
703 implement policies and procedures necessary to administer the
704 provisions of this subsection while in the process of adopting such
705 policies and procedures as regulation, provided the commissioner
706 prints notice of intent to adopt regulations in the Connecticut Law
707 Journal not later than twenty days after the date of implementation.
708 Policies and procedures implemented pursuant to this section shall be
709 valid until the time final regulations are adopted.

710 Sec. 10. Section 19a-493c of the general statutes is repealed and the
711 following is substituted in lieu thereof (*Effective October 1, 2019, and*
712 *applicable to applications for renewal submitted after the adoption of*
713 *regulations in accordance with this section*):

714 (a) The Commissioner of Public Health shall license outpatient
715 clinics, as defined in section 19a-490. In lieu of applying for the
716 renewal of such license, an applicant may, at the time when any such
717 renewal is due, submit evidence, satisfactory to the commissioner, that
718 such applicant has been accredited as a provider of outpatient clinic
719 services within the immediately preceding twelve-month period by a
720 national accrediting organization that the commissioner has listed in

721 regulations adopted pursuant to this section. Any such applicant shall
722 be deemed to have satisfied the requirements of this section for the
723 purposes of licensure. Such deemed status license shall be valid for
724 two years and shall not be transferable or assignable. The provisions of
725 this subsection shall not be construed to limit the commissioner's
726 authority to inspect any applicant, suspend or revoke any license or
727 deemed status license issued pursuant to this section or take any other
728 legal action authorized by any provision of the general statutes.

729 (b) The commissioner [may] shall adopt regulations, in accordance
730 with the provisions of chapter 54, to implement the provisions of this
731 section. Such regulations shall (1) list any national accrediting
732 organizations that the commissioner finds have standards that are
733 more or at least as stringent for obtaining accreditation as the state
734 requirements for obtaining a license under this section, and (2) contain
735 any other provisions necessary to implement the provisions of
736 subsection (a) of this section. The regulations may also set an
737 administrative fee sufficient to pay for the costs to the department of
738 processing an application for a deemed status license under subsection
739 (a) of this section. The commissioner may waive any provision of the
740 regulations for outpatient clinics. The commissioner may implement
741 policies and procedures necessary to administer the provisions of this
742 section while in the process of adopting such policies and procedures
743 as regulations, except the regulations concerned deemed status
744 licenses, provided notice of intent to adopt regulations is published in
745 the Connecticut Law Journal not later than twenty days after the date
746 of implementation. Policies and procedures implemented pursuant to
747 this section shall be valid until the time final regulations are adopted.

748 Sec. 11. Section 19a-507b of the general statutes is repealed and the
749 following is substituted in lieu thereof (*Effective October 1, 2019, and*
750 *applicable to applications for renewal submitted after the adoption of*
751 *regulations in accordance with this section*):

752 (a) No community residence shall be established on or after July 1,
753 1984, within one thousand feet of any other community residence. If

754 more than one community residence is proposed to be established in
755 any municipality, the total capacity of all community residences in the
756 municipality in which such residence is proposed to be established
757 shall not exceed one-tenth of one per cent of the population of such
758 municipality.

759 (b) Any resident of a municipality in which a community residence
760 is or will be located may, through the chief executive officer of the
761 municipality, or the legislative body of such municipality may, petition
762 the Commissioner of Public Health to deny an application for a license
763 to operate a community residence on the grounds that the operation of
764 such a community residence would be in violation of the limits
765 established under subsection (a) of this section.

766 (c) An applicant for a license to operate a community residence shall
767 mail a copy of the application made to the Department of Public
768 Health to the regional mental health board and the governing body of
769 the municipality in which the community residence is to be located, by
770 certified mail, return receipt requested. All applications shall specify
771 the number of community residences in the municipality, the address
772 of each such residence and the number of residents in each and the
773 address of the proposed community residence, and shall include
774 population and occupancy statistics reflecting compliance with the
775 limits established pursuant to subsection (a) of this section.

776 (d) The Commissioner of Public Health shall not issue a license for a
777 community residence until the applicant has submitted proof that the
778 mailing required by subsection (c) of this section has been made and
779 until at least thirty days have elapsed since the receipt of such mailing
780 by all required recipients.

781 (e) In the case of a renewal of such license, an applicant may, at the
782 time when any renewal is due, submit evidence, satisfactory to the
783 commissioner, that such applicant has been accredited as a provider of
784 community residence services within the immediately preceding
785 twelve-month period by a national accrediting organization that the

786 commissioner has listed in regulations adopted pursuant to this
787 section. The commissioner may waive any inspection and investigation
788 of such applicant required under this section and, in such event, any
789 such applicant shall be deemed to have satisfied the requirements of
790 this section for the purposes of licensure. Such license shall be valid for
791 two years and shall not be transferable or assignable. The provisions of
792 this subsection shall not be construed to limit the commissioner's
793 authority to inspect any applicant, suspend or revoke any license or
794 deemed status license issued pursuant to this section or take any other
795 legal action authorized by any provision of the general statutes.

796 (f) The Commissioner of Public Health shall adopt regulations, in
797 accordance with the provisions of chapter 54, to implement the
798 provisions of subsection (e) of this section concerning deemed status
799 licensure for a community residence. Such regulations shall (1) list any
800 national accrediting organizations that the commissioner finds have
801 standards that are more or at least as stringent for obtaining
802 accreditation as the state requirements for obtaining a license under
803 this section, and (2) contain any other provisions necessary to
804 implement the provisions of subsection (e) of this section. The
805 regulations may also set an administrative fee sufficient to pay for the
806 costs to the department of processing an application for a deemed
807 status license under subsection (e) of this section.

808 Sec. 12. Section 19a-507c of the general statutes is repealed and the
809 following is substituted in lieu thereof (*Effective October 1, 2019*):

810 A community residence shall be evaluated twice a year by the
811 Department of Mental Health and Addiction Services, except that a
812 community residence that has obtained deemed status licensure under
813 section 19a-507b, as amended by this act, may be evaluated less
814 frequently by the department or the accrediting organization listed by
815 the Commissioner of Public Health in regulations adopted under
816 subsection (f) of section 19a-507b, as amended by this act. Evaluations
817 by said department shall include a review of individual client records
818 and shall be sent to the Department of Public Health upon its request.

819 Sec. 13. Section 19a-507g of the general statutes is repealed and the
820 following is substituted in lieu thereof (*Effective October 1, 2019, and*
821 *applicable to applications for renewal submitted after the adoption of*
822 *regulations in accordance with this section*):

823 (a) The Department of Social Services shall adopt regulations, in
824 accordance with chapter 54, for the certification of adult day health
825 care facilities. In establishing such regulations, the Department of
826 Social Services shall consult with the Connecticut Association of Adult
827 Day Centers and such other persons or entities it deems appropriate.
828 In the case of a renewal of such certification, an applicant may, at the
829 time when any renewal is due, submit evidence, satisfactory to the
830 commissioner, that such applicant has been accredited as a provider of
831 adult day health care services within the immediately preceding
832 twelve-month period by a national accrediting organization that the
833 department has listed in regulations adopted pursuant to this section.
834 The department may waive any inspection and investigation of such
835 applicant required under this section and, in such event, any such
836 applicant shall be deemed to have satisfied the requirements of this
837 section for the purposes of certification. Such certificate shall be valid
838 for two years and shall not be transferable or assignable. The
839 provisions of this subsection shall not be construed to limit the
840 department's authority to inspect any applicant, suspend or revoke
841 any certificate or deemed status certificate issued pursuant to this
842 section or take any other legal action authorized by any provision of
843 the general statutes.

844 (b) The Department of Social Services shall adopt regulations, in
845 accordance with the provisions of chapter 54, to implement the
846 provisions of subsection (a) of this section concerning certification
847 renewal for adult day health care facilities. Such regulations shall (1)
848 list any national accrediting organizations that the department finds
849 have standards that are more or at least as stringent for obtaining
850 accreditation as the state requirements for obtaining certification under
851 this section, and (2) contain any other provisions necessary to
852 implement the provisions of subsection (a) of this section. The

853 regulations may also set an administrative fee sufficient to pay for the
 854 costs to the department of processing an application for a deemed
 855 status certificate under subsection (a) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019, and applicable to applications for renewal submitted after the adoption of regulations in accordance with this section</i>	17a-20
Sec. 2	<i>October 1, 2019, and applicable to applications for renewal submitted after the adoption of regulations in accordance with this section</i>	17a-145
Sec. 3	<i>October 1, 2019, and applicable to applications for renewal submitted after the adoption of regulations in accordance with this section</i>	17a-147
Sec. 4	<i>October 1, 2019, and applicable to applications for renewal submitted after the adoption of regulations in accordance with section 17a-150</i>	17a-149
Sec. 5	<i>October 1, 2019</i>	17a-150
Sec. 6	<i>October 1, 2019</i>	17a-151
Sec. 7	<i>October 1, 2019, and applicable to applications for renewal submitted after the adoption of regulations in accordance with this section</i>	17a-227

Sec. 8	<i>October 1, 2019, and applicable to applications for renewal submitted after the adoption of regulations in accordance with this section</i>	19a-491(a) to (e)
Sec. 9	<i>October 1, 2019, and applicable to applications for renewal submitted after the adoption of regulations in accordance with this section</i>	19a-493
Sec. 10	<i>October 1, 2019, and applicable to applications for renewal submitted after the adoption of regulations in accordance with this section</i>	19a-493c
Sec. 11	<i>October 1, 2019, and applicable to applications for renewal submitted after the adoption of regulations in accordance with this section</i>	19a-507b
Sec. 12	<i>October 1, 2019</i>	19a-507c
Sec. 13	<i>October 1, 2019, and applicable to applications for renewal submitted after the adoption of regulations in accordance with this section</i>	19a-507g

Statement of Purpose:

To reduce costs for nonprofit providers by providing a means for them to forgo duplicative state licensing requirements for certain license and certificate renewals if they are accredited by an accepted national accrediting body that has requirements more stringent than the state's requirements.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]