



**State of Connecticut
Department of Developmental Services**

Dannel P. Malloy
Governor

DDS

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Acting Commissioner

**DEPARTMENT OF DEVELOPMENTAL SERVICES TESTIMONY
BEFORE THE PUBLIC HEALTH COMMITTEE**

March 7, 2017

Senators Gerratana and Somers, Representatives Steinberg and Srinivasan and members of the Public Health Committee. I am Jordan A. Scheff, Acting Commissioner of the Department of Developmental Services (DDS). Thank you for the opportunity to testify on **Proposed S.B. No. 245 AN ACT CONCERNING PROTECTING THE INTERESTS OF PERSONS WITH DEVELOPMENTAL DISABILITIES.** This proposal aims to improve services for and protect the interests of persons with developmental disabilities.

First I want to comment on the proposed requirement that the Commissioner of Developmental Services develop a strategic plan to ease a waiting list for services. The department remains acutely aware of the support needs of individuals eligible for DDS services. DDS has been working continuously to better engage individuals and families in discussions around their needs and preferred timelines so we better know how to express what supports individuals need and in what timeframe. This has been a central focus of a Residential Wait List Definitions project, the outcomes of which are being implemented starting this month and which are described in detail in testimony on two other pieces of legislation before you today, **Proposed S.B. No. 244** and **Proposed S.B. No. 246**.

Additionally, many of the projects outlined in DDS's recently published Five Year Plan (2017-2022) tie to this proposed legislation in a variety of ways. In order to provide information on the needs of the individuals on the waiting list, the agency must maintain accurate data in robust systems – the focus of our Modernizing Data Systems project. We must also have clear and standardized processes for collecting this information, which we are addressing through several “quick win” projects ongoing in FY 2017, including redesigning the Individual Plan forms, optimizing Case Management processes, and implementing recommendations from the Residential Wait List Definitions project team. Finally, the department continues to concentrate on the provision of efficient and effective supports for individuals and families – an issue addressed at every level and through multiple outlets - including the planned Residential Supports Continuum Design project, as well as through the work of the larger Intellectual Disability Partnership. Detailed information on each of these projects can be found on the DDS website in the **DDS Five Year Plan (2017-2022)**.

Section 2 of this bill would require the Secretary of the Office of Policy and Management to consult with stakeholders on a plan to close facilities operated by the department. This was legislatively addressed in Section 23 of Public Act 15-1 of the December Special Session, which required outreach to stakeholders for the report on a plan to implement the closure of facilities operated by DDS. A draft of such a plan is currently being reviewed.

Section 3 of the bill would require advanced notice when eligibility for state-assisted care is to end.

At this time, I am not certain what is intended by this section of the bill and believe it may not be necessary. DDS offered testimony on a similar proposal last session with the following comments:

“Section 17a-218(g) of the Connecticut General Statutes already requires “any person who is in or is seeking a placement through the Department of Developmental Services or is receiving any support or service that is included within or covered by any federal program being administered and operated by the Department of Social Services and the Department of Developmental Services, and who meets the eligibility criteria for the federal program, shall enroll in such program in order to continue in the existing placement or to remain eligible for a placement or continue to receive such support or service.” DDS works closely with Department of Social Services (DSS) staff regarding Medicaid eligibility and redeterminations. Three DSS staff are located within DDS’s central office and are specifically dedicated to assisting DDS staff, individuals and providers with initial eligibility, waiver enrollment, redeterminations, and special projects. These DSS staff act as liaisons with DDS central and regional offices to resolve specific Medicaid issues or any problems that DDS consumers may have.”

“Specific notices (1st, 2nd and final notice) are given to individuals and families who are not compliant with section 17a-218(g) CGS. Failure to comply with the request to contact the case manager and complete the waiver enrollment process results in a case review which may lead to termination of DDS funding for supports and services. Non-compliance with waiver requirements on the part of some individuals is not fair to the number of people waiting for funding for services. With the final notice indicating that termination of supports will occur, individuals are notified of the right to appeal the decision through the Fair Hearing Process at DSS. Finally, it would not be appropriate for DDS to assist in the identification and securing of private funding for care or services for someone who has not complied with Section 17a-218(g) CGS.”

Furthermore, DDS already provides notice when ending state assisted care for individuals with intellectual disability. The length of notice depends on the setting or type of support. For example, if a private provider ceases to be able to provide services to an individual, per the purchase of service contract, they must provide 30 days minimum notice and continue to provide the services until alternative services are obtained. I would be happy to discuss the bill further with the proponent to better understand intent and perhaps offer additional comments as appropriate for the specific intentions.

Thank you again for the opportunity to offer testimony on **Proposed S.B. No. 245 AN ACT CONCERNING PROTECTING THE INTERESTS OF PERSONS WITH DEVELOPMENTAL DISABILITIES.** I would be happy to answer any questions you have at this time. You may also contact Christine Pollio Cooney, DDS Director of Legislative and Executive Affairs at (860) 418-6066 with additional questions.