



## Agency Legislative Proposal - 2020 Session

**Document Name:** 110420\_ADS\_TechRevisions

(If submitting electronically, please label with date, agency, and title of proposal – 092620\_SDE\_TechRevisions)

State Agency: Department of Aging and Disability Services (ADS)

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Lead agency division requesting this proposal: Full agency

Agency Analyst/Drafter of Proposal: Andrew Norton

**Title of Proposal:** An Act Concerning Minor and Technical Revisions to the General Statutes Affecting the Department of Aging and Disability Services

**Statutory Reference:** 17a-301b ; 17b-660 ; 10-298 ; 46a-30 ; 17b-607 ; 17b-612 ; 17b-613 ; 17b-614 ; 17b-615 ; 17b-667 ; 17b-668 ; 17b-669 ; 17b-670 and 17b-671.

**Proposal Summary:** The proposal makes certain technical and minor changes to the statutes covering the Department of Aging and Disability Services (ADS) to 1) delete an out-of-date reference to DSS regarding the former Department on Aging, 2) remove duplicative provisions within the ADS statutes, 3) make changes to the Connecticut Tech Act Project to improve the lending process for persons with disabilities to purchase needed assistive technology and 4) provide better organization within the relevant statutes by migrating certain ADS provisions to the ADS sections of the statutes from their out-of-date placement in the DSS sections.

### PROPOSAL BACKGROUND

#### ◇ Reason for Proposal

*Please consider the following, if applicable:*

(1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*

No federal or state law or regulation requires these changes. It should be noted that Regarding Section 3, the federal Assistive Technology Act [see specifically 29 USC 3003 (e)(2)(A)(ii)(IV)] allows states to choose among different lending mechanisms including the one in this proposed change. The loan guarantee mechanism in this proposal was suggested to our agency by the federal Technical Assistance Center. Section 3 seeks changes to the Assistive Technology Revolving Fund to enable a more effective financing mechanism. This change allows the agency to partner with a bank to make direct loans to people with disabilities while the state acts as guarantor. This change 1) allows the program to leverage more lending dollars than would be available using only state funds to lend, 2) allows persons with disabilities who are the loan recipients to build credit



which the current statute's guarantee mechanism does not and 3) uses the superior lending expertise of banking institutions for improved operational efficiency. Regarding Sections 1, 2 and 4, through state legislation resulting in both the creation of the Department of Rehabilitation Services – now Aging and Disability Services - and the subsequent merger therein of the Department on Aging leaves some residual statutory language that should be re-organized, streamlined or deleted. Section 1 deletes out-of-date language. Section 2 deletes two of three statutory sections that empower the department to receive gifts and bequests which two sections are unnecessary. Section 4 renumbers several statutory sections that now involve ADS but still sit in the DSS sections from an earlier time when portions of ADS were in DSS. These changes will place those ADS statutes with the other ADS statutes.

(2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?*

The changes to the Connecticut Tech Act Project and lending program in Section 3 mirrors the lending structure used by many other states.

(3) *Have certain constituencies called for this action?*

The Connecticut Tech Act Program Advisory Council reviewed and recommended the changes to the program proposed in Section 3 of the bill. The Advisory Council is made up of various stakeholders in the program including persons with disabilities. In addition, the administrator of the Connecticut Tech Project reports that the pilot change to the loan program memorialized in this proposal has already produced the program benefits outlined in our response to #1 above.

(4) *What would happen if this was not enacted in law this session?*

In the case of Section 3, the language of C.G.S. Sec. 17b-607, covering the Assistive Technology Revolving Fund, would remain out of date. The benefits of the organizational and clarifying changes in Sections 1, 2 and 4 would not be attained.

**Origin of Proposal**

**New Proposal**

**Resubmission**

*If this is a resubmission, please share:*

(1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*

(2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*

(3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*

(4) *What was the last action taken during the past legislative session?*

Not applicable.

## **PROPOSAL IMPACT**

**AGENCIES AFFECTED** *(please list for each affected agency)*



**Agency Name:** Department of Social Services (DSS)

**Agency Contact (name, title, phone):** David Seifel

**Date Contacted:** October 11 and 18, 2019

Approve of Proposal     **YES**     **NO**     **Talks Ongoing**

**Summary of Affected Agency's Comments**

Section 1 of the bill deletes C.G.S. Sec. 17a-301b. That section has been superseded by subsequent legislation and its deletion will have no effect on DSS.

Will there need to be further negotiation?     **YES**     **NO**

◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

**Municipal** *(please include any municipal mandate that can be found within legislation)*

No municipal fiscal impact.

**State**

No state fiscal impact.

**Federal**

No federal fiscal impact.

**Additional notes on fiscal impact**

Section 3 of the bill proposes to change the Assistive Technology Revolving Fund from a loan model to a loan guarantee model. This will allow the agency to leverage more dollars for loans without requiring an increase in any federal or state appropriations or bonding. Sections 1, 2 and 4 have no financial or cost implications or consequences whatsoever.

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

Section 3 of the bill changes the Assistive Technology Revolving Fund from a loan model to a loan guarantee model. The agency has adopted this model upon advice of the federal Technical Assistance Center. This change has three benefits – it allows the program to leverage more dollars to lend, it provides persons with disabilities opportunities to establish credit and it provides the program with the expertise of a bank partner in loan issuance and management. Sections 1, 2 and 4 are technical.



#### ◇ EVIDENCE BASE

*What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs. The Connecticut Tech Act Project, within the Department of Aging and Disability Services, oversees the Assistive Technology lending program. That office does and will continue to collect and archive data on loan recipients, loan amounts, equipment purchased and loan re-payment.*

Click here to enter text.

**[Insert fully drafted bill here](#)**

### **Section 1.**

The following section of the Connecticut General Statutes is repealed:

**Sec. 17a-301b. Term “Commissioner of Social Services” to be substituted for “Commissioner on Aging”. “Department of Social Services” to be substituted for “Department on Aging”.** (a)(1) Wherever the term “Commissioner on Aging” is used in any public or special act of 2017, the term “Commissioner of Social Services” shall be substituted in lieu thereof; and (2) wherever the term “Department on Aging” is used in any public or special act of 2017, the term “Department of Social Services” shall be substituted in lieu thereof.

(b) The Legislative Commissioners' Office shall, in codifying the provisions of this section, make such technical, grammatical and punctuation changes as are necessary to carry out the purposes of this section.

### **Section 2.**

Sec. 17b-660 of the Connecticut General Statutes is repealed and the following is substituted therein:

**Sec. 17b-660. (Formerly Sec. 17-670). Gifts [to the agency](#) [for vocational rehabilitation].** The Commissioner of Aging and Disability Services is authorized to



accept and use gifts, grants, reimbursements or bequests made [unconditionally] by will or otherwise for carrying out the purposes of the donor or of the general statutes concerning the Department of Aging and Disability Services. Gifts, grants, reimbursements or bequests made under such conditions as in the judgment of the Commissioner of Aging and Disability Services are proper and consistent with the provisions of said sections may be so accepted and shall be held, invested, reinvested and used in accordance with the conditions of the gift.

**Section 10-298 of the statutes is repealed and the following is substituted in lieu thereof:**

**Sec. 10-298. Powers and duties of the Department of Aging and Disability Services re services for persons who are blind or visually impaired.** (a) The Commissioner of Aging and Disability Services shall prepare and maintain a register of persons who are blind in this state which shall describe their condition, cause of blindness and capacity for education and rehabilitative training. The commissioner may register cases of persons who are liable to become visually impaired or blind, and may take such measures in cooperation with other authorities as the commissioner deems advisable for the prevention of blindness or conservation of eyesight and, in appropriate cases, for the education of children and for the vocational guidance of adults whose eyesight approaches visual impairment or blindness. The commissioner shall establish criteria for low vision care and maintain a list of ophthalmologists and optometrists that are exclusively authorized to receive agency funds through established and existing state fee schedules for the delivery of specifically defined low vision services that increase the capacity of eligible recipients of such services to maximize the use of their remaining vision.

[(b) The Commissioner of Aging and Disability Services may accept and receive any bequest or gift of money or personal property and, subject to the consent of the Governor and Attorney General as provided in section 4b-22, any devise or gift of real property made to the Commissioner of Aging and Disability Services, and may hold and use such money or property for the purposes, if any, specified in connection with such bequest, devise or gift.]

(c) The Commissioner of Aging and Disability Services shall provide the Department of Motor Vehicles with the names of all individuals sixteen years of age or older who, on or after October 1, 2005, have been determined to be blind by a physician, an advanced practice registered nurse or an optometrist, as provided in section 10-305. The Commissioner of Aging and Disability Services shall provide simultaneous written notification to any individual whose name is being transmitted by the Commissioner of Aging and Disability Services to the Department of Motor Vehicles. The Commissioner of Aging and Disability Services shall update the list of names provided to the Department of Motor Vehicles on a



quarterly basis. The list shall also contain the address and date of birth for each individual reported, as shown on the records of the Department of Aging and Disability Services. The Department of Motor Vehicles shall maintain such list on a confidential basis, in accordance with the provisions of section 14-46d. The Commissioner of Aging and Disability Services shall enter into a memorandum of understanding with the Commissioner of Motor Vehicles to effectuate the purposes of this subsection.

Sec. 46a-30 of the Connecticut General Statutes is repealed and following is substituted therein:

**Sec. 46a-30. (Formerly Sec. 17-137o). Powers to receive moneys, make contracts.** [(a) The Commissioner of Aging and Disability Services may receive moneys from any source, including gifts, grants, bequests and reimbursements which moneys may be expended for the purposes designated by the donor or to effectuate the provisions of sections 17b-650e and 46a-29 to 46a-33b, inclusive.

(b) The Commissioner of Aging and Disability Services is empowered to expend its appropriation and receipts to initiate and support the provisions of said sections by contract or other arrangement and to contract for and engage consultants.]

### Section 3.

Section 17b-607 of the Connecticut General Statutes is repealed and the following is substituted in lieu thereof:

**Sec. 17b-607. (Formerly Sec. 17-606a). Assistive Technology Revolving Fund. Assistive technology evaluation and training services.** (a) The Commissioner of Aging and Disability Services is authorized to establish and administer state financing activities as outlined in the federal Assistive Technology Act of 2004 (Public Law 108-364) [a fund] to be known as the Assistive Technology Loan Program [Revolving Fund]. Said program [fund] shall be used by said commissioner to make and guarantee loans to persons with disabilities, older adults [senior citizens] or the family members of persons with disabilities or older adults [senior citizens] for the purchase of assistive technology and adaptive equipment and services. Each such loan shall be made for a term of not more than ten years. Any loans made under this section [after July 1, 2013,] shall bear interest at a fixed rate not to exceed six per cent. Said commissioner is authorized to expend any funds necessary for the reasonable direct expenses relating to the administration of said program [fund]. Said commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to implement the purposes of this section.



(b) The State Bond Commission shall have power from time to time to authorize the issuance of bonds of the state in one or more series in accordance with section 3-20 and in a principal amount necessary to carry out the purposes of this section, but not in excess of an aggregate amount of one million dollars. All of said bonds shall be payable at such place or places as may be determined by the Treasurer pursuant to section 3-19 and shall bear such date or dates, mature at such time or times, not exceeding five years from their respective dates, bear interest at such rate or different or varying rates and payable at such time or times, be in such denominations, be in such form with or without interest coupons attached, carry such registration and transfer privileges, be payable in such medium of payment and be subject to such terms of redemption with or without premium as, irrespective of the provisions of said section 3-20, may be provided by the authorization of the State Bond Commission or fixed in accordance therewith. The proceeds of the sale of such bonds shall be deposited in the Assistive Technology [Loan Program](#) [[Revolving Fund](#)] created by this section. Such bonds shall be general obligations of the state and the full faith and credit of the state of Connecticut are pledged for the payment of the principal of and interest on such bonds as the same become due. Accordingly, and as part of the contract of the state with the holders of such bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made and the Treasurer shall pay such principal and interest as the same become due. Net earnings on investments or reinvestments of proceeds, accrued interest and premiums on the issuance of such bonds, after payment therefrom of expenses incurred by the Treasurer or State Bond Commission in connection with their issuance, shall be deposited in the General Fund of the state.

(c) The Connecticut Tech Act Project, within the Department of Aging and Disability Services and as authorized by 29 USC 3001, may provide assistive technology evaluation and training services upon the request of any person or any public or private entity, to the extent persons who provide assistive technology services are available. The project may charge a fee to any person or entity receiving such assistive technology evaluation and training services to reimburse the department for its costs. The Commissioner of Department of Aging and Disability Services shall establish fees at reasonable rates that will cover the department's direct and indirect costs.

#### **Section 4.**

**The following section shall be re-numbered as Sec. 17b-667:**

**Sec. 17b-607. (Formerly Sec. 17-606a). Assistive Technology Revolving Fund. Assistive technology evaluation and training services.** (a) The Commissioner of Aging and Disability Services is authorized to establish and administer a fund to be known as the



Assistive Technology Revolving Fund. Said fund shall be used by said commissioner to make loans to persons with disabilities, senior citizens or the family members of persons with disabilities or senior citizens for the purchase of assistive technology and adaptive equipment and services. Each such loan shall be made for a term of not more than ten years. Any loans made under this section after July 1, 2013, shall bear interest at a fixed rate not to exceed six per cent. Said commissioner is authorized to expend any funds necessary for the reasonable direct expenses relating to the administration of said fund. Said commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to implement the purposes of this section.

(b) The State Bond Commission shall have power from time to time to authorize the issuance of bonds of the state in one or more series in accordance with section 3-20 and in a principal amount necessary to carry out the purposes of this section, but not in excess of an aggregate amount of one million dollars. All of said bonds shall be payable at such place or places as may be determined by the Treasurer pursuant to section 3-19 and shall bear such date or dates, mature at such time or times, not exceeding five years from their respective dates, bear interest at such rate or different or varying rates and payable at such time or times, be in such denominations, be in such form with or without interest coupons attached, carry such registration and transfer privileges, be payable in such medium of payment and be subject to such terms of redemption with or without premium as, irrespective of the provisions of said section 3-20, may be provided by the authorization of the State Bond Commission or fixed in accordance therewith. The proceeds of the sale of such bonds shall be deposited in the Assistive Technology Revolving Fund created by this section. Such bonds shall be general obligations of the state and the full faith and credit of the state of Connecticut are pledged for the payment of the principal of and interest on such bonds as the same become due. Accordingly, and as part of the contract of the state with the holders of such bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made and the Treasurer shall pay such principal and interest as the same become due. Net earnings on investments or reinvestments of proceeds, accrued interest and premiums on the issuance of such bonds, after payment therefrom of expenses incurred by the Treasurer or State Bond Commission in connection with their issuance, shall be deposited in the General Fund of the state.

(c) The Connecticut Tech Act Project, within the Department of Aging and Disability Services and as authorized by 29 USC 3001, may provide assistive technology evaluation and training services upon the request of any person or any public or private entity, to the extent persons who provide assistive technology services are available. The project may charge a fee to any person or entity receiving such assistive technology evaluation and training services to reimburse the department for its costs. The Commissioner of Aging and





Disability Services shall establish fees at reasonable rates that will cover the department's direct and indirect costs.

**The following section shall be re-numbered as Sec. 17b-668:**

**Sec. 17b-612. (Formerly Sec. 17-624). Transition program for students with disabilities.** The Department of Aging and Disability Services shall establish a program to assist public school students with disabilities in preparing for and obtaining competitive employment and to strengthen the linkage between vocational rehabilitation services and public schools. Under the program, the Department of Aging and Disability Services shall provide, within the limits of available appropriations, vocational evaluations and other appropriate transitional services and shall provide vocational rehabilitation counselors to school districts throughout the state. The counselors shall, if requested, assist those persons planning in-school skill development programs. The counselors shall, with planning and placement team members, develop transition plans and individual education and work rehabilitation plans for students with disabilities who will no longer be eligible for continued public school services. Students whose termination date for receipt of public school services is most immediate shall be given priority.

**The following section shall be re-numbered as Sec. 17b-669:**

**Sec. 17b-613. (Formerly Sec. 17-625). Definitions.** As used in this section and sections 17b-614 and 17b-615:

(1) "Center for independent living" means a consumer-controlled, community-based, nonprofit corporation which provides consumers or their families with independent living services, as identified by community residents with disabilities and service providers. A center shall provide program information to all community residents about the needs of people with disabilities. Personal care assistant services arranged for or provided by independent living centers shall not be required to be licensed or certified;

(2) "Independent living services" shall include, but not be limited to, advocacy, peer counseling, independent living skills assessment, counseling and training information and referral, and other programs and services which would promote the independence, productivity and quality of life for people with disabilities;



(3) “Consumer” means an individual with a significant physical or mental impairment whose ability to function independently in the family or community or whose ability to obtain, maintain or advance in employment is substantially limited and for whom the delivery of independent living services will improve the ability to function, continue functioning, or move toward functioning independently in the family or community or to continue in employment, respectively;

(4) “Consumer-controlled” means that at least fifty-one per cent of the members of the board of directors of a center for independent living are consumers.

**The following section shall be re-numbered as Sec. 17b-670:**

**Sec. 17b-614. (Formerly Sec. 17-626). State-wide network of independent living centers.** (a) The Department of Aging and Disability Services shall establish and maintain a state-wide network of centers for independent living.

(b) Not more than five per cent of the amount appropriated in any fiscal year for the purposes of this section may be used by the Department of Aging and Disability Services to provide state-wide administration, evaluation and technical assistance relating to the implementation of this section.

**The following section shall be re-numbered as Sec. 17b-671:**

**Sec. 17b-615. (Formerly Sec. 17-627). State-wide Independent Living Council.** (a) The Governor shall appoint a state-wide Independent Living Council, in accordance with Title VII of the Rehabilitation Act of 1973, 29 USC 701 et seq., as amended from time to time.

(b) The council shall meet regularly with the Commissioner of Aging and Disability Services and shall perform the following duties: (1) Issue an annual report by January first, with recommendations regarding independent living services and centers, to the Governor and the chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to human services, and (2) consult with, advise and make recommendations to the Department of Aging and Disability Services concerning independent living and related policy, management and budgetary issues.

(c) Council members who are consumers shall be reimbursed for expenses incurred in the performance of their duties as council members.