



**Agency Legislative Proposal – 2024 Session**

**Document Name:**

<b>Document Name</b>	DDS CCH proposal [1 of 4]
----------------------	---------------------------

**Naming Format:** AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

*Please insert a copy of the fully drafted bill at the end of this document (required for review)*

<b>Legislative Liaison</b>	Kevin Bronson DDS Director of Communications Legislation and Regulations Jill Kennedy DDS Legislative and Regulations Specialist
<b>Division Requesting This Proposal</b>	Commissioner’s Office
<b>Drafter</b>	Jill Kennedy DDS Legislation and Regulation Specialist

<b>Title of Proposal</b>	An Act Concerning the Department of Developmental Services Recommendations Regarding Community Companion Homes
<b>Statutory Reference, if any</b>	Sec. 17a-227
<b>Brief Summary and Statement of Purpose</b>	To allow the Department to share information regarding substantiated abuse and neglect against a community companion home licensee with sister state agencies and qualified providers.

**SECTION-BY-SECTION SUMMARY**

*Summarize sections in groups where appropriate*

<p>Current statute does not allow the Department to share information regarding substantiated abuse and neglect cases that took place in a community companion home and resulted in the community companion home licensee either having their license revoked or surrendered due to the Department’s findings of substantiated abuse and neglect. The Department is requesting the ability to share the results of the substantiated findings with sister state agencies and qualified providers, which would allow the employers to make educated decisions when hiring the former licensees.</p>
--



**Agency Legislative Proposal – 2024 Session**

**Document Name:**

**BACKGROUND**

**Origin of Proposal**             **New Proposal**             **Resubmission**

**If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:**

*Please consider the following, if applicable:*

<b>How does this proposal connect to the 10-year vision for the agency’s mission?</b>	
<b>How will we measure if the proposal successfully accomplishes its goals?</b>	
<b>Have there been changes in federal/state laws or regulations that make this legislation necessary?</b>	<b>No</b>
<b>Has this proposal or a similar proposal been implemented in other states? If yes, to what result?</b>	<b>No</b>
<b>Have certain constituencies called for this proposal?</b>	<b>No</b>



**Agency Legislative Proposal – 2024 Session**

**Document Name:**

--	--

**INTERAGENCY IMPACT**

*List each affected agency. Copy the table as needed.*

**[ ] Check here if this proposal does NOT impact other agencies**

<b>1. Agency Name</b>	Department of Children and Families
<b>Agency Contact (name, title)</b>	Mike Carone, Vincent Russo
<b>Date Contacted</b>	10/2/2023
<b>Status</b>	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Talks Ongoing
<b>Open Issues, if any</b>	

<b>2. Agency Name</b>	Department of Mental Health and Addiction Services
<b>Agency Contact (name, title)</b>	Kelly Fuhlbrigge, Mary Kate Mason, Kelly Sinko
<b>Date Contacted</b>	10/2/2023
<b>Status</b>	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Talks Ongoing
<b>Open Issues, if any</b>	

<b>3. Agency Name</b>	Department of Administrative Services
<b>Agency Contact (name, title)</b>	Theodore Bromley, Megan Andrews
<b>Date Contacted</b>	10/2/2023
<b>Status</b>	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Talks Ongoing
<b>Open Issues, if any</b>	

<b>4. Agency Name</b>	Department of Social Services
-----------------------	-------------------------------



**Agency Legislative Proposal – 2024 Session**

**Document Name:**

<b>Agency Contact (name, title)</b>	David Seifel, Jalmar De Dios
<b>Date Contacted</b>	10/2/2023
<b>Status</b>	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Talks Ongoing
<b>Open Issues, if any</b>	

**FISCAL IMPACT**

*Include the section number(s) responsible for the fiscal impact and the anticipated impact*

**Check here if this proposal does NOT have a fiscal impact**

<b>State</b>	
<b>Municipal (Include any municipal mandate that can be found within legislation)</b>	
<b>Federal</b>	
<b>Additional notes</b>	

**MONITORING & EVALUATION PLAN**

*If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes*

**Check here if this proposal does NOT lead to any measurable outcomes**

--



**ANYTHING ELSE WE SHOULD KNOW?**

---

**INSERT FULLY DRAFTED BILL HERE**

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

(a) No person, firm or corporation shall operate within this state a community living arrangement or community companion home which it owns, leases or rents for the lodging, care or treatment of persons with intellectual disability, Prader-Willi syndrome or autism spectrum disorder unless such person, firm or corporation, upon written application, has obtained a license issued by the Department of Developmental Services. An application for licensure under this section shall be verified by oath, but need not be notarized.

(b) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to 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) for community living arrangements, the commissioner shall determine a minimum number of licensure-related visits that are unannounced.

(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



## Agency Legislative Proposal – 2024 Session

Document Name:

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.

~~(d)~~ ~~[and may be revoked by the]~~ The department may revoke a license to operate a facility 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. For community companion home licensees with substantiated abuse or neglect against an individual supported by the Department, pursuant to CGS 46a-11b, during their licensure period, whose license was revoked or surrendered for such substantiated abuse or neglect, the department may release (1) the name of the former licensee (2) the date of the license revocation; and (3) the type of abuse or neglect to the following entities: (A) Authorized agencies, for the purpose of protective service determinations; (B) employers who employ employees to provide services to an individual who receives services or funding from the department; (C) the Departments of Children and Families, Mental Health and Addiction Services, Social Services and Administrative Services, for the purpose of making a determination on an applicant for employment with the Departments of Children and Families, Developmental Services, Mental Health and Addiction Services and Social Services.

~~[(d)]~~ (e) The Department of Developmental Services may contract, within available appropriations, with any qualified provider for the operation of a community-based residential facility, provided the qualified provider is licensed by the department to operate such facilities. The department shall include in all contracts with such licensed qualified providers, provisions requiring the department to (1) conduct periodic reviews of contract performance, and (2) take progressive enforcement actions if the department finds poor performance or noncompliance with the contract, as follows: (A) The licensed qualified provider may be placed on a strict



## Agency Legislative Proposal – 2024 Session

Document Name:

schedule of monitoring and oversight by the department; (B) the licensed qualified provider may be placed on a partial-year contract; and (C) payments due under the contract may be reduced by specific amounts on a monthly basis until the licensed qualified provider complies with the contract. If compliance cannot be achieved, the department shall terminate the contract.

~~[(e)]~~ (f) The department may contract with any person, firm or corporation to provide residential support services for persons with intellectual disability, Prader-Willi syndrome or autism spectrum disorder who reside in settings which are not licensed by the department. The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to ensure the safety, adequate supervision and support of persons receiving such residential support services.

~~[(f)]~~ (g) Any person, firm or corporation who operates any facility contrary to the provisions of this section shall be fined not more than one thousand dollars or imprisoned not more than six months or both. Any person, firm or corporation who operates any facility contrary to the regulations adopted pursuant to subsection (b) of this section shall be fined not more than one thousand dollars.



**Agency Legislative Proposal – 2024 Session**

**Document Name:**

<b>Document Name</b>	<b>DS Council proposal [2 of 4]</b>
----------------------	-------------------------------------

**Naming Format:** AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

*Please insert a copy of the fully drafted bill at the end of this document (required for review)*

<b>Legislative Liaison</b>	<b>Kevin Bronson DDS Director of Communications Legislation and Regulations Jill Kennedy DDS Legislative and Regulations Specialist</b>
<b>Division Requesting This Proposal</b>	<b>Commissioner’s Office</b>
<b>Drafter</b>	<b>Jill Kennedy DDS Legislation and Regulation Specialist</b>

<b>Title of Proposal</b>	<b>An Act Concerning the Recommendation of the Department of Developmental Services Recommendations Regarding the Council on Developmental Services.</b>
<b>Statutory Reference, if any</b>	<b>17a-270</b>
<b>Brief Summary and Statement of Purpose</b>	<b>Makes minor revisions to appointment terms of the Council on Developmental Services.</b>

**SECTION-BY-SECTION SUMMARY**

*Summarize sections in groups where appropriate*

<b>Section 1. The proposal will make changes to the terms for the Council on Developmental Services to revise confusing language that allows appointees to serve in 2-year terms in perpetuity.</b>
---

**BACKGROUND**





**Agency Legislative Proposal – 2024 Session**

**Document Name:**

**Origin of Proposal**

**New Proposal**

**Resubmission**

**If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:**

*Please consider the following, if applicable:*

<b>How does this proposal connect to the 10-year vision for the agency’s mission?</b>	
<b>How will we measure if the proposal successfully accomplishes its goals?</b>	
<b>Have there been changes in federal/state laws or regulations that make this legislation necessary?</b>	<b>No</b>
<b>Has this proposal or a similar proposal been implemented in other states? If yes, to what result?</b>	<b>No</b>
<b>Have certain constituencies called for this proposal?</b>	<b>No</b>

**INTERAGENCY IMPACT**

*List each affected agency. Copy the table as needed.*



**Agency Legislative Proposal – 2024 Session**

**Document Name:**

Check here if this proposal does NOT impact other agencies

<b>1. Agency Name</b>	
<b>Agency Contact (name, title)</b>	
<b>Date Contacted</b>	
<b>Status</b>	<input type="checkbox"/> Approved <input type="checkbox"/> Talks Ongoing
<b>Open Issues, if any</b>	

**FISCAL IMPACT**

*Include the section number(s) responsible for the fiscal impact and the anticipated impact*

Check here if this proposal does NOT have a fiscal impact

<b>State</b>	
<b>Municipal (Include any municipal mandate that can be found within legislation)</b>	
<b>Federal</b>	
<b>Additional notes</b>	

**MONITORING & EVALUATION PLAN**

*If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes*

Check here if this proposal does NOT lead to any measurable outcomes



Agency Legislative Proposal – 2024 Session

Document Name:

The Department is hoping this revision will allow appointments to be made on a regular basis. This will ensure the council has full membership.

ANYTHING ELSE WE SHOULD KNOW?

[Empty box for additional information]

INSERT FULLY DRAFTED BILL HERE

Section 1. Subsection (a) of Section 17a-270 is repealed and the following is substituted in lieu thereof:

(a) There is established a Council on Developmental Services which shall consist of fifteen members appointed as follows: Eight shall be appointed by the Governor, for two-year terms, one of whom shall be a doctor of medicine licensed pursuant to chapter 370 or psychiatrist licensed pursuant to chapter 370, one of whom shall be a person with intellectual disability who is receiving services from the Department of Developmental Services and at least two of whom shall be a relative or a guardian of a person with intellectual disability; six shall be appointed by members of the General Assembly for two-year terms, one of whom shall be a relative or guardian of a person with intellectual disability, appointed by the speaker of the House, one of whom shall be appointed by the minority leader of the House, one of whom shall be appointed by the president pro tempore of the Senate, one of whom shall be a relative or guardian of a person with intellectual disability appointed by the majority leader of the House, one of whom shall be appointed by the majority leader of the Senate, and one of whom shall be a relative or guardian of a person with intellectual disability, appointed by the minority leader of the Senate; and one of whom shall be a member of the board of trustees of the Southbury Training School, appointed by said board for a term of one year. No member of the council may serve more than three consecutive terms[, except that a member may continue to serve until a successor is appointed]. A majority of the currently appointed members, but not less than seven members, shall constitute a quorum. The members of the council shall serve without compensation except for necessary expenses incurred in performing their duties. The Commissioner of Developmental Services or the commissioner's designee shall be an ex-officio member of the Council on Developmental Services without vote and shall attend its meetings. No employee of any state agency engaged in the care or training of persons with intellectual disability shall be eligible for appointment to the council. The 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 council shall meet at least six times per year and at other times upon the call of the chair or the written request of any two members.



**Agency Legislative Proposal – 2024 Session**

**Document Name:**

<b>Document Name</b>	<b>DDS ICF Closure Proposal [3 of 4]</b>
----------------------	--

**Naming Format:** AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

*Please insert a copy of the fully drafted bill at the end of this document (required for review)*

<b>Legislative Liaison</b>	Kevin Bronson DDS Director of Communications Legislation and Regulations Jill Kennedy DDS Legislative and Regulations Specialist
<b>Division Requesting This Proposal</b>	Commissioner’s Office, DDS Ombudsperson
<b>Drafter</b>	Jill Kennedy DDS Legislation and Regulation Specialist

<b>Title of Proposal</b>	An Act Concerning the Department of Developmental Services recommendations concerning closures of Intermediate Care Facilities for Individuals with Intellectual Disabilities.
<b>Statutory Reference, if any</b>	Section 1. 17a-210a Section 2. 17b-352
<b>Brief Summary and Statement of Purpose</b>	This proposal will modify the process for requesting a closure of an Intermediate Care Facility for individuals with intellectual disabilities.

**SECTION-BY-SECTION SUMMARY**

*Summarize sections in groups where appropriate*

<p>Section 1 of this proposal is a minor technical revision to the DDS Ombudsperson statute to specifically name the Office of the DDS Ombudsperson, which will make it easier to revise the next section.</p> <p>Section 2 of this proposal will update outdated statutes related to the closure of an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) to ensure proper notification and involvement in closure processes from the Department of Developmental Services. The following revisions are being made to update the statutes:</p>
--



**Agency Legislative Proposal – 2024 Session**

**Document Name:**

- Create a definition ombudsman to include either the Long-term care ombudsman or the DDS ombudsperson.
- Make minor revisions to ensure appropriate notification of individuals residing in an ICF/IID, their families and legal guardians will be presented from the DDS ombudsperson, not the long-term care ombudsman.
- DSS and DDS will continue to work together to review any requests for closure and ensure the safety of the individuals residing in these facilities.

**BACKGROUND**

**Origin of Proposal**                     **New Proposal**                     **Resubmission**

**If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:**

*Please consider the following, if applicable:*

<b>How does this proposal connect to the 10-year vision for the agency’s mission?</b>	The Agency is committed to ensuring the health and safety of individuals who have intellectual disability. This new procedure will guarantee the residents and their families/legal representatives are provided with accurate and important information.
<b>How will we measure if the proposal successfully accomplishes its goals?</b>	While the Department does not see many closures of ICF/IID facilities, we will continue to track any closures and ensure that the new process is being implemented.
<b>Have there been changes in federal/state laws or regulations that make this legislation necessary?</b>	Since the language in section 2 of this proposal was drafted, DDS’s statutes changed to include an ombudsperson that specifically works with the Department regarding issues with individuals with intellectual disability. Therefore, this section needs a revision to take the burden off the Office of the Long-term Care Ombudsperson, who has no authority over ICF/IID facilities.
<b>Has this proposal or a similar</b>	



**Agency Legislative Proposal – 2024 Session**

**Document Name:**

<b>proposal been implemented in other states? If yes, to what result?</b>	
<b>Have certain constituencies called for this proposal?</b>	

**INTERAGENCY IMPACT**

*List each affected agency. Copy the table as needed.*

Check here if this proposal does NOT impact other agencies

<b>1. Agency Name</b>	Department of Social Services
<b>Agency Contact (name, title)</b>	David Seifel
<b>Date Contacted</b>	9/1/2023, 9/20/2023, 9/28/2023, 10/13/2023. 10/17/2023, 10/23/2023
<b>Status</b>	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Talks Ongoing
<b>Open Issues, if any</b>	

<b>2. Agency Name</b>	Office of Protection and Advocacy
<b>Agency Contact (name, title)</b>	Jennifer Proto, Mairead Painter
<b>Date Contacted</b>	9/1/2023
<b>Status</b>	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Talks Ongoing
<b>Open Issues, if any</b>	



**Agency Legislative Proposal – 2024 Session**

**Document Name:**

**FISCAL IMPACT**

*Include the section number(s) responsible for the fiscal impact and the anticipated impact*

**[ X ] Check here if this proposal does NOT have a fiscal impact**

<b>State</b>	
<b>Municipal (Include any municipal mandate that can be found within legislation)</b>	
<b>Federal</b>	
<b>Additional notes</b>	

**MONITORING & EVALUATION PLAN**

*If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes*

**] Check here if this proposal does NOT lead to any measurable outcomes**

**ANYTHING ELSE WE SHOULD KNOW?**



---

**INSERT FULLY DRAFTED BILL HERE**

Section 1. Section 17a-210a of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) There is established an **[independent ombudsperson]** Office of the Developmental Services Ombudsperson **[office]** within the Department of Developmental Services that is an independent office responsible for receiving and making recommendations to the commissioner for resolving complaints affecting 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 **[ombudsperson office]** Office of the Developmental Services Ombudsperson 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 individuals specified in subsection (a) of this section and shall be exempt from the classified service.

(c) The Governor shall appoint the director of the **[ombudsperson office]** Office of the Developmental Services Ombudsperson from a list of candidates prepared and submitted to the Governor by the Council on Developmental Services, established by section 17a-270. The Governor shall notify the council of the pending expiration of the term of an incumbent ombudsperson not less than ninety days prior to the final day of the ombudsperson's term in office. If a vacancy occurs in the position of ombudsperson, the Governor shall notify the council immediately of the vacancy. The council shall meet to consider qualified candidates for the position of ombudsperson and shall submit a list of not more than five candidates to the Governor ranked in order of preference, not more than sixty days after receiving notice from the Governor of the pending expiration of the ombudsperson's term or the occurrence of a vacancy. The Governor shall designate, not more than sixty days after receipt of the list of candidates from the council, one candidate from the list for the position of ombudsperson. If, after the list is submitted to the Governor by the council, any candidate withdraws from consideration, the Governor shall designate a candidate from those remaining on the list. If the Governor fails to designate a candidate within sixty days of receipt of the list from the council, the council shall refer the candidate with the highest ranking on the list to the General Assembly for confirmation. If the General Assembly is not in session at the time of the Governor's or council's designation of a candidate, the candidate shall serve as the acting ombudsperson until the General Assembly meets and confirms the candidate as ombudsperson. A candidate serving as acting ombudsperson shall be entitled to compensation and have all the powers, duties and privileges of the ombudsperson. An ombudsperson shall serve a term of four years, not including any time served as acting ombudsperson, and may be





## Agency Legislative Proposal – 2024 Session

Document Name:

reappointed by the Governor or shall remain in the position until a successor is appointed pursuant to this subsection. Although an incumbent ombudsperson may be reappointed, the Governor shall also consider additional candidates from a list submitted by the council as provided in this section.

(d) The director of the [\[ombudsperson office\]](#) [Office of the Developmental Services Ombudsperson](#) shall report monthly to the Council on Developmental Services and, in accordance with the provisions of section 11-4a, annually to the joint standing committee of the General Assembly having cognizance of matters relating to public health.

Section 2. Section 17b-352 of the general statutes is repealed and the following is substituted in lieu thereof: *(effective upon passage)*

(a) For the purposes of this section and section 17b-353, “facility” means a residential facility for persons with intellectual disability licensed pursuant to section 17a-277 and certified to participate in the Title XIX Medicaid program as an intermediate care facility for individuals with intellectual disabilities, a nursing home, rest home or residential care home, as defined in section 19a-490 [and “ombudsman” means the Office of the Long-Term Care Ombudsman pursuant to section 17a-870 who shall have authority over nursing home, rest home or residential care homes or the Director of the Office of the Developmental Services Ombudsperson pursuant to section 17a-210a who shall have authority over a residential facility for persons with intellectual disability licensed pursuant to section 17a-277.](#) “Facility” does not include a nursing home that does not participate in the Medicaid program and is associated with a continuing care facility as described in section 17b-520.

(b) Any facility which intends to (1) transfer all or part of its ownership or control prior to being initially licensed; (2) introduce any additional function or service into its program of care or expand an existing function or service; (3) terminate a service or decrease substantially its total licensed bed capacity; or (4) relocate all or a portion of such facility's licensed beds, to a new facility or replacement facility, shall submit a complete request for permission to implement such transfer, addition, expansion, increase, termination, decrease or relocation of facility beds to the Department of Social Services with such information as the department requires, provided no permission or request for permission to close a facility is required when a facility in receivership is closed by order of the Superior Court pursuant to section 19a-545. The Commissioner of Social Services shall consider the criteria in subdivisions (3) and (4) of subsection (a) of section 17b-354 when evaluating a certificate of need request to relocate licensed nursing facility beds from an existing facility to another licensed nursing facility or to a new facility or replacement facility. The [\[Office of the Long-Term Care\]](#) Ombudsman [\[pursuant to section 17a-870\]](#) [with authority over that facility](#) shall be notified by the facility of any proposed actions pursuant to this subsection at



## Agency Legislative Proposal – 2024 Session

Document Name:

the same time the request for permission is submitted to the department and when a facility in receivership is closed by order of the Superior Court pursuant to section 19a-545.

(c) A facility may submit a petition for closure to the Department of Social Services. The Department of Social Services may authorize the closure of a facility if the facility's management demonstrates to the satisfaction of the Commissioner of Social Services in the petition for closure that the facility (1) is not viable based on actual and projected operating losses; (2) has an occupancy rate of less than seventy per cent of the facility's licensed bed capacity; (3) closure is consistent with the strategic rebalancing plan developed in accordance with section 17b-369, including bed need by geographical region; (4) is in compliance with the requirements of Sections 1128l(h) and 1819(h)(4) of the Social Security Act and 42 CFR 483.75; and (5) is not providing special services that would go unmet if the facility closes. The department shall review a petition for closure to the extent it deems necessary and the facility shall submit information the department requests or deems necessary to substantiate that the facility closure is consistent with the provisions of this subsection. The facility shall submit information the department requests or deems necessary to allow the department to provide oversight during this process. The [\[Office of the Long-Term Care\]](#) Ombudsman [with authority over that facility](#) shall be notified by the facility at the same time as a petition for closure is submitted to the department. Any facility acting pursuant to this subsection shall provide written notice, on the same date that the facility submits its petition for closure, to all patients, guardians or conservators, if any, or legally liable relatives or other responsible parties, if known, and shall post such notice in a conspicuous location at the facility. The facility's written notice shall be accompanied by an informational letter issued jointly from the [\[Office of the Long-Term Care\]](#) Ombudsman and the Department of [\[Rehabilitation Services\]](#) [Aging and Disability Services](#) or [Department of Developmental Services](#) on patients' rights and services available as they relate to the petition for closure. The informational letter shall also state the date and time that the [\[Office of the Long-Term Care\]](#) Ombudsman and the Department of Public Health will hold an informational session at the facility for patients, guardians or conservators, if any, and legally liable relatives or other responsible parties, if known, about their rights and the process concerning a petition for closure. The notice shall state: (A) The date the facility submitted the petition for closure, (B) that only the Department of Social Services has the authority to either grant or deny the petition for closure, (C) that the Department of Social Services has up to thirty days to grant or deny the petition for closure, (D) a brief description of the reason or reasons for submitting the petition for closure, (E) that no patient shall be involuntarily transferred or discharged within or from a facility pursuant to state and federal law because of the filing of a petition for closure, (F) that all patients have a right to appeal any proposed transfer or discharge, and (G) the name, mailing address and telephone number of the [\[Office of the Long-Term Care\]](#) Ombudsman [with authority over that](#)



## Agency Legislative Proposal – 2024 Session

Document Name:

[facility](#) and local legal aid office. The commissioner shall grant or deny a petition for closure within thirty days of receiving such request.

(d) An applicant, prior to submitting a certificate of need application, shall request, in writing, application forms and instructions from the department. The request shall include: (1) The name of the applicant or applicants; (2) a statement indicating whether the application is for (A) a new, additional, expanded or replacement facility, service or function or relocation of facility beds, (B) a termination or reduction in a presently authorized service or bed capacity, or (C) any new, additional or terminated beds and their type; (3) the estimated capital cost; (4) the town where the project is or will be located; and (5) a brief description of the proposed project. Such request shall be deemed a letter of intent. No certificate of need application shall be considered submitted to the department unless a current letter of intent, specific to the proposal and in accordance with the provisions of this subsection, has been on file with the department for not less than ten business days. For purposes of this subsection, “a current letter of intent” means a letter of intent on file with the department for not more than one hundred eighty days. A certificate of need application shall be deemed withdrawn by the department, if a department completeness letter is not responded to within one hundred eighty days. The [Office of the Long-Term Care] Ombudsman [with authority over that facility](#) shall be notified by the facility at the same time as the letter of intent is submitted to the department.

(e) Any facility acting pursuant to subdivision (3) of subsection (b) of this section shall provide written notice, at the same time it submits its letter of intent, to all patients, guardians or conservators, if any, or legally liable relatives or other responsible parties, if known, and shall post such notice in a conspicuous location at the facility. The facility's written notice shall be accompanied by an informational letter issued jointly from the [Office of the Long-Term Care] Ombudsman and the Department of Aging and Disability Services [or Department of Developmental Services](#) on patients' rights and services available as they relate to the letter of intent. The notice shall state the following: (1) The projected date the facility will be submitting its certificate of need application, (2) that only the Department of Social Services has the authority to either grant, modify or deny the application, (3) that the Department of Social Services has up to ninety days to grant, modify or deny the certificate of need application, (4) a brief description of the reason or reasons for submitting a request for permission, (5) that no patient shall be involuntarily transferred or discharged within or from a facility pursuant to state and federal law because of the filing of the certificate of need application, (6) that all patients have a right to appeal any proposed transfer or discharge, and (7) the name, mailing address and telephone number of the [Office of the Long-Term Care] Ombudsman and local legal aid office.



## Agency Legislative Proposal – 2024 Session

Document Name:

(f) The Department of Social Services shall review a request made pursuant to subsection (b) of this section to the extent it deems necessary, including, but not limited to, in the case of a proposed transfer of ownership or control prior to initial licensure, the financial responsibility and business interests of the transferee and the ability of the facility to continue to provide needed services, or in the case of the addition or expansion of a function or service, ascertaining the availability of the function or service at other facilities within the area to be served, the need for the service or function within the area and any other factors the department deems relevant to a determination of whether the facility is justified in adding or expanding the function or service. During the review, the department may hold an informal conference with the facility to discuss the certificate of need application. The Commissioner of Social Services shall grant, modify or deny the request within ninety days of receipt thereof, except as otherwise provided in this section. The commissioner may place conditions, as the commissioner deems necessary to address specified concerns, on any decision approving or modifying a request for a certificate of need filed pursuant to this section. Conditions may include, but are not limited to, project and Medicaid reimbursement details and applicant requirements for summary and audit purposes. If the commissioner modifies the request, the commissioner shall notify the facility of such modification prior to issuing the decision and provide the applicant with an opportunity for an informal conference to discuss the modifications. Upon the request of the applicant, the review period may be extended for an additional fifteen days if the department has requested additional information subsequent to the commencement of the commissioner's review period. The director of the office of certificate of need and rate setting may extend the review period for a maximum of thirty days if the applicant has not filed in a timely manner information deemed necessary by the department. The applicant may request and shall receive a hearing in accordance with section 4-177 if aggrieved by a decision of the commissioner.

(g) The Commissioner of Social Services shall not approve any requests for beds in residential facilities for persons with intellectual disability which are licensed pursuant to section 17a-227 and are certified to participate in the Title XIX Medicaid Program as intermediate care facilities for individuals with intellectual disabilities, except those beds necessary to implement the residential placement goals of the Department of Developmental Services which are within available appropriations.

(h) The Commissioner of Social Services shall adopt regulations, in accordance with chapter 54, to implement the provisions of this section.



Agency Legislative Proposal – 2024 Session

Document Name:

<b>Document Name</b>	<b>Various Revisions [4 of 4]</b>
----------------------	-----------------------------------

**Naming Format:** AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

*Please insert a copy of the fully drafted bill at the end of this document (required for review)*

<b>Legislative Liaison</b>	Kevin Bronson DDS Director of Communications Legislation and Regulations Jill Kennedy DDS Legislative and Regulations Specialist
<b>Division Requesting This Proposal</b>	Commissioner’s Office, DDS Dental Program
<b>Drafter</b>	Jill Kennedy DDS Legislation and Regulation Specialist

<b>Title of Proposal</b>	An Act Concerning the Recommendation of the Department of Developmental Services Recommendations Regarding Various Revisions to the Developmental Services Statutes.
<b>Statutory Reference, if any</b>	Section 1. (NEW) Section 2. 20-120 Section 3. Section 53 of Public Act 23-137 Section 4. 5-247 Section 5. 5-250 Section 6. 5-254 Section 7. Section 17a-210 Section 8. (NEW) Section 9. (NEW) Section 10. (NEW) Section 11. 17a-238
<b>Brief Summary and Statement of Purpose</b>	Sections 1 and 2. Provides DDS with statutory authority over the Department’s dental unit and allows provisionally licensed dentist to work in dental programs under the purview of DDS.  Section 3. Revises section 53 of Public Act 23-137 to require the Commissioner of Housing to provide grants in aid for supportive housing for persons with Autism or Intellectual Disability



**Agency Legislative Proposal – 2024 Session**

**Document Name:**

	<p>Sections 4-6. will allow DDS to hire more general workers employed in a position by the Department of Developmental Services as a self-advocate</p> <p>Sections 7 and 8. will revise the outdated statute regarding transfers of individuals within residential facilities.</p> <p>Sections 9-11. Adds DDS Human Rights Committee and Program Review Committees to the Department’s statutes.</p>
--	--

**SECTION-BY-SECTION SUMMARY**

*Summarize sections in groups where appropriate*

	<p>Section 1. Will recognize the dental programs operated under DDS in statute in addition to allowing provisionally licensed dentists to practice dentistry in each program. There are currently 4 DDS dental programs throughout the state who provide dental services to individuals with intellectual disability (ID). Each year over 2000 individuals with ID receive these services through the program. The programs are operated by specially trained dental providers who are able to provide services for individuals who may have behavioral issues or physical constraints and are not able to be seen in a community setting. Each program has dental hygienists and dental assistants who are employees of DDS, and a dentist who may be a DDS employee, or contracted through an organization/institution. UCONN Dental School has been instrumental in providing some of these sites with a provisionally licensed dentist. A provisionally licensed dentist is a graduate from a recognized dental college who is a full-time faculty member of a Connecticut dental school and possess exceptional qualification as determined by the Connecticut State Dental Commission. The Commission considers many factors when determining exceptional qualifications including, but not limited to academic, postgraduate training, examination history and board certification. Each applicant is reviewed individually prior to the Commission’s determination. In 2022, the auditors determined that DDS did not have the authority to employ provisionally licensed dentists due to statutory limitations. The use of provisionally licensed dentists will provide the Department with the ability to fill in gaps in services as it is difficult to find a qualified dentist to work with individuals with ID. With several dental facilities closing, such as Hospital for Special Care and St. Mary’s Dental Clinic, many of the individuals who receive services through the dental clinics will not be able to find providers to support their dental health. DDS continues to recruit providers who can work in these clinics on a regular basis.</p> <p>Section 2 updates the statute regarding provisionally licensed dentists to add in DDS Dental programs.</p> <p>Section 3. Revises Public Act 23-137 to allow for the Commissioner of Housing to provide grants-in-aid for the development of housing units for persons with Autism or Intellectual Disability. The Department of Housing (DOH) and CHFA are the lead entities for developing supportive housing in Connecticut. DOH has the expertise in project evaluation, review, approval and management for developing supportive housing. The Department of Developmental Services has always worked directly with Housing and CHFA to ensure the proposals being submitted to them are appropriate and capture the needs of individuals with a disability. Projects funded through this process require submission of an approved Support Services Plan from a Qualified DDS Provider who has partnered with a Housing Developer who is seeking financial support from DOH and CHFA. DDS and DOH are in</p>
--	--



# Agency Legislative Proposal – 2024 Session

Document Name:

agreement that the responsibility of the project management for developing housing units should be under the purview of the DOH.

Sections 4-6. This section removes the cap of 11 persons who work for DDS as self-advocates. These employees have proven to be invaluable to the Department. The Department would like to take into consideration hiring additional self-advocates to work within different divisions of the agency. This would be done within our existing personnel services funding obligations.

Sections 7 and 8 revises the DDS statute regarding requirements for the transfer of individuals by moving them all into one area of the statute for ease of reading. The revisions reflect the current process for transferring individuals and additionally there are new sections that allow for temporary transfers of individuals residing in DDS licensed or certified residential facilities for the following reasons:

- Due to an emergency such as a natural disaster which renders the facility without basic utilities such as water or electricity or there is not enough staff to meet the needs of the individuals such as during a strike at a facility; or
- an emergency transfer due to a declared public health emergency

Sections 9-11. will provide the Department with the authority to continue the current processes taking place for DDS Human Rights and Program Review Committees. These Committees are extremely valuable to ensuring the rights of the individuals receiving services from the Department are being reviewed and plans and programs are being implemented appropriately. Should this proposal move forward, the Department will be revising regulations that govern these committees along with any internal policies.

Section 11 makes revisions to the current statute that prescribes the requirements outlined in the human rights committee

## BACKGROUND

Origin of Proposal

New Proposal

Resubmission

**If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:**

*Please consider the following, if applicable:*

<b>How does this proposal connect to the 10-year vision</b>	Sections 1 and 2: The Agency is committed to ensuring the health and safety of individuals who have intellectual disability. This proposal will ensure individuals continue to have access to dental services.
---	--



**Agency Legislative Proposal – 2024 Session**

**Document Name:**

<p><b>for the agency’s mission?</b></p>	<p>Sections 4-6: The Department’s mission and vision includes partnering with individuals and their families to support lifelong planning and join with others to create and promote meaningful opportunities for individuals to fully participate as valued members of their communities. Self-advocates play an important role in the Department by influencing change that will result in the enhanced empowerment of individuals with an intellectual disability to have control in their lives and authority over the resources that support them.</p> <p>Sections 9-11. This proposal will ensure plans that impact individuals are safe and effective while still maintaining their rights to be in the least restrictive environment</p>
<p><b>How will we measure if the proposal successfully accomplishes its goals?</b></p>	
<p><b>Have there been changes in federal/state laws or regulations that make this legislation necessary?</b></p>	<p>No</p>
<p><b>Has this proposal or a similar proposal been implemented in other states? If yes, to what result?</b></p>	<p>No</p>
<p><b>Have certain constituencies called for this proposal?</b></p>	<p>Yes, there are concerns that individuals will not be able to access dental services without the revision in section 1.</p>

**INTERAGENCY IMPACT**

*List each affected agency. Copy the table as needed.*

**[ ] Check here if this proposal does NOT impact other agencies**

<p><b>1. Agency Name</b></p>	<p>Department of Public Health (Section 1)</p>
<p><b>Agency Contact (name, title)</b></p>	<p>Adam Skowera</p>





**Agency Legislative Proposal – 2024 Session**

**Document Name:**

<b>Date Contacted</b>	9/11/2023
<b>Status</b>	<input checked="" type="checkbox"/> <b>Approved</b> <input type="checkbox"/> <b>Talks Ongoing</b>
<b>Open Issues, if any</b>	<b>Have not heard back yet</b>

<b>2. Agency Name</b>	UCONN Health Center (Section 1)
<b>Agency Contact (name, title)</b>	Marie Schweitzer
<b>Date Contacted</b>	9/11/2023
<b>Status</b>	<input checked="" type="checkbox"/> <b>Approved</b> <input type="checkbox"/> <b>Talks Ongoing</b>
<b>Open Issues, if any</b>	

<b>3. Agency Name</b>	Department of Housing (Section 2)
<b>Agency Contact (name, title)</b>	Aaron Turner
<b>Date Contacted</b>	10/02/2023
<b>Status</b>	<input checked="" type="checkbox"/> <b>Approved</b> <input type="checkbox"/> <b>Talks Ongoing</b>
<b>Open Issues, if any</b>	

<b>Agency Name</b>	Attorney General’s Office (section 3)
<b>Agency Contact (name, title)</b>	Cara Passaro, Chief of Staff & Director of Legislative Affairs
<b>Date Contacted</b>	
<b>Status</b>	<input checked="" type="checkbox"/> <b>Approved</b> <input type="checkbox"/> <b>Talks Ongoing</b>
<b>Open Issues, if any</b>	

**FISCAL IMPACT**

*Include the section number(s) responsible for the fiscal impact and the anticipated impact*

**[X] Check here if this proposal does NOT have a fiscal impact**



**Agency Legislative Proposal – 2024 Session**

**Document Name:**

<b>State</b>	
<b>Municipal (Include any municipal mandate that can be found within legislation)</b>	
<b>Federal</b>	
<b>Additional notes</b>	

**MONITORING & EVALUATION PLAN**

*If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes*

**[ ] Check here if this proposal does NOT lead to any measurable outcomes**

**ANYTHING ELSE WE SHOULD KNOW?**

---

**INSERT FULLY DRAFTED BILL HERE**

Section 1 (NEW) *(effective upon passage)*



## Agency Legislative Proposal – 2024 Session

Document Name:

(a) There shall be within the Department of Developmental Services, an Oral Health and Dental Services Unit within the Health and Clinical Services Division. Such unit shall be responsible for (1) Supporting individuals with intellectual disability as defined in section 1-1g by assisting them to reach and maintain their optimal oral health status; (2) providing access to oral and dental health care, (3) providing education to individuals, their families and support staff regarding oral disease prevention and early detection (4) disseminating oral health and dental information; and (5) participating in oral health related research and education.

(b) The Oral Health and Dental Services Unit may, within available appropriations, provide dental care services at designated dental offices in each region of the Department of Developmental Services to individuals with intellectual disability as defined in section 1-1g. Such dental care services shall be specialized and individualized to meet the needs of such individuals. Any dental care services offered under this section shall be provided under the scope of practice of a dentist licensed pursuant to chapter 379 or a dental hygienist licensed pursuant to chapter 379a.

(c) The Department of Developmental Services may contract with a licensed dentist or a provisionally licensed dentist pursuant to chapter 379 to provide dental services at the dental offices.

Section 2. Section 20-120 of the general statutes is repealed and the following is substituted in lieu thereof: *(effective upon passage)*

(a) Any graduate of a recognized dental college may practice dentistry in a clinic for a period not exceeding six months, provided he shall obtain the written consent and approval of the Dental Commission.

(b) A full-time faculty member of a school of dentistry in this state who is licensed in another state or who has exceptional qualifications as approved by the Dental Commission may be granted a provisional license upon consent and approval of the Dental Commission which provisional license shall be in effect during such time as the licensee is in the full-time employment of a school of dentistry within the state. Such provisional license shall limit the licensee to the practice of dentistry in the school of dentistry of which he is a member of the faculty, [or] in any hospital affiliated with such school or in the Oral Health and Dental Services Unit of the Department of Developmental Services established pursuant to section 1 of this Act.

(c) Any graduate of a foreign dental school, who has exceptional qualifications, as approved by the Dental Commission, may practice dentistry in any state institution.

Section 3. Section 53 of Public Act 23-137 is repealed, and the following is substituted in lieu thereof: *(effective July 1, 2024)*

(a) The Commissioner of Housing, in consultation with the Commissioner of Developmental Services shall provide grants-in-aid or deferred loans to [private nonprofit organizations] a qualified developer for supportive housing for persons with an intellectual disability or other developmental disabilities, including, but not limited to, autism spectrum disorder who has partnered with a Department of Developmental Services Qualified Provider or a provider approved to provide services that support individuals active on the autism spectrum disorder Medicaid waiver operated through the Department of Social Services. The [commissioner] commissioners shall give priority in disbursement of grants to a



## Agency Legislative Proposal – 2024 Session

Document Name:

nonprofit organization [which] where the qualified developer reserves [fifty] up to twenty five per cent [or more] of the [initial] residential capacity of a housing site for individuals with such disabilities who are on a waiting list maintained by the Department of Developmental Services or the Department of Social Services for supportive housing or who wish to move from a more structured setting to supportive housing.

(b) The Commissioner of [Developmental Services] Housing shall expend not more than five million dollars on the grant program established pursuant to this section in any one of the three service [region] regions of the Department of Developmental Services. The commissioner may expend not more than two per cent of the funds allocated to the [grant] program established by this section on administrative expenses directly related to the [grant] program.

(c) The Commissioner of [Developmental Services] Housing shall develop and publish guidelines for the award of grants or deferred loans under subsection (a) of this section and a uniform application form for such grants or deferred loans. The commissioner shall post such guidelines and application form on the Internet web site of the Department of [Developmental Services] Housing not later than [July 1, 2024] October 1, 2024.

(d) Any recipient of a [grant] assistance pursuant to subsection (a) of this section shall report annually to the Commissioner of [Developmental Services] Housing, on a form to be developed by the commissioner, how such [grant funds have] assistance has been expended. The commissioner shall submit a report on January 1, 2025, and annually thereafter, in accordance with the provisions of section 11-4a of the general statutes, concerning the expenditure of grant funds awarded pursuant to subsection (a) of this section to the joint standing committees of the General Assembly having cognizance of matters relating to housing, human services and public health.

Section 4. Subsection (a) of Section 5-247 of the general statutes is repealed and the following is substituted in lieu thereof: *(effective upon passage)*

(a) Each appointing authority shall grant, on account of illness or injury, to each full-time employee in a permanent position in the state service who has furnished satisfactory proof of such illness or injury, such sick leave with pay as has accrued to his credit at the rate of one and one-quarter working days for each completed calendar month of continuous full-time service which may be computed on an hourly basis. Hourly computation of sick leave shall not diminish benefit entitlement. On or before October 1, 1980, the Commissioner of Administrative Services shall adopt regulations, in accordance with chapter 54, concerning the accrual, prorating and granting of sick leave with pay to other employees in the state service and extending sick leave with pay or with part pay for longer periods to full-time permanent employees disabled through illness or injury. A general worker employed in a position by the Department of Developmental Services as a self-advocate, [not to exceed eleven such general workers,] shall be eligible for prorated sick leave, in accordance with regulations adopted pursuant to this section. Each such employee who retires under the provisions of chapter 66 shall be compensated, effective as of the date of his retirement, at the rate of one-fourth of such employee's salary for sick leave accrued to his credit as of his last day on the active payroll up to a maximum payment equivalent to sixty days' pay. Such payment for accumulated sick leave shall not be included in computing retirement income and



## Agency Legislative Proposal – 2024 Session

### Document Name:

shall be charged by the State Comptroller to the department, agency or institution in which the employee worked.

Section 5. Subsection (e) of Section 5-250 of the general statutes is repealed and the following is substituted in lieu thereof: *(effective upon passage)*

(e) Notwithstanding the provisions of this section, a general worker employed in a position by the Department of Developmental Services as a self-advocate, [not to exceed eleven such general workers,] shall be eligible for prorated vacation and personal leave.

Section 6. Subsection (a) of Section 5-254 of the general statutes is repealed and the following is substituted in lieu thereof: *(effective upon passage)*

(a) Each full-time permanent employee in the state service shall be granted time off with pay for any legal holiday. A general worker employed in a position by the Department of Developmental Services as a self-advocate, [not to exceed eleven such general workers,] shall be granted time off with pay for any legal holiday that falls on a day that the general worker is regularly scheduled to work and provided the pay shall be for the number of hours the general worker would have been scheduled to work. If a legal holiday falls on a Saturday, employees shall be granted equivalent time off on the Friday immediately preceding such Saturday or given another day off in lieu thereof. The Commissioner of Administrative Services may issue regulations governing the granting of holiday time to other employees in the state service, which regulations shall be approved by the Secretary of the Office of Policy and Management.

**Section 7.** Section 17a-210 of the general statutes are repealed and the following is substituted in lieu thereof (Effective July 1, 2024):

(a) There shall be a Department of Developmental Services. The Department of Developmental Services, with the advice of a Council on Developmental Services, shall be responsible for the planning, development and administration of complete, comprehensive and integrated state-wide services for persons with intellectual disability and persons medically diagnosed as having Prader-Willi syndrome. The Department of Developmental Services shall be under the supervision of a Commissioner of Developmental Services, who shall be appointed by the Governor in accordance with the provisions of sections 4-5 to 4-8, inclusive. The Council on Developmental Services may advise the Governor on the appointment. The commissioner shall be a person who has background, training, education or experience in administering programs for the care, training, education, treatment and custody of persons with intellectual disability. The commissioner shall be responsible, with the advice of the council, for: (1) Planning and developing complete, comprehensive and integrated state-wide services for persons with intellectual disability; (2) the implementation and where appropriate the funding of such services; and (3) the coordination of the efforts of the Department of Developmental Services with those of other state departments and agencies, municipal governments and private agencies concerned with and providing services for persons with intellectual disability. The commissioner shall be responsible for the administration and operation of the state training school, state developmental services regions and all state-operated community-based residential facilities established for the diagnosis, care and training of persons with intellectual disability. The commissioner shall be responsible for establishing standards, providing technical assistance and exercising the requisite supervision of all state-supported residential,



## Agency Legislative Proposal – 2024 Session

Document Name:

day and program support services for persons with intellectual disability and work activity programs operated pursuant to section 17a-226. The commissioner shall stimulate research by public and private agencies, institutions of higher education and hospitals, in the interest of the elimination and amelioration of intellectual disability and care and training of persons with intellectual disability. The commissioner shall conduct or monitor investigations into allegations of abuse and neglect and file reports as requested by state agencies having statutory responsibility for the conduct and oversight of such investigations. The commissioner shall receive and investigate complaints from persons with intellectual disabilities and persons receiving services from the Department of Social Services' Division of Autism Spectrum Disorder Services, or legal representatives of such persons or from any other interested person.

(b) In the event of the death of a person with intellectual disability for whom the department has direct or oversight responsibility for medical care, the commissioner shall ensure that a comprehensive and timely review of the events, overall care, quality of life issues and medical care preceding such death is conducted by the department and shall, as requested, provide information and assistance to the Independent Mortality Review Board established by Executive Order No. 57 of Governor Dannel P. Malloy. The commissioner shall report to the board and the board shall review any death: [(A)] (1) Involving an allegation of abuse or neglect; [(B)] (2) for which the Office of the Chief Medical Examiner or local medical examiner has accepted jurisdiction; [(C)] (3) in which an autopsy was performed; [(D)] (4) which was sudden and unexpected; or [(E)](5) in which the commissioner's review raises questions about the appropriateness of care. The department's mortality review process and the Independent Mortality Review Board shall operate in accordance with the peer review provisions established under section 19a-17b for medical review teams and confidentiality of records provisions established under section 19a-25 for the Department of Public Health.

[(b)] (c) The commissioner shall be responsible for the development of criteria as to the eligibility of any person with intellectual disability for residential care in any public or state-supported private residential facility and, after considering the recommendation of a properly designated diagnostic agency, may assign such person to a public or state-supported private residential facility. [The commissioner may transfer such person from one such facility to another when necessary and desirable for their welfare, provided such person and such person's legal representative receive written notice of their right to object to such transfer at least ten days prior to the proposed transfer of such person from any such facility. Such prior notice shall not be required when transfers are made between residential units within the training school or a state developmental services region or when necessary to avoid a serious and immediate threat to the life or physical or mental health of such person or others residing in such facility. The notice required by this subsection shall notify such person and such person's legal representative of the person's right to object to such transfer, except in the case of an emergency transfer as provided in this subsection, and shall include the name, address and telephone number of the nonprofit entity designated by the Governor in accordance with section 46a-10b to serve as the Connecticut protection and advocacy system. In the event of an emergency transfer, the notice required by this subsection shall notify such person and such person's legal representative of the person's right to request a hearing in accordance with subsection (c) of this section and shall be given within ten days following the emergency transfer. In the event of an objection to the proposed transfer, the commissioner shall conduct a hearing in accordance with subsection (c) of this section and the transfer shall be stayed pending final disposition of the hearing, provided no such hearing shall be required if the commissioner withdraws such proposed transfer.]

[(c) Any person with intellectual disability who is eighteen years of age or older and who resides at any facility operated by the Department of Developmental Services, or the legal representative of any person with intellectual disability who resides at any such facility, may object to any transfer of such person from



## Agency Legislative Proposal – 2024 Session

Document Name:

one facility to another for any reason other than a medical reason or an emergency, or may request such a transfer. In the event of any such objection or request, the commissioner shall conduct a hearing on such proposed transfer, provided no such hearing shall be required if the commissioner withdraws such proposed transfer. In any such transfer hearing, the proponent of a transfer shall have the burden of showing, by clear and convincing evidence, that the proposed transfer is in the best interest of the resident being considered for transfer and that the facility and programs to which transfer is proposed (1) are safe and effectively supervised and monitored, and (2) provide a greater opportunity for personal development than the resident's present setting. Such hearing shall be conducted in accordance with the provisions of chapter 54.]

(d) Any person with intellectual disability, or the legal representative of such person, may request a hearing for any final determination by the department that denies such person eligibility for programs and services of the department. A request for a hearing shall be made in writing to the commissioner. Such hearing shall be conducted in accordance with the provisions of chapter 54.

(e) Any person with intellectual disability, or the 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.

(f) Any person with intellectual disability or the legal representative of such person, may object to (1) a proposed approval by the department of a program for such person that includes the use of behavior-modifying medications or aversive procedures, or (2) a proposed determination of the department that community placement is inappropriate for such person placed under the direction of the commissioner. The department shall provide written notice of any such proposed approval or determination to the person, or to the legal representative of such person, at least ten days prior to making such approval or determination. In the event of an objection to such proposed approval or determination, the commissioner shall conduct a hearing in accordance with the provisions of chapter 54, provided no such hearing shall be required if the commissioner withdraws such proposed approval or determination.

### **Section 8.** (NEW) (Effective July 1, 2024)

(a) The commissioner may transfer a person with intellectual disability who receives residential care services from a public or state-supported private residential facility from a residential facility to another when necessary and desirable for their welfare, provided such person and such person's legal representative receive written notice of their right to object to such transfer at least ten days prior to the proposed transfer of such person from any such residential facility. Such prior notice shall not be required when transfers are made between residential units within the training school or a regional center. The notice required by this subsection shall provide such person and such person's legal representative with information regarding the person's right to object to such transfer, except in the case of an emergency transfer or a transfer for a medical reason as provided in this subsection, and shall include the name, address and telephone number of the nonprofit entity designated by the Governor in accordance with section 46a-10b to serve as the Connecticut protection and advocacy system. In the event of an objection to the proposed transfer, the commissioner shall conduct a hearing in accordance with subsection (b) of this section and the transfer shall be stayed pending final disposition of the hearing, provided no such hearing shall be required if the commissioner withdraws such proposed transfer. In the event of an emergency transfer or a transfer for a medical reason, notification to such person or such person's legal representative shall be given not later than ten days following the emergency transfer or the transfer for a medical reason. Such notification shall include information regarding the person's right to request a hearing in accordance with subsection (b) of this section.



## Agency Legislative Proposal – 2024 Session

Document Name:

(b) Any person with intellectual disability who is eighteen years of age or older and who resides at any residential facility operated by the Department of Developmental Services, or the legal representative of any person with intellectual disability who resides at any such residential facility, may object to any proposed transfer, emergency transfer or transfer for a medical reason of such person from one residential facility to another for any reason or may request such a transfer. In the event of any such objection or request, the commissioner shall conduct a hearing on such transfer, provided no such hearing shall be required if the commissioner withdraws such transfer proposal. In any such transfer hearing, the proponent of a transfer shall have the burden of showing, by clear and convincing evidence, that the transfer is in the best interest of the resident who is being considered for transfer or has been transferred and that the residential facility and programs to which transfer is proposed or has been made (1) are safe and effectively supervised and monitored, and (2) provide a greater opportunity for personal development than the resident's present setting. Such hearing shall be conducted in accordance with the provisions of chapter 54.

(c) The commissioner may temporarily transfer any person residing in a Department of Developmental Services public or state-supported private residential facility if the commissioner determines there is an emergency that exists in the residential facility that must be remedied immediately, including but not limited to, the residential facility is rendered uninhabitable due to a natural disaster or utility malfunction or concerns with the residential facility's staff's ability to temporarily meet the needs of the individual residing there. The temporary transfer shall remain in place for a period not to exceed ninety days or until rescinded by the commissioner. Any person who is being temporarily transferred and such person's legal representative, if any, shall receive written notice of the temporary transfer. A person's right to object to a temporary transfer and right to request a hearing shall be stayed until the ninety-first day of the temporary transfer. If a hearing is requested, such hearing shall be conducted in accordance with subsection (b) of this section.

(d) During a public health emergency declared pursuant to section 19a-131a, the commissioner may request the Governor issue an executive order to allow the commissioner to temporarily transfer any person residing in a Department of Developmental Services public or state-supported private residential facility to protect that person's health or safety. If the Governor issues such executive order, the commissioner may make temporary transfers at the request of a regional director. Any person who is being temporarily transferred and that person's legal representative, if any, shall receive written notice of the temporary transfer. A person's right to object to a temporary transfer and right to request a hearing shall be stayed until the ninety first day of the temporary transfer. If a hearing is requested, such hearing shall be conducted in accordance with subsection (b) of this section.

### Section 9. (NEW)

(a) As used in this section and sections 17a-210 and 17a-238 "human rights committee" means the committee in each region and Southbury Training School that advises the regional and training school director and commissioner on best practices and addresses concerns and complaints regarding aversive procedures, restrictive interventions, intrusive programs or devices, restitution, and pre-sedation medication; "department" means the Department of Developmental Services; "commissioner" means the Commissioner of Developmental Services; "regional director" means the person appointed by the commissioner to be directly responsible for the management of each of the regions of the department; "training school director" means the person appointed by the commissioner to be directly responsible for the management of Southbury Training School.





## Agency Legislative Proposal – 2024 Session

Document Name:

(b) There shall be, within each region of the department and at the Southbury Training School, a human rights committee. The function and duties of each Regional and Training School Human Rights Committee shall be consistent throughout the state. The Commissioner shall establish uniform human rights committee procedures to be used by each committee.

(c) Each regional or training school director shall appoint members to the regional or training school human rights committee in compliance with the regulations of Connecticut State Agencies and any uniform procedures implemented pursuant to subsection (b).

(d) The commissioner of Developmental Services may adopt regulations in accordance with the provisions of chapter 54 to set minimum standards for the human rights committees.

### Section 10. (NEW)

(a) As used in this section and sections 17a-210 and 17a-238 “program review committee” means the committee in each region and at Southbury Training School that advises the regional and training school director and commissioner on best practices and reviewing plans that include behavior support strategies, use of psychotropic and behavior modifying medications and the use of restraints for each person who receives services from the department; “department” means the Department of Developmental Services; “commissioner” means the Commissioner of Developmental Services; “regional director” means the person appointed by the commissioner to be directly responsible for the management of each of the regions of the department; “training school director” means the person appointed by the commissioner to be directly responsible for the management of Southbury Training School.

(b) There shall be, within each region of the department and at the Southbury Training School, a program review committee. The function and duties of each Regional and Training School program review committee shall be consistent throughout the state. The Commissioner shall establish uniform program review committee procedures to be used by the regional offices and the training school director.

(c) Each regional or training school director shall appoint members to the regional or training school program review committee in compliance with the regulations of Connecticut State Agencies and any uniform procedures implemented pursuant to subsection (b).

(d) The commissioner of Developmental Services may adopt regulations in accordance with the provisions of chapter 54 to set minimum standards for the program review committees.

Section 11. Subsection (b) Section 17a-238 of the Connecticut General Statutes is repealed and the following is substituted in lieu thereof: (effective upon passage)

(b) Each person placed or treated under the direction of the Commissioner of Developmental Services in any public or private facility shall be protected from harm and receive humane and dignified treatment which is adequate for such person's needs and for the development of such person's full potential at all times, with full respect for such person's personal dignity and right to privacy consistent with such person's treatment plan as determined by the commissioner. No treatment plan or course of treatment for any person placed or treated under the direction of the commissioner shall include the use of an aversive device which has not been tested for safety and efficacy and approved by the federal Food and Drug Administration except for any treatment plan or course of treatment including the use of such devices which was initiated prior to October 1, 1993. No treatment plan or course of treatment prescribed for any person placed or treated under the direction of the commissioner shall include the use of aversive procedures except in accordance with recommendations from a regional human rights committee and any procedures established by the Commissioner of Developmental Services. For purposes of this subsection, “aversive procedure” means the contingent use of an event which may be unpleasant, noxious



## Agency Legislative Proposal – 2024 Session

Document Name:

or otherwise cause discomfort to alter the occurrence of a specific behavior or to protect an individual from injuring himself or herself or others and may include the use of physical isolation and mechanical and physical restraint. Nothing in this subsection shall prohibit persons who are not placed or treated under the direction of the Commissioner of Developmental Services from independently pursuing and obtaining any treatment plan or course of treatment as may otherwise be authorized by law. The commissioner shall adopt regulations, in accordance with chapter 54, to carry out the provisions of this subsection.