



House of Representatives

General Assembly

File No. 379

February Session, 2022

Substitute House Bill No. 5248

House of Representatives, April 11, 2022

The Committee on Labor and Public Employees reported through REP. PORTER of the 94th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING COLLATERAL CONSEQUENCES OF CRIMINAL CONVICTIONS ON OCCUPATIONAL LICENSING.

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

1 Section 1. Subsection (a) of section 19a-14 of the 2022 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2022*):

4 (a) The Department of Public Health shall have the following powers
5 and duties with regard to the boards and commissions listed in
6 subsection (b) of this section which are within the Department of Public
7 Health. The department shall:

8 (1) Control the allocation, disbursement and budgeting of funds
9 appropriated to the department for the operation of the boards and
10 commissions;

11 (2) Employ and assign such personnel as the commissioner deems
12 necessary for the performance of the functions of the boards and
13 commissions;

14 (3) Perform all management functions including purchasing,

15 bookkeeping, accounting, payroll, secretarial, clerical and routine
16 housekeeping functions;

17 (4) Adopt, with the advice and assistance of the appropriate board or
18 commission, and in accordance with chapter 54, any regulations which
19 are consistent with protecting the public health and safety and which
20 are necessary to implement the purposes of this chapter and chapters
21 368v, 369 to 375, inclusive, 378 to 381, inclusive, 383 to 388, inclusive, 398
22 and 399;

23 (5) Develop and perform all administrative functions necessary to
24 process applications for licenses and certificates;

25 (6) Determine the eligibility of all applicants for permits, licensure,
26 certification or registration, based upon compliance with the general
27 statutes and administrative regulations. The department may deny the
28 eligibility of an applicant for a permit or for licensure by examination,
29 endorsement, reciprocity or for reinstatement of a license voided
30 pursuant to subsection (f) of section 19a-88, voluntarily surrendered or,
31 by agreement, not renewed or reinstated pursuant to subsection (d) of
32 section 19a-17, as amended by this act, or may issue a license pursuant
33 to a consent order containing conditions that must be met by the
34 applicant if the department determines that the applicant:

35 (A) Has failed to comply with the general statutes and administrative
36 regulations governing the applicant's profession;

37 (B) ~~[Except] Has been found guilty or convicted as a result of an act~~
38 ~~which constitutes a felony under (i) the laws of this state, (ii) federal law,~~
39 ~~or (iii) the laws of another jurisdiction and which, if committed within~~
40 ~~this state, would have constituted a felony under the laws of this state,~~
41 ~~except any applicant for licensure as a barber under chapter 386, [or] a~~
42 ~~hairdresser and cosmetician under chapter 387 [, has been found guilty~~
43 ~~or convicted as a result of an act which constitutes a felony under (i) the~~
44 ~~laws of this state, (ii) federal law or (iii) the laws of another jurisdiction~~
45 ~~and which, if committed within this state, would have constituted a~~
46 ~~felony under the laws of this state] or an embalmer and funeral director~~

47 under chapter 385;

48 (C) Is subject to a pending disciplinary action or unresolved
49 complaint before the duly authorized professional disciplinary agency
50 of any state, the District of Columbia, a United States possession or
51 territory, or a foreign jurisdiction;

52 (D) Has been subject to disciplinary action similar to an action
53 specified in subsection (a) of section 19a-17, as amended by this act, by
54 a duly authorized professional disciplinary agency of any state, the
55 District of Columbia, a United States possession or territory, or a foreign
56 jurisdiction;

57 (E) Has committed an act which, if the applicant were licensed, would
58 not conform to the accepted standards of practice of the profession,
59 including, but not limited to, incompetence, negligence, fraud or deceit;
60 illegal conduct; procuring or attempting to procure a license, certificate
61 or registration by fraud or deceit; or engaging in, aiding or abetting
62 unlicensed practice of a regulated profession, provided the
63 commissioner, or the commissioner's designee, gives notice and holds a
64 hearing, in accordance with the provisions of chapter 54, prior to
65 denying an application for a permit or a license based on this
66 subparagraph; or

67 (F) Has a condition which would interfere with the practice of the
68 applicant's profession, including, but not limited to, physical illness or
69 loss of skill or deterioration due to the aging process, emotional disorder
70 or mental illness, abuse or excessive use of drugs or alcohol, provided
71 the commissioner, or the commissioner's designee, gives notice and
72 holds a hearing in accordance with the provisions of chapter 54, prior to
73 denying an application for a permit or a license based on this
74 subparagraph;

75 (7) Administer licensing examinations under the supervision of the
76 appropriate board or commission;

77 (8) Develop and perform all administrative functions necessary to

78 process complaints against persons licensed by the department;

79 (9) Consent to the approval or disapproval by the appropriate boards
80 or commissions of schools at which educational requirements shall be
81 met;

82 (10) Conduct any necessary review, inspection or investigation
83 regarding qualifications of applicants for licenses or certificates,
84 possible violations of statutes or regulations, and disciplinary matters.
85 In connection with any investigation, the Commissioner of Public
86 Health or the commissioner's authorized agent may administer oaths,
87 issue subpoenas, compel testimony and order the production of books,
88 records and documents. If any person refuses to appear, to testify or to
89 produce any book, record or document when so ordered, a judge of the
90 Superior Court may make such order as may be appropriate to aid in
91 the enforcement of this section;

92 (11) Conduct any necessary investigation and follow-up in
93 connection with complaints regarding persons subject to regulation or
94 licensing by the department. In connection with any such investigation,
95 the department may restrict, suspend or otherwise limit the license or
96 permit of any person subject to regulation or licensing by the
97 department pursuant to an interim consent order entered during the
98 pendency of such investigation;

99 (12) With respect to any complaint filed with the department on or
100 after October 1, 2010, alleging incompetence, negligence, fraud or deceit
101 by a person subject to regulation or licensing by any board or
102 commission described in subdivision (1) to (8), inclusive, (12) to (14),
103 inclusive, or subdivision (16) of subsection (b) of this section:

104 (A) Upon request of the person who filed the complaint, provide such
105 person with information on the status of the complaint;

106 (B) Upon request of the person who filed the complaint, provide such
107 person with an opportunity to review, at the department, records
108 compiled as of the date of the request pursuant to any investigation of

109 the complaint, including, but not limited to, the respondent's written
110 response to the complaint, except that such person shall not be entitled
111 to copy such records and the department (i) shall not disclose (I)
112 information concerning a health care professional's referral to,
113 participation in or completion of an assistance program in accordance
114 with sections 19a-12a and 19a-12b, that is confidential pursuant to
115 section 19a-12a, (II) information not related to such person's specific
116 complaint, including, but not limited to, information concerning
117 patients other than such person, or (III) personnel or medical records
118 and similar files the disclosure of which would constitute an invasion of
119 personal privacy pursuant to section 1-210, except for such records or
120 similar files solely related to such person; (ii) shall not be required to
121 disclose any other information that is otherwise confidential pursuant
122 to federal law or state statute, except for information solely related to
123 such person; and (iii) may require up to ten business days written notice
124 prior to providing such opportunity for review;

125 (C) Prior to resolving the complaint with a consent order, provide the
126 person who filed the complaint with not less than ten business days to
127 submit a written statement as to whether such person objects to
128 resolving the complaint with a consent order;

129 (D) If a hearing is held with respect to such complaint after a finding
130 of probable cause, provide the person who filed the complaint with a
131 copy of the notice of hearing issued pursuant to section 4-177, which
132 shall include information concerning the opportunity to present oral or
133 written statements pursuant to subsection (b) of section 4-177c; and

134 (E) Notify the person who filed the complaint of the final disposition
135 of such complaint not later than seven business days after such final
136 disposition;

137 (13) Perform any other function necessary to the effective operation
138 of a board or commission and not specifically vested by statute in the
139 board or commission;

140 (14) Contract with a third party, if the commissioner deems

141 necessary, to administer licensing examinations and perform all
142 attendant administrative functions in connection with such
143 examination; and

144 (15) With respect to any investigation of a person subject to
145 regulation, licensing or certification by the department and in any
146 disciplinary proceeding regarding such person, except as required by
147 federal law:

148 (A) Not be denied access to or use of copies of patient medical records
149 on the grounds that privilege or confidentiality applies to such records;
150 and

151 (B) Not further disclose patient medical records received pursuant to
152 the provisions of this subdivision or personnel records received during
153 the course of the investigation. Patient records received pursuant to this
154 subdivision or personnel records received during the course of the
155 investigation shall not be subject to disclosure under section 1-210.

156 Sec. 2. Subsection (a) of section 19a-17 of the general statutes is
157 repealed and the following is substituted in lieu thereof (*Effective October*
158 *1, 2022*):

159 (a) Each board or commission established under chapters 369 to 376,
160 inclusive, 378 to 381, inclusive, and 383 to 388, inclusive, and the
161 Department of Public Health with respect to professions under its
162 jurisdiction that have no board or commission may take any of the
163 following actions, singly or in combination, based on conduct that
164 occurred prior or subsequent to the issuance of a permit or a license
165 upon finding the existence of good cause:

166 (1) Revoke a practitioner's license or permit;

167 (2) Suspend a practitioner's license or permit;

168 (3) Censure a practitioner or permittee;

169 (4) Issue a letter of reprimand to a practitioner or permittee;

170 (5) Restrict or otherwise limit practice to those areas prescribed by the
171 board, commission or department;

172 (6) Place a practitioner or permittee on probationary status and
173 require the practitioner or permittee to:

174 (A) Report regularly to such board, commission or department upon
175 the matters which are the basis of probation;

176 (B) Limit practice to those areas prescribed by such board,
177 commission or department;

178 (C) Continue or renew professional education until a satisfactory
179 degree of skill has been attained in those areas which are the basis for
180 the probation;

181 (7) Assess a civil penalty of up to twenty-five thousand dollars;

182 (8) In those cases involving persons or entities licensed or certified
183 pursuant to sections 20-341d, 20-435, 20-436, 20-437, 20-438, 20-475 and
184 20-476, require that restitution be made to an injured property owner;
185 or

186 (9) Summarily take any action specified in this subsection against a
187 practitioner's license or permit upon receipt of proof that such
188 practitioner has been:

189 (A) Found guilty or convicted as a result of an act which constitutes
190 a felony under (i) the laws of this state, (ii) federal law, or (iii) the laws
191 of another jurisdiction and which, if committed within this state, would
192 have constituted a felony under the laws of this state, except for a
193 practitioner who is a social worker under chapter 383b, an art therapist
194 under chapter 383g, a dietitian-nutritionist under chapter 384b, an
195 embalmer or funeral director under chapter 385, a barber under chapter
196 386, a hairdresser, cosmetician, esthetician, eyelash technician or nail
197 technician under chapter 387; or

198 (B) Subject to disciplinary action similar to that specified in this

199 subsection by a duly authorized professional agency of any state, the
200 federal government, the District of Columbia, a United States possession
201 or territory or a foreign jurisdiction. The applicable board or
202 commission, or the department shall promptly notify the practitioner or
203 permittee that his license or permit has been summarily acted upon
204 pursuant to this subsection and shall institute formal proceedings for
205 revocation within ninety days after such notification.

206 Sec. 3. Section 20-195p of the general statutes is repealed and the
207 following is substituted in lieu thereof (*Effective October 1, 2022*):

208 The commissioner may take any action set forth in section 19a-17, as
209 amended by this act, if the license holder fails to conform to the accepted
210 standards of the social work profession, including, but not limited to,
211 the following: Conviction of a felony that is reasonably related to the
212 license holder's ability to safely or competently perform the duties or
213 responsibilities associated with such license; fraud or deceit in obtaining
214 or seeking reinstatement of a license to practice clinical social work;
215 fraud or deceit in the practice of social work; negligent, incompetent or
216 wrongful conduct in professional activities; emotional disorder or
217 mental illness; physical illness, including, but not limited to,
218 deterioration through the aging process; abuse or excessive use of drugs,
219 including alcohol, narcotics or chemicals; wilful falsification of entries
220 in any hospital, patient or other record pertaining to social work;
221 violation of any provision of this chapter or any regulation adopted
222 hereunder. The Commissioner of Public Health may order a license
223 holder to submit to a reasonable physical or mental examination if his
224 physical or mental capacity to practice safely is the subject of an
225 investigation. Said commissioner may petition the superior court for the
226 judicial district of Hartford to enforce such order or any action taken
227 pursuant to [said] section 19a-17, as amended by this act. Notice of any
228 contemplated action under [said] section 19a-17, as amended by this act,
229 of the cause therefor and the date of hearing thereon, shall be given
230 [and] an opportunity for hearing afforded as provided in the regulations
231 adopted by the commissioner.

232 Sec. 4. Section 20-195ee of the general statutes is repealed and the
233 following is substituted in lieu thereof (*Effective October 1, 2022*):

234 The Commissioner of Public Health may take any disciplinary action
235 set forth in section 19a-17, as amended by this act, against a professional
236 counselor or professional counselor associate for any of the following
237 reasons: (1) Failure to conform to the accepted standards of the
238 profession; (2) conviction of a felony that is reasonably related to the
239 license holder's ability to safely or competently practice professional
240 counseling; (3) fraud or deceit in obtaining or seeking reinstatement of
241 a license to practice professional counseling; (4) fraud or deceit in the
242 practice of professional counseling; (5) negligent, incompetent or
243 wrongful conduct in professional activities; (6) physical, mental or
244 emotional illness or disorder resulting in an inability to conform to the
245 accepted standards of the profession; (7) alcohol or substance abuse; (8)
246 wilful falsification of entries in any hospital, patient or other record
247 pertaining to professional counseling; or (9) violation of any provision
248 of sections 20-195aa to 20-195dd, inclusive, or any regulation adopted
249 pursuant to section 20-195ff. The commissioner may order a license
250 holder to submit to a reasonable physical or mental examination if his
251 physical or mental capacity to practice safely is the subject of an
252 investigation. The commissioner may petition the superior court for the
253 judicial district of Hartford to enforce such order or any action taken
254 pursuant to [said] section 19a-17, as amended by this act. The
255 commissioner shall give notice and an opportunity to be heard on any
256 contemplated action under [said] section 19a-17, as amended by this act.

257 Sec. 5. Section 20-195qqq of the general statutes is repealed and the
258 following is substituted in lieu thereof (*Effective October 1, 2022*):

259 The Commissioner of Public Health may take any disciplinary action
260 set forth in section 19a-17, as amended by this act, against an art
261 therapist for any of the following reasons: (1) Failure to conform to the
262 accepted standards of the profession; (2) conviction of a felony that is
263 reasonably related to the license holder's ability to safely or competently
264 perform the duties or responsibilities associated with such license; (3)

265 fraud or deceit in obtaining or seeking reinstatement of a license to
266 practice art therapy; (4) fraud or deceit in the practice of art therapy; (5)
267 negligent, incompetent or wrongful conduct in professional activities;
268 (6) physical, mental or emotional illness or disorder resulting in an
269 inability to conform to the accepted standards of the profession; (7)
270 alcohol or substance abuse; or (8) wilful falsification of entries in any
271 hospital, patient or other record pertaining to art therapy. The
272 commissioner may order a license holder to submit to a reasonable
273 physical or mental examination if his or her physical or mental capacity
274 to practice safely is the subject of an investigation. The commissioner
275 may petition the superior court for the judicial district of Hartford to
276 enforce such order or any action taken pursuant to section 19a-17, as
277 amended by this act. The commissioner shall give notice and an
278 opportunity to be heard on any contemplated action under section 19a-
279 17, as amended by this act.

280 Sec. 6. Section 20-206s of the general statutes is repealed and the
281 following is substituted in lieu thereof (*Effective October 1, 2022*):

282 The department may take any action set forth in section 19a-17, as
283 amended by this act, if the certificate holder fails to conform to the
284 accepted standards of the dietitian-nutritionist profession, including,
285 but not limited to, the following: Conviction of a felony that is
286 reasonably related to the certificate holder's ability to safely or
287 competently perform the duties or responsibilities associated with such
288 certificate; fraud or deceit in professional practice; illegal conduct;
289 negligent, incompetent or wrongful conduct in professional activities;
290 emotional disorder or mental illness; physical illness including, but not
291 limited to, deterioration through the aging process; abuse or excessive
292 use of drugs, including alcohol, narcotics or chemicals; wilful
293 falsification of entries in any client or patient record; misrepresentation
294 or concealment of a material fact in the obtaining or reinstatement of a
295 dietitian-nutritionist certificate; or violation of any provision of sections
296 20-206m to 20-206t, inclusive.

297 Sec. 7. Subsection (i) of section 20-265b of the 2022 supplement to the

298 general statutes is repealed and the following is substituted in lieu
299 thereof (*Effective October 1, 2022*):

300 (i) The Commissioner of Public Health may take any disciplinary
301 action set forth in section 19a-17, as amended by this act, against an
302 esthetician for failure to conform to the accepted standards of the
303 profession, including, but not limited to: (1) Conviction of a felony that
304 is reasonably related to the license holder's ability to safely or
305 competently practice as an esthetician; (2) fraud or deceit in obtaining
306 or seeking reinstatement of a license to practice as an esthetician; (3)
307 fraud or deceit in the practice of an esthetician; (4) negligent,
308 incompetent or wrongful conduct in professional activities; (5) physical,
309 mental or emotional illness or disorder resulting in an inability to
310 conform to the accepted standards of the profession; or (6) abuse or
311 excessive use of drugs, including, alcohol, narcotics or chemicals. The
312 commissioner may order a license holder to submit to a reasonable
313 physical or mental examination if his or her physical or mental capacity
314 to practice safely is the subject of an investigation. The commissioner
315 may petition the superior court for the judicial district of Hartford to
316 enforce such order or any action taken pursuant to section 19a-17, as
317 amended by this act. The commissioner shall give notice and an
318 opportunity to be heard on any contemplated action under section 19a-
319 17, as amended by this act.

320 Sec. 8. Subsection (i) of section 20-265c of the 2022 supplement to the
321 general statutes is repealed and the following is substituted in lieu
322 thereof (*Effective October 1, 2022*):

323 (i) The Commissioner of Public Health may take any disciplinary
324 action set forth in section 19a-17, as amended by this act, against an
325 eyelash technician for failure to conform to the accepted standards of
326 the profession, including, but not limited to: (1) Conviction of a felony
327 that is reasonably related to the license holder's ability to safely or
328 competently practice as an eyelash technician; (2) fraud or deceit in
329 obtaining or seeking reinstatement of a license to practice as an eyelash
330 technician; (3) fraud or deceit in the practice of an eyelash technician; (4)

331 negligent, incompetent or wrongful conduct in professional activities;
332 (5) physical, mental or emotional illness or disorder resulting in an
333 inability to conform to the accepted standards of the profession; or (6)
334 abuse or excessive use of drugs, including, alcohol, narcotics or
335 chemicals. The commissioner may order a license holder to submit to a
336 reasonable physical or mental examination if his or her physical or
337 mental capacity to practice safely is the subject of an investigation. The
338 commissioner may petition the superior court for the judicial district of
339 Hartford to enforce such order or any action taken pursuant to section
340 19a-17, as amended by this act. The commissioner shall give notice and
341 an opportunity to be heard on any contemplated action under section
342 19a-17, as amended by this act.

343 Sec. 9. Subsection (i) of section 20-265d of the 2022 supplement to the
344 general statutes is repealed and the following is substituted in lieu
345 thereof (*Effective October 1, 2022*):

346 (i) The Commissioner of Public Health may take any disciplinary
347 action set forth in section 19a-17, as amended by this act, against a nail
348 technician for failure to conform to the accepted standards of the
349 profession, including, but not limited to: (1) Conviction of a felony that
350 is reasonably related to the license holder's ability to safely or
351 competently practice as a nail technician; (2) fraud or deceit in obtaining
352 or seeking reinstatement of a license to practice as a nail technician; (3)
353 fraud or deceit in the practice of a nail technician; (4) negligent,
354 incompetent or wrongful conduct in professional activities; (5) physical,
355 mental or emotional illness or disorder resulting in an inability to
356 conform to the accepted standards of the profession; or (6) abuse or
357 excessive use of drugs, including, alcohol, narcotics or chemicals. The
358 commissioner may order a license holder to submit to a reasonable
359 physical or mental examination if his or her physical or mental capacity
360 to practice safely is the subject of an investigation. The commissioner
361 may petition the superior court for the judicial district of Hartford to
362 enforce such order or any action taken pursuant to section 19a-17, as
363 amended by this act. The commissioner shall give notice and an
364 opportunity to be heard on any contemplated action under section 19a-

365 17, as amended by this act.

366 Sec. 10. Subsection (a) of section 20-281a of the general statutes is
367 repealed and the following is substituted in lieu thereof (*Effective October*
368 *1, 2022*):

369 (a) After notice and hearing pursuant to section 20-280c, the board
370 may revoke any certificate, license or permit issued under section 20-
371 281c, 20-281d or 20-281e or the practice privilege of an individual who
372 qualifies under section 20-281n; suspend any such certificate,
373 registration, license, practice privilege or permit or refuse to renew any
374 such certificate, license or permit; reprimand, censure, or limit the scope
375 of practice of any licensee or individual that qualifies for the practice
376 privilege; impose a civil penalty not exceeding fifty thousand dollars
377 upon licensees, individuals who qualify for the practice privilege or
378 others violating provisions of section 20-281g or place any licensee or
379 individual that qualifies for the practice privilege on probation, all with
380 or without terms, conditions and limitations, for any one or more of the
381 following reasons:

382 (1) Fraud or deceit in obtaining a certificate, registration, license,
383 practice privilege or permit;

384 (2) Cancellation, revocation, suspension or refusal to renew authority
385 to engage in the practice of public accountancy in any other state for any
386 cause;

387 (3) Failure, on the part of a holder of a license or permit under section
388 20-281d or 20-281e, to maintain compliance with the requirements for
389 issuance or renewal of such license or permit or to report changes to the
390 board under subsection (h) of section 20-281d or subsection (f) of section
391 20-281e;

392 (4) Revocation, limitation or suspension of the right to practice before
393 any state or federal agency or the Public Company Accounting
394 Oversight Board under the Sarbanes-Oxley Act of 2002, or any of the
395 following actions taken by any such state or federal agency or said board

396 against a licensee or individual who qualifies for the practice privilege:
397 (A) Suspension of or barring a licensee from serving as a corporate
398 officer or director, (B) requiring such individual or licensee to disgorge
399 funds, or (C) suspension or barring such individual or a licensee from
400 association with a public accounting firm;

401 (5) Dishonesty, fraud or negligence in the practice of public
402 accountancy or in the filing or failure to file his own income tax returns;

403 (6) Violation of any provision of sections 20-279b to 20-281m,
404 inclusive, or regulation adopted by the board under said sections;

405 (7) Violation of any rule of professional conduct adopted by the board
406 under subdivision (4) of subsection (g) of section 20-280;

407 (8) Conviction of a felony that is reasonably related to the licensee's
408 ability to safely or competently engage in the practice of public
409 accountancy, or of any crime an element of which is dishonesty or fraud,
410 under the laws of the United States, of this state, or of any other state if
411 the acts involved would have constituted a crime under the laws of this
412 state, subject to the provisions of section 46a-80;

413 (9) Performance of any fraudulent act while holding a registration,
414 certificate, license, practice privilege or permit issued under sections 20-
415 279b to 20-281m, inclusive, or prior law;

416 (10) Any conduct reflecting adversely upon the licensee's fitness to
417 engage in the practice of public accountancy; and

418 (11) Violation by anyone of any provision of section 20-281g.

419 Sec. 11. Section 20-294 of the general statutes is repealed and the
420 following is substituted in lieu thereof (*Effective October 1, 2022*):

421 The Commissioner of Consumer Protection or the board may
422 suspend for a definite period, not to exceed one year, or revoke any
423 license or certificate of authority issued under this chapter, after notice
424 and hearing in accordance with the regulations adopted by the

425 Commissioner of Consumer Protection, or may officially censure any
426 person holding any such license or certificate of authority and may
427 assess a civil penalty of up to one thousand dollars per violation, (1) if it
428 is shown that the license or certificate was obtained through fraud or
429 misrepresentation, (2) if the holder of the license or certificate has been
430 found guilty by the board, the commissioner or by a court of competent
431 jurisdiction of any fraud or deceit in such holder's professional practice
432 or has been convicted of a felony that is reasonably related to the
433 holder's ability to safely or competently perform the duties or
434 responsibilities associated with such license or certificate, (3) if the
435 holder of the license or certificate has been found guilty by the board or
436 the commissioner of gross incompetency or of negligence in the
437 planning or construction of buildings, or (4) if it is shown to the
438 satisfaction of the board or the commissioner that the holder of the
439 license or certificate has violated any provision of this chapter or any
440 regulation adopted under this chapter. Any such suspension or
441 revocation of a license or certificate by the board shall be a proposed
442 final decision and submitted to the commissioner in accordance with the
443 provisions of subsection (b) of section 21a-7. The board or the
444 commissioner may reissue any such license or certificate which has been
445 revoked, and may modify the suspension of any such license or
446 certificate which has been suspended.

447 Sec. 12. Subsection (c) of section 20-334 of the 2022 supplement to the
448 general statutes is repealed and the following is substituted in lieu
449 thereof (*Effective October 1, 2022*):

450 (c) The Commissioner of Consumer Protection and each board
451 established under section 20-331 may suspend or revoke any license or
452 certificate granted or issued by it under this chapter if the holder of such
453 license or certificate (1) is convicted of a felony [,] that is reasonably
454 related to the license or certificate holder's ability to safely or
455 competently perform the duties or responsibilities associated with such
456 license or certificate, (2) is grossly incompetent, (3) engages in
457 malpractice or unethical conduct or knowingly makes false, misleading
458 or deceptive representations regarding his or her work, or (4) violates

459 the regulations adopted under this chapter. Before any such license or
460 certificate is suspended or revoked, such holder shall be given notice
461 and opportunity for hearing as provided in regulations adopted by the
462 Commissioner of Consumer Protection. Any person whose license or
463 certificate has been suspended or revoked may, after ninety days but
464 not more than one hundred eighty days after such suspension or
465 revocation, apply to the board demonstrating good cause to have such
466 license reinstated. Any such suspension or revocation of a license or
467 [certification] certificate by the board shall be a proposed final decision
468 and submitted to the commissioner in accordance with the provisions
469 of subsection (b) of section 21a-7.

470 Sec. 13. Subsection (b) of section 20-341gg of the general statutes is
471 repealed and the following is substituted in lieu thereof (*Effective October*
472 *1, 2022*):

473 (b) No person shall engage in or offer to perform the work of any
474 major contractor in this state on any proposed structure or existing
475 structure or addition that exceeds the threshold limits contained in
476 section 29-276b unless such person has first obtained a license or
477 certificate of registration as required under the provisions of chapter 539
478 or a registration from the Department of Consumer Protection in
479 accordance with the provisions of this section. Individuals licensed
480 under chapter 393 shall be exempt from the provisions of this chapter
481 while engaging in work that they are licensed to perform. The
482 department shall issue a certificate of registration to any person who is
483 prequalified pursuant to section 4a-100 who applies for registration in
484 accordance with this section. Such prequalified person shall not be
485 required to pay a fee for such registration at any time that the person
486 maintains valid prequalification. If the individual or the firm, company,
487 partnership or corporation employing such individual is engaged in
488 work on a structure or addition that exceeds the threshold limits
489 contained in section 29-276b and requires licensure under chapter 393,
490 the firm, company, partnership or corporation shall be exempt from the
491 provisions of this chapter concerning registration of major contractors,
492 if the firm, company, partnership or corporation employs an individual

493 who is licensed as a contractor under chapter 393 to perform such work.
494 The department shall furnish to each qualified applicant a registration
495 certifying that the holder of such registration is entitled to engage in the
496 work for which the person has been issued a registration under this
497 subsection, and the holder of such registration shall carry it on his
498 person while engaging in such work. Such registration shall be shown
499 to any properly interested person upon request. No such registration
500 shall be transferred to or used by any person other than the person to
501 whom the registration was issued. The department shall maintain
502 rosters of registrants and shall update such rosters annually. The
503 department may provide copies of rosters to the public for an
504 appropriate fee. The department may suspend or revoke any
505 registration issued by the department if the holder of such registration
506 is convicted of a felony that is reasonably related to the registration
507 holder's ability to safely or competently perform work under such
508 registration, is grossly incompetent, is disqualified, pursuant to section
509 4a-100 or whose prequalification certificate has been revoked pursuant
510 to section 4a-100, engages in malpractice or unethical conduct or
511 knowingly makes false, misleading or deceptive representations
512 regarding his work or violates any regulation adopted under subsection
513 (c) of this section. Before any registration is suspended or revoked, such
514 holder shall be given notice and an opportunity for hearing as provided
515 in regulations adopted under subsection (c) of this section. The
516 Commissioner of Consumer Protection shall provide written notice of
517 any suspension or revocation of a registration to the Commissioner of
518 Administrative Services not later than ten days after such suspension or
519 revocation.

520 Sec. 14. Section 20-363 of the general statutes is repealed and the
521 following is substituted in lieu thereof (*Effective October 1, 2022*):

522 The commissioner may refuse to issue or renew or may suspend or
523 revoke a license or take any of the actions set forth in section 19a-17, as
524 amended by this act, upon proof that the applicant or license holder (1)
525 has employed or knowingly cooperated in fraud or material deception
526 in order to obtain a license or has engaged in fraud or material deception

527 in the course of professional services or activities at any place; (2) has
528 been guilty of illegal, incompetent or negligent conduct in his or her
529 practice; (3) has violated any provision of this chapter or any regulation
530 adopted under this chapter; (4) has been found guilty or convicted as a
531 result of an act which constitutes a felony under (A) the laws of this
532 state, (B) federal law, or (C) the laws of another jurisdiction and which,
533 if committed within this state, would have constituted a felony under
534 the laws of this state, provided such felony is reasonably related to the
535 applicant's or license holder's ability to safely or competently perform
536 work under such license; or (5) has been subject to disciplinary action
537 similar to that specified in section 19a-17, as amended by this act, by a
538 duly authorized professional disciplinary agency of any state, the
539 District of Columbia, a United States possession or territory, or a foreign
540 jurisdiction. The commissioner may petition the superior court for the
541 judicial district of Hartford to enforce any action taken pursuant to
542 section 19a-17, as amended by this act. Before the commissioner may
543 suspend, revoke or refuse to renew a license or take such other action,
544 the commissioner shall give the applicant or license holder notice and
545 opportunity for hearing as provided in the regulations adopted by the
546 commissioner.

547 Sec. 15. Section 20-442a of the general statutes is repealed and the
548 following is substituted in lieu thereof (*Effective October 1, 2022*):

549 The department may take any action set forth in section 19a-17, as
550 amended by this act, and subsection (f) of section 19a-88 against a
551 person or entity licensed or certified pursuant to chapter 400a for
552 reasons including, but not limited to, the following: (1) Conviction of a
553 felony that is reasonably related to the person's or entity's ability to
554 safely or competently perform professional activities under such license
555 or certificate; (2) fraud or deceit in the practice of such person's or
556 entity's profession; (3) negligent, incompetent or wrongful conduct in
557 professional activities; (4) misrepresentation or concealment of a
558 material fact in the obtaining, reinstatement or renewal of a license or
559 certificate; or (5) violation of any provision of chapter 400a, or any
560 regulation adopted thereunder. The commissioner may petition the

561 superior court for the judicial district of Hartford to enforce such order
562 or any action taken pursuant to section 19a-17, as amended by this act.
563 Notice of any contemplated action under section 19a-17, as amended by
564 this act, the cause of action and the date of a hearing on the action shall
565 be given and an opportunity for hearing afforded in accordance with
566 the provisions of chapter 54.

567 Sec. 16. Section 20-481 of the general statutes is repealed and the
568 following is substituted in lieu thereof (*Effective October 1, 2022*):

569 The department may take any action set forth in section 19a-17, as
570 amended by this act, against a person or entity issued a license or
571 certificate pursuant to sections 20-474 to 20-482, inclusive, and
572 subsections (e) and (f) of section 19a-88 for reasons including, but not
573 limited to, the following: Conviction of a felony that is reasonably
574 related to the person's or entity's ability to safely or competently
575 perform professional activities under such license or certificate; fraud or
576 deceit in the practice of his profession; negligent, incompetent or
577 wrongful conduct in professional activities; misrepresentation or
578 concealment of a material fact in the obtaining, reinstatement or renewal
579 of a license; or violation of any provision of sections 20-474 to 20-482,
580 inclusive, and subsections (e) and (f) of section 19a-88 or any regulation
581 adopted thereunder. The commissioner may petition the superior court
582 for the judicial district of Hartford to enforce such order or any action
583 taken pursuant to [said] section 19a-17, as amended by this act. Notice
584 of any contemplated action under [said] section 19a-17, as amended by
585 this act, the cause of action and the date of a hearing on the action shall
586 be given and an opportunity for hearing afforded in accordance with
587 the provisions of chapter 54.

588 Sec. 17. Subsection (i) of section 20-540 of the general statutes is
589 repealed and the following is substituted in lieu thereof (*Effective October*
590 *1, 2022*):

591 (i) The Department of Consumer Protection may suspend or revoke
592 a certificate granted or issued by it pursuant to this section if the holder
593 of such certificate is convicted of a felony that is reasonably related to

594 the certificate holder's ability to safely or competently perform work
595 under such certificate, is grossly incompetent, engages in malpractice or
596 unethical conduct or knowingly makes false, misleading or deceptive
597 representations regarding his work. Prior to such suspension or
598 revocation, such holder shall be given notice and an opportunity for
599 hearing as provided in regulations adopted by the Commissioner of
600 Consumer Protection. Any person whose certificate has been suspended
601 may, after ninety days, apply to the department to have such certificate
602 reinstated.

603 Sec. 18. Subsection (a) of section 22a-66e of the general statutes is
604 repealed and the following is substituted in lieu thereof (*Effective October*
605 *1, 2022*):

606 (a) The grounds for denial, revocation or suspension of a registration
607 shall include, but not be limited to:

608 (1) Violation of any provision of this chapter, as amended, or any
609 regulation, permit, certificate, registration or order adopted,
610 administered or issued pursuant thereto;

611 (2) Inclusion of false or misleading information in an application or
612 failure to notify the commissioner of a change as required by section
613 22a-66c;

614 (3) Inclusion of false or misleading information in records required to
615 be maintained pursuant to section 22a-66g, the failure to maintain such
616 records, or the failure to provide the commissioner with the records
617 required by said section;

618 (4) Use of a pesticide in a manner inconsistent with the registered
619 labeling or with state or federal restrictions on the use of such pesticide;

620 (5) Application of pesticides generally known in the trade to be
621 ineffective or improper for the intended use;

622 (6) Operation of faulty or unsafe equipment which may result in
623 improper application or harm to the environment, the applicator or

624 others from the pesticide;

625 (7) Application of a pesticide in a faulty, careless or negligent manner;

626 (8) Aiding or abetting a certified or uncertified person to evade the
627 provisions of this chapter, as amended, or any regulation, permit,
628 certificate, registration or order adopted, administered or issued
629 pursuant thereto;

630 (9) The making of a false or misleading statement during an
631 inspection or investigation concerning an infestation of pests, an
632 accident in applying a pesticide, misuse of a pesticide, or violation of a
633 statute, regulation, certificate, registration or order;

634 (10) The performance of work, whether or not for compensation, in a
635 category for which the applicator is not certified; and

636 (11) The conviction of the applicant or owner of a pesticide
637 application business of a felony, as defined in section 53a-25, that is
638 reasonably related to the applicant's or owner's ability to safely or
639 competently perform work under such registration.

640 Sec. 19. Subsection (c) of section 23-61i of the general statutes is
641 repealed and the following is substituted in lieu thereof (*Effective October*
642 *1, 2022*):

643 (c) The grounds for denial, revocation or suspension of a certificate of
644 registration shall include the following:

645 (1) Violation of any provision of this chapter or chapter 441 or any
646 regulation, permit, certificate, registration or order adopted, issued or
647 administered or issued pursuant to this chapter and chapter 441;

648 (2) Inclusion of false or misleading information in an application or
649 the failure to notify the commissioner of a change, as required by section
650 23-61h;

651 (3) Inclusion of false or misleading information in records required to
652 be maintained pursuant to section 23-61k, or the failure to maintain such

653 records or provide the commissioner with the records required by
654 section 23-61k;

655 (4) Use of a pesticide in a manner inconsistent with the registered
656 labeling or with state or federal restrictions on the use of such pesticide;

657 (5) Application of pesticides generally known in the trade to be
658 ineffective or improper for the intended use;

659 (6) Operation of faulty or unsafe equipment which may result in
660 improper pesticide application or harm to the environment, a worker or
661 other persons;

662 (7) Application of a pesticide or performance of arboriculture in a
663 faulty, careless or negligent manner;

664 (8) Aiding or abetting a licensed or unlicensed person to evade the
665 provisions of this chapter or chapter 441 or any regulation, permit,
666 certificate, registration or order adopted, issued or administered
667 pursuant to this chapter and chapter 441;

668 (9) The making of a false or misleading statement during an
669 inspection or investigation concerning an infestation of pests, an
670 accident in applying a pesticide, misuse of a pesticide, or violation of a
671 statute, regulation, certificate, registration or order;

672 (10) The performance of arboriculture which does not meet generally
673 accepted industry standards;

674 (11) The performance of work, whether or not for compensation, in a
675 category for which the arborist is not certified; and

676 (12) The conviction of the applicant of a felony, as defined in section
677 53a-25, that is reasonably related to the applicant's ability to safely or
678 competently perform work under such certification.

679 Sec. 20. Section 29-158 of the general statutes is repealed and the
680 following is substituted in lieu thereof (*Effective October 1, 2022*):

681 Any license or registration issued under the provisions of sections 29-
682 153 to 29-161, inclusive, may be suspended or revoked by the
683 commissioner, after giving notice and an opportunity to be heard to the
684 licensee or registrant when the commissioner finds that the licensee or
685 registrant has: (1) Violated any of the terms or provisions of sections 29-
686 153 to 29-161, inclusive, or any of the regulations adopted thereunder;
687 (2) practiced fraud, deceit or misrepresentation in dealing with the
688 clients of the licensee or registrant; (3) made a material misstatement in
689 the application for issuance of such license or registration, or, in the case
690 of a licensee, in the application for renewal of such license; (4)
691 demonstrated incompetence or untrustworthiness in the conduct of the
692 business; or (5) been convicted of a felony or other crime involving
693 moral turpitude, that is reasonably related to the licensee's or
694 registrant's ability to safely or competently perform work under such
695 license or registration. If the licensee or registrant has been convicted
696 under section 53a-61 or 53a-62, the commissioner shall consider the facts
697 and circumstances surrounding such conviction prior to suspending or
698 revoking the license or registration. Any party aggrieved by an order of
699 the commissioner under the provisions of this section may appeal
700 therefrom in accordance with the provisions of section 4-183, except the
701 venue for such appeal shall be the judicial district of New Britain.

702 Sec. 21. Section 29-161v of the general statutes is repealed and the
703 following is substituted in lieu thereof (*Effective October 1, 2022*):

704 Any license for a security service or security officer or approval as a
705 security officer instructor may be suspended or revoked by the
706 Commissioner of Emergency Services and Public Protection, provided
707 notice shall have been given to the licensee or instructor to appear before
708 the commissioner to show cause why the license or approval should not
709 be suspended or revoked, upon a finding by the commissioner that: (1)
710 The licensee has violated any of the terms or provisions of sections 29-
711 161g to 29-161x, inclusive, or in the case of an instructor, section 29-161q,
712 or any of the regulations adopted pursuant to section 29-161x; (2) the
713 licensee or instructor has practiced fraud, deceit or misrepresentation;
714 (3) the licensee or instructor has made a material misstatement in the

715 application for issuance or renewal of the license or approval; (4) the
716 licensee or instructor has demonstrated incompetence or
717 untrustworthiness in the conduct of the business; or (5) the licensee or
718 instructor has been convicted of a felony that is reasonably related to the
719 licensee's or instructor's ability to safely or competently perform work
720 under such license or approval or [other] a crime affecting the licensee's
721 or instructor's honesty [,] or integrity. [or moral fitness.] Any party
722 aggrieved by an order of the commissioner under this section may
723 appeal therefrom in accordance with the provisions of section 4-183,
724 except the venue for such appeal shall be the judicial district of New
725 Britain.

726 Sec. 22. Subsection (a) of section 30-47 of the general statutes is
727 repealed and the following is substituted in lieu thereof (*Effective October*
728 *1, 2022*):

729 (a) The Department of Consumer Protection may, in its discretion,
730 suspend, revoke or refuse to grant or renew a permit for the sale of
731 alcoholic liquor if it has reasonable cause to believe: (1) That the
732 applicant or permittee appears to be financially irresponsible or neglects
733 to provide for his family, or neglects or is unable to pay his just debts;
734 (2) that the applicant or permittee has been provided with funds by any
735 wholesaler or manufacturer or has any forbidden connection with any
736 other class of permittee as provided in this chapter; (3) that the applicant
737 or permittee is in the habit of using alcoholic beverages to excess; (4) that
738 the applicant or permittee has wilfully made any false statement to the
739 department in a material matter; (5) that the applicant or permittee has
740 been convicted of violating any of the liquor laws of this or any other
741 state or the liquor laws of the United States or has been convicted of a
742 felony as such term is defined in section 53a-25, that is reasonably
743 related to the applicant's or permittee's ability to safely or competently
744 perform the duties associated with such permit, or has such a criminal
745 record that the department reasonably believes he is not a suitable
746 person to hold a permit, provided no refusal shall be rendered under
747 this subdivision except in accordance with the provisions of sections
748 46a-80 and 46a-81, as amended by this act; (6) that the applicant or

749 permittee has not been delegated full authority and control of the permit
 750 premises and of the conduct of all business on such premises; or (7) that
 751 the applicant or permittee has violated any provision of this chapter or
 752 any regulation adopted under this chapter. Any backer shall be subject
 753 to the same disqualifications as provided in this section in the case of an
 754 applicant for a permit or a permittee.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	19a-14(a)
Sec. 2	October 1, 2022	19a-17(a)
Sec. 3	October 1, 2022	20-195p
Sec. 4	October 1, 2022	20-195ee
Sec. 5	October 1, 2022	20-195qqq
Sec. 6	October 1, 2022	20-206s
Sec. 7	October 1, 2022	20-265b(i)
Sec. 8	October 1, 2022	20-265c(i)
Sec. 9	October 1, 2022	20-265d(i)
Sec. 10	October 1, 2022	20-281a(a)
Sec. 11	October 1, 2022	20-294
Sec. 12	October 1, 2022	20-334(c)
Sec. 13	October 1, 2022	20-341gg(b)
Sec. 14	October 1, 2022	20-363
Sec. 15	October 1, 2022	20-442a
Sec. 16	October 1, 2022	20-481
Sec. 17	October 1, 2022	20-540(i)
Sec. 18	October 1, 2022	22a-66e(a)
Sec. 19	October 1, 2022	23-61i(c)
Sec. 20	October 1, 2022	29-158
Sec. 21	October 1, 2022	29-161v
Sec. 22	October 1, 2022	30-47(a)

Statement of Legislative Commissioners:

In Section 3, in the last sentence "and" was bracketed for proper grammar and in Section 10(a)(8) "practice of accountancy" was changed to "practice of public accountancy" for consistency.

LAB Joint Favorable Subst. -LCO

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

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a potential revenue gain from licensing fees by limiting circumstances in which a person's occupational license can be denied, revoked, or suspended. This change is anticipated to result in greater revenue from licensing fees from the Department of Public Health and the Department of Consumer Protection.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of license fees impacted by this change.

OLR Bill Analysis**HB 5248****AN ACT CONCERNING COLLATERAL CONSEQUENCES OF CRIMINAL CONVICTIONS ON OCCUPATIONAL LICENSING.****SUMMARY**

This bill limits the circumstances under which various occupational licensing agencies, boards, and commissions may take certain actions against a practitioner (e.g., denying, revoking, or suspending a license) because the practitioner was found guilty or convicted of a felony. For certain occupations, it prohibits the relevant licensing entities from taking these actions summarily (immediately). And for regular (non-immediate) disciplinary actions, the bill allows them to do so only when the felony is reasonably related to practitioner's ability to safely or competently perform the duties or responsibilities associated with the license, certificate, permit, registration, or practice.

The law generally authorizes the Department of Health (DPH) to deny an occupational permit or license for an applicant who has been found guilty or convicted of a felony (in Connecticut, under federal law, or in any other jurisdiction if it would have been a felony in Connecticut). Under current law, however, DPH cannot do this for barbers, hairdressers, or cosmeticians. The bill broadens this exception to also cover licenses for embalmers and funeral directors (§ 1).

EFFECTIVE DATE: October 1, 2022

§ 2 — IMMEDIATE DISCIPLINARY ACTIONS

Current law allows various occupational licensing boards or commissions and DPH to take certain actions against a practitioner summarily if they receive proof that the practitioner was found guilty or convicted of a felony. These disciplinary actions include summarily revoking or suspending a license or permit, censuring or reprimanding the practitioner, limiting or restricting the practitioner's practice,

placing the practitioner on probationary status, and assessing a civil penalty up to \$25,000.

Under the bill, these disciplinary actions cannot be taken summarily against licensed clinical social workers and master social workers, art therapists, dietician-nutritionists, embalmers or funeral directors, barbers, hairdressers, cosmeticians, estheticians, eyelash technicians, or nail technicians who were found guilty or convicted of a felony.

§§ 3-22 — REGULAR DISCIPLINARY ACTIONS

Current law also allows the various occupational licensing boards or commissions and state agencies to take certain actions (but not summarily) against a practitioner who was convicted of a felony. Depending on the occupation, these may include the full range of disciplinary actions discussed above or be limited to revoking or suspending the applicable license, permit, or certification. In some instances, they also include denying a license or license renewal.

The bill limits the circumstances under which these actions may be taken by allowing them only when the felony conviction is reasonably related to the practitioner’s ability to safely or competently perform the duties or responsibilities associated with the license, certificate, permit, registration, or practice (as applicable). Table 1 shows the occupations to which the bill applies these limitations.

Table 1: Occupations with Disciplinary Actions Limited by the Bill

Bill Section	Statute (CGS §)	Occupation
3	20-195p	Clinical social worker and master social worker
4	20-195ee	Professional counselor
5	20-195qqq	Art therapist
6	20-206s	Dietician-nutritionist
7	20-265b	Esthetician
8	20-265c	Eyelash technician
9	20-265d	Nail technician

10	20-281a	Public accountant
11	20-294	Architect
12	20-334	Tradesperson in electrical; plumbing and piping; solar; heating, piping, cooling, and sheet metal; fire protection sprinkler systems; elevator installation, repair, and maintenance; irrigation; automotive glass; flat glass; or gas hearth work field Residential stair lift technician; swimming pool builder (and other occupations covered by Chapter 393)
13	20-341gg	Major contractor
14	20-363	Sanitarian
15	20-442a	Asbestos contractor and consultant
16	20-481	Lead abatement consultant, contractor, and worker
17	20-540	Public service gas technician
18	22a-66e	Pesticide application business (also similarly limits the ability to deny a registration)
19	23-61i	Arborist business (also similarly limits the ability to deny a registration)
20	29-158	Private detective, detective business, or investigator
21	29-161v	Security service, security officer, and security officer instructor
22	30-47	Liquor permittee (also similarly limits the ability to grant or renew a permit)

Security Service, Security Officer, and Security Officer Instructors (§ 21)

Current law also allows the license for a security service, security officer, or security officer instructor to be suspended or revoked if the licensee is convicted of a crime affecting the licensee's honesty, integrity, or moral fitness. The bill removes crimes affecting the licensee's moral fitness from the types of crimes for which the license may be suspended or revoked.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 13 Nay 0 (03/24/2022)