



General Assembly

January Session, 2019

Raised Bill No. 936

LCO No. 4000



Referred to Committee on EDUCATION

Introduced by:
(ED)

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

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

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2 general statutes are repealed and the following is substituted in lieu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

4 (a) The Commissioner of Early Childhood shall establish and
5 operate a child care subsidy program to increase the availability,
6 affordability and quality of child care services for families with a
7 parent or caretaker who (1) is working or attending high school, or (2)
8 receives cash assistance under the temporary family assistance
9 program from the Department of Social Services and is participating in
10 an education, training or other job preparation activity approved
11 pursuant to subsection (b) of section 17b-688i or subsection (b) of
12 section 17b-689d. Services available under the child care subsidy
13 program shall include the provision of child care subsidies for children
14 under the age of thirteen or children under the age of nineteen with
15 special needs. The Office of Early Childhood shall open and maintain

16 enrollment for the child care subsidy program and shall administer
17 such program within the existing budgetary resources available. The
18 office shall issue a notice on the office's Internet web site any time the
19 office closes the program to new applications, changes eligibility
20 requirements, changes program benefits or makes any other change to
21 the program's status or terms, except the office shall not be required to
22 issue such notice when the office expands program eligibility. Any
23 change in the office's acceptance of new applications, eligibility
24 requirements, program benefits or any other change to the program's
25 status or terms for which the office is required to give notice pursuant
26 to this subsection, shall not be effective until thirty days after the office
27 issues such notice.

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

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

50 program, (B) working families whose temporary family assistance was
51 discontinued not more than five years prior to the date of application
52 for the child care subsidy program, (C) teen parents, (D) low-income
53 working families, (E) adoptive families of children who were adopted
54 from the Department of Children and Families and who are granted a
55 waiver of income standards under subdivision (2) of subsection (b) of
56 this section, and (F) working families who are at risk of welfare
57 dependency; [, and (G) any household with a child or children
58 participating in the Early Head Start-Child Care Partnership federal
59 grant program for a period of up to twelve months based on Early
60 Head Start eligibility criteria;] (2) health and safety standards for child
61 care providers not required to be licensed; (3) a reimbursement system
62 for child care services which account for differences in the age of the
63 child, number of children in the family, the geographic region and type
64 of care provided by licensed and unlicensed caregivers, the cost and
65 type of services provided by licensed and unlicensed caregivers,
66 successful completion of fifteen hours of annual in-service training or
67 credentialing of child care directors and administrators, and program
68 accreditation; (4) supplemental payment for special needs of the child
69 and extended nontraditional hours; (5) an annual rate review process
70 for providers which assures that reimbursement rates are maintained
71 at levels which permit equal access to a variety of child care settings;
72 (6) a sliding reimbursement scale for participating families; (7) an
73 administrative appeals process; (8) an administrative hearing process
74 to adjudicate cases of alleged fraud and abuse and to impose sanctions
75 and recover overpayments; (9) an extended period of program and
76 payment eligibility when a parent who is receiving a child care
77 subsidy experiences a temporary interruption in employment or other
78 approved activity; and (10) a waiting list for the child care subsidy
79 program that (A) allows the commissioner to exercise discretion in
80 prioritizing within and between existing priority groups, including,
81 but not limited to, children described in 45 CFR 98.46, as amended
82 from time to time, and households with an infant or toddler, and (B)
83 reflects the priority and eligibility system set forth in subdivision (1) of
84 this subsection, which is reviewed periodically, with the inclusion of

85 this information in the annual report required to be issued annually by
86 the office to the Governor and the General Assembly in accordance
87 with section 17b-733. Such action will include, but not be limited to,
88 family income, age of child, region of state and length of time on such
89 waiting list.

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

92 (NEW) (f) Any child care center or group child care home may
93 provide child care services to a foster child for a period not to exceed
94 forty-five days without complying with any provision in regulations
95 adopted pursuant to this section relating to immunization and physical
96 examination requirements. Any child care center or group child care
97 home that provides child care services to such foster child at such
98 center or home under this subsection shall maintain a record on file of
99 all such foster children who have attended such center or home for a
100 period of two years after such foster children are no longer receiving
101 child care services at such center or home. For purposes of this
102 subsection, "foster child" means a child who is in the care and custody
103 of the Commissioner of Children and Families and placed in a foster
104 home licensed pursuant to section 17a-114, foster home approved by a
105 child-placing agency licensed pursuant to section 17a-149 or facility
106 licensed pursuant to section 17a-145.

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

109 (NEW) (i) Any family child care home may provide child care
110 services to a foster child for a period not to exceed forty-five days
111 without complying with any provision in regulations adopted
112 pursuant to this section relating to immunization and physical
113 examination requirements. Any family child care home that provides
114 child care services to such foster child at such home under this
115 subsection shall maintain a record on file of all such foster children
116 who have attended such home for a period of two years after such

117 foster children are no longer receiving child care services at such
118 home. For purposes of this subsection, "foster child" means a child who
119 is in the care and custody of the Commissioner of Children and
120 Families and placed in a foster home licensed pursuant to section 17a-
121 114, foster home approved by a child-placing agency licensed pursuant
122 to section 17a-149 or facility licensed pursuant to section 17a-145.

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

125 (a) As used in this section:

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

131 (2) "Child care provider" has the same meaning as provided in 45
132 CFR 98.43, as amended from time to time; and

133 (3) "Child care staff member" has the same meaning as provided in
134 45 CFR 98.43, as amended from time to time.

135 (b) The comprehensive background checks required pursuant to
136 subsection (c) of section 19a-80, subsection (c) of section 19a-87b, and
137 subsection (a) of section 17b-749k, shall be conducted at least once
138 every five years for child care providers and child care staff members
139 in accordance with the provisions of 45 CFR 98.43, as amended from
140 time to time.

141 (c) Any person who applies for a position at a child care facility in
142 the state shall not be required to submit to such comprehensive
143 background checks if such person (1) is an employee of a child care
144 facility in the state, or [was previously an employee of a child care
145 facility in the state during the previous one hundred eighty days] has
146 not been separated from employment from a child care provider in the

147 state for a period of more than one hundred eighty days, and (2) has
148 successfully completed such comprehensive background checks in the
149 previous five years. Nothing in this section prohibits the
150 Commissioner of Early Childhood from requiring that [an employee or
151 prospective employee of a child care facility to] a person applying for a
152 position at a child care facility in the state, a child care provider or a
153 child care staff member submit to comprehensive background checks
154 more than once during a five-year period. [For purposes of this section,
155 "child care facility" means a child care center, group child care home or
156 family child care home that provides "child care services", as described
157 in section 19a-77, and the home of a family child care provider, as
158 defined in section 17b-705.]

159 Sec. 5. Section 19a-84 of the general statutes is repealed and the
160 following is substituted in lieu thereof (*Effective July 1, 2019*):

161 (a) When the Commissioner of Early Childhood has reason to
162 believe any person licensed under sections 19a-77 to 19a-80, inclusive,
163 and sections 19a-82 to 19a-87, inclusive, has failed substantially to
164 comply with the regulations adopted under said sections, the
165 commissioner may notify the licensee in writing of the commissioner's
166 intention to suspend or revoke the license or to impose a licensure
167 action. Such notice shall be served by certified mail stating the
168 particular reasons for the proposed action. The licensee may, if
169 aggrieved by such intended action, make application for a hearing in
170 writing over the licensee's signature to the commissioner. The licensee
171 shall state in the application in plain language the reasons why the
172 licensee claims to be aggrieved. The application shall be delivered to
173 the commissioner not later than thirty days after the licensee's receipt
174 of notification of the intended action. The commissioner shall
175 thereupon hold a hearing or cause a hearing to be held not later than
176 sixty days after receipt of such application and shall, at least ten days
177 prior to the date of such hearing, mail a notice, giving the time and
178 place of the hearing, to the licensee. The hearing may be conducted by
179 the commissioner or by a hearing officer appointed by the
180 commissioner in writing. The licensee and the commissioner or

181 hearing officer may issue subpoenas requiring the attendance of
182 witnesses. The licensee shall be entitled to be represented by counsel
183 and a transcript of the hearing shall be made. If the hearing is
184 conducted by a hearing officer, the hearing officer shall state the
185 hearing officer's findings and make a recommendation to the
186 commissioner on the issue of revocation or suspension or the intended
187 licensure action. The commissioner, based upon the findings and
188 recommendation of the hearing officer, or after a hearing conducted by
189 the commissioner, shall render the commissioner's decision in writing
190 suspending, revoking or continuing the license or regarding the
191 intended licensure action. A copy of the decision shall be sent by
192 certified mail to the licensee. The decision revoking or suspending the
193 license or a decision imposing a licensure action shall become effective
194 thirty days after it is mailed by registered or certified mail to the
195 licensee. A licensee aggrieved by the decision of the commissioner may
196 appeal as provided in section 19a-85. Any licensee whose license has
197 been revoked pursuant to this subsection shall be ineligible to apply
198 for a license for a period of one year from the effective date of
199 revocation.

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

206 (c) If the commissioner finds that public health, safety or welfare
207 imperatively requires emergency action, and incorporates a finding to
208 that effect in his or her order, the commissioner may order summary
209 suspension or summary probation of a license issued under sections
210 19a-77 to 19a-80, inclusive, and 19a-82 to 19a-87, inclusive, pending
211 proceedings for revocation or other action. These proceedings shall be
212 promptly instituted and determined.

213 Sec. 6. Section 19a-87e of the general statutes is repealed and the

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

215 (a) The Commissioner of Early Childhood may (1) refuse to license
216 under section 19a-87b, as amended by this act, a person to own,
217 conduct, operate or maintain a family child care home, as defined in
218 section 19a-77, (2) refuse to approve under section 19a-87b, as
219 amended by this act, a person to act as an assistant or substitute staff
220 member in a family child care home, as defined in section 19a-77, or (3)
221 suspend or revoke the license or approval or take any other action that
222 may be set forth in regulation that may be adopted pursuant to section
223 19a-79, as amended by this act, if the person who owns, conducts,
224 maintains or operates the family child care home, the person who acts
225 as an assistant or substitute staff member in a family child care home, a
226 person employed in such family child care home in a position
227 connected with the provision of care to a child receiving child care
228 services or a household member, as defined in subsection (c) of section
229 19a-87b, who is sixteen years of age or older and resides therein, has
230 been convicted, in this state or any other state of a felony, as defined in
231 section 53a-25, involving the use, attempted use or threatened use of
232 physical force against another person, or has a criminal record in this
233 state or any other state that the commissioner reasonably believes
234 renders the person unsuitable to own, conduct, operate or maintain or
235 be employed by a family child care home, or act as an assistant or
236 substitute staff member in a family child care home, or if such persons
237 or a household member has been convicted in this state or any other
238 state of cruelty to persons under section 53-20, injury or risk of injury
239 to or impairing morals of children under section 53-21, abandonment
240 of children under the age of six years under section 53-23, or any
241 felony where the victim of the felony is a child under eighteen years of
242 age, a violation of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-
243 72b or 53a-73a, illegal manufacture, distribution, sale, prescription,
244 dispensing or administration under section 21a-277 or 21a-278, or
245 illegal possession under section 21a-279, or if such person, a person
246 who acts as assistant or substitute staff member in a family child care
247 home or a person employed in such family child care home in a

248 position connected with the provision of care to a child receiving child
249 care services, either fails to substantially comply with the regulations
250 adopted pursuant to section 19a-87b, as amended by this act, or
251 conducts, operates or maintains the home in a manner which
252 endangers the health, safety and welfare of the children receiving child
253 care services. Any refusal of a license or approval pursuant to this
254 section shall be rendered in accordance with the provisions of sections
255 46a-79 to 46a-81, inclusive. Any person whose license or approval has
256 been revoked pursuant to this section shall be ineligible to apply for a
257 license or approval for a period of one year from the effective date of
258 revocation.

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

282 (c) Any person who is licensed to conduct, operate or maintain a
283 family child care home or approved to act as an assistant or substitute
284 staff member in a family child care home shall notify the commissioner
285 of any conviction of the owner, conductor, operator or maintainer of
286 the family child care home or of any household member, as defined in
287 subsection (c) of section 19a-87b, who is sixteen years of age or older,
288 or any person employed in such family child care home in a position
289 connected with the provision of care to a child receiving child care
290 services, of a crime which affects the commissioner's discretion under
291 subsection (a) of this section, immediately upon obtaining knowledge
292 of such conviction. Failure to comply with the notification requirement
293 of this subsection may result in the suspension or revocation of the
294 license or approval or the taking of any other action against a license or
295 approval set forth in regulation adopted pursuant to section 19a-79, as
296 amended by this act, and shall subject the licensee or approved staff
297 member to a civil penalty of not more than one hundred dollars per
298 day for each day after the person obtained knowledge of the
299 conviction.

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

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

316 such person consents to such disclosure, (2) a judicial or administrative
317 proceeding results from such report or complaint, or (3) a license
318 action pursuant to subsection (a) of this section results from such
319 report or complaint. All records obtained by the office in connection
320 with any such investigation shall not be subject to the provisions of
321 section 1-210 for a period of thirty days from the date of the petition or
322 other event initiating such investigation, or until such time as the
323 investigation is terminated pursuant to a withdrawal or other informal
324 disposition or until a hearing is convened pursuant to chapter 54,
325 whichever is earlier. A formal statement of charges issued by the office
326 shall be subject to the provisions of section 1-210 from the time that it is
327 served or mailed to the respondent. Records which are otherwise
328 public records shall not be deemed confidential merely because they
329 have been obtained in connection with an investigation under this
330 section.

331 (f) If the commissioner finds that public health, safety or welfare
332 imperatively requires emergency action, and incorporates a finding to
333 that effect in his or her order, the commissioner may order summary
334 suspension or summary probation of a license issued under section
335 19a-87b, as amended by this act, pending proceedings for revocation
336 or other action. These proceedings shall be promptly instituted and
337 determined.

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

348 (b) If the Commissioner of Early Childhood has reason to believe

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

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

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

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

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

381 (d) (1) The commissioner shall establish a competitive grant
382 program to provide spaces in accredited school readiness programs or
383 school readiness programs seeking accreditation located in (A) an area
384 served by a priority school or a former priority school, (B) a town
385 ranked one to fifty when all towns are ranked in ascending order
386 according to town wealth, as defined in subdivision (26) of section 10-
387 262f, whose school district is not a priority school district pursuant to
388 section 10-266p, (C) a town formerly a town described in subparagraph
389 (B) of this subdivision, as provided for in subdivision (2) of this
390 subsection, or (D) a town designated as an alliance district, as defined
391 in section 10-262u, whose school district is not a priority school district
392 pursuant to section 10-266p. A town in which a priority school is
393 located, a regional school readiness council, pursuant to subsection (c)
394 of section 10-16r, for a region in which such a school is located or a
395 town described in subparagraph (B) of this subdivision may apply for
396 such a grant in an amount equal to the number of spaces in an
397 accredited school readiness program or a school readiness program
398 seeking accreditation multiplied by the per child cost set forth in
399 subdivision (1) of subsection (b) of section 10-16q. Eligibility shall be
400 determined for a [five-year] three-year period based on an applicant's
401 designation as having a priority school or being a town described in
402 subparagraph (B) of this subdivision for the initial year of application.
403 Grant awards shall be made annually contingent upon available
404 funding and a satisfactory annual evaluation. The chief elected official
405 of such town and the superintendent of schools of the school district or
406 the regional school readiness council shall submit a plan, as described
407 in subsection (c) of this section, for the expenditure of such grant funds
408 to the commissioner. In awarding grants pursuant to this subsection,
409 the commissioner shall give preference to applications submitted by
410 regional school readiness councils and may, within available
411 appropriations, provide a grant to such town or regional school
412 readiness council that increases the number of spaces for eligible
413 children who reside in an area or town described in subparagraphs (A)
414 to (D), inclusive, of this subdivision, in an accredited school readiness
415 program or a school readiness program seeking accreditation. A town

416 or regional school readiness council awarded a grant pursuant to this
417 subsection shall use the funds to purchase spaces for such children
418 from providers of accredited school readiness programs or school
419 readiness programs seeking accreditation.

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

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

429 Sec. 11. Subsection (c) of section 17a-248e of the general statutes is
430 repealed and the following is substituted in lieu thereof (*Effective July*
431 *1, 2019*):

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

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

438 (a) Subject to the provisions of this section, funds appropriated to
439 the lead agency for purposes of section 17a-248, sections 17a-248b to
440 17a-248f, inclusive, this section and sections 38a-490a and 38a-516a
441 shall not be used to satisfy a financial commitment for services that
442 would have been paid from another public or private source but for
443 the enactment of said sections, except for federal funds available
444 pursuant to Part C of the Individuals with Disabilities Education Act,
445 20 USC 1431 et seq., except that whenever considered necessary to
446 prevent the delay in the receipt of appropriate early intervention

447 services by the eligible child or family in a timely fashion, funds
448 provided under said sections may be used to pay the service provider
449 pending reimbursement from the public or private source that has
450 ultimate responsibility for the payment.

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

462 (c) Providers of early intervention services shall, in the first instance
463 and where applicable, seek payment from all third-party payers prior
464 to claiming payment from the birth-to-three system for services
465 rendered to eligible children, provided, for the purpose of seeking
466 payment from the Medicaid program or from other third-party payers
467 as agreed upon by the provider, the obligation to seek payment shall
468 not apply to a payment from a third-party payer who is not prohibited
469 from applying such payment, and who will apply such payment, to an
470 annual or lifetime limit specified in the third-party payer's policy or
471 contract.

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

478 (e) The commissioner shall establish and periodically revise, in

479 accordance with this section, a schedule of fees based on a sliding scale
480 for early intervention services. The schedule of fees shall consider the
481 cost of such services relative to the financial resources of the state and
482 the parents or legal guardians of eligible children, provided that on
483 and after October 6, 2009, the commissioner shall (1) charge fees to
484 such parents or legal guardians that are sixty per cent greater than the
485 amount of the fees charged on the date prior to October 6, 2009; and (2)
486 charge fees for all services provided, including those services provided
487 in the first two months following the enrollment of a child in the
488 program. Fees may be charged to any such parent or guardian,
489 regardless of income, and shall be charged to any such parent or
490 guardian with a gross annual family income of forty-five thousand
491 dollars or more, except that no fee may be charged to the parent or
492 guardian of a child who is eligible for Medicaid. Notwithstanding the
493 provisions of subdivision (8) of section 17a-248, as used in this
494 subsection, "parent" means the biological or adoptive parent or legal
495 guardian of any child receiving early intervention services. The lead
496 agency may assign its right to collect fees to a designee or provider
497 participating in the early intervention program and providing services
498 to a recipient in order to assist the provider in obtaining payment for
499 such services. The commissioner may implement procedures for the
500 collection of the schedule of fees while in the process of adopting or
501 amending such criteria in regulation, provided the commissioner posts
502 notice of intention to adopt or amend the regulations on the
503 eRegulations System, established pursuant to section 4-173b, within
504 twenty days of implementing the policy. Such collection procedures
505 and schedule of fees shall be valid until the time the final regulations
506 or amendments are effective.

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

510 (g) Notwithstanding any provision of title 38a relating to the
511 permissible exclusion of payments for services under governmental
512 programs, no such exclusion shall apply with respect to payments

513 made pursuant to section 17a-248, sections 17a-248b to 17a-248f,
 514 inclusive, this section and sections 38a-490a and 38a-516a. Except as
 515 provided in this subsection, nothing in this section shall increase or
 516 enhance coverages provided for within an insurance contract subject to
 517 the provisions of section 10-94f, subsection (a) of section 10-94g,
 518 subsection (a) of section 17a-219b, subsection (a) of section 17a-219c,
 519 sections 17a-248, 17a-248b to 17a-248f, inclusive, this section, and
 520 sections 38a-490a and 38a-516a.

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

532 Sec. 13. Section 10-520 of the general statutes is repealed. (*Effective*
 533 *from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	17b-749(a) to (c)
Sec. 2	<i>July 1, 2019</i>	19a-79
Sec. 3	<i>July 1, 2019</i>	19a-87b
Sec. 4	<i>July 1, 2019</i>	10-530
Sec. 5	<i>July 1, 2019</i>	19a-84
Sec. 6	<i>July 1, 2019</i>	19a-87e
Sec. 7	<i>July 1, 2019</i>	New section
Sec. 8	<i>from passage</i>	10-520a
Sec. 9	<i>July 1, 2019</i>	10-16p(d)(1)
Sec. 10	<i>July 1, 2019</i>	10-265n
Sec. 11	<i>July 1, 2019</i>	17a-248e(c)

Sec. 12	<i>July 1, 2019</i>	17a-248g
Sec. 13	<i>from passage</i>	Repealer section

Statement of Purpose:

To implement the recommendations of the Office of Early Childhood.

[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.]