



Agency Legislative Proposal - 2022 Session

Document Name: 100121_ DDS_TechRevisions

State Agency: Department of Developmental Services

Liaison: Kevin Bronson

Phone: (860) 550-3497

E-mail: Kevin.Bronson@ct.gov

Lead agency division requesting this proposal: Legal and Government Affairs, Commissioner's office

Agency Analyst/Drafter of Proposal: Rod O'Connor (860) 418-6130 Rod.OConnor@ct.gov

Title of Proposal: An Act Concerning Technical Changes to the Department of Developmental Services Statutes

Statutory Reference: 17a-227b; 17a-270; & 17a-274

Proposal Summary:

The proposal makes minor changes to the DDS statutes to reflect current practice. Section 17a-227b would add the requirement that individuals who self-direct their services would be required through their fiscal intermediary to check the DCF Child Abuse Registry before hiring an employee. Section 17a-270 changes one of the Governor's appointments to the Council on Developmental Services from "a doctor of medicine" to "a licensed healthcare professional" to reflect the changing ways individuals with ID get their healthcare services and to reflect that most doctors are way too busy to attend Council meetings. Section 17a-274 adds "the commissioner's designee" in several subsections to allow the DDS Legal Director to act on requests from the Probate Court. It also adds that DDS must determine that a person has intellectual disability before a Probate Court can find that the person needs placement with DDS. This reflects that the Probate Court cannot make a determination that a person has "intellectual disability," only DDS can make that determination.

PROPOSAL BACKGROUND

◇ **Reason for Proposal**

This proposal allows DDS a certain amount of flexibility in how it conducts its business. It also increases safety for the individuals we serve because it adds an additional pre-employment check for those who self-direct services in their own homes in line with Medicaid waiver assurances. It also would reinforce the requirement that only DDS can make a determination (i.e., finding) that a person has intellectual disability as defined in section 1-1g of the Connecticut General Statutes.



◇ **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?

N/A

PROPOSAL IMPACT

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

Agency Name: Probate Court

Agency Contact (name, title, phone): Jim Polites, Manager of Communications & Intergovernmental Relations (860) 231-2442 x332

Date Contacted: [Click here to enter text.](#)

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

Summary of Affected Agency's Comments

[Click here to enter text.](#)

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)

Adding a check of the Child Abuse and Neglect Registry to pre-employment screening of applicants for employment by individuals who self-direct services increases the safety of those



who self-direct services. Allowing a designee to receive information from the Probate Court and act on behalf of the Commissioner will lead to quicker responses from DDS to the Probate Court. DDS is clarifying that the department is the only state entity that can determine if a person has intellectual disability as defined in section 1-1g CGS. This aligns with the requirement of the Centers for Medicare and Medicaid Services (CMS).

◇ 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

Sec. 1 Section 17a-227b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

The Commissioner of Developmental Services may require each applicant [\(1\) seeking employment with the department; \(2\) \[or\] seeking employment with a provider licensed or funded by the department; or \(3\) seeking employment with an individual funded by the department for self-directed services](#) to submit to a check for substantiated complaints in the Department of Children and Families child abuse and neglect registry established pursuant to section 17a-101k.

Sec. 2 Subsection (a) of section 17a-270 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(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 medical professional](#), 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. 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.

Sec. 3 Section 17a-274 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

a) Any Probate Court shall have the power to place any person residing in its district whom it finds, after determination by the Department of Developmental Services in accordance with section 1-1g of the general statutes, to be a person with intellectual disability with the Department of Developmental Services for placement in any appropriate setting which meets the person's habilitative needs in the least restrictive environment available or which can be created within existing resources of the department, in accordance with the provisions of this section and section 17a-276. No person shall be so placed unless the court has found, after determination by the Department of Developmental Services in accordance with section 1-1g of the general statutes, the person has intellectual disability and (1) is unable to provide for himself or herself at least one of the following: Education, habilitation, care for personal health and mental health needs, meals, clothing, safe shelter or protection from harm; (2) has no family or legal representative or other person to care for him or her, or such person's family or legal representative or other person can no longer provide adequate care for him or her; (3) is unable to obtain adequate, appropriate services which would enable such person to receive care, treatment and education or habilitation without placement by a Probate Court; and (4) is not willing to be placed under the custody and control of the Department of Developmental Services or its agents or voluntary admission has been sought by the legal representative of such person and such voluntary admission has been opposed by the protected person or the protected person's next of kin.

(b) A petition to the Probate Court for placement under this section may be filed by any interested party. The petition and all records of Probate Court proceedings held as a result of the filing of such petition shall be confidential and shall not be open to public inspection by or disclosed to any person, except that (1) such records shall be available to (A) the parties in any such case and their counsel, (B) the Department of Developmental Services, and (C) the office of the Probate Court Administrator; (2)



if the court appoints a legal representative, the names of the legal representative and the protected person shall be public; and (3) the court may, after hearing with notice to the respondent, the respondent's counsel, the legal representative and the Department of Developmental Services, permit records to be disclosed for cause shown. The petition shall allege that the respondent is a person with intellectual disability and (A) is unable to provide for himself or herself at least one of the following: Education, habilitation, care for personal health and mental health needs, meals, clothing, safe shelter or protection from harm; (B) has no family or legal representative or other person to care for the respondent or the respondent's family or the legal representative or other person can no longer provide adequate care for the respondent; (C) is unable to obtain adequate, appropriate services which would enable the respondent to receive care, treatment and education or habilitation without placement by a Probate Court; and (D) is not willing to be placed under the custody and control of the Department of Developmental Services or its agents or voluntary admission has been sought by the legal representative of the respondent and such voluntary admission has been opposed by the protected person or the protected person's next of kin.

(c) Immediately upon the filing of the petition, the Probate Court shall assign a time, date and place for a hearing, such hearing to be held not later than thirty business days from the date of receipt of the petition. The court shall give notice of the hearing to (1) the petitioner; (2) the respondent; (3) the respondent's legal representative; (4) the respondent's spouse or, if none; (5) the respondent's children or, if none; (6) the respondent's parents or, if none; (7) the respondent's siblings; (8) the Commissioner of Developmental Services, [or the commissioner's designee](#); and (9) at the court's discretion, other persons having an interest in the respondent.

(d) Notice to the respondent and Commissioner of Developmental Services shall include: The names of all persons filing the petition, the allegations made in the petition, the time, date and place of the hearing, and the name, address and telephone number of the attorney who will represent the respondent. The notice shall state the right of the respondent to be present at the hearing, to present evidence, to cross-examine witnesses who testify at the hearing, and to an independent diagnostic and evaluative examination by a licensed psychologist of the respondent's own choice, who may testify on the respondent's behalf. If the court finds the respondent is indigent, the notice shall further state the respondent may be represented by counsel of the respondent's own choosing, and, if the court finds the respondent is indigent, that counsel shall be provided without cost. The reasonable compensation for counsel provided to indigent respondents 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.

(e) Unless the respondent is represented by counsel, the court shall immediately appoint an attorney to represent the respondent from a list of attorneys admitted to practice in this state provided by the



Probate Court Administrator in accordance with regulations adopted by the Probate Court Administrator in accordance with section 45a-77. Such attorney may, unless replaced, attend all examinations preceding the hearing and may copy or inspect any and all reports concerning the respondent.

(f) The court shall appoint a licensed psychologist from a panel of psychologists provided by the Probate Court Administrator to examine the respondent. The psychologist shall prepare a report on a form provided by the Probate Court. Such report shall include a statement as to whether the respondent has intellectual disability and an explanation of how the determination was reached. The explanation shall include the results of a psychological assessment within the past year, an interview or observation of the respondent, and an evaluation of adaptive behavior. Such report shall include a statement of the respondent's needs. Duplicate copies of the report shall be filed with the Commissioner of Developmental Services, [or the commissioner's designee](#), and all attorneys of record not less than five days prior to the date of the hearing. The court shall order the psychologist to appear for cross-examination at the request of the respondent if the respondent makes such request not less than three days prior to the date of the hearing.

(g) If the court, after hearing, finds there is clear and convincing evidence that the respondent has intellectual disability and meets the criteria set out in subsection (a) of this section, the court shall order the respondent placed with the Department of Developmental Services for placement in the least restrictive environment available or which can be created within existing resources of the department.

(h) If, after hearing, the court determines that the respondent's need for placement is so critical as to require immediate placement, the court shall order the respondent to be temporarily placed in the most appropriate available placement. The Department of Developmental Services upon receipt of such order shall place the respondent in such setting and shall proceed according to subsection (i) of this section.

(i) The Department of Developmental Services, upon receipt of an order pursuant to subsection (g) of this section, shall arrange for an interdisciplinary team to evaluate the respondent, determine the respondent's priority needs for support services and determine the least restrictive environment in which those needs could be met. The Department of Developmental Services shall place the respondent as soon as possible. If no placement has become available not later than sixty days after the date that the respondent's need for residential support services was determined, the Commissioner of Developmental Services, [or the commissioner designee](#), shall so advise the court and shall continue to report to the court every thirty days thereafter until an appropriate placement is available.

(j) Upon receipt of a report under subsection (i) of this section, the Probate Court, if it determines that the respondent's need is so critical as to require immediate placement, shall order the respondent to be temporarily placed in the most appropriate available placement.

(k) Any person or agency having reasonable cause to believe that a person has intellectual disability and is in need of immediate care and treatment for such person's safety and welfare, which care and treatment is not being provided by such person's family, legal representative or other person responsible for such person's care, shall make a written report to the Commissioner of Developmental Services. The



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

(l) In the event that any person placed under the provisions of this section is recommended for transfer by the Department of Developmental Services, the department shall proceed as required by subsection (c) of section 17a-210 and shall in addition notify the Probate Court which made the placement.

(m) Any person who wilfully files or attempts to file, or conspires with any person to file a fraudulent or malicious petition for the placement of any person pursuant to this section, shall be guilty of a class D felony.

(n) For the purposes of this section, (1) "interdisciplinary team" means a group of persons appointed by the Commissioner of Developmental Services, or the commissioner's designee, including a social worker, psychologist, nurse, residential programmer, educational or vocational programmer and such other persons as may be appropriate; (2) "intellectual disability" has the same meaning as provided in section 1-1g; (3) "respondent" means a person alleged to be a person with intellectual disability for whom a petition for placement has been filed; and (4) "placement" means placement in a community companion home, community living arrangement, group home, regional facility, other residential facility or residential program for persons with intellectual disability.



Agency Legislative Proposal - 2022 Session

Document Name: 100121_DDS_ABLE_Accounts

State Agency: Department of Developmental Services

Liaison: Kevin Bronson

Phone: (860) 550-3497

E-mail: Kevin.Bronson@ct.gov

Lead agency division requesting this proposal: DDS Medicaid Unit

Agency Analyst/Drafter of Proposal: Rod O'Connor (860) 418-6130 Rod.OConnor@ct.gov

Title of Proposal: An Act Concerning ABLE Accounts

Statutory Reference: Section 3-39r

Proposal Summary:

The proposal would allow money saved in an ABLE Account to be disregarded in determining eligibility for state-administered general assistance (SAGA) and the amount of money a person could receive or retain from SAGA.

PROPOSAL BACKGROUND

◇ **Reason for Proposal**

In line with statutory language that exempts the assets in Special Needs Trusts from consideration in determining eligibility for state administered general assistance, money saved in ABLE Accounts for the purposes of caring for a person with a disability should be exempted from consideration in determining eligibility for state general assistance. This will protect those who have fallen on hard times and those persons for whom ABLE Accounts were set up for.

◇ **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?*

N/A



PROPOSAL IMPACT

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

Agency Name: Department of Social Services Agency Contact (<i>name, title, phone</i>): David Seifel (860) 424-5612 David.Seifel@ct.gov Date Contacted: September 2021
Approve of Proposal <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments DSS is in support of the proposal
Will there need to be further negotiation? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Agency Name: Office of the State Treasurer Agency Contact (<i>name, title, phone</i>): Jennifer Putetti 860-702-3281 Jennifer.Putetti@ct.gov Date Contacted: Click here to enter text.
Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments Click here to enter text.
Will there need to be further negotiation? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

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

Municipal <i>(please include any municipal mandate that can be found within legislation)</i> None
State The disregard for ABLE Accounts would allow for an increased eligibility for the state administered general assistance program.
Federal None
Additional notes on fiscal impact Click here to enter text.



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

This change will allow more persons to make contributions to ABLE accounts in Connecticut.

◇ **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

Section 3-39r of the general statutes is repealed and the following is substituted in lieu thereof
(Effective July 1, 2022):

(a) Notwithstanding any provision of the general statutes, moneys invested in an individual ABLE account, contributions to an individual ABLE account and distributions for qualified disability expenses pursuant to sections 3-39j to 3-39q, inclusive, shall be disregarded for purposes of determining an individual's eligibility for assistance under the temporary family assistance program, as described in section 17b-112, programs funded under the federal Low Income Home Energy Assistance Program block grant, [state-administered general assistance pursuant to sections 17b-190 to 17b-200](#), and any other federally funded assistance or benefit program, including, but not limited to, the state's medical assistance program, whenever such program requires consideration of one or more financial circumstances of an individual for the purpose of determining the individual's eligibility to receive any assistance or benefit or the amount of any assistance or benefit.

(b) Notwithstanding any provision of the general statutes, no moneys invested in the ABLE accounts shall be considered to be an asset for purposes of determining an individual's eligibility for need-based, institutional aid grants offered to an individual at the public eligible educational institutions in the state.



Agency Legislative Proposal - 2022 Session

Document Name: 100121_DDS_GreenInitiative Revised 10-19-21

State Agency: Department of Developmental Services

Liaison: Kevin Bronson

Phone: (860) 550-3497

E-mail: Kevin.Bronson@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, installation of solar panels, 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

DDS submitted this legislative proposal for the 2020 legislative session. It had a public hearing on March 6, 2020 in which DDS and The Arc testified in favor of the DDS Green Initiative section of the bill.

PROPOSAL IMPACT

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

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

Agency Contact (*name, title, phone*): Harrison Nantz, Harrison.Nantz@ct.gov (203) 722-4941

Date Contacted: [Click here to enter text.](#)

Approve of Proposal ☐ YES ☐ NO ☒ Talks Ongoing

Summary of Affected Agency's Comments

[Click here to enter text.](#)

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 None

◇ **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**

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.

Insert fully drafted bill here

Section 1. (NEW) *(Effective from passage)* (a) The Department of Developmental Services shall encourage each operator of a residential facility, licensed pursuant to section 17a-227 of the general statutes, to adopt standards and practices that promote energy efficiency and incorporate environmentally friendly construction materials and techniques in the construction of any new residential facility.

(b) Any residential facility licensed pursuant to section 17a-227 of the general statutes may participate in any energy assessment program available under section 16-245m of the general statutes. A



residential facility participating in such energy assessment program shall provide a copy of any energy assessment report received by such facility to the Department of Developmental Services.

(c) Not later than July 1, 2023, the Commissioner 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 on (1) the findings of the energy assessments performed on licensed residential facilities pursuant to subsection (b) of this section, and (2) recommendations for energy efficiency improvement in facilities licensed pursuant to section 17a-227 of the general statutes.



Agency Legislative Proposal - 2022 Session

Document Name: 100121_DDS_FamilySupport

State Agency: Department of Developmental Services

Liaison: Kevin Bronson

Phone: (860) 550-3497

E-mail: Kevin.Bronson@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 Family Support

Statutory Reference: Sections 17a-219a, 17a-219b and 17a-219c

Proposal Summary:

Sections 17a-219a, 17a-219b and 17a-219c CGS would be repealed. These statutes concern the coordination and provision of "family supports" for children with disabilities by DDS and includes an appointed Family Support Council. The Family Support Council suspended its meetings for repeatedly not having a quorum for meetings approximately 5 years ago. Repealing these statutes does not affect DDS's provision of family support services to families of individuals with intellectual disability.

PROPOSAL BACKGROUND

◇ Reason for Proposal

DDS was made the state's coordinator of "family supports" for children with disabilities in 1994. At the time the Birth to Three Program was a part of DDS which provided some rationale for DDS being put in charge of family supports for children, though then, as now, DDS is primarily an adult services agency. Birth to Three moved to the Office of Early Childhood in 2015. The charge to provide "family support services" defined in 17a-219a and 17a-219b is very broad and includes educational disabilities and various "developmental disabilities" that are beyond the scope of DDS's expertise in "intellectual disability". The charge for providing "family supports" includes "cash subsidies" along with "services" and "goods" for families and these appear nowhere in the DDS budget. The federal law referenced in the statute also broaden the mandates that are placed on DDS including the age to which "family supports" should be provided (i.e., up to the age of 22). The elimination of the Family Support Council (FSC) has already effectively taken place. Because of serious turmoil among the Council's membership (see PA 09-7 of the September Special Session) and the incorporation of the FSC subcommittee's charge in the creation of the Connecticut Family Support Network (CTFSN) (<https://ctfsn.org/>), which



became a 501(c)(3) nonprofit organization in 2010, the Council experienced a decline in attendance to the point where a quorum of the 28-member Family Support Council could not be achieved.

◇ **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?*

N/A

PROPOSAL IMPACT

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

Agency Name: DPH, SDE, DCF, DSS, Child Advocate, B23 Coordinating Council, Commission on WCSEO

Agency Contact (name, title, phone): [Click here to enter text.](#)

Date Contacted: [Click here to enter text.](#)

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

Summary of Affected Agency's Comments

[Click here to enter text.](#)

Will there need to be further negotiation? ☒ **YES** ☐ **NO**

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

Municipal *(please include any municipal mandate that can be found within legislation)*

None

State

None

Federal

None

Additional notes on fiscal impact



Click here to enter text.

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

As the Family Support Council has not met in years and the fact the DDS has not been coordinating family supports as mandated by the statutes, there should be little or no policy or programmatic impact.

◇ **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

Sections 17a-219a, 17a-219b and 17a-219c of the Connecticut General Statutes are repealed.

Sec. 17a-219a. Family support services: Definitions. As used in this section and sections 17a-219b and 17a-219c:

(1) “Children with disabilities” means any child with a physical, emotional or mental impairment under the age of eighteen years who (A) if under the age of five, has a severe disability and substantial developmental delay, or a specific diagnosed condition with a high probability of resulting in a developmental delay, (B) has a moderate, severe or profound educational disability, or (C) otherwise meets the definition of developmental disabilities in the federal Developmental Disabilities Act, Section 102(5), as codified in 42 USC 6001(8).

(2) “Family” means a child with a disability and (A) one or more biological or adoptive parents, (B) one or more persons to whom legal custody has been given and in whose home the child resides, or (C) other adult family members who reside with and have a primary responsibility for providing continuous care to a child with a disability.

(3) “Family support services” means services, cash subsidies, and goods which enhance the ability of all children with disabilities to grow within their families, to reduce the emotional and financial costs to families who care at home for children with disabilities, and to assist families of children with disabilities to find the supports, services and assistance to lead lives in their communities.

Sec. 17a-219b. Family support services: Department responsible for coordination. (a) The Department of Developmental Services shall be responsible for the coordination of family support



services for children with disabilities. The department shall, within available appropriations, promote state-wide availability of family support services.

(b) The Department of Developmental Services, in coordination with other state, regional and local agencies that operate family support services or administer programs, shall assist families in accessing all other sources of government funds before using existing family support funds appropriated by the General Assembly pursuant to sections 17a-219a to 17a-219c, inclusive, or any other provision of the general statutes or public or special act.

Sec. 17a-219c. Family Support Council. (a) There is established a Family Support Council to assist the Department of Developmental Services and other state agencies that administer or fund family support services to act in concert and, within available appropriations, to (1) establish a comprehensive, coordinated system of family support services, (2) use existing state and other resources efficiently and effectively as appropriate for such services, (3) identify and address services that are needed for families of children with disabilities, and (4) promote state-wide availability of such services. The council shall consist of twenty-six voting members including the Commissioners of Public Health, Developmental Services, Children and Families, Education and Social Services, or their designees, the Child Advocate or the Child Advocate's designee, the chairperson of the State Interagency Birth-to-Three Coordinating Council, established pursuant to section 17a-248b, or the chairperson's designee, the executive director of the Commission on Women, Children, Seniors, Equity and Opportunity, or the executive director's designee, and family members of, or individuals who advocate for, children with disabilities. The family members or individuals who advocate for children with disabilities shall comprise two-thirds of the council and shall be appointed as follows: Six by the Governor, three by the president pro tempore of the Senate, two by the majority leader of the Senate, one by the minority leader of the Senate, three by the speaker of the House of Representatives, two by the majority leader of the House of Representatives and one by the minority leader of the House of Representatives. All appointed members serving on or after October 5, 2009, including members appointed prior to October 5, 2009, shall serve in accordance with the provisions of section 4-1a. Members serving on or after October 5, 2009, including members appointed prior to October 5, 2009, shall serve no more than eight consecutive years on the council. The council shall meet at least quarterly and shall select its own chairperson. Council members shall serve without compensation but shall be reimbursed for necessary expenses incurred. The costs of administering the council shall be within available appropriations in accordance with this section and sections 17a-219a and 17a-219b.

(b) The council shall: (1) Gather input and develop a vision and guidelines for family support services in Connecticut; (2) review existing program policies, procedures and funding mechanisms for conformity to the guidelines and make appropriate recommendations; (3) monitor the implementation of the guidelines and recommendations; (4) report to the Governor and the General Assembly on an annual basis regarding the status of family support services, including the implementation of the guidelines and recommendations; (5) advocate for family support services in accordance with the guidelines; (6) compile and distribute information on family support services within public and private agencies; and (7) perform such other duties as are related to the advancement of family centered supports, policies and services.



Agency Legislative Proposal - 2022 Session

Document Name: 100121_DDS_ProviderCostAllowance

(If submitting electronically, please label with date, agency, and title of proposal – 092621_SDE_TechRevisions)

State Agency: Department of Developmental Services

Liaison: Kevin Bronson

Phone: (860) 550-3497

E-mail: Kevin.Bronson@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 a Qualified Provider Cost Allowance

Statutory Reference: Public Act No. 07-238

Proposal Summary:

The legislative proposal would allow DDS qualified providers and DMHAS private providers to increase the amount of a provider's executive director's salary that is reimbursable to \$125,000 from the current cap of \$101,000.

PROPOSAL BACKGROUND

◇ **Reason for Proposal**

The reimbursable salary for executive directors of DDS qualified providers and DMHAS private providers has not been adjusted since 2007. In that time both the front-line workers and the other professionals in the agencies have seen their wages go up so that now there is wage compression where the person running the agency may not be one of its highest paid employees. This makes it difficult to attract either people from outside the agency or homegrown talent to apply for these executive director positions. It also creates volatility in the position if executive directors see opportunities to make the same or more money with less responsibility by moving into jobs where there are no caps on salaries.

Akes for volatility

◇ **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?*

N/A



PROPOSAL IMPACT

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

Agency Name: DMHAS, OPM Agency Contact (name, title, phone): Mary Kate Mason, Legislative Program Manager, Mary.Mason@ct.gov, (860) 418-6839 Date Contacted: January 31, 2022
Approve of Proposal <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments Click here to enter text.
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 Some with the increase in reimbursement for the higher executive director's salary at certain provider agencies.
Federal Potential
Additional notes on fiscal impact Click here to enter text.

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

Increasing the pay of executive directors of agencies that provide services for the majority of individuals DDS serves will help retain and attract executive directors which will provide stability to the DDS and DMHAS service systems.



◇ **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

Sec. 1 Section 7 of public act 07-238 is repealed and the following is substituted in lieu thereof
(*Effective from passage*):

In determining the amount of payments to be paid by the state under section 17a-246 of the general statutes to any organization or facility which provides employment opportunities or day services, or services in a residential facility, for persons referred by the **[department of mental retardation, mental health or human services,]** [Departments of Developmental Services, Mental Health and Addiction Services or Social Services](#), or any other state agency, the total cost allowance for the salary of the director of such organization or facility shall not exceed one hundred [twenty-five](#) thousand dollars, except that after July 1, 2007, and annually thereafter, the cost allowance for the salary of the director may be increased by an amount not to exceed the percentage increase of any cost of living increase provided under the terms of the contract of the organization.

Sec. 2 Section 8 of public act 07-238 is repealed and the following is substituted in lieu thereof
(*Effective from passage*):

In determining the amount of any grant to be paid by the state, through the **[department of mental health,]** [Department of Mental Health and Addiction Services](#), to any grantee organization authorized to provide services to mentally ill persons, the cost allowance for the salary of the director of such facility shall not exceed one hundred [twenty-five](#) thousand dollars, except that after July 1, 2007, and annually thereafter, the cost allowance for the salary of the director may be increased by an amount not to exceed the percentage increase of any cost of living increase provided under the terms of the contract of the grantee organization.