



State of Connecticut
Department of Developmental Services

DDS

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DEPARTMENT OF DEVELOPMENTAL SERVICES TESTIMONY
BEFORE THE PUBLIC HEALTH COMMITTEE

March 5, 2014

Senator Gerratana, Representative Johnson, and members of the Public Health Committee. I am Terrence W. Macy, Ph.D., Commissioner of the Department of Developmental Services (DDS). Thank you for the opportunity to testify in support of our agency bill **S.B. No. 362 - An Act Concerning Mandatory Reporting of Abuse and Neglect of Individuals with Autism Spectrum Disorder and the Definition of Abuse.**

S.B. No. 362 adds certain specific types of abuse to the definition of abuse for purposes of placing a former employee's name on the DDS Abuse and Neglect Registry. Also, the bill creates a way that the Department of Developmental Services can investigate allegations of abuse or neglect by employees who provide services to individuals who receive services or funding from the department's Division of Autism Spectrum Services. These abuse and neglect investigations are to determine if the allegations are substantiated and, if substantiated, may lead to criminal charges and administrative sanctions up to and including termination of employment and placement of a former employee's name on the DDS Abuse and Neglect Registry.

The bill requires those mandated reporters listed in section 46a-11b of the Connecticut General Statutes, who must report abuse or neglect of any person with intellectual disability, to report abuse or neglect of individuals receiving services from the DDS Autism Division. For your better understanding of who is a mandated reporter under section 46a-11b, the list of mandated reporters from the statute is copied at the bottom of this testimony. The goal of the investigation by DDS is to (1) determine if an allegation of abuse or neglect can be substantiated, (2) terminate or sanction the employee if there is substantiation, and, (3) if terminated, to place the former employee's name on the DDS Abuse and Neglect Registry so that he or she will not be allowed to work with persons who may be at increased risk of abuse and neglect. The bill's statutory change will only cover those persons who receive services from our Autism Division and not all Connecticut residents who have autism spectrum disorder and who do not have intellectual disability.

The need for this change in statute comes as a result of an incident where an employee was reported for abuse of an individual receiving services from the Autism Division. When DDS looked to see where the jurisdiction of the investigation was for this incident, it was found that there was no jurisdiction under which an investigation could proceed. The individual who had

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been abused (1) was over 18 and therefore the Department of Children and Families (DCF) could not investigate, (2) was under the age of 60 and therefore the Department of Social Services (DSS) could not investigate, and (3) had autism spectrum disorder but did not have a diagnosis of intellectual disability and therefore could not have an investigation conducted by the Office of Protection and Advocacy for Persons with Disabilities (OPA) whose statutory mandate does not cover persons with autism spectrum disorder who do not have intellectual disability.

The addition of specific types of abuse such as “financial exploitation” to the definition of abuse for the purposes of the DDS Abuse and Neglect Registry comes from an increasing number of incidents where abuse (or stealing) of an individual’s financial resources by employees is being reported. Also, as Connecticut has become more aware of the effects of bullying, name calling, and other verbal coercion, DDS feels that verbal abuse by an employee in any form should be grounds for investigation and possible termination. Abuse comes in many forms and the department wants to capture all those types of abusive and degrading behaviors that keep individuals with intellectual disability and individuals with autism spectrum disorder from achieving their goals in a safe environment.

Thank you again for your continued support of DDS, persons with intellectual disability and individuals with autism spectrum disorder in Connecticut. My staff and I would be happy to answer any questions that you have on Senate Bill 362. Please contact Christine Pollio Cooney, DDS Director of Legislative and Executive Affairs, at (860) 418-6066 if you would like additional information from DDS.

List of mandated reporters from section 46a-11b of the Connecticut General Statutes

(a) Any physician or surgeon licensed under the provisions of chapter 370, any resident physician or intern in any hospital in this state, whether or not so licensed, any registered nurse, any person paid for caring for persons in any facility and any licensed practical nurse, medical examiner, dental hygienist, dentist, occupational therapist, optometrist, chiropractor, psychologist, podiatrist, social worker, school teacher, school principal, school guidance counselor, school paraprofessional, mental health professional, physician assistant, licensed or certified substance abuse counselor, licensed marital and family therapist, speech and language pathologist, clergyman, police officer, pharmacist, physical therapist, licensed professional counselor or sexual assault counselor or domestic violence counselor, as defined in section 52-146k.