



Agency Legislative Proposal - 2020 Session

Document Name: 1) 2020 Leg Proposal- DRAFT DAS Access to DDS Abuse and Neglect Registry 11.4.19

State Agency: Department of Developmental Services (DDS)

Liaison: Krista Ostaszewski

Phone: 860-418-6066

E-mail: Krista.Ostaszewski@ct.gov

Lead agency division requesting this proposal: Commissioner's Office

Agency Analyst/Drafter of Proposal: Rod O'Connor, 860-418-6130, Rod.Oconnor@ct.gov

Title of Proposal: An Act Concerning Department of Developmental Services' Abuse and Neglect Registry

Statutory Reference: 17a-247b (c) Establishment and maintenance of registry.

Proposal Summary:

Sec 17a-247b explicitly outlines with which entities the Department of Developmental Services (DDS) may share DDS abuse and neglect registry information. Currently, the statute details that the department may make registry information available to the Departments of Children and Families (DCF), Mental Health and Addiction Services (DMHAS), and Social Services (DSS), for the purpose of determining whether an applicant for employment appears on the registry. As Human Resources moves toward centralization under the Department of Administrative Services (DAS) pursuant to Executive Order No. 2, DAS will now oversee the hiring of DCF, DMHAS, DSS and DDS employees. DDS would therefore need to make registry information available to DAS for the purposes of determining whether an applicant for employment at the above referenced agencies appears on the DDS registry.

PROPOSAL BACKGROUND

◇ Reason for Proposal

As Human Resources moves toward centralization under DAS, this legislation allows the hiring body for the state to access information from the DDS abuse and neglect registry, when determining whether an applicant for employment at DCF, DMHAS, DSS and DDS appears on the DDS registry. It is imperative for DAS to have access to this information so an appropriate decision regarding the hiring of a prospective applicant can be made. For background, DDS maintains a registry of former employees who have been terminated or separated from employment as a result of substantiated abuse or neglect.



◇ **Origin of Proposal** ☒ **New Proposal** ☐ **Resubmission**

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PROPOSAL IMPACT

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

Agency Name: Department of Administrative Services Agency Contact (<i>name, title, phone</i>): Erin Choquette, Senior Advisor, Date Contacted: 10/30/19
Approve of Proposal <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments DDS also has alerted DCF, DMHAS and DSS of the potential changes recommended in this proposal.
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

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

This proposal implements a technical fix to align with Governor Lamont's Executive Order No. 2.

◇ **EVIDENCE BASE**



What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.

N/A

Insert fully drafted bill here

Subsection (c) of section 17a-247b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

(c) The department shall make information in the registry available only to: (1) Authorized agencies, for the purpose of protective service determinations; (2) employers who employ employees to provide services to an individual who receives services or funding from the department; (3) **[the Departments of Children and Families, Mental Health and Addiction Services, and Social Services, for the purpose of determining whether an applicant for employment]** the Department of Administrative Services, for the purpose of determining whether an applicant for employment with the Departments of Children and Families, Developmental Services, Mental Health and Addiction Services, and Social Services appears on the registry; or (4) charitable organizations that recruit volunteers to support programs for persons with intellectual disability or autism spectrum disorder, upon application to and approval by the commissioner, for purposes of conducting background checks on such volunteers.



Agency Legislative Proposal - 2020 Session

Document Name: 2) 2020 Leg Proposal- DRAFT Green Initiatives for DDS Qualified Providers of Residential Settings 11.4.19

State Agency: Department of Developmental Services (DDS)

Liaison: Krista Ostaszewski

Phone: 860-418-6066

E-mail: Krista.Ostaszewski@ct.gov

Lead agency division requesting this proposal: Commissioner's Office

Agency Analyst/Drafter of Proposal: Rod O'Connor, 860-418-6130, Rod.Oconnor@ct.gov

Title of Proposal: An Act Concerning Green Initiatives for Department of Developmental Services Residential Settings

Statutory Reference: New Section

Proposal Summary:

In an effort to mitigate and adapt to climate change, DDS is interested in proposing a pro-active approach to reduce the carbon foot print of our residential settings and help our state meet its energy goals.

The department's proposal includes a two-pronged approach:

- 1) Encourage any new construction of DDS licensed residential settings to adopt standards that promote energy efficiency and incorporate certain environmentally friendly materials and techniques.
 - Suggestions for improvements include the use of Energy Star rated appliances, compact fluorescent lamps (CFLs) and lighting emitting diodes (LEDs) lightbulbs, low flow faucets, showerheads, etc.
- 2) Allow for any existing DDS-licensed residential setting to complete an energy assessment through the Department of Energy and Environmental Protection.
 - A copy of the assessment will be submitted to the Department for review.
 - Based on the assessments received, DDS will compile a report detailing the energy performance of DDS-licensed residential settings and with recommendations for improvements.



PROPOSAL BACKGROUND

◇ Reason for Proposal

This proposal aligns with the state's energy goals to lead the nation in mitigating and adapting to climate change. Specifically, the proposal allows the department to begin educating our qualified providers about the importance of incorporating green initiatives into our work to create a more sustainable future.

Our proposal allows for the department to create a baseline for measuring where our residential settings are in terms of energy performance by participating in a non-mandatory energy assessment. Once the department is able to measure a baseline regarding energy efficiencies, we can begin working on ways to improve.

Related to new construction of licensed residential settings, DDS is proposing suggested standards to promote energy efficiency and incorporate environmentally friendly materials and techniques.

DDS hopes the permissive standards will allow developers to think about and implement when applicable, environmentally friendly decisions throughout the construction of a new DDS residential setting.

◇ Origin of Proposal

☒ New Proposal

☐ Resubmission

PROPOSAL IMPACT

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

Agency Name: Department of Energy and Environmental Protection (DEEP)

Agency Contact (name, title, phone): James Albis, Senior Advisor, # 860-424-3136

Date Contacted: September 2019

Approve of Proposal ☐ YES ☐ NO ☒ Talks Ongoing

Summary of Affected Agency's Comments

DEEP is reviewing the capacity of energy audit providers.

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 <i>(please include any municipal mandate that can be found within legislation)</i> none
State Potential future savings based on provider implementation
Federal none
Additional notes on fiscal impact

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

This proposal will begin educating DDS qualified providers about the importance of incorporating green initiatives into our work to create a more sustainable future.

◇ **EVIDENCE BASE**

<p><i>What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about the evidence base for a variety of programs.</i></p> <p>The intent of this proposal is to create a baseline to begin measuring where DDS residential settings are in terms of energy efficiencies. For existing settings, DDS plans to review all energy assessment reports (of those electing to participate) and create a comprehensive summary detailing the outcome of such reports and capture recommendations for ways to improve the energy consumption of current settings. For new developments, DDS will actively engage and monitor how developers are implementing green techniques. Although the statutory language is permissive, DDS believes it is an important first step in moving DDS settings to a more sustainable future.</p>

Insert fully drafted bill here



Section 1. (NEW) (*Effective from passage*) (a) A qualified provider that proposes to construct a residential facility to be licensed by the Department of Developmental Services shall be encouraged to and may adopt standards and practices that promote energy efficiencies and incorporate environmentally friendly materials and techniques in the construction.

(b) Any existing Department of Developmental Services licensed residential facility may participate in an energy assessment as authorized by the Department of Energy and Environmental Protection. A copy of any residential facility's energy assessment final report shall be provided to the Department of Developmental Services.

(c) Not later than July 1, 2021, the Commissioner of the Department of Developmental Services shall report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to public health regarding (1) the findings of the energy assessments completed for those licensed residential facilities that participated; and (2) any recommendations for improvements in energy efficiency in the department's licensed residential facilities.



Agency Legislative Proposal - 2020 Session

Document Name: 3) 2020 Leg Proposal- DRAFT DDS's Eligibility Determinations for Probate Court Triennial Assessments of the Appointment of a Guardian 11.4.19

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

State Agency: Department of Developmental Services (DDS)

Liaison: Krista Ostaszewski

Phone: (860) 418-6066

E-mail: Krista.Ostaszewski@ct.gov

Lead agency division requesting this proposal: Legal and Government Affairs

Agency Analyst/Drafter of Proposal: Rod O'Connor, 860-418-6130, Rod.Oconnor@ct.gov

Title of Proposal: Department of Developmental Services' Eligibility Determinations for Probate Court Triennial Assessments of the Appointment of a Guardian

Statutory Reference: Sec. 45a-681 (a) Review of guardianship by court.

Proposal Summary:

During the initial Probate Court hearing for the appointment of a guardian, the DDS assessment team is required to evaluate and submit a written report or testimony to the Court regarding the severity of the individual's intellectual disability. Public Act No. 18-32 specified that such written report or testimony by the DDS assessment team is not required for the hearing for appointment of guardian, when such individual has been determined ineligible for DDS services, provided that such eligibility is based on the determination that the individual does not have intellectual disability, as defined by section 1-1g CGS. In these situations, DDS is permitted to submit a copy of the eligibility determination letter indicating that the person is ineligible based on the absence of intellectual disability. Along with the original hearing to appoint a guardian, the Probate Court also is required, as defined in section 45a-681 CGS, to hold triennial assessments to continue, modify, or terminate the order for guardianship. Because the language in PA 18-32 only addresses the original hearing to appoint a guardian, the ability to submit a copy of the eligibility determination letter from DDS indicating the individual is ineligible based on the absence of intellectual disability, is not extended to triennial assessments. This means when the Probate Court judge reviews guardianship at least once every three years, the Department's assessment team, is required to evaluate the individual and submit a written report or testimony to the court, even though the individual already has been determined ineligible for DDS services based on the absence of intellectual disability. DDS is requesting that the ability for it to submit a copy of the eligibility determination letter from DDS when an individual has been determined ineligible be extended to the Court's triennial reviews.



PROPOSAL BACKGROUND

◇ Reason for Proposal

During the initial Probate Court hearing for the appointment of a guardian, the DDS assessment team is required to evaluate and submit a written report or testimony to the Court regarding the severity of the individual's intellectual disability.

◇ Origin of Proposal

☒ New Proposal

☐ Resubmission

N/A

PROPOSAL IMPACT

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

Agency Name: Probate Court

Agency Contact (*name, title, phone*): Jason Bowza, Legislative Manager

Date Contacted: 10/30/2019

Approve of Proposal ☐ YES ☐ NO ☒ Talks Ongoing

Summary of Affected Agency's Comments

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)*

If enacted, this legislation would align the requirements for DDS's response to the Probate Court in cases where the appointment or reappointment of a guardian for a person who has not been made eligible for DDS funding or services based on the determination that such person does not have intellectual disability is being sought. With this change DDS would be able to submit a person's denial of eligibility letter for either the original appointment of a guardian or in place of the triennial assessment for the reappointment of a guardian.

◇ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.

N/A

Insert fully drafted bill here

Subsection (a) of section 45a-681 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

(a) The court shall review each guardianship at least every three years and shall either continue, modify or terminate the order for guardianship. Pursuant to such review:

(1) The court shall receive and review written evidence as to the condition of the protected person. Except as provided in subdivision (2) of this subsection, the guardian and a Department of Developmental Services professional or, if requested by the protected person or by the court, an assessment team appointed by the Commissioner of Developmental Services or the commissioner's designee shall each submit a written report to the court not later than forty-five days after the court's request for such report.

(2) In the case of a protected person who is functioning adaptively and intellectually within the severe or profound range of intellectual disability, as determined by the Department of Developmental Services, the court shall receive and review written reports as to the condition of the protected person only from the guardian, except that the court may require a Department of Developmental Services professional or assessment team to submit a written report as to the condition of the protected person.



(3) The Department of Developmental Services professional or assessment team shall personally observe or examine the protected person within the forty-five-day period preceding the date it submits any report under subdivision (4) of this subsection.

(4) The written report or testimony by the Department of Developmental Services professional or assessment team shall not be required for a hearing on the reappointment of a plenary guardian or limited guardian if the individual has been determined ineligible for services of the Department of Developmental Services by the commissioner or his or her designee, provided such denial of eligibility is based on the determination that the individual does not have intellectual disability as defined in section 1-1g. A copy of the eligibility determination letter indicating that the basis of ineligibility is the absence of intellectual disability, as defined in section 1-1g, shall be provided to the Probate Court in lieu of a report by the Department of Developmental Services professional or assessment team and no further assessment by the professional or team shall be required.

[(4)] (5) Each written report shall be submitted to the court not later than forty-five days after the court's request for such report. On receipt of a written report from the guardian or a Department of Developmental Services professional or assessment team, the court shall provide a copy of the report to the attorney for the protected person.

[(5)] (6) Not later than thirty days after the attorney for the protected person receives a copy of a report pursuant to subdivision (4) of this subsection, the protected person's attorney shall (A) meet with the protected person concerning the report, and (B) provide written notice to the court (i) that the protected person's attorney has met with the protected person, and (ii) indicating whether a hearing is requested. Nothing in this section shall prevent the protected person or the protected person's attorney from requesting a hearing at any other time as permitted by law.

[(6)] (7) If the protected person is unable to request or obtain an attorney, the court shall appoint an attorney for the protected person. If the protected person is unable to pay for the services of the attorney, the reasonable compensation of such attorney shall be established by, and paid from funds appropriated to, the Judicial Department; however, if funds have not been included in the budget of the Judicial Department for such purposes, such compensation shall be established by the Probate Court Administrator and paid from the Probate Court Administration Fund.



Agency Legislative Proposal - 2020 Session

Document Name: 4) 2020 Leg Proposal- DRAFT DDS_Authorizing Necessary Treatment for Individuals Under the Direction of the Commissioner of Developmental Services 11.4.19

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

State Agency: Department of Developmental Services (DDS)

Liaison: Krista Ostaszewski

Phone: (860) 418-6066

E-mail: Krista.Ostaszewski@ct.gov

Lead agency division requesting this proposal: Health and Clinical Services

Agency Analyst/Drafter of Proposal: Rod O'Connor, 860-418-6130, Rod.Oconnor@ct.gov

Title of Proposal: Authorizing Necessary Treatment for Individuals Under the Direction of the Commissioner of Developmental Services

Statutory Reference: 17a-238 (f) Rights of persons under supervision of Commissioner of Developmental Services.

Proposal Summary:

This proposal would allow the DDS Commissioner or a DDS Regional or Training School Director to provide consent for an individual's emergency treatment when the individual's legal representative is unavailable or unable to give such consent. The provisions for this consent for treatments are the same as what is currently in statute for the Commissioner's or Regional Director's consent for an individual's emergency surgery.

PROPOSAL BACKGROUND

◇ Reason for Proposal

DDS has the statutory authority to "authorize necessary surgery for such person where, in the opinion of the person's attending physician, the surgery is of an emergency nature and there is insufficient time to obtain the required written consent..." There are circumstances; however, when an individual under the department's care is in need of treatment, other than emergency surgery and there is insufficient time to obtain a required consent, but an individual under the department's care is in need of treatment, other than emergency surgery. In these situations the department is unable to provide such treatment. With advances in medical treatment that require less invasive treatments than surgery, DDS believes that allowing the Commissioner and his designees to consent to emergency treatments for individuals, when a legal representative is not available to consent, will allow persons with intellectual disability to access appropriate medical care while maintaining their independence in the community.



◇ **Origin of Proposal** ☒ **New Proposal** ☐ **Resubmission**

N/A

PROPOSAL IMPACT

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

Agency Name: None

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

Date Contacted:

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

Summary of Affected Agency's Comments

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

There could be some indeterminate savings from having individuals treated promptly in emergency situations.

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

If enacted, this statutory change would allow certain individuals access to emergency treatment with less delay, which in turn would promote better outcomes.

◇ **EVIDENCE BASE**



N/A

Insert fully drafted bill here

Subsection (f) of section 17a-238 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

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



Agency Legislative Proposal - 2020 Session

Document Name: 5) 2020 Leg Proposal- DRAFT DDS_ Access to Abuse and Neglect Evaluation Reports by Legal Representatives 11.4.19

State Agency: Department of Developmental Services (DDS)

Liaison: Krista Ostaszewski

Phone: (860) 418-6066

E-mail: Krista.Ostaszewski@ct.gov

Lead agency division requesting this proposal: Investigation Division

Agency Analyst/Drafter of Proposal: Rod O'Connor, 860-418-6130, Rod.Oconnor@ct.gov

Title of Proposal: Access to Abuse and Neglect Evaluation Reports by Legal Representatives

Statutory Reference: 46a-11c Initial determination and evaluation of report. Investigation of certain deaths. Electronic copy of reports.

Proposal Summary:

The bill would restrict access to an abuse and neglect evaluation report or the original report of alleged abuse or neglect by an individual's legal representative, if the legal representative was the alleged or substantiated perpetrator of the abuse or neglect or if the legal representative lived with the alleged or substantiated perpetrator.

PROPOSAL BACKGROUND

◇ **Reason for Proposal**

Statute currently prohibits DDS from notifying and sharing any documents regarding a report of abuse or neglect that warrants an investigation, when an individual's legal representative is the alleged perpetrator of such abuse or neglect or is residing with the alleged perpetrator. To ensure ongoing protection of individuals with intellectual disability, DDS is requesting to expand this statute to prohibit DDS from sharing the original report of abuse or neglect and the evaluation report (also known as the final report) with a legal representative who has been found to be the perpetrator of abuse or neglect or is residing with the substantiated perpetrator.

◇ **Origin of Proposal**

☒ **New Proposal**

☐ **Resubmission**

N/A

PROPOSAL IMPACT



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

Agency Name: Department of Social Services (DSS) Agency Contact (<i>name, title, phone</i>): David Seifel, Legislative Liaison, 860-424-5612 Date Contacted: Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments
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)*

If enacted, this statutory change would add protections for individuals with intellectual disability by prohibiting the sharing of the final evaluation report of alleged abuse or neglect with a legal representative, who has been found to be the alleged or substantiated perpetrator of the abuse or neglect, or who is residing with the alleged or substantiated perpetrator.
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◇ **EVIDENCE BASE**

<i>What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about</i>
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the evidence base for a variety of programs.

N/A

Insert fully drafted bill here

Section 46a-11c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

Sec. 46a-11c. (Formerly Sec. 19a-458b). Initial determination and evaluation of report. Investigation of certain deaths. Electronic copy of reports. (a) The commissioner, upon receiving a report that a person with intellectual disability allegedly is being or has been abused or neglected, shall make an initial determination whether such person has intellectual disability, shall determine if the report warrants investigation and shall cause, in cases that so warrant, a prompt, thorough evaluation to be made to determine whether the person has intellectual disability and has been abused or neglected. For the purposes of sections 46a-11a to 46a-11g, inclusive, the determination of intellectual disability may be made by means of a review of records and shall not require the commissioner to conduct a full psychological examination of the person. Any delay in making such determination of intellectual disability shall not delay the investigation of abuse or neglect or recommendation of provision of protective services. The evaluation shall include a visit to the named person with intellectual disability and consultation with those individuals having knowledge of the facts of the particular case. All state, local and private agencies shall have a duty to cooperate with any investigation conducted by the Department of Developmental Services under this section, including the release of complete records of the named person for review, inspection and copying, except where the person with intellectual disability refuses to permit such records to be released. The commissioner shall have subpoena powers to compel any information related to such investigation. All records of the named person shall be kept confidential by said department. Upon completion of the evaluation of each case, written findings shall be prepared which shall include a determination of whether abuse or neglect has occurred and recommendations as to whether protective services are needed. The commissioner, except in cases where the legal representative is the alleged or substantiated perpetrator of abuse or neglect or is residing with the alleged or substantiated perpetrator, shall notify the legal representative, if any, of the person with intellectual disability if a report of abuse or neglect is made which the commissioner determines warrants investigation. The commissioner, except in cases where the legal representative is the alleged or substantiated perpetrator of abuse or neglect or is residing with the alleged or substantiated perpetrator, shall provide the legal representative who the commissioner determines is entitled to such information with further information upon request. The person filing the report of abuse or neglect shall be notified of the findings upon such person's request.

(b) The commissioner, upon receiving a report that a person who receives services from the Department of Social Services' Division of Autism Spectrum Disorder Services, allegedly is being or has been abused or neglected, shall make an initial determination whether such person receives funding or services from said division, shall determine if the report warrants investigation and shall cause, in cases that so warrant, a prompt, thorough evaluation, as described in subsection (b) of section



17a-247f, to be made by the Department of Developmental Services to determine whether the person has been abused or neglected.

(c) In cases where there is a death of a person with intellectual disability for whom the Department of Developmental Services has direct or oversight responsibility for medical care, and there is reasonable cause to suspect or believe that such death may be due to abuse or neglect, the commissioner shall conduct an investigation to determine whether abuse or neglect occurred, except as may be otherwise required by court order. The commissioner shall establish protocols for conducting such investigations.

(d) The commissioner shall maintain an electronic copy of the reports received of alleged abuse or neglect and all evaluation reports.

(e) Neither the original report of alleged abuse or neglect nor the evaluation report of the investigator which includes findings and recommendations shall be deemed a public record for purposes of section 1-210. The original report of alleged abuse or neglect or the evaluation report of the investigator shall not be provided to a legal representative who is the alleged or substantiated perpetrator of abuse or neglect or a legal representative who resides with the alleged or substantiated perpetrator. The name of the person making the original report shall not be disclosed to any person unless the person making the original report consents to such disclosure or unless a judicial proceeding results therefrom.



Agency Legislative Proposal - 2020 Session

Document Name: 6) 2020 Leg Proposal- DRAFT DDS_ Camp Harkness Advisory Committee Appointments 11.4.19

State Agency: Department of Developmental Services (DDS)

Liaison: Krista Ostaszewski

Phone: (860) 418-6066

E-mail: Krista.Ostaszewski@ct.gov

Lead agency division requesting this proposal: Commissioner's Office

Agency Analyst/Drafter of Proposal: Rod O'Connor, 860-418-6130, Rod.Oconnor@ct.gov

Title of Proposal: Camp Harkness Advisory Committee Appointments

Statutory Reference: Sec. 17a-217a. Camp Harkness Advisory Committee

Proposal Summary:

This is a technical bill that updates the appointments to the Camp Harkness Advisory Committee to reflect changes to the names of the entities from which members are appointed.

PROPOSAL BACKGROUND

◇ **Reason for Proposal**

To update the appointments to the Camp Harkness Advisory Committee to reflect changes to the names of the entities appointed.

◇ **Origin of Proposal**

☒ **New Proposal**

☐ **Resubmission**

PROPOSAL IMPACT

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

Agency Name: None

Agency Contact (name, title, phone):

Date Contacted:

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

Summary of Affected Agency's Comments



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 technical fix will update the appointments to the Camp Harkness Advisory Committee to reflect changes to the names of the entities appointed.
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◇ **EVIDENCE BASE**

<i>What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about the evidence base for a variety of programs.</i>
N/A

Insert fully drafted bill here

Subsection (a) of section 17a-217a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

(a) There shall be a Camp Harkness Advisory Committee to advise the Commissioner of Developmental Services with respect to issues concerning the health and safety of persons who attend and utilize the facilities at Camp Harkness. The advisory committee shall be composed of twelve



members as follows: (1) Six members appointed by the Governor, one of whom shall be the director of Camp Harkness, who shall serve ex officio, one of whom shall represent the Southeastern Connecticut Association for Developmental Disabilities, one of whom shall represent the Southbury Training School, one of whom shall represent the Arc [\[of New London County\]](#) [Eastern Connecticut](#), one of whom shall be a person who uses the camp on a residential basis and one of whom shall be a relative or guardian of a person who uses the camp; and (2) six members appointed by the General Assembly, one of whom shall be a relative or guardian of a person who uses the camp, who shall be appointed by the president pro tempore of the Senate; one of whom shall be a member of the Family Support Council established pursuant to section 17a-219c and represent persons who use the camp on a day basis, who shall be appointed by the speaker of the House of Representatives; one of whom shall represent the board of selectmen of the town of Waterford, who shall be appointed by the majority leader of the House of Representatives; one of whom shall represent a private nonprofit corporation that is: (A) Tax exempt under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent internal revenue code of the United States, as amended from time to time, and (B) established to promote and support Camp Harkness and its camping programs, who shall be appointed by the majority leader of the Senate; one of whom shall represent the Connecticut Institute for the Blind and the Oak Hill School, who shall be appointed by the minority leader of the House of Representatives; and one of whom shall represent the United Cerebral Palsy Association, who shall be appointed by the minority leader of the Senate.