



State of Connecticut
Department of Developmental Services

DDS

Ned Lamont
Governor

Jordan A. Scheff
Commissioner

Peter Mason
Deputy Commissioner

**DEPARTMENT OF DEVELOPMENTAL SERVICES TESTIMONY
BEFORE THE PUBLIC HEALTH COMMITTEE
March 14, 2022**

Senators Anwar, Somers and Hwang, Representatives Steinberg and Petit and members of the Public Health Committee. I am Peter Mason, Deputy Commissioner of the Department of Developmental Services (DDS). Thank you for the opportunity to testify on [S.B. No. 369](#) **AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES' RECOMMENDATIONS REGARDING VARIOUS REVISIONS TO DEVELOPMENTAL SERVICES STATUTES.**

This bill makes technical but important changes to DDS statutes. In section 1, it requires that a check of the Department of Children and Families (DCF) child abuse and neglect registry be completed for each applicant for employment by an individual or family who self-directs their DDS services. In practice this would mean that the fiscal intermediaries who work on behalf of those individuals when they are hiring employees would perform the check of the DCF registry. This would bring self-directed services hiring into alignment with the pre-employment practices already used in the DDS and DDS qualified provider hiring process. 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.

Section 2 of the bill 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 intellectual disability get their healthcare services. It also reflects that most doctors who have been asked to become a member of the Council have had too many competing priorities to commit to serving on a council that meets monthly for two hours during the day. While DDS and the Council believe that it is important to have a healthcare professional as a member of the Council, it is the healthcare knowledge and experience this member would bring to the Council's deliberations that is important, not what professional title the member has.

Section 3 amends section 17a-274 of the general statutes to clarify that DDS must determine that a person has intellectual disability as defined in section 1-1g prior to a Probate Court ordering a person to be placed with DDS. DDS is the sole state entity that may determine that a person has intellectual disability as defined in statute. The department has trained psychologists who review tests taken during a person's developmental period and other evidence submitted by an applicant and then render a decision on whether the person has intellectual disability as defined in statute. This long-established eligibility process includes Uniform Administrative Procedure Act (UAPA) hearing rights for the applicant and the ability of the applicant to appeal an adverse determination to Superior 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 of the general statutes. This aligns with the requirement of the Centers for Medicare and Medicaid Services (CMS).

Section 3 of the bill also adds “the commissioner’s designee” in several subsections to allow the DDS Legal Director to act on requests from the Probate Court. 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.

Thank you again for the opportunity to testify on [S.B. No. 369](#) **AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES' RECOMMENDATIONS REGARDING VARIOUS REVISIONS TO DEVELOPMENTAL SERVICES STATUTES** Please contact Kevin Bronson, DDS Director of Communications, Legislation and Regulations at 860-550-3497 with any questions.