



Agency Legislative Proposal - 2018 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): DDS1117DDSAPRNDNRS.doc

(If submitting electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: DDS
Liaison: Christine (Pollio) Cooney Phone: 860.418.6066 E-mail: Christine.pollo@ct.gov
Lead agency division requesting this proposal: Health and Clinical Services and Legal
Agency Analyst/Drafter of Proposal: Christine Cooney

Title of Proposal: AAC The Commissioner of Developmental Services’ oversight regarding emergency medical care and end-of-life planning.
Statutory Reference: 17a-238(g)
Proposal Summary: This proposal allows an APRN to order a properly executed medical order to withhold cardiopulmonary resuscitation and also clarifies that properly executed advance healthcare directives for individuals with intellectual disability shall supersede the applicability of CGS 17a-238(g).

PROPOSAL BACKGROUND

◇ **Reason for Proposal**

<p><i>Please consider the following, if applicable:</i></p> <ol style="list-style-type: none"> (1) <i>Have there been changes in federal/state/local laws and regulations that make this legislation necessary? Yes, DPH laws have changed to allow APRNs to order DNRs.</i> (2) <i>Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? don’t know</i> (3) <i>Have certain constituencies called for this action? DDS Nursing staff</i> (4) <i>What would happen if this was not enacted in law this session? APRNs would not be allowed to order DNRs for the purpose of 17a-238(g)</i> <p>Click here to enter text.</p>
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- ◇ **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?

Click here to enter text.

PROPOSAL IMPACT

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

Agency Name: DPH
Agency Contact (name, title, phone): Jill Kennedy and Brie Wolf
Date Contacted: 9-2017

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

Summary of Affected Agency’s Comments

DDS proposal is consistent with recent changes to DPH related statutes that allows for APRNs to write orders for Do Not Resuscitate (DNR) and Do Not Intubate (DNI) orders.

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)*
none

State
none

Federal
none

Additional notes on fiscal impact

Click here to enter text.



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

To ensure that the civil rights of individuals with intellectual disability are upheld; specifically those who are not adjudicated (do not have a guardian or conservator). CGS 19a-570 et seq are clear that if there is a valid "Living will" then it must be honored. If an individual has a living will that was validly executed and now the person is incapacitated, the living will is still in effect. The fact that an individual has a guardian or conservator does not mean that that fiduciary can overturn the living will. The statutory change clarifies that someone who has a validly executed living will shall be entitled to have it enforced. Additionally, the change allows APRNs to order DNRs and DNRs to be consistent with DPH statutes.

An Act Concerning The Commissioner of Developmental Services' oversight regarding emergency medical care and end-of-life planning

Section 1. Subsection (g) of section 17a-238 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2018):

(g) The commissioner's oversight and monitoring of the medical care of persons placed or treated under the direction of the commissioner does not include the authority to make treatment decisions, except in limited circumstances in accordance with statutory procedures. In the exercise of such oversight and monitoring responsibilities, the commissioner shall not impede or seek to impede a properly executed medical order to withhold cardiopulmonary resuscitation. For purposes of this subsection, "properly executed medical order to withhold cardiopulmonary resuscitation" means (1) a written order by the attending physician or advanced practice registered nurse; (2) in consultation and with the consent of the patient or a person authorized by law; (3) when the attending physician or advanced practice registered nurse is of the opinion that the patient is in a terminal condition, as defined in section 19a-570, [which condition will result in death within days or weeks]; and (4) when such physician or advanced practice registered nurse has requested and obtained a second opinion from a Connecticut licensed physician or advanced practice registered nurse in the appropriate specialty that confirms the patient's terminal condition; and includes the entry of such an order when the attending physician is of the opinion that the patient is in the final stage of a terminal condition but cannot state that the patient may be expected to expire during the next several days or weeks, or, in consultation with a physician qualified to make a neurological diagnosis, deems the patient to be permanently unconscious, provided the commissioner has reviewed the decision with the department's director of [community medical services]health and clinical services or his or her designee, the [family and guardian]legal representative of the patient and others whom the commissioner deems



appropriate, and determines that the order is a medically acceptable decision. If the order to withhold cardiopulmonary resuscitation is written by an advanced practice registered nurse, the second opinion must be obtained from a physician. This subsection shall not apply to individuals with a legally valid advance healthcare directive.



Agency Legislative Proposal - 2018 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): DDS1117CLAlicensing.doc

(If submitting electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: DDS
Liaison: Christine (Pollio) Cooney Phone: 860.418.6066 E-mail: Christine.pollio@ct.gov
Lead agency division requesting this proposal: Quality Management and Improvement
Agency Analyst/Drafter of Proposal: Christine Cooney

Title of Proposal: AAC DDS group home licensing visits
Statutory Reference: CGS 17a-227(b)
Proposal Summary: This proposal clarifies the requirement regarding unannounced visits by DDS Quality Management and Improvement staff related to licensure of DDS Community Living Arrangements/group homes.

PROPOSAL BACKGROUND

◇ Reason for Proposal

<i>Please consider the following, if applicable:</i>
<ol style="list-style-type: none"> (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? Public Act 17-21 required agencies to conduct a Lean process to identify potential licensure and certification efficiencies within their individual agencies. This proposal is as a result of that internal Lean at DDS as well as from the statewide cross agency licensing Lean. (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? not sure (3) Have certain constituencies called for this action? DDS Quality Management and Improvement staff; (4) What would happen if this was not enacted in law this session? DDS would not be in compliance with the current requirement due to a lack of staff resources required to carry out current requirements.
Click here to enter text.

◇ Origin of Proposal New Proposal Resubmission

<i>If this is a resubmission, please share:</i>
<ol style="list-style-type: none"> (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?
Click here to enter text.



PROPOSAL IMPACT

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

<p>Agency Name: none</p> <p>Agency Contact (<i>name, title, phone</i>): Click here to enter text.</p> <p>Date Contacted: Click here to enter text.</p> <p>Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing</p>
<p>Summary of Affected Agency's Comments</p> <p>Click here to enter text.</p>
<p>Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>

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

<p>Municipal <i>(please include any municipal mandate that can be found within legislation)</i></p> <p>none</p>
<p>State</p> <p>DDS quality management and improvement staff would be able to focus on continuous improvement processes.</p>
<p>Federal</p> <p>none</p>
<p>Additional notes on fiscal impact</p> <p>Click here to enter text.</p>

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

<p>Currently, DDS requires that each of its licensing inspectors perform at least two unannounced revisits per month, however we are not meeting the current statutory requirement that at least ½ of the broad range of visits (licensing, QSR, and "facility" visits) be unannounced. DDS</p>



firmly believes that there is a value to unannounced visits from a quality review and assurance standpoint, but less so for a CLA/group home that is running well and for which no concerns have been identified. This proposal would not prohibit DDS from conducting an unannounced visit when warranted for audit purposes or if concerns were identified, it does however allow the agency more discretion in targeting unannounced visits where, and if, necessary.

An Act Concerning DDS group home licensing visits

Section 1. Subsection (b) of section 17a-227 of the general statutes is repealed and the following is substituted in lieu thereof (Effective upon passage):

(b) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to ~~[insure]~~ensure the comfort, safety, adequate medical care and treatment of such persons at the residential facilities described in subsection (a) of this section. Such regulations shall include requirements that: (1) All residential facility staff be certified in cardiopulmonary resuscitation in a manner and time frame prescribed by the commissioner; (2) records of staffing schedules and actual staff hours worked, by residential facility, be available for inspection by the department upon advance notice; (3) each residential facility develop and implement emergency plans and staff training to address emergencies that may pose a threat to the health and safety of the residents of the facility; (4) department staff verify during quality service reviews and licensing inspections, that (A) staff is adequately trained to respond in an emergency, and (B) a summary of information on each resident is available to emergency medical personnel for use in an emergency; (5) all residential facilities serving persons with Down syndrome fifty years of age or older have at least one staff member trained in Alzheimer's disease and dementia symptoms and care; and (6) [not less than one-half of the quality service reviews, licensing inspections or facility visits conducted by the department after initial licensure are unannounced] for community living arrangements, the commissioner shall determine a minimum number of licensing-related visits that shall be unannounced.



Agency Legislative Proposal - 2018 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): DDS1117guardianshipassessment.doc

(If submitting electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: DDS
Liaison: Christine (Pollio) Cooney Phone: 860.418.6066 E-mail: Christine.pollio@ct.gov
Lead agency division requesting this proposal: Quality and Systems Improvement
Agency Analyst/Drafter of Proposal: Christine Cooney

Title of Proposal: AAC Department of Developmental Services Guardianship Assessments
Statutory Reference: 45a-674
Proposal Summary: This proposal would eliminate a DDS guardianship assessment requirement for individuals already found ineligible for DDS services within a year from the assessment request due to a finding that the individual does not have intellectual disability per CGS 1-1g.

PROPOSAL BACKGROUND

◇ Reason for Proposal

<i>Please consider the following, if applicable:</i>
(1) <i>Have there been changes in federal/state/local laws and regulations that make this legislation necessary? no</i>
(2) <i>Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? don't know</i>
(3) <i>Have certain constituencies called for this action? Guardianship assessments require a significant amount of case management time/resources.</i>
(4) <i>What would happen if this was not enacted in law this session?</i>
Click here to enter text.

◇ Origin of Proposal New Proposal Resubmission

<i>If this is a resubmission, please share:</i>
(1) <i>What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?</i>
(2) <i>Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?</i>
(3) <i>Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?</i>
(4) <i>What was the last action taken during the past legislative session?</i>
Click here to enter text.



PROPOSAL IMPACT

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

Agency Name: Probate Court Administration Agency Contact (<i>name, title, phone</i>): Vin Russo Date Contacted: November 1, 2017
Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments PCA asked to review specific examples of eligibility denial letters which were provided (appropriately redacted) to demonstrate that letter would not simply state a person was ineligible but would explain why/how a determination was made that the individual did not meet the statutory definition of intellectual disability provided in CGS 1-1g.
Will there need to be further negotiation? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

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

Municipal <i>(please include any municipal mandate that can be found within legislation)</i> none
State Would remove some administrative burden from DDS staff which could be freed up to work on other required tasks.
Federal none
Additional notes on fiscal impact Click here to enter text.

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

Guardianship is statutorily for individuals with intellectual disability (ID). If an individual is known to not have ID per CGS 1-1G the guardianship assessment process should be moot. This



is also true for individuals determined to have autism spectrum disorder, not ID, who have been found eligible for DSS's Autism Division. Allowing DDS to submit a copy of an eligibility denial letter, should be enough evidence that the guardianship for an individual is not a legal option. Conservatorship would still be a possible avenue for individuals who do not have ID.

An Act Concerning Department of Developmental Services Guardianship Assessments

Section 1. Section 45a-674 of the general statutes is repealed and the following is substituted in lieu thereof (Effective upon passage):

Sec. 45a-674. (Formerly Sec. 45-326). Hearing for appointment of guardian. Evidence. Report by assessment team. Cross-examination of witnesses. Payment of fees for assessment team. At any hearing for appointment of a plenary guardian or limited guardian, the court shall receive evidence as to the condition of the respondent, including a written report or testimony by a Department of Developmental Services assessment team appointed by the Commissioner of Developmental Services or his or her designee, no member of which is related by blood, marriage or adoption to either the petitioner or the respondent and each member of which has personally observed or examined the respondent within forty-five days next preceding such hearing. The assessment team shall be comprised of at least two representatives from among appropriate disciplines having expertise in the evaluation of persons alleged to have intellectual disability. The assessment team members shall make their report on a form provided for that purpose by the office of the Probate Court Administrator and shall answer questions on such form as fully and completely as possible. The report shall contain specific information regarding the severity of the intellectual disability of the respondent and those specific areas, if any, in which the respondent needs the supervision and protection of a guardian, and shall state upon the form the reasons for such opinions. The petitioner, respondent or the respondent's counsel shall have the right to present evidence and cross-examine witnesses who testify at any hearing on the petition. If the respondent or the respondent's counsel notifies the court not less than three days before the hearing that he or she wishes to cross-examine the witnesses, the court shall order such witnesses to appear. The fees for such assessment team shall be paid from funds appropriated to the Department of Developmental Services.

(NEW)The written report or testimony by the assessment team shall not be required for a hearing on the appointment of a plenary guardian or limited guardian if the individual has been determined ineligible for services of the Department of Developmental Services by the Commissioner or Commissioner's designee within one year of the date of the request for assessment, provided such denial of eligibility is based on the determination that the individual does not have intellectual disability as defined by in section 1-1g. A copy of the eligibility determination letter indicating that the basis of ineligibility is the absence of intellectual disability as defined in section 1-1g shall be provided



to the probate court in lieu of report by the assessment team, and no further assessment of the team shall be required.



Agency Legislative Proposal - 2018 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): DDS1117techrevisions.doc

(If submitting electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: DDS
Liaison: Christine (Pollio) Cooney Phone: 860.418.6066 E-mail: Christine.pollio@ct.gov
Lead agency division requesting this proposal: Legislative Affairs
Agency Analyst/Drafter of Proposal: Rod O’Connor

Title of Proposal: AAC DDS Technical Revisions To Its Statutes
Statutory Reference: Multiple
Proposal Summary: <i>This proposed bill would clean up and standardize the usage of certain terms throughout DDS statutes. Specifically it would (1) change most references from “parent, guardian or conservator” to “legal representative”; (2) replace “parent” to “family” in certain sections where not only a parent could be involved; (3) replace “client”, “consumer” and “patient” with “individual” or “person”; (4) add “she” or “her” when “he”, “his” or “him” is used to promote gender neutrality; (5) replace “caretaker” with “caregiver”; and (6) replace “ward” with “protected person” to reflect Probate Court terminology. Also, the proposed bill would allow a “relative” instead of a “parent” to be appointed to the Camp Harkness Advisory Committee.</i>

PROPOSAL BACKGROUND

◇ Reason for Proposal

<i>Please consider the following, if applicable:</i> (1) <i>Have there been changes in federal/state/local laws and regulations that make this legislation necessary? No</i> (2) <i>Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? No</i> (3) <i>Have certain constituencies called for this action? Advocates have asked that DDS use appropriate person-first, respectful language in DDS statutes as well as all other department documents.</i> (4) <i>What would happen if this was not enacted in law this session?</i> Click here to enter text.
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◇ Origin of Proposal New Proposal Resubmission

<i>If this is a resubmission, please share:</i> (1) <i>What was the reason this proposal did not pass, or if applicable, was not included in the Administration’s package?</i> (2) <i>Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?</i> (3) <i>Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?</i> (4) <i>What was the last action taken during the past legislative session?</i> Click here to enter text.



PROPOSAL IMPACT

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

<p>Agency Name: None</p> <p>Agency Contact (<i>name, title, phone</i>): Click here to enter text.</p> <p>Date Contacted: Click here to enter text.</p> <p>Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing</p>
<p>Summary of Affected Agency's Comments</p> <p>Click here to enter text.</p>
<p>Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>

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

<p>Municipal <i>(please include any municipal mandate that can be found within legislation)</i></p> <p>None</p>
<p>State</p> <p>None</p>
<p>Federal</p> <p>None</p>
<p>Additional notes on fiscal impact</p> <p>Click here to enter text.</p>

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

<p>Continues DDS efforts to promote and use respectful and person-first language. Standardizes appropriate terminology.</p>



***AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES'
RECOMMENDATIONS REGARDING TECHNICAL REVISIONS TO ITS STATUTES***

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

Section 1. Subsections (a) and (b) of section 17a-210a of the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) There is established an independent ombudsman office within the Department of Developmental Services that is responsible for receiving and making recommendations to the commissioner for resolving complaints affecting [consumers] individuals under the care or supervision of the department or of any public or private agency with which the department has contracted for the provision of services.

(b) The director of the ombudsman office shall be appointed by the Governor, with the approval of the General Assembly. Said director shall be an elector of the state with expertise and experience in the fields of developmental services and advocacy for the rights of the [consumers] individuals specified in subsection (a) of this section and shall be exempt from the classified service.

Section 2. Subsection (a) of section 17a-211 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) In 1991, and every five years thereafter, the Department of Developmental Services shall develop and review a five-year plan in accordance with this section. The plan shall: (1) Set priorities; (2) identify goals and objectives and the strategies to be employed to achieve them; (3) define the criteria to be used in evaluating whether the department is making progress toward the achievement of such goals and objectives; (4) identify changes in priorities, goals, objectives and strategies from the prior plan; (5) describe and document progress made in achieving the goals and objectives outlined in the prior plan; and (6) estimate the type and quantity of staff and [client] services that will be needed over the life of the plan.

Section 3. Section 17a-212 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) On or before September 30, 1991, the Commissioner of Developmental Services shall adopt regulations, in accordance with the provisions of chapter 54, establishing (1) criteria for (A) determining eligibility for services provided by the department, (B) determining which [clients] individuals shall receive a specific service, and (C) selecting private sector service providers, and (2) uniform procedures to be used by the regional offices in determining which clients shall receive services and in selecting private sector service providers. Such procedures shall specify the decision-making authority of the department's central office and the regional offices and set parameters within which each shall operate.



(b) Each regional office, following a format developed by the department's central office and taking into account the regulations developed by the commissioner, shall prepare a written protocol to be used in determining which **[clients]** individuals shall receive services and in selecting service providers. The protocol shall be approved by the commissioner.

Section 4. Section 17a-212a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

The Commissioner of Developmental Services shall adopt regulations, in accordance with chapter 54, to establish and implement the policy of the Department of Developmental Services with respect to the placement and care of **[department clients]** individuals who are evaluated by the department as posing a serious threat to others without specific measures for their supervision and security. Such regulations shall include, but not be limited to, provisions concerning the criteria or factors to be considered in: (1) Evaluating and placing such **[clients;]** individuals; (2) siting of residential facilities for such **[clients;]** individuals; (3) giving notice, if any, to the community in which such **[client]** individual is to be placed; (4) determining appropriate levels of security and supervision; and (5) providing appropriate programs and quality of life for such **[clients]** individuals in the least restrictive environment. Such regulations shall not permit the siting of more than one such facility in any one municipality.

Section 5. Subsection (a) of section 17a-217a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) There shall be a Camp Harkness Advisory Committee to advise the Commissioner of Developmental Services with respect to issues concerning the health and safety of persons who attend and utilize the facilities at Camp Harkness. The advisory committee shall be composed of twelve members as follows: Six shall be appointed by the Governor, one of whom shall be the~~(1) The~~ director of Camp Harkness, who shall serve ex officio, one **[member representing]** of whom shall represent the Southeastern Connecticut Association for Developmental Disabilities, one **[member representing]** of whom shall represent the Southbury Training School, one **[member representing]** of whom shall represent the Arc of New London County, one **[consumer representing persons who use]** of whom is a person who uses the camp on a residential basis and one **[member representing parents or guardians of persons who use]** of whom is a relative or guardian of a person who uses the camp~~], all of whom shall be appointed by the Governor~~; and six shall be appointed by members of the General Assembly,~~(2) one member representing parents or guardians of persons who use]~~ one of whom is a relative or guardian of a person who uses the camp, who shall be appointed by the president pro tempore of the Senate; ~~(3)]~~ one of whom is (1) a member of the Family Support Council established pursuant to section 17a-219c **[representing]** and (2) represents persons who use the camp on a day basis, who shall be appointed by the speaker of the House of Representatives; ~~(4)]~~ one **[member representing]** of whom represents the board of selectmen of the town of Waterford, who shall be appointed by the majority leader of the House of Representatives; ~~(5)]~~ one **[member representing]** of



whom represents a private nonprofit corporation that is: [(A)] (1) Tax exempt under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent internal revenue code of the United States, as amended from time to time, and [(B)] (2) established to promote and support Camp Harkness and its camping programs, who shall be appointed by the majority leader of the Senate; [(6)]one [member representing] of whom represents the Connecticut Institute for the Blind and the Oak Hill School, who shall be appointed by the minority leader of the House of Representatives; and [(7)]one [member representing] of whom represents the United Cerebral Palsy Association, who shall be appointed by the minority leader of the Senate.

Section 6. Subsections (a), (d) and (e) of section 17a-218 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) For purposes of this section, the following terms have the following meanings: “Commissioner” means the Commissioner of Developmental Services; “department” means the Department of Developmental Services; and “emergency placement” means cases in which there has been a request for a residential accommodation for an individual for whom there is an unforeseen emergency in his or her current living arrangement, or cases in which the department has had no previous knowledge of a need for placement, or cases in which such a placement is needed because of actions of another state agency or department, including, but not limited to, the Department of Mental Health and Addiction Services, the Department of Children and Families, and any court, or cases prior to any other planned placements, because the health or safety of the individual needing such placement would be adversely affected without such placement.

(d) The commissioner may provide, within available appropriations, respite care services which may be administered directly by the department, or through contracts for services with providers of such services, or by means of direct subsidy to [parents of persons] the family or legal representative of a person with intellectual disability to enable the [parents] family or legal representative to purchase such services.

(e) The commissioner may, within available appropriations and in accordance with individualized plans of care, provide a full range of services to support persons with intellectual disability living with their families, [caretakers,] caregivers, independently or in community-based residential facilities licensed pursuant to section 17a-227. Such services may include, but are not limited to, education and training programs, social services, counseling services, medical services, physical or occupational therapy, parent training, recreation and transportation. Such services may be provided by the department or be purchased from persons or private agencies through contracts pursuant to subsection (d) of section 4-70b or purchased directly by the [service recipient or his family.] person receiving services or his or her family or legal representative. The department may provide a direct subsidy to persons with intellectual disability or their families or legal representatives to be used for such purchases of such support services. The [recipient of] person receiving such subsidy or his or her family or legal representative shall provide a documented accounting of such subsidy to the department.



Section 7. Subsection (a) of section 17a-218a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) The Commissioner of Developmental Services shall continue the operation of the Southbury Training School and shall establish criteria to evaluate the current population of the training school in regard to community placement and training school placement. The criteria shall include, at a minimum, consideration of the [client's] resident's age, physical disabilities, medical fragility, level of intellectual disability, length of residence at the school and availability of an appropriate placement.

Section 8. Subsection (e) of section 17a-228 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(e) Whenever the Department of Developmental Services refuses to renew the authorization of a person for continued state-assisted care in a licensed residential facility for persons with intellectual disability pursuant to subsection (d) of this section and either authorizes the individual for admission into alternate facilities or refuses to authorize the individual for continued state-assisted care in any alternative facility, the Department of Developmental Services shall give thirty days' notice of its determination to the previously authorized individual and to such individual's [parent, conservator, guardian or other] legal representative. Such notice shall also notify each such individual or his or her legal representative of the individual's right to contest the determination by submitting a request for a hearing in writing to the Commissioner of Developmental Services not later than fifteen days after the date of receiving the notice required by this subsection. Such hearing, if requested, shall be conducted in accordance with the provisions of sections 4-176e to 4-184, inclusive. State-assisted care shall continue in the present facility pending final disposition of any such hearing.

Section 9. Section 17a-229 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

The Commissioner of Developmental Services may, upon application by a residential facility licensed under section 17a-227, at his or her discretion and prior to the opening of such facility, make payments for operating costs to be incurred up to forty-five days in advance of the initial admission of residents by such facility. [He] The commissioner shall ensure that all payments made pursuant to this section and section 17a-228 have been properly expended and shall recoup payments improperly expended.

Section 10. Subsections (a) and (d) of section 17a-230 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) The Commissioner of Developmental Services shall adopt regulations in accordance with the provisions of chapter 54 to implement the provisions of section 17a-229 and subsection (a) of section 17a-228 pertaining to the Commissioner of Developmental Services. Such regulations shall include,



but not be limited to, standards for [client] eligibility for programmatic services provided under subsection (a) of section 17a-228 which standards may address [client] a person with intellectual disability's need for such services and departmental priorities for [clients] such person to receive services under subsection (a) of section 17a-228, criteria for determining [resident] such person's ability to pay for all or part of the cost of such services, standards for advance payments to private entities for the provision of such services, standards for the recovery of payments improperly expended and standards for fair hearing or case review for persons denied eligibility or admission.

(d) The commissioner shall allow any authorized [client] resident of a private residential facility licensed in accordance with section 17a-227 to be absent from such facility for not more than thirty-six days per year without affecting reimbursement to such facility. In order to be reimbursed for absences in excess of thirty-six days, the facility shall obtain prior approval for the absence from the commissioner. The commissioner shall adopt regulations in accordance with the provisions of chapter 54 to implement the provisions of this subsection.

Section 11. Section 17a-232 of the general statutes, as amended by section 10 of public act 17-96, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) An application to appoint a receiver for a residential facility for persons with intellectual disability may be filed in the Superior Court by the Commissioner of Developmental Services. A resident of the facility or the resident's [legally liable relative, conservator, or guardian] legal representative may file a written complaint with the Commissioner of Developmental Services specifying conditions at the facility which warrant an application to appoint a receiver. If the Commissioner of Developmental Services fails to resolve the complaint within forty-five days of its receipt or, in the case of a facility which intends to close, within seven days of its receipt, the person who filed the complaint may file an application in the Superior Court for the appointment of a receiver for the facility. The court shall immediately notify the Attorney General of the application. The court shall hold a hearing not later than ten days after the date the application is filed. Notice of the hearing shall be given to the owner of the facility or the owner's agent for service of process not less than five days prior to the hearing. The notice shall be posted by the court in a conspicuous place inside the facility for not less than three days prior to the hearing.

(b) Notwithstanding the provisions of subsection (a) of this section the court may appoint a receiver upon an ex parte motion when affidavits, testimony or any other evidence presented indicates that there is a reasonable likelihood an emergency exists in the facility which must be remedied immediately to insure the health, safety and welfare of the residents of the facility. Notice of the application and order shall be served on the owner or his or her agent for service of process and shall be posted in a conspicuous place inside the facility not later than twenty-four hours after issuance of the order. A hearing on the application shall be held not later than five days after the issuance of the order unless the owner consents to a later date.

Section 12. Subsection (b) of section 17a-233 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):



(b) It shall be a sufficient defense to a receivership application if any owner of a residential facility for persons with intellectual disability establishes that: (1) He or she did not have knowledge or could not reasonably have known that any conditions in violation of section 17a-227 existed, or (2) he or she did not have a reasonable time in which to correct such violations, or (3) the violations listed in the application do not, in fact, exist, or (4) in the event the grounds upon which the petition is based are those set forth in subdivision (2) of subsection (a) of this section, the facility does not intend to close.

Section 13. Section 17a-234 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

A receiver appointed pursuant to the provisions of sections 17a-231 to 17a-237, inclusive, in operating such facility, shall have the same powers as a receiver of a corporation under section 52-507 and shall exercise such powers to remedy the conditions which constituted grounds for the imposition of receivership, assure adequate care for the residents and preserve the assets and property of the owner. If a facility is placed in receivership it shall be the duty of the receiver to notify residents and **[family,]** the residents' legal representatives, except where medically contraindicated. The receiver may correct or eliminate any deficiency in the structure or furnishings of the facility which endangers the safety or health of the residents while they remain in the facility, provided the total cost of correction does not exceed three thousand dollars. The court may order expenditures for this purpose in excess of three thousand dollars upon the application of the receiver. If any resident is transferred or discharged the receiver shall provide for: (1) Transportation of the resident and the resident's belongings and records to the place where the resident is being transferred or discharged; (2) aid in locating an alternative placement and discharge planning; (3) preparation for transfer to mitigate transfer trauma, including, but not limited to, participation by the resident or the resident's **[guardian]** legal representative in the selection of the resident's alternative placement, explanation of alternative placements and orientation concerning the placement chosen; and (4) custodial care of all property or assets of residents which are in the possession of the owner of the facility. The receiver shall preserve all property, assets and records of residents which the receiver has custody of and shall provide for the prompt transfer of the property, assets and records to the alternative placement of any transferred resident. In no event may the receiver transfer all residents and close a facility without a court order and without preparing a discharge plan for each resident.

Section 14. Section 17a-236 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) The court may name any responsible individual to act as a receiver, including an employee of the Department of Developmental Services. The court may remove such receiver in accordance with section 52-513. A receiver, other than an employee of the Department of Developmental Services, appointed pursuant to this section shall be entitled to a reasonable receiver's fee as determined by the court. The receiver shall be liable only in his official capacity for injury to person and property by



reason of the conditions of the residential facility. [He] Such receiver shall not be personally liable, except for acts or omissions constituting gross, wilful or wanton negligence.

(b) The court, in its discretion, may require a bond of such receiver in accordance with section 52-506.

(c) Each receiver shall, during the first week of January, April, July and October in each year, sign, swear to and file with the clerk of the court by which he or she was appointed a full and detailed account of his or her doings as such receiver for the three months next preceding, together with a statement of all court orders passed during such three months and the present condition and prospects of the facility in his or her charge, and cause a motion for a hearing and approval of the same to be placed on the short calendar.

Section 15. Section 17a-237 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

The Superior Court, upon a motion by the receiver or the owner of such facility, may terminate the receivership if it finds that the facility has been rehabilitated so that the violations complained of no longer exist or, if the receivership was instituted pursuant to subdivision (2) of subsection (a) of section 17a-233, the orderly transfer of the [patients] residents has been completed and the facility is ready to be closed. Upon such finding, the court may terminate the receivership and return the facility to its owner. In its termination order the court may include such terms as it deems necessary to prevent the conditions complained of from recurring.

Section 16. Subsection (f) of section 17a-238 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(f) The Commissioner of Developmental Services shall require the attending physician of any person placed or treated in a residential facility under the direction of the commissioner to obtain informed written consent from the following persons prior to authorizing any surgical procedure or any medical treatment, excluding routine medical treatment which is necessary to maintain the general health of [a resident] the person or to prevent the spread of any communicable disease: (1) The [resident] person if such [resident] person is eighteen years of age or over or is legally emancipated and competent to give such consent; (2) the parent of a [resident] person under eighteen years of age who is not legally emancipated; or (3) the legal [guardian or conservator] representative of a [resident] person of any age who is adjudicated unable to make informed decisions about matters relating to such [resident's] person's medical care. The person whose consent is required shall be informed of the nature and consequences of the particular treatment or surgical procedure, the reasonable risks, benefits and purpose of such treatment or surgical procedure and any alternative treatment or surgical procedures which are available. The consent of any [resident] person or of any parent [, guardian or conservator] or legal representative of any [resident] person may be withdrawn at any time prior to the commencement of the treatment or surgical procedure. The regional or training school director having custody and control of a [resident of any] person living in a residential facility may authorize necessary



surgery for such [resident] person where, in the opinion of the [resident's] person's attending physician, the surgery is of an emergency nature and there is insufficient time to obtain the required written consent provided for in this section. The attending physician shall prepare a report describing the nature of the emergency which necessitated such surgery and shall file a copy of such report in the patient's record.

Section 17. Subsection (h) of section 17a-238 of the general statutes, as amended by section 42 of public act 17-96, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(h) Any person applying for services from the Commissioner of Developmental Services or any person placed by a probate court under the direction of the Commissioner of Developmental Services, and such person's [parents or guardian,] legal representative, shall be informed orally and in writing at the time of application or placement of the rights guaranteed by this section. A summary of such rights shall be posted conspicuously in the public areas of every public or private facility providing services to persons under the care of the Commissioner of Developmental Services.

Section 18. Section 17a-247 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) Any employee of the Department of Developmental Services appointed as a plenary guardian or limited guardian pursuant to subsection (f) of section 45a-676 shall exercise judgment, independent of the department, for the benefit and best interests of the [ward.] protected person.

(b) The Department of Developmental Services shall not take or threaten to take any action against any employee of the department in retaliation for such employee's conduct as a plenary guardian or limited guardian of a person with intellectual disability.

Section 19. Subsection (b) of section 17a-272 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(b) Each director may with the approval of the Commissioner of Developmental Services appoint four assistant directors for the efficient conduct of the business of each training school or state developmental services region. Each director shall designate an assistant director who shall in the absence or disqualification of the director or on his or her death, exercise the powers and duties of the director until he or she resumes his or her duties or the vacancy is filled. Assistant directors shall be removable by the director.

Section 20. Subsections (a) and (b) of section 17a-273 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) The Commissioner of Developmental Services shall appoint at least one advisory and planning council for each state developmental services region operated by the Department of Developmental Services, which council shall have the responsibility of consulting with and advising the director of the



region on the needs of persons with intellectual disability in the region, the annual plan and budget of the region and other matters deemed appropriate by the council. The Commissioner of Developmental Services shall, at least annually, provide to any individual who receives annual funding or receives services from the department, or such individual's legal [guardian or] representative, information about the regional advisory and planning council's statutory responsibilities and the process to access information concerning such council's meetings.

(b) Each such council shall consist of at least ten members appointed from the state developmental services region. No employee of any state agency engaged in the care or training of individuals with intellectual disability shall be eligible for appointment. At least one member shall be designated by a local chapter of the Arc of Connecticut in the region. At least one member shall be an individual who is eligible for and receives services from the Department of Developmental Services. At least two members shall be [parents of individuals] a relative of an individual with intellectual disability. Members shall be appointed for terms of three years. No member may serve more than two consecutive terms, except a member may continue to serve until a successor is appointed. Each council shall appoint annually, from among its members, a chairperson, vice-chairperson and secretary. The council may make rules for the conduct of its affairs. The director of the region shall be an ex-officio member of the council without vote and shall attend its meetings.

Section 21. Subsection (k) of section 17a-274 of the general statutes, as amended by section 15 of public act 17-96, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(k) Any person or agency having reasonable cause to believe that a person has intellectual disability and is in need of immediate care and treatment for his or her safety and welfare, which care and treatment is not being provided by his or her family, legal representative or other person responsible for his or her care, shall make a written report to the Commissioner of Developmental Services. The report shall contain the name and address of the person believed to have intellectual disability and be in need of immediate care and treatment, and his or her family, legal representative or other person responsible for his or her care, and all evidence forming the basis for such belief and shall be signed and dated by the person making such report. The Commissioner of Developmental Services shall promptly determine whether there is reasonable cause to believe that the person named in the report has intellectual disability and is in need of immediate care and treatment, which care and treatment is not being provided by his or her family, legal representative or other person responsible for his or her care and if the commissioner so determines, shall assume the care and custody of such person. The commissioner or his or her designee shall, within twenty-four hours, excluding Saturdays, Sundays and legal holidays, after assuming the care and custody of such person, file a petition pursuant to subsection (b) of this section in the Probate Court for the district in which such person resided prior to emergency placement. The Probate Court in which such application is filed shall assign a time and place for a hearing pursuant to subsection (c) of this section.

Section 22. Section 17a-277 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):



The regional or training school director [of any state training school, regional facility or other facility for the care and training of persons with intellectual disability] may place any resident with intellectual disability committed or admitted to such training school, regional facility or other residential facility provided for the care and training of persons with intellectual disability, under the provisions of sections 17a-210 to 17a-247, inclusive, and 17a-273, in a community companion home, community living arrangement, [private boarding home,] group home, other residential facility or residential program to be cared for in accordance with the following conditions:

(1) Such resident shall, despite such transfer, remain subject to the control of the regional or training school director [of such training school, regional facility or other facility provided for the care and training of persons with intellectual disability] and the director may, at any time, order and provide for the return of any such resident to such training school, regional facility or other residential facility provided for the care and training of persons with intellectual disability; [, subject to any limitations of the term of commitment contained in the order of commitment under which such resident was committed;]

(2) When the transfer of any such resident has been authorized or when, having been transferred to a community companion home, community living arrangement, [private boarding home,] group home, other residential facility or residential program for persons with intellectual disability, such resident has [been] returned to the training school, regional facility or other residential facility, the regional or training school director [of such training school, regional facility or other facility] shall forthwith so notify the Commissioner of Developmental Services;

(3) Such community companion home, community living arrangement, [private boarding home,] group home, other residential facility or residential program shall be licensed by the Department of Developmental Services, the Department of Children and Families or the Department of Public Health under such regulations as the departments adopt, in accordance with chapter 54; and

(4) The Commissioner of Developmental Services shall, upon request, be given access to the complete record of any resident placed in a community companion home, community living arrangement, [private boarding home,] group home, other residential facility or residential program pursuant to this section.

Section 23. Section 17a-281 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

Any person who is a resident of Connecticut at the time an application is made by such resident or on behalf of such resident under the provisions of this section, and who is, or appears to be, or believes himself or herself to be a person with intellectual disability, may apply, in writing, to the Commissioner of Developmental Services, on a form prescribed by the commissioner, for admission to any facility for persons with intellectual disability. Such application shall be accompanied by a medical history of the applicant, including any medical or physical condition requiring special attention, treatment or precautions, a written psychological report provided by a psychologist either licensed



under the provisions of chapter 383 or employed by the Department of Developmental Services, who has personally examined the applicant prior to the filing of application for residential placement or a copy of the determination of eligibility made in accordance with section 17a-212 and the regulations adopted thereunder. The written psychological report shall include (1) a statement that the psychologist has personally examined the applicant not more than ninety days prior to the date of filing of the application, (2) the results of a psychometric assessment conducted not more than one year prior to the date of filing of the application, and (3) an evaluation of the applicant's current level of adaptive functioning, including self-care, mental health, social, academic and vocational needs. In the event of an emergency, admission to a residential facility may be made and the required medical history and psychologist's report may be submitted not later than thirty days after the date of such admission. The application for such person, if such person is a minor, may be made by a parent, **[guardian of the person of,]** legal representative of, or person having custody of, such minor. If such person is an adult who has had a plenary or limited guardian appointed pursuant to sections 45a-669 to 45a-683, inclusive, such person's guardian may apply for admission and the commissioner may admit such person, provided the commissioner is satisfied that there is no conflict concerning the admission between the guardian and **[his or her ward]** the protected person or the **[ward's]** protected person's next of kin. If such conflict exists, the applicant may only be admitted under the provisions of section 17a-274. The commissioner may approve any such application for admission if the person on whose behalf application is made is suitable for admission and if space is available and may terminate such admission at any time when the commissioner feels such person will not profit from continued placement. The provisions of this section shall not apply to persons who apply to the commissioner for respite care services for a period not to exceed thirty days.

Section 24. Section 17a-282 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

No person admitted to a facility for persons with intellectual disability under the provisions of section 17a-281, shall be detained in such facility for more than seven days after such person or such person's legal representative has given notice in writing**[, or, if such person is a minor or an adult for whom a guardian or an involuntary conservator has been appointed, after such notice has been given on his or her behalf by his or her parent, guardian, conservator or person having custody,]** to the Commissioner of Developmental Services, of his or her intention or desire to leave such facility. If the commissioner is of the opinion that such person is in need of further treatment or observation, the commissioner may make and file, in the probate court for the district within which such person resides, application for the involuntary placement of such person to such facility and the probate court shall proceed thereon in the same manner as is provided in section 17a-274.

Section 25. Section 46a-11a of the general statutes, as amended by section 88 of public act 17-2 of the June special session is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):



For the purposes of sections 46a-11a to 46a-11g, inclusive:

- (1) "Abuse" means the wilful infliction of physical pain or injury or the wilful deprivation by a [**caretaker**] caregiver of services which are necessary to the person's health or safety;
- (2) "Neglect" means a situation where a person with intellectual disability either is living alone and is not able to provide for himself or herself the services which are necessary to maintain his or her physical and mental health or is not receiving such necessary services from the [**caretaker;**] caregiver;
- (3) [**"Caretaker"**] "Caregiver" means a person who has the responsibility for the care of a person with intellectual disability as a result of a family relationship or who has assumed the responsibility for the care of the person with intellectual disability voluntarily, by contract or by order of a court of competent jurisdiction. The legal representative of a person with intellectual disability need not be such person's [**caretaker;**] caregiver;
- (4) "Commissioner" means the Commissioner of Developmental Services, or such commissioner's designee;
- (5) "Evaluation report" means the written documentation of an investigation of abuse or neglect conducted by the Abuse Investigation Division of the Department of Developmental Services that includes, but is not limited to, the report of an allegation of abuse or neglect, evaluations, findings and recommended actions;
- (6) "Facility" means any public or private hospital, nursing home facility, residential care home, training school, regional facility, group home, community companion home, school or other program serving persons with intellectual disability;
- (7) "Legal representative" means a plenary guardian or limited guardian of a person with intellectual disability appointed pursuant to sections 45a-669 to 45a-683, inclusive, or a conservator of the person or a conservator of the estate appointed pursuant to sections 45a-644 to 45a-662, inclusive;
- (8) "Person with intellectual disability" means a person who: (A) Has intellectual disability, as provided in section 1-1g, (B) is at least the age of eighteen and under the age of sixty, except, for purposes of subsection (b) of section 46a-11c, is eighteen years of age or older, and (C) is substantially unable to protect himself or herself from abuse and includes all such persons living in residential facilities under the jurisdiction of the Department of Developmental Services;
- (9) "Person who receives services from the Department of Social Services' Division of Autism Spectrum Disorder Services" means an individual eighteen years of age to fifty-nine years of age, inclusive, who receives funding or services from said division; and
- (10) "Protective services" means services provided by the state or any other governmental or private organization or individual which are necessary to prevent abuse or neglect. Such services may include



the provision of medical care for physical and mental health needs; the provision of support services in the facility, including the time limited placement of department staff in such facility; the relocation of a person with intellectual disability to a facility able to offer such care pursuant to section 17a-210, 17a-274 or 17a-277, as applicable; assistance in personal hygiene; food; clothing; adequately heated and ventilated shelter; protection from health and safety hazards; protection from maltreatment, the result of which includes, but is not limited to, malnutrition, deprivation of necessities or physical punishment; and transportation necessary to secure any of the above-stated services, except that this term shall not include taking such person into custody without consent.

Section 26. Subsection (e) of section 46a-11b of the general statutes, as amended by section 89 of public act 17-2 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(e) Any person who makes any report pursuant to sections 46a-11a to 46a-11g, inclusive, or who testifies in any administrative or judicial proceeding arising from such report shall be immune from any civil or criminal liability on account of such report or testimony, except for liability for perjury, unless such person acted in bad faith or with malicious purpose. Any person who obstructs, hinders or endangers any person reporting or investigating abuse or neglect or providing protective services or who makes a report in bad faith or with malicious purpose and who is not subject to any other penalty shall be fined not more than five hundred dollars. No resident or employee of a facility, as defined in section 46a-11a, shall be subject to reprisal or discharge because of his or her actions in reporting pursuant to sections 46a-11a to 46a-11g, inclusive.

Section 27. Subsection (b) of section 46a-11d of the general statutes, as amended by section 91 of public act 17-2 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(b) If the [**caretaker**] caregiver of a person with intellectual disability who has consented to the receipt of protective services refuses to allow the provision of such services to such person, the commissioner may petition the Superior Court for an order enjoining the [**caretaker**] caregiver from interfering with the provision of protective services to the person. The petition shall allege specific facts sufficient to show that the person with intellectual disability is in need of protective services and consents to their provision and that the [**caretaker**] caregiver refuses to allow the provision of such services. If the court finds that the person is in need of such services and has been prevented by the [**caretaker**] caregiver from receiving the same, the court may issue an order enjoining the [**caretaker**] caregiver from interfering with the provision of protective services to the person.

Section 28. Subsection (a) of section 46a-11e of the general statutes, as amended by section 92 of public act 17-2 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) If a person with intellectual disability does not consent to the receipt of protective services, or if such person withdraws his or her consent, such services shall not be provided or continued, except that if the commissioner has reason to believe that such person lacks capacity to consent to or refuse such



services, the commissioner may petition the Probate Court for the appointment of a legal representative. If any legal representative, appointed pursuant to the provisions of this section, does not consent to the provision of such services, the commissioner may petition the Probate Court for the removal and replacement of such legal representative.

Section 29. Section 46a-11g of the general statutes, as amended by section 94 of public act 17-2 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

If, as a result of any investigation initiated under the provisions of sections 17a-247f and 46a-11a to 46a-11f, inclusive, a determination is made that a [caretaker] caregiver or other person has abused a person with intellectual disability or a person receiving services from the Department of Social Services' Division of Autism Spectrum Disorder Services, the commissioner shall refer such information in writing to the appropriate office of the state's attorney, which shall conduct such further investigation as may be deemed necessary and shall determine whether criminal proceedings should be initiated against such [caretaker] caregiver or other person, in accordance with applicable state law. If any initial investigation by the commissioner discloses evidence of an immediate and serious threat to the health or life of a person with intellectual disability or a person receiving services from the Department of Social Services' Division of Autism Spectrum Disorder Services, said department shall immediately refer the matter to state or local police, as appropriate, who shall immediately investigate the matter. The commissioner shall notify the Commissioner of Social Services, or his or her designee, of any referral of information to the office of the state's attorney or to state or local police concerning an abuse or neglect investigation of a person receiving services from the Department of Social Services' Division of Autism Spectrum Disorder Services.

Section 30. Section 46a-13a of the general statutes, as amended by public act 17-2 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

Each state, local or private agency responsible for the protection of persons with disabilities shall cooperate with any investigation conducted by the Department of Developmental Services and shall release [client] records of any named person with intellectual disability or who receives services from the Department of Social Services' Division of Autism Spectrum Disorder Services for review and inspection by said department. No such state, local or private agency shall release the records of a [client] named person without the express consent of such [client] named person or as otherwise provided by law.

Section 31. Subsection (e) of section 17a-210 of the general statutes, as amended by section 1 of public act 17-61, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(e) Any person with intellectual disability, or the [parent, guardian, conservator or other] legal representative of such person, may request a hearing to contest the category assignment made by the department for persons seeking residential placement, residential services or residential support. A



request for hearing shall be made, in writing, to the commissioner. Such hearing shall be conducted in accordance with the provisions of chapter 54.

Section 32. Subsection (b) of section 17a-238 of the general statutes, as amended by section 2 of public act 17-61, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(b) An individual determined by the department to be eligible for funding or services from the department, or such individual's legal [guardian or] representative, may request and, if requested, shall obtain from the department a copy of (1) such individual's category for residential funding or services, if the individual has an unmet need for residential services, (2) such individual's request for funding or services submitted to the regional planning and resource allocation team, and (3) any decision on the individual's request for funding or services made by the regional planning and resource allocation team. Additionally, any such individual who receives annual funding or services from the department, or such individual's legal [guardian or] representative, may request and, if requested, shall obtain from the department a copy of such individual's (A) individual plan, and (B) level of need assessment.



Agency Legislative Proposal - 2018 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): DDS1117waivelicensefee.doc
(Revised 12-12-17)

(If submitting electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: DDS

Liaison: Christine (Pollio) Cooney

Phone: 860.418.6066

E-mail: Christine.pollio@ct.gov

Lead agency division requesting this proposal: Quality and Systems Improvement

Agency Analyst/Drafter of Proposal: Christine Cooney

Title of Proposal: AAC DDS’s Waiver of Licensing Fee for Private Providers

Statutory Reference: 17a-227(c)

Proposal Summary:

This proposal allows the DDS Commissioner to waive a \$50 licensing fee that is currently required of private providers who operate DDS licensed Community Living Arrangements (CLAs).

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? Public Act 17-21 required agencies to conduct a Lean process to identify potential licensure and certification efficiencies within their individual agencies. This proposal is as a result of that internal Lean at DDS.
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? don’t know
- (3) Have certain constituencies called for this action? Providers seek reductions in administrative burdens.
- (4) What would happen if this was not enacted in law this session? DDS Providers would continue to pay the \$50 as required by statute.

Click here to enter text.

◇ **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?

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PROPOSAL IMPACT

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

<p>Agency Name: Office of the State Treasurer Agency Contact (name, title, phone): Mary Phil Guinan Date Contacted: 8/30/17</p> <p>Approve of Proposal <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing</p>
<p>Summary of Affected Agency's Comments Treasurer's office indicated they are not final recipients of funding, just the pass through on fee's way to general fund.</p>
<p>Will there need to be further negotiation? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>

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

<p>Municipal <i>(please include any municipal mandate that can be found within legislation)</i> Not applicable</p>
<p>State Approximately \$19,500 annually*</p>
<p>Federal Not applicable</p>
<p>Additional notes on fiscal impact There is an identified administrative burden associated with the submission and processing of the fee (provider submits to DDS, who sends to Treasurer, to send to general fund) that doesn't appear to be worth the minimal impact to the general fund. *Additionally, the fee is an allowable cost for providers.</p>

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

In an effort to Lean DDS's licensure process for community living arrangements and reduce



provider burdens, the elimination of processing and collecting the licensing fee was identified as a potential process efficiency.

An Act Concerning the Department of Developmental Services' Waiver of Licensing Fees for Private Providers

Section 1. Subsection (c) of section 17a-227 of the general statutes is repealed and the following is substituted in lieu thereof (Effective upon passage):

(c) After receiving an application and making such investigation as is deemed necessary and after finding the specified requirements to have been fulfilled, the department shall grant a license to such applicant to operate a facility of the character described in such application, which license shall specify the name of the person to have charge and the location of each facility operated under the license. Any person, firm or corporation aggrieved by any requirement of the regulations or by the refusal to grant any license may request an administrative hearing in accordance with the provisions of chapter 54. If the licensee of any such facility desires to place in charge thereof a person other than the one specified in the license, application shall be made to the Department of Developmental Services, in the same manner as provided for the original application, for permission to make such change. Such application shall be acted upon not later than ten calendar days from the date of the filing of the application. Each such license shall be renewed annually upon such terms as may be established by regulations and may be revoked by the department upon proof that the facility for which such license was issued is being improperly operated, or for the violation of any of the provisions of this section or of the regulations adopted pursuant to this section, provided the licensee shall first be given a reasonable opportunity to be heard in reference to such proposed revocation. Any person, firm or corporation aggrieved by such revocation may request an administrative hearing in accordance with the provisions of chapter 54. Each person, firm or corporation, upon filing an application under the provisions of this section for a license for a community living arrangement, shall pay to the State Treasurer the sum of fifty dollars unless such fee is waived by the Commissioner of Developmental Services.