



STATE OF CONNECTICUT
GOVERNOR DANIEL P. MALLOY

Date: January 27, 2015

To: Senator Terry Gerratana, Co-chair Public Health Committee
Representative Matthew Ritter, Co-chair Public Health Committee
Senator Joseph J. Crisco, Vice-chair Public Health Committee
Representative Emmett D. Riley, Vice-chair Public Health Committee
Senator Joe Markley, Ranking Member, Public Health and Human Services Committees
Representative Prasad Srinivasan, Ranking Member, Public Health Committee
Senator Marilyn Moore, Co-chair, Human Services Committee
Representative Catherine Abercrombie, Co-chair Human Services Committee
Senator Gayle Slossberg, Vice-chair Human Services Committee
Representative Brandon L. McGee, Vice-chair Human Services Committee
Representative Terrie Wood, Ranking Member, Human Services Committee

From: Terry Edelstein, Governor's Nonprofit Liaison

Re: **Report on P.A. 11-242 Regarding Uniform Licensing and Deemed Status**

I am pleased to submit the report required under P.A. 11-242 sec. 55. I would be glad to discuss this report in greater detail. Please feel free to contact me at any time at terry.edelstein@ct.gov or (860) 524-7385.

P.A. 11-242 AN ACT CONCERNING VARIOUS REVISIONS TO PUBLIC HEALTH RELATED STATUTES sec. 55 requires the Nonprofit Liaison to the Governor to report "to the joint standing committees of the General Assembly having cognizance of matters relating to public health and human services on the feasibility of (A) establishing a uniform licensing process for community-based providers, and (B) implementing deemed status" and to make any recommendations for legislative action.

Please see the Appendix at the end of this report for the statutory language, definitions as well as additional information.

In order to comply with the requirements of P.A. 11-242 sec. 55, the first Nonprofit Liaison, Deb Heinrich, convened a "Licensing Work Group" in 2011. Ms. Heinrich left her position in January 2012. I reconvened the Licensing Work Group when I assumed the position of Nonprofit Liaison in October 2012.

I. Licensing Work Group Membership

The Licensing Work Group was comprised of individuals representing various public and private agencies including the Departments of Children and Families, Developmental Services, Mental Health and Addiction Services and Public Health, the Connecticut Association of Nonprofits and the Connecticut Community Providers Association. In addition the Office of Policy and Management and the Governor’s Office participated on the Licensing Work Group.

DMHAS was a member of the initial Licensing Work Group; however, DMHAS relies on DPH to license services that it funds. DSS did not participate in the Licensing Work Group. DSS does not license services either.

II. Licensing Work Group Goals and Charge

The goals of the Licensing Work Group were two-fold:

1. To make recommendations for streamlining the licensing process for nonprofit community-based health and human service providers
2. To identify efficient practices for private community-based health and human service providers and for state agencies while continuing to assure the health and safety of Connecticut residents

In order to achieve these goals, the Licensing Work Group took the following actions:

1. Consideration of Deemed Status
 - Identified the predominant accreditation bodies relative to the legislation:
 - o Council on Accreditation (COA)
 - o The Joint Commission
 - o CARF International (CARF)
 - Developed a crosswalk that identified the number of private providers accredited by the three licensing bodies
 - Developed a crosswalk between state licensing standards and accreditation requirements
 - Convened conference calls with licensing officials in several of the states that allow for deemed status in lieu of licensing: Ohio, Indiana, Illinois, Arkansas and Missouri.
2. Consideration of A Uniform Licensing Process/ Development of Uniform License Application and Online Posting
 - Identified 14 licensing categories of “community-based entities” under the purview of the enabling legislation. There are over 1,560 sites licensed under these categories.

The 14 licensing categories are as follows:

Department of Public Health:

1. Private Freestanding Mental Health Day Treatment Facilities – C.G.S. §§ [19a-491](#) and/or [19a-506](#)
2. Private Freestanding Mental Health Community Residence – C.G.S. §§ [19a-491](#) and/or [19a-506](#)
3. Private Freestanding Mental Health Residential Living Centers – C.G.S. §§ [19a-491](#) and/or [19a-506](#)
4. Private Freestanding Facilities for the Care or Treatment of Substance Abuse or Dependence – C.G.S. §§ [19a-491](#) and/or [19a-506](#)
5. Private Freestanding Psychiatric Outpatient Clinics for Adults – C.G.S. §§ [19a-491](#) and/or [19a-506](#)

Department of Children and Families:

6. Extended Day Treatment – C.G.S. § [17a-147](#)
7. Out-Patient Psychiatric Clinic for Children – C.G.S. § [17a-20](#)
8. Safe Home – C.G.S. § [17a-145](#)
9. Residential Treatment Home – C.G.S. §§ [17a-145](#) & [17a-151](#)
10. Residential Education – C.G.S. § [17a-145](#)
11. Group Home – C.G.S. §§ [17a-145](#) & [17a-151](#)
12. Temporary Shelter – C.G.S. §§ [17a-145](#) & [17a-151](#)
13. Child Placing Agency – C.G.S. § [17a-150](#)

Department of Developmental Services

14. Community Living Arrangement for persons with intellectual disability and/or person with autism spectrum disorder C.G.S. § [17a-227](#)

- Created a uniform license application (electronic, fillable)
- Identified 28 common data elements or documents among the license categories
- Created an online document vault in conjunction with the Department of Administrative Services/BEST using the DAS-BIZNET System.

All community-based provider agencies that hold Purchase of Service (POS) contracts are already required to post six data elements or documents on the DAS-BIZNET site. Many of these agencies are also licensed by DCF, DDS and/or DPH.

- Identified those data elements or documents that were not appropriate for posting. Those data elements or documents will be required during an on-site licensing visit.
- Executed MOU among DCF, DDS, DPH and DAS

- Issued joint letter from the Commissioners on December 1, 2013 announcing the new online process with its April 6, 2014 start date (rolling implementation).

“We are pleased to announce that our agencies have signed a Memorandum of Understanding regarding the creation of a Uniform Licensing Application and the operation of a web-based filing and storage system for required licensing documents.

“Our goal in developing this common application and utilizing the web-based system is to improve the efficiency of the licensing process by consolidating the requirements of each agency's licensing process and eliminating unnecessary duplication of documents submitted for licensing purposes.

“This should enhance the quality of licensing interactions between DCF, DDS and DPH and the organizations that provide services and supports to the public utilizing these licenses.

“We will be utilizing the DAS-BIZNET system, that most of you already use, to collect and store license applications and other required licensing documentation. This will limit the need for these forms to be submitted multiple times to different or individual state agencies.

“Our agencies intend to collaborate to encourage applicants for licenses to utilize the DAS-BIZNET site and to identify and eliminate barriers that discourage or impede its use by applicants.”

III. Accomplishments:

Uniform Licensing Process, Application and Online Posting System

- The Licensing Work Group developed a uniform licensing process through an administrative process and a MOU among agencies.
- The Licensing Work Group created an electronic, fillable uniform licensing application among three state agencies DCF, DDS and DPH.
- The Licensing Work Group identified common data and documents required in the licensing process and implemented an online posting system.

In developing the uniform licensing application and the online posting system the Licensing Work Group streamlined the licensing process for nonprofit community-based health and human service providers and developed a more efficient process for state licensing officials.

IV. Conclusions / Recommendations:

Through its work in addressing its charge the Licensing Work Group came to the following conclusions:

1. Uniform License

- The Licensing Work Group did not recommend a common license among the state agencies due to the diversity of the license requirements and the wide array of the licensed settings.

However, DPH is in the process of consolidating five mental health and substance abuse license categories into one license (draft regulations pending).

DDS is also consolidating its license types (draft regulations pending).

2. Deemed Status

- The Licensing Work Group developed crosswalks between state licensing requirements and national accreditation standards. These represented a “point in time” assessment.
- The Licensing Work Group did not recommend pursuing deemed status due to two primary factors:
 - DDS and DPH expressed concern about assuring health and safety if they utilized deemed status in lieu of licensing. They were willing to consider augmenting streamlined licensing with national accreditation.
 - The national accreditation bodies update their standards on an annual basis and state licensing provisions are under frequent revision. These continually changing requirements would make it extremely difficult to implement a standardized deemed status process, given that the standards would change on at least an annual basis.

Note: DCF regulations allow DCF to utilize national accreditation in lieu of licensing:

Section 17a-20-12. Issuance of license. Not transferable or assignable

(c) The department may determine that a clinic or organization licensed as an outpatient psychiatric clinic for adults by the State of Connecticut, or accredited by a national mental health accrediting body (e.g., Council on Accreditation, Joint Commission on Accreditation of Healthcare Organizations), meets the standards of sections 17a-20-11 to 17a-20-61, inclusive, of the Regulations of Connecticut State Agencies if, during the review of existing licenses or accreditation, it is determined that the clinic or organization has recently met these standards. The

applicant shall attest that such licensure or accreditation complies with sections 17a-20-11 to 17a-20-61, inclusive, of the Regulations of Connecticut State Agencies.

V. Next Steps

The uniform licensing application and online posting system are well underway, with approximately one third of license holders utilizing the new system in the rollout process.

1. Ongoing system review

- The Licensing Work Group meets once a month to review the process and to assure smooth transition from paper-based to an electronic document posting system.
- As the Nonprofit Liaison I meet with provider associations and individual providers and seek input about the system on a regular basis.

2. Development of a uniform record retention schedule

- The Licensing Work Group has met with the Public Records Archivist in the Connecticut State Library to determine the process for updating and aligning record retention schedules, with the goals of streamlining the process, reducing document retention time and transitioning paper storage to an online document retention system.

3. Determination of an online document storage site

- The Licensing Work Group is reviewing available and emerging state systems that will give the state agencies the ability to store and also retrieve a large assemblage of documents.

VI. Conclusions

In the process of addressing the charge of the legislation, the Licensing Work Group developed a streamlined process that should be of assistance to state agency and private provider licensed entities. This process will require continual updating and assessment to assure that it continues to meet its intent in reducing paperwork and making better use of electronic technology in order to comply with and simplify the licensing process.

VII. Appendix

A. Enabling Legislation:

P.A. 11-242 sec. 55. (Effective from passage) The Nonprofit Liaison to the Governor, in consultation with the Commissioners of Public Health, Developmental Services, Social Services, Children and Families and Mental Health and Addiction Services, or said commissioners' designees, and two representatives of community-based providers selected by the Nonprofit Liaison to the Governor, one of whom shall be recommended by the Connecticut Association of Nonprofits and one of whom shall be recommended by the Connecticut Community Providers Association, shall study the feasibility of (1) establishing a uniform state licensing process for community-based providers, and (2) implementing deemed status. Such study shall minimally examine whether a community-based provider may be allowed to obtain a single state license that permits the provider to offer services for the benefit of multiple state agencies without requiring such provider to obtain separate licensure from each state agency for which services are offered. On or before January 1, 2012, the Nonprofit Liaison to the Governor shall report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to public health and human services on the feasibility of (A) establishing a uniform licensing process for community-based providers, and (B) implementing deemed status. The Nonprofit Liaison to the Governor may include any recommendations for legislative action that the liaison believes are necessary for the (i) establishment of a uniform licensing process for community-based providers, and (ii) implementation of deemed status.

B. Licensing Work Group Participants 2013 - 2015

Terry	Edelstein	Nonprofit Liaison to the Governor	Office of the Governor
Wendy	Furniss	Branch Chief	Department of Public Health
Rose	McLellan	Sub for Ms. Furniss, License & Application Supervisor Facility Licensing & Investigations Section	Department of Public Health
Barbara	Cass	Sub for Ms. Furniss, Section Chief	Department of Public Health
Sandra	Bauer	Sub for Ms. Furniss, Licensing Examination Assistant	Department of Public Health
David	DeMaio	Sub for Ms. Furniss, DPH Facility Licensing and Investigations Section	Department of Public Health
Daniel	Micari	Director of Quality Management	Department of Developmental Services
Marie	Forman	Sub for Mr. Micari, CLA Licensing Quality Review Specialist Supervisor	Department of Developmental Services
David	Sokolow	Sub for Mr. Micari, CLA Licensing Quality Review Specialist	Department of Developmental Services

		Supervisor	
James	McPherson	Program Manager	Department of Children and Families
Cindy	Butterfield	Sub for Mr. McPherson, CFO	Department of Children and Families
Lauren	Siembab	Director, Community Services Division	Department of Mental Health and Addiction Services
Susan	Walkama	CEO	Wheeler Clinic and a representative of community-based providers recommended by the Connecticut Community Providers Association
Ron	Fleming	CEO	ADRC and a representative of community-based providers recommended by the Connecticut Association of Nonprofits
Robert	Dakers	Executive Finance Officer	OPM (ex-officio)
Valerie	Clark	Fiscal Administrative Manager	OPM (ex-officio)
Brittany	Kaplan	Public Policy Intern	Office of the Governor

Additional Participants in Developing MOU and Developing Record Retention Policies:

Andrea	Keilty	Policy and Legislative Advisor	Department of Administrative Services
Tom	DeMatteo	Assistant Agency Legal Director	Department of Children and Families
MJ	McCarthy	Director Legal and Government Affairs	Department of Developmental Services
Marianne	Horn	Legal Director	Department of Public Health
Lisa	Kessler	Attorney	Department of Public Health

C. Terminology:

Deemed status: utilizing national accreditation in lieu of licensing to satisfy state licensing requirements

Single state license: one license category for all services statutorily required to be licensed in state statute for community-based, non-hospital providers

Accreditation: recognition that a provider has achieved standards developed by stakeholders and governmental parties that have been endorsed across the country

D. Accreditation Organizations:

- Council on Accreditation (COA) <http://coanet.org/>
- The Joint Commission <http://www.jointcommission.org/>
- CARF International (CARF) <http://www.carf.org/home/>

E. Links to DAS-BIZNET Uniform Licensing Application Site:

- Uniform Licensing Application Process “Splash Page” on DAS
<http://das.ct.gov/fp1.aspx?page=443>
- “Frequently Asked Questions” page <http://das.ct.gov/fp1.aspx?page=449>
- Training Video for Licensees <http://das.ct.gov/UL/UL/UL.html>

F. For More Information Contact:

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