

STATE OF CONNECTICUT
BY HIS EXCELLENCY
DANNEL P. MALLOY
GOVERNOR
EXECUTIVE ORDER No. 57

CONNECTICUT
SECRETARY OF THE STATE
CAPITOL OFFICE
2017 MAR 17 P 3:33

WHEREAS, the Department of Developmental Services (DDS) is required to ensure the health, safety, and welfare of persons with intellectual disabilities placed or treated under the direction of the Commissioner of Developmental Services (Commissioner);

WHEREAS, DDS is required to coordinate and develop comprehensive statewide services for Connecticut citizens with intellectual disability who are eligible for the services of the DDS;

WHEREAS, Public Act 16-66 authorized the abolishment of the Office of Protection and Advocacy for Persons with Disabilities which will become effective July 1, 2017;

WHEREAS, Public Act 16-66 made certain provisions of Executive Order No. 42 issued by Governor Jodi Rell on April 15, 2010 obsolete and certain further modifications are deemed necessary and advisable;

NOW THEREFORE, I, Dannel P. Malloy, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and Statutes of the State of Connecticut, do hereby ORDER AND DIRECT:

1. There shall be a standing Independent Mortality Review Board (IMRB). A majority of members of the IMRB shall not be employees of DDS. The chairman of the IMRB shall be appointed by the Commissioner from among the members of the board. The board shall consist of the following members or their designees:
 - A DDS Regional Health Director,
 - The DDS Director of Quality Management Services,
 - The DDS Director of Investigations,
 - The State Medical Examiner,
 - A medical doctor appointed by the Commissioner,
 - The Commissioner of Public Health,
 - Two members appointed by the Executive Director of the nonprofit entity designated by the Governor in accordance with section 46a-10b of the Connecticut General Statutes to serve as the state protection and advocacy system (P&A),
 - A private provider representative jointly appointed by the Commissioner and Executive Director of the P&A, and
 - The Executive Director of the P&A.

The IMRB shall review the medical care and other circumstances surrounding the deaths of all individuals under DDS care where the Commissioner believes it is likely the death occurred due to abuse or neglect, or where the IMRB determines that a thorough review of the quality of care and other circumstances surrounding the death of an individual is warranted. Upon request of the Commissioner the IMRB shall also conduct expedited reviews of cases pending before the DDS regional mortality review committees. After concluding its review, the IMRB shall report its findings and recommendations to the appropriate entities in accordance with the DDS Policy, while ensuring that the privacy rights of individuals, families, and staff are protected and that such reporting will not inhibit or compromise the need for prompt and truthful reporting of abuse, neglect, and other untoward incidents; and

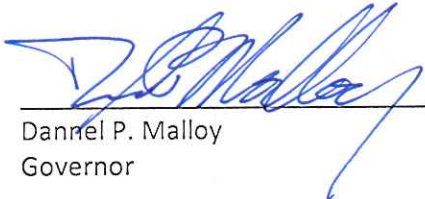
2. IMRB review shall not limit DDS's exercise of its investigatory mandates under state and federal law; and
3. The IMRB shall report to the Governor and the Co-Chairs of the Public Health Committee annually. Such reports shall reflect data, trends, analysis and recommendations; and
4. In addition to the IMRB, there shall be a standing Fatality Review Board for Persons with Disabilities (Fatality Review Board) to investigate the circumstances surrounding those untimely deaths which, in the opinion of the Commissioner, warrant a full and independent investigation.

In order to facilitate a timely investigation, the Commissioner may refer a particular case to the Fatality Review Board before the IMRB completes its review; and

5. The Fatality Review Board shall be chaired by the Commissioner, who shall serve as a non-voting member, and shall consist of the following members appointed by the Governor:
 - One law enforcement professional with a background in forensic investigations,
 - One developmental services professional,
 - The Chief State's Attorney or his designee,
 - Two medical professionals,
 - One person with expertise in teaching forensic investigation techniques, and
 - The Executive Director of the P&A; and
6. The DDS Director of Investigations shall review the investigative findings of the Fatality Review Board and shall make such report warranted by the investigative findings; and
7. The Fatality Review Board shall report to the Governor and the Co-Chairs of the Public Health Committee annually; and
8. The DDS shall:
 - Continue to employ a nurse within the Division of Investigations to review all untimely deaths, and
 - Require that all providers post their licensing inspection report in hard copy within each facility,
 - Post licensing inspection reports on its website; and
9. Governor M. Jodi Rell's Executive Order No. 42 is repealed in its entirety and replaced with the text hereof.

This Order shall take effect immediately.

Dated in Hartford, Connecticut, this 17th day of March 2017.


Danrel P. Malloy
Governor

By His Excellency's Command:


Denise W. Merrill, Secretary of the State

