

## NOTICES OF CONNECTICUT STATE AGENCIES

---

### State of Connecticut Department of Public Health

---

#### Notice of Declaratory Ruling Proceeding

---

The Department of Public Health (“DPH”) hereby gives notice of its intention to issue a declaratory ruling on a request for declaratory ruling filed by the Chapman Farm, LLC and Stefan Zavatore, Trustee of the Zavatore Children Family Trust (“petitioners”) pursuant to Conn. Gen. Stat. § 4-176, regarding the approval of a subsurface sewage disposal system (“SSDS”) proposed by Aaron Manor Nursing & Rehabilitation Center, which is located at 3 South Wig Hill Road, Chester, Connecticut.

Petitioners request a ruling as to the following:

1. Whether the capacity of the SSDS proposed by Aaron Manner exceeds 7,500 gallons per day depriving DPH of jurisdiction?
2. Whether the SSDS proposed by Aaron Manor is a “repair” of an existing system; rather, than a replacement and construction of a new SSDS, requiring compliance with § 19-13-B103a et seq. of the Regulations of Connecticut State Agencies and the Technical Standards?
3. Whether the SSDS proposed by Aaron Manor is in an “area of special concern” as specified in, and does not comply with, § 19-13-B103d(e) et seq. of the Regulations of Connecticut State Agencies and the Technical Standards?

The Department of Public Health has prepared this notice in accordance with the Uniform Administrative Procedure Act (“UAPA”), Connecticut General Statute § 4-166 *et seq.*, and specifically Conn. Gen. Stat. § 4-176.

All persons seeking status to participate must petition the DPH by November 20, 2020. All requests seeking status to participate in this matter shall be submitted in writing in accordance with § 4-176(d) of the Connecticut General Statutes and § 19a-9-26 through § 19a-9-28 of the Regulations of Connecticut State Agencies. All filings to be submitted to the DPH shall be sent by email to the DPH, Public Health Hearing Office at [phho.dph@ct.gov](mailto:phho.dph@ct.gov). It is anticipated that the Hearing Officer will rule on petitions for status by November 25, 2020. A date for hearing will thereafter be scheduled by the Hearing Officer.

By law, a declaratory ruling constitutes a statement of agency law which is binding upon those who participate in the hearing and may also be utilized by the Department of Public Health, on a case by case basis, in future proceedings before it.

Stacy M. Schulman, Esq.  
*Hearing Officer*  
October 9, 2020

---

## PAID FAMILY & MEDICAL LEAVE INSURANCE AUTHORITY

### NOTICE OF INTENT TO ADOPT GLOSSARY OF TERMS

In accordance with sections 1-121 and 31-49o of the Connecticut General Statutes, notice is hereby given that the Board of Directors of the Connecticut Paid Family and Medical Leave Insurance Authority (“hereinafter the CT Paid Leave Authority”) intend to adopt the following Glossary of Terms which defines key terms that will be used in connection with the administration of the Paid Family & Medical Leave Insurance program.

All written comments regarding these procedures must be submitted by November 20, 2020 to the CT Paid Leave Authority via email at [PFMLIAComments@ct.gov](mailto:PFMLIAComments@ct.gov).

#### GLOSSARY OF TERMS

“**Bonding Leave**” means leave taken by an employee in order to:

- o Bond with a newborn child;
- o Process the adoption of a child or bond with a newly adopted child; or
- o Process the placement of a foster child or bond with a newly placed foster child.

“**Block Leave**” is a one-time continuous absence for a single qualifying reason.

“**Caregiver Leave**” leave taken by an employee who is “needed to care for” a “family member” who has a “serious health condition.”

“**Child,**” “**Son**” or “**Daughter**” means a biological, adopted or foster child, stepchild, a legal ward, or child of a person standing “*in loco parentis,*” of any age

“**Covered service member**” means:

- A current member of the United States Army, Navy, Marine Corps, Coast Guard and Air Force or any reserve component thereof, including the Connecticut National Guard performing federal military duty as provided in Title 32 of the United States Code. (This is federal duty only.)
- State military family leave does not cover veterans.

“**Family member**” means a “spouse,” “sibling,” “son or daughter,” “grandparent,” “grandchild,” “parent,” or an “individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships.”

“**Family violence**” (also referred to as “**domestic violence**”) means a pattern of coercive behavior, including acts or threatened acts, that is used by a perpetrator to gain power and control over a current or former spouse, family member, intimate partner, or person with whom the perpetrator shares a child in common.

- Family or domestic violence includes, but is not limited to: physical violence, injury, or intimidation, sexual violence or abuse, emotional and/or psychological intimidation, harassment, stalking or economic abuse and control

“**Family violence leave**” is leave taken by an employee who is a victim of family violence who needs to take time off from work for the following reasons:

- To seek medical care or psychological or other counseling for physical or psychological injury or disability;
- To obtain services from a victim services organization;
- To relocate due to such family violence; or
- To participate in any civil or criminal proceeding related to or resulting from such family violence.

“**Grandchild**” means a grandchild related to a person by (A) blood, (B) marriage, (C) adoption by a child of the grandparent, or (D) foster care by a child of the grandparent

“**Grandparent**” means a grandparent related to a person by (A) blood, (B) marriage, (C) adoption of a minor child by a child of the grandparent, or (D) foster care by a child of the grandparent

“**Health Care Provider**” means:

- A doctor of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctor practices,
- A podiatrist, dentist, clinical psychologist, or optometrist authorized to practice in the state and performing within the scope of his or her practice;
- A chiropractor authorized to practice in the state and performing within the scope of his or her practice;
- A nurse practitioner, nurse-midwife, clinical social worker, or physician assistant authorized to practice in the state and performing within the scope of his or her practice;
- A Christian Science practitioner listed with the First Church of Christ, Scientist, in Boston, Massachusetts; or
- Any health care provider from whom the employer or the employer’s group health plan’s benefits manager will accept a medical certification to substantiate a claim for benefits.

“**Health Care Provider**” for military caregiver leave means:

- A doctor of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctor practices,
- A podiatrist, dentist, clinical psychologist, or optometrist authorized to practice in the state and performing within the scope of his or her practice;
- A chiropractor authorized to practice in the state and performing within the scope of his or her practice;
- A nurse practitioner, nurse-midwife, clinical social worker, or physician assistant authorized to practice in the state and performing within the scope of his or her practice;
- A Christian Science practitioner listed with the First Church of Christ, Scientist, in Boston, Massachusetts;
- Any health care provider from whom the employer or the employer’s group health plan’s benefits manager will accept a medical certification to substantiate a claim for benefits;
- A Department of Defense (DOD) health care provider;
- A Veterans Affairs (VA) health care provider;
- A DOD TRICARE network authorized private health care provider; or
- A DOD non-network TRICARE authorized private health care provider

NOTE: *TRICARE is the DOD's military health system and includes network and non-network health care providers.*)

**“In loco parentis”** means:

- “In the place of the parent”
- An individual stands *in loco parentis* to a child if he or she has day-to-day responsibilities to care for or financially support the child and the individual intends to take on the role of a parent to that child.
- The person standing *in loco parentis* is not required to have a biological or legal relationship with the child.

NOTE: The federal Department of Labor Administrator's Interpretation No. 2010-3 is a good resource for understanding when an individual is or was “*in loco parentis*” to a child.

**“Incapacity”** means inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment of the serious health condition, or recovery from the serious health condition.

**“Individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships”** means any person with whom the employee has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship.

- This determination is necessarily situation specific and governed by the circumstances of the individuals involved.
- Examples of such relationships include, but are not limited to:
  - A foster child in the same home in which the employee was a foster child for several years and with whom the employee has maintained a sibling-like relationship, despite the lack of a biological or legal relationship;
  - A friend of the family in whose home the employee lived while she was in high school and whom the employee therefore considers to be family, despite the lack of a biological or legal relationship;
  - An elderly neighbor to whom the employee has provided unpaid caregiving assistance and whom the employee considers to be like a grandfather to her;
  - An aunt or uncle who relies on the employee for unpaid care and has maintained as strong and enduring a relationship with the employee as typically seen between individuals and their parents, grandparents, or siblings;
  - A child of an employee's former partner who lived with the employee for several years and maintains a parent-like relationship with the employee; or
  - An unmarried, significant other of the employee with whom the employee maintains a familial, spouse-like relationship, despite their lack of legal relationship to each other; or
  - A person with whom the employee lived for several years, sharing financial responsibilities of the household and one another's common welfare, despite not sharing a romantic, legal, or blood relationship.

“**Intermittent Leave**” is leave in separate, non-consecutive time periods rather than a single span of time for a single qualifying reason.

“**Needed To Care For**” means the employee is providing (or will provide) physical care or psychological comfort and reassurance

“**Next of kin**” (for **military caregiver leave**) means the service member’s nearest blood relative, other than the covered service member’s spouse, parent, son or daughter, in the following order of priority:

- A blood relative who the covered service member has specifically designated in writing as his or her nearest blood relative for purposes of military caregiver leave,
- Blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions,
- Brothers and sisters,
- Grandparents,
- Aunts and uncles, and
- First cousins.

“**Parent**” means a biological, adopted or foster parent, stepparent, person standing *in loco parentis* to a child or a person who has legal guardianship or custody of a child.

“**Parent-in-law**” means the parent of the employee’s spouse.

“**Qualifying Exigency leave**” is leave for one or more of the following activities:

Short notice deployment	To address any issue that arises from a covered servicemember being notified of an impending call or order to active duty, 7 or less calendar days prior to date of deployment.
Military events and related activities	<p>To attend any official ceremony, program, or event sponsored by the military that is related to the covered active duty of a covered servicemember; and/or</p> <p>To attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty call of a covered military member.</p>
Childcare and school activities (non-routine)	<p>To arrange for alternative childcare arrangements for the child of a covered servicemember’s child when existing arrangements need to be changed due to the covered active duty;</p> <p>To provide childcare on an urgent, immediate need basis when the care is necessitated by the disruption caused by covered active duty (but not on a routine, regular, or every day basis);</p> <p>To enroll or transfer a covered servicemember’s child in a new school or day care facility when</p>

	<p>existing arrangements need to be changed due to the covered active duty; and/or</p> <p>To attend meetings with staff at school or daycare facility to address issues arising out of the covered active duty (but not to attend routine meetings/functions).</p> <p>NOTE: The child in question must be the child of the servicemember, not necessarily the child of the employee.</p>
<p>Parental leave care (non-routine)</p>	<p>To provide care for a servicemember's parent who is incapable of self-care on an urgent, immediate need basis when the care is necessitated by the disruption caused by the servicemember's covered active duty (but not on a routine, regular or every day basis).</p> <ul style="list-style-type: none"> <li>• Such care may include: <ul style="list-style-type: none"> <li>○ Arranging for alternative care for a parent;</li> <li>○ Providing care on an immediate basis</li> <li>○ Admitting or transferring the parent to a care facility; or</li> <li>○ Attending meetings with staff at a care facility, such as meetings with hospice or social service providers for a parent.</li> </ul> </li> </ul> <p>NOTE: The parent who needs care must be the parent of the servicemember.</p>
<p>Financial and legal arrangements (Before, during or after deployment)</p>	<p>To act as the covered servicemember's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the covered servicemember is on a covered active duty and for a period of 90 days following termination of covered servicemember's covered active duty.</p> <p>To make or update financial or legal arrangements to address the covered servicemember's absence while on covered active duty</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>○ Preparing and executing financial and healthcare powers of attorney.</li> <li>○ Transferring bank account signature authority.</li> <li>○ Enrolling in Defense Enrollment Eligibility Reporting System (DEERS).</li> <li>○ Obtaining military identification card</li> </ul>

	<ul style="list-style-type: none"> <li>○ Preparing or updating a will or living trust.</li> </ul>
Counseling	<p>The need to attend counseling arises from the covered active duty of a covered servicemember;</p> <ul style="list-style-type: none"> <li>• Counseling is for the employee, covered servicemember and/or the covered servicemember’s child.</li> <li>• The counseling must be provided by someone other than a healthcare provider.</li> </ul> <p><i>Examples:</i>                      Military Chaplain                      Pastor/minister                      A non-HCP offered by the military or a military service organization</p>
Rest and recuperation	<p>To spend time with a covered servicemember who is on short-term, temporary, rest and recuperation leave during the period of deployment.</p>
Post-deployment activities	<p>To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of covered servicemember’s covered active duty; and</p> <p>To address issues that arise from the death of a covered servicemember while on covered active duty.</p> <p><i>Examples:</i>                      Meeting and recovering the deceased service member.                      Making funeral arrangements.</p>
<p>Additional activities that arise out of the covered servicemember’s covered active duty provided the employer and employee mutually agree that such leave shall be considered a qualifying exigency and agree to both the timing and duration of such leave.</p>	

“**Reduced Schedule Leave**” is a leave schedule that reduces an employee’s usual number of working hours per workweek, or hours per workday for a period of time, normally from a full-time schedule to a part-time schedule.

“**Serious health condition**” means an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider

- “**Treatment**” includes examinations to determine if a serious health condition exists and evaluations of the condition.
- A “**regime of continuing treatment**” includes, for example, a course of prescription medication (e.g. an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition.

- It does not include taking of over-the-counter medications such as aspirin, antihistamines, or salves, or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.
- A person has a ‘serious health condition’ if he/she has one or more of the following conditions summarized below:

Inpatient Care	<ul style="list-style-type: none"> <li>• An overnight stay in a hospital, hospice, or residential medical care facility.</li> <li>• Includes any period of incapacity or any subsequent treatment in connection with the overnight stay.</li> </ul> <p><i>(Note: If surgery is elective, and an overnight stay in the hospital is required, leave is covered.)</i></p>
	Incapacity and Treatment:
Continuing Treatment by a Health Care Provider <i>(any one or more of the following)</i>	<p>A period of incapacity of more than three consecutive full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:</p> <ul style="list-style-type: none"> <li>- Two or more in-person visits to a health care provider for treatment within 30 days of the first day of incapacity, unless extenuating circumstances exist. The first visit must be within seven days of the first day of incapacity; or</li> <li>- At least one in-person visit to a health care provider for treatment within seven days of the first day of incapacity, which results in a regimen of continuing treatment under the supervision of the health care provider.</li> </ul> <p><i>Examples: the health provider might prescribe a course of prescription medication or therapy requiring special equipment.</i></p>
	Pregnancy: Any period of incapacity due to pregnancy.
	<p>Chronic Conditions Requiring Treatments: Any period of incapacity due to or treatment for a chronic serious health condition which:</p> <ul style="list-style-type: none"> <li>- Requires periodic visits for treatment by a health care provider at least twice a year; and</li> <li>- Recurs over an extended period of time; and</li> <li>- May cause episodic rather than a continuing period of incapacity.</li> </ul>



	<i>Examples: asthma, migraine headaches, diabetes, epilepsy</i>
	<p><b>Permanent/Long-Term Conditions:</b>  A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, but which requires the continuing supervision of a health care provider.  <i>Examples: Alzheimer's disease; terminal states of cancer; severe stroke.</i></p>
	<p><b>Multiple Treatments (Non-Chronic Conditions):</b>  Restorative surgery after an accident or other injury; or,  A condition that would likely result in a period of incapacity of more than three consecutive full calendar days if the employee or employee's family member did not receive treatment.  <i>Examples: chemotherapy; physical therapy.</i></p>

**“Serious health condition resulting in incapacitation that occurs during a pregnancy”** means:

- Prenatal medical appointments
- Pregnancy-related complications
- Recovery from pregnancies that do not end in a live birth
- Childbirth and delivery, and
- The period of time after the delivery during which the biological mother is certified by her doctor to be unable to perform the requirements for her job.

**“Serious injury or illness” for military caregiver leave** means a serious injury or illness that was incurred in the line of duty on active duty in the Armed Forces.

**“Sibling”** means the biological sibling, half-sibling, stepsibling, adopted sibling, foster sibling, or sibling-in-law of the eligible employee or the eligible employee's spouse.

**“Spouse”** means a person to whom one is legally married.

**“Workweek”** means the employee's usual or normal schedule (hours/days per week) prior to the start of the family/medical leave.

---