



Agency Legislative Proposal - 2017 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): DDS 110416 group home prop tax

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

State Agency: Department of Developmental Services (DDS)
Liaison: Christine Pollio Cooney Phone: 860-418-6066 E-mail: Christine.Pollio@ct.gov
Lead agency division requesting this proposal: Legislative Office
Agency Analyst/Drafter of Proposal: Christine Cooney

Title of Proposal: AAC Permissible Municipal Property Tax Exemption for Group Homes for Individuals with Intellectual Disability.
Statutory Reference: CGS 12-81
Proposal Summary: This proposal substitutes respectful, person-first language when referring to individuals with disabilities and extends the authority of municipalities to grant property tax exemptions to group homes for persons with intellectual disability.

PROPOSAL BACKGROUND

◇ Reason for Proposal

Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? no*
- (2) Has this proposal or something similar been implemented in other states? Don't know. If yes, what is the outcome(s)?*
- (3) Have certain constituencies called for this action? Private community providers.*
- (4) What would happen if this was not enacted in law this session? Municipalities would be unable to grant tax-exempt status to DDS group homes operated by private providers. Current law only addresses temporary housing for persons with ID and group homes are generally considered permanent housing.*

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?*

Click here to enter text.



PROPOSAL IMPACT

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

Agency Name: DMHAS Agency Contact (<i>name, title, phone</i>): Mary Kate Mason Date Contacted: 10/26/16 Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments Confirming proper terminology from DMHAS to replace "mentally handicapped"
Will there need to be further negotiation? <input 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 None
Federal None
Additional notes on fiscal impact None

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

This proposal substitutes respectful, person-first language when referring to individuals with disabilities and extends the authority of municipalities to grant property tax exemptions to group homes for persons with intellectual disability.

Insert fully drafted bill here

AAC Permissible Municipal Property Tax Exemption for Group Homes for Individuals with Intellectual Disability.



Section 12-81(7) of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2017):

Sec. 12-81. Exemptions. The following-described property shall be exempt from taxation:

(7) Property used for scientific, educational, literary, historical, charitable or open space land preservation purposes. Exception. (A) Subject to the provisions of sections 12-87 and 12-88, the real property of, or held in trust for, a corporation organized exclusively for scientific, educational, literary, historical or charitable purposes or for two or more such purposes and used exclusively for carrying out one or more of such purposes or for the purpose of preserving open space land, as defined in section 12-107b, for any of the uses specified in said section, that is owned by any such corporation, and the personal property of, or held in trust for, any such corporation, provided (i) any officer, member or employee thereof does not receive or at any future time shall not receive any pecuniary profit from the operations thereof, except reasonable compensation for services in effecting one or more of such purposes or as proper beneficiary of its strictly charitable purposes, and (ii) in 1965, and quadrennially thereafter, a statement shall be filed on or before the first day of November with the assessor or board of assessors of any town, consolidated town and city or consolidated town and borough, in which any of its property claimed to be exempt is situated. Such statement shall be filed on a form provided by such assessor or board of assessors. The real property shall be eligible for the exemption regardless of whether it is used by another corporation organized exclusively for scientific, educational, literary, historical or charitable purposes or for two or more such purposes;

(B) On and after July 1, 1967, housing subsidized, in whole or in part, by federal, state or local government and housing for persons or families of low and moderate income shall not constitute a charitable purpose under this section. As used in this subdivision, "housing" shall not include (i) real property used for temporary housing belonging to, or held in trust for, any corporation organized exclusively for charitable purposes and exempt from taxation for federal income tax purposes, the primary use of which property is one or more of the following: [(i)] I An orphanage; [(ii)] II a drug or alcohol treatment or rehabilitation facility; [(iii)] III housing for [homeless] individuals who are homeless, [mentally or physically handicapped] individuals with a mental health disorder or physical disability, [or] persons with intellectual disability, or [for] victims of domestic violence; [(iv)] IV housing for ex-offenders or for individuals participating in a program sponsored by the state Department of Correction or Judicial Branch; and [(v)] V short-term housing operated by a charitable organization where the average length of stay is less than six months; and (ii) real property used for permanent housing belonging to, or held in trust for, any corporation organized exclusively for charitable purposes and exempt from taxation for federal income tax purposes, and for which the primary use is housing for persons with intellectual disability, provided the municipality in which such property is located treated such property as exempt from taxation pursuant to this subdivision on or before the effective date of this section. The operation of such housing, including the receipt of any



rental payments, by such charitable organization shall be deemed to be an exclusively charitable purpose;



Agency Legislative Proposal - 2017 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): DDS 110416 respectful language

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

State Agency: Department of Developmental Services (DDS)

Liaison: Christine Pollio Cooney

Phone: 860-418-6066

E-mail: Christine.Pollio@ct.gov

Lead agency division requesting this proposal: Legislative Office

Agency Analyst/Drafter of Proposal: Christine Cooney

Title of Proposal: AAC the Use of Respectful and Person-First Language When Referring to Individuals with Disabilities

Statutory Reference: CGS 8-119t

Proposal Summary:

This bill updates statutory language by using person-first, respectful language when referring to individuals with disabilities.

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?
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?
- (3) Have certain constituencies called for this action? This is an ongoing effort of many self-advocates and advocacy groups.
- (4) What would happen if this was not enacted in law this session? The statutory language would not be updated.

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?

Click here to enter text.



PROPOSAL IMPACT

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

Agency Name: Dept. of Housing Agency Contact (<i>name, title, phone</i>): Dan Arsenault Date Contacted: 10/2016 Approve of Proposal <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments Ok with proposed changes.
Will there need to be further negotiation? <input type="checkbox"/> YES <input checked="" 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 None
Federal None
Additional notes on fiscal impact None

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

This is purely a language clean up, there is no policy programmatic impact intended or expected.
--

Insert fully drafted bill here

An Act Concerning Respectful and Person-First Language When Referring to Individuals with Disabilities

Section 8-119t of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2017):



Sec. 8-119t. Grants-in-aid for expanding independent living opportunities. Definition. Regulations. (a) The Commissioner of Housing shall encourage the development of independent living opportunities for low and moderate income [handicapped and developmentally disabled persons] persons with physical or developmental disabilities by making grants-in-aid, within available appropriations, to state-wide, private, nonprofit housing development corporations which are organized and operating for the purpose of expanding independent living opportunities for such persons. Such grants-in-aid shall be used to facilitate the development of small, noninstitutionalized living units for such persons, through programs including, but not limited to, preproject development, receipt of federal funds, site acquisition and architectural review. For the purposes of this part, ["handicapped and developmentally disabled persons"] "persons with physical or developmental disabilities" means any [persons who are physically or mentally handicapped]person with a physical disability, or a developmental disability, including, but not limited to, [persons with] autism spectrum disorder or[, persons with] intellectual disability[or persons who are physically disabled or sensory impaired].

(b) The Commissioner of Housing may adopt regulations, in accordance with chapter 54, to carry out the purposes of this section.



Agency Legislative Proposal - 2017 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): DDS 110416 techrevisions

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

State Agency: Department of Developmental Services (DDS)

Liaison: Christine Pollio Cooney

Phone: 860-418-6066

E-mail: Christine.Pollio@ct.gov

Lead agency division requesting this proposal: Legislative Office

Agency Analyst/Drafter of Proposal: Christine Cooney

Title of Proposal: AAC Technical Revisions to the Department of Developmental Services' Statutes and References to Intellectual Disability

Statutory Reference: multiple: 17a-270a, 17b-99a(l)(5), 38a-488a, 38a-514, 19-490, 20-101, 53-164.

Proposal Summary:

Section 1 changes an appointment to the council on developmental services to a relative or guardian of a person with intellectual disability instead of a person with ASD to reflect the move of the autism division out of DDS (to DSS). Sections 2, 3, 4 & 5 correct references to intellectual disability and intellectual disabilities (ID is not plural unless referring to intermediate care facilities in statutes; ID replaced the diagnosis mental retardation, not mental retardations.) Section 6 corrects a reference to employment opportunities and day services instead of day programs. Section 7 deletes an obsolete statute referring to inmates of Southbury Training School and CJTS.

PROPOSAL BACKGROUND

◇ **Reason for Proposal**

Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? no
- (2) Has this proposal or something similar been implemented in other states? Don't know. If yes, what is the outcome(s)?
- (3) Have certain constituencies called for this action? No, internal agency proposal
- (4) What would happen if this was not enacted in law this session? Council vacancy would likely go unfilled, statutory references would continue to be incorrect and obsolete section would remain on the books.

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?

[Click here to enter text.](#)

PROPOSAL IMPACT

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

Agency Name: DCF

Agency Contact (name, title, phone): Josh Howroyd

Date Contacted: Sept. 2016

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

Summary of Affected Agency's Comments

Fine to delete section 53-164 as statute is obsolete.

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

None

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

This is purely a language clean up, there is no policy programmatic impact intended or



expected.

Insert fully drafted bill here

An Act Concerning Technical Revisions to the Department of Developmental Services Statutes and References to Intellectual Disability.

Section 1. Section 17a-270(a) of the general statutes is repealed and the following is substituted in lieu thereof (Effective upon passage):

(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, 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 [person with autism spectrum disorder who is receiving, or has received, services from the department's Division of Autism Spectrum Disorder Services] 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. 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.

Section 2. Section 17b-99a(1)(5) of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2017):

(1) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to carry out the provisions of this section and to ensure the fairness of the audit process, including, but not limited to, the sampling methodologies associated with the process. The commissioner shall provide free training to facilities on the preparation of cost reports to avoid clerical errors and shall post information on the department's Internet web site concerning the auditing process and methods to avoid clerical errors. Not later than April 1, 2015, the commissioner shall establish audit protocols to



assist facilities subject to audit pursuant to this section in developing programs to improve compliance with Medicaid requirements under state and federal laws and regulations, provided audit protocols may not be relied upon to create a substantive or procedural right or benefit enforceable at law or in equity by any person, including a corporation. The commissioner shall establish and publish on the department's Internet web site audit protocols for: (1) Licensed chronic and convalescent nursing homes, (2) chronic disease hospitals associated with chronic and convalescent nursing homes, (3) rest homes with nursing supervision, (4) licensed residential care homes, as defined in section 19a-490, and (5) residential facilities for persons with intellectual [disabilities]disability that are licensed pursuant to section 17a-227 and certified to participate in the Medicaid program as intermediate care facilities for individuals with intellectual disabilities. The commissioner shall ensure that the Department of Social Services, or any entity with which the commissioner contracts to conduct an audit pursuant to this section, has on staff or consults with, as needed, licensed health professionals with experience in treatment, billing and coding procedures used by the facilities being audited pursuant to this section.

Section 3. Section 38a-488a of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2017):

(a) For the purposes of this section: (1) "Mental or nervous conditions" means mental disorders, as defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders". "Mental or nervous conditions" does not include (A) intellectual [disabilities]disability, (B) specific learning disorders, (C) motor disorders, (D) communication disorders, (E) caffeine-related disorders, (F) relational problems, and (G) other conditions that may be a focus of clinical attention, that are not otherwise defined as mental disorders in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders"; (2) "benefits payable" means the usual, customary and reasonable charges for treatment deemed necessary under generally accepted medical standards, except that in the case of a managed care plan, as defined in section 38a-478, "benefits payable" means the payments agreed upon in the contract between a managed care organization, as defined in section 38a-478, and a provider, as defined in section 38a-478; (3) "acute treatment services" means twenty-four-hour medically supervised treatment for a substance use disorder, that is provided in a medically managed or medically monitored inpatient facility; and (4) "clinical stabilization services" means twenty-four-hour clinically managed postdetoxification treatment, including, but not limited to, relapse prevention, family outreach, aftercare planning and addiction education and counseling.

Section 4. Section 38a-514 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2017):

(a) For the purposes of this section: (1) "Mental or nervous conditions" means mental disorders, as defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders". "Mental or nervous conditions" does not include (A) intellectual [disabilities]disability, (B) specific learning disorders, (C) motor disorders, (D) communication disorders, (E) caffeine-related disorders, (F) relational problems, and (G) other conditions that may be a focus of clinical attention, that are not otherwise defined as mental disorders in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental



Disorders"; (2) "benefits payable" means the usual, customary and reasonable charges for treatment deemed necessary under generally accepted medical standards, except that in the case of a managed care plan, as defined in section 38a-478, "benefits payable" means the payments agreed upon in the contract between a managed care organization, as defined in section 38a-478, and a provider, as defined in section 38a-478; (3) "acute treatment services" means twenty-four-hour medically supervised treatment for a substance use disorder, that is provided in a medically managed or medically monitored inpatient facility; and (4) "clinical stabilization services" means twenty-four-hour clinically managed postdetoxification treatment, including, but not limited to, relapse prevention, family outreach, aftercare planning and addiction education and counseling.

Section 5. Section 19-490 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2017):

(a) "Institution" means a hospital, short-term hospital special hospice, hospice inpatient facility, residential care home, health care facility for the handicapped, nursing home, rest home, home health care agency, homemaker-home health aide agency, mental health facility, assisted living services agency, substance abuse treatment facility, outpatient surgical facility, outpatient clinic, an infirmary operated by an educational institution for the care of students enrolled in, and faculty and employees of, such institution; a facility engaged in providing services for the prevention, diagnosis, treatment or care of human health conditions, including facilities operated and maintained by any state agency, except facilities for the care or treatment of mentally ill persons or persons with substance abuse problems; and a residential facility for persons with intellectual disability licensed pursuant to section 17a-227 and certified to participate in the Title XIX Medicaid program as an intermediate care facility for individuals with intellectual [disability]disabilities;

Section 6. Section 20-101 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2017):

Sec. 20-101. No provision of this chapter shall confer any authority to practice medicine or surgery nor shall this chapter prohibit any person from the domestic administration of family remedies or the furnishing of assistance in the case of an emergency; nor shall it be construed as prohibiting persons employed in state hospitals and state sanatoriums and subsidiary workers in general hospitals from assisting in the nursing care of patients if adequate medical and nursing supervision is provided; nor shall it be construed to prohibit the administration of medications by dialysis patient care technicians in accordance with section 19a-269a; nor shall it be construed to prohibit a personal care assistant employed by a homemaker-companion agency registered pursuant to section 20-671 from administering medications to a competent adult who directs his or her own care and makes his or her own decisions pertaining to assessment, planning and evaluation; nor shall it be construed as prohibiting students who are enrolled in schools of nursing approved pursuant to section 20-90, and students who are enrolled in schools for licensed practical nurses approved pursuant to section 20-90, from performing such work as is incidental to their respective courses of study; nor shall it prohibit a registered nurse who holds a master's degree in nursing or in a related field recognized for certification as either a nurse practitioner, a clinical nurse specialist, or a nurse anesthetist by one of the certifying bodies identified in section 20-94a from practicing for a period not to exceed one hundred twenty days



after the date of graduation, provided such graduate advanced practice registered nurse is working in a hospital or other organization under the supervision of a licensed physician or a licensed advanced practice registered nurse, such hospital or other organization has verified that the graduate advanced practice registered nurse has applied to sit for the national certification examination and the graduate advanced practice registered nurse is not authorized to prescribe or dispense drugs; nor shall it prohibit graduates of schools of nursing or schools for licensed practical nurses approved pursuant to section 20-90, from nursing the sick for a period not to exceed ninety calendar days after the date of graduation, provided such graduate nurses are working in hospitals or organizations where adequate supervision is provided, and such hospital or other organization has verified that the graduate nurse has successfully completed a nursing program. Upon notification that the graduate nurse has failed the licensure examination or that the graduate advanced practice registered nurse has failed the certification examination, all privileges under this section shall automatically cease. No provision of this chapter shall prohibit (1) any registered nurse who has been issued a temporary permit by the department, pursuant to subsection (b) of section 20-94, from caring for the sick pending the issuance of a license without examination; (2) any licensed practical nurse who has been issued a temporary permit by the department, pursuant to subsection (b) of section 20-97, from caring for the sick pending the issuance of a license without examination; (3) any qualified registered nurse or any qualified licensed practical nurse of another state from caring for a patient temporarily in this state for not longer than seventy-two hours, provided such nurse shall not represent or hold himself or herself out as a nurse licensed to practice in this state; (4) any qualified registered nurse or any qualified licensed practical nurse of another state from caring for a patient longer than seventy-two hours, provided such nurse (A) has been issued a temporary permit by the department, and (B) shall not represent or hold himself or herself out as a nurse licensed to practice in this state; (5) registered nurses or licensed practical nurses from other states from doing such nursing as is incident to their course of study when taking postgraduate courses in this state; or (6) nursing or care of the sick, with or without compensation or personal profit, in connection with the practice of the religious tenets of any church by adherents thereof, provided such persons shall not otherwise engage in the practice of nursing within the meaning of this chapter. This chapter shall not prohibit the care of persons in their homes by domestic servants, housekeepers, nursemaids, companions, attendants or household aides of any type, whether employed regularly or because of an emergency of illness, if such persons are not initially employed in a nursing capacity. This chapter shall not prohibit unlicensed assistive personnel from administering jejunostomy and gastrojejunal tube feedings to persons who (A) attend [day programs]employment opportunities and day services or respite centers under the jurisdiction of the Department of Developmental Services, (B) reside in residential facilities under the jurisdiction of the Department of Developmental Services, or (C) receive support under the jurisdiction of the Department of Developmental Services, when such feedings are performed by trained, unlicensed assistive personnel pursuant to the written order of a physician licensed under chapter 370, an advanced practice registered nurse licensed to prescribe in accordance with section 20-94a or a physician assistant licensed to prescribe in accordance with section 20-12d.

Section 7. Section 53-164 of the general statutes is repealed. (Effective upon passage)