



State of Connecticut
Department of Developmental Services

DDS

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To: Interested Persons

From: Christine Pollio Cooney & Rod O'Connor

Re: Legislative Update June 9, 2011

The regular 2011 session of the General Assembly ended on June 8, 2011. Overall, the Department of Developmental Services (DDS) fared quite well. Below is an update on some of the DDS-related legislation. This list is by no means all inclusive. A more comprehensive post-session update will be forthcoming once all Public Act numbers are available. Please note: SB stands for Senate Bill, HB stands for House Bill, PA stands for Public Act and FY stands for Fiscal Year. A fiscal year runs from July 1st to June 30th. The fiscal year that begins July 1, 2011 and ends June 30th, 2012 is considered FY 12.

The following four Agency Bills passed the legislature this session:

S.B. 885 (PA 11-26) AN ACT PERMITTING INQUIRY ACCESS TO THE DEPARTMENT OF DEVELOPMENTAL SERVICES' ABUSE AND NEGLECT REGISTRY FOR CHARITABLE ORGANIZATIONS WHICH RECRUIT VOLUNTEERS TO WORK WITH PERSONS WITH INTELLECTUAL DISABILITIES.

This bill permits charitable organizations that recruit volunteers to support programs for people with intellectual disabilities to access the Department of Developmental Services' (DDS) abuse and neglect registry to conduct background checks on volunteers. It requires these organizations to apply to and get approval from the DDS commissioner before accessing the registry.

<http://www.cga.ct.gov/2011/ACT/PA/2011PA-00026-R00SB-00885-PA.htm>

H.B. 6278 (PA 11-4) AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES DIVISION OF AUTISM SPECTRUM DISORDER SERVICES. This bill makes technical changes updating terminology used by the Department of Developmental Services (DDS) in its provision of autism services. It uses the term "autism spectrum disorder" instead of just "autism" to encompass all autism diagnoses on the autism spectrum. It also substitutes the term "intellectual disability" for "mental retardation" to reflect changes in federal law. The bill allows, rather than requires, DDS annually to make recommendations to the governor and Public Health Committee about legislation and funding needed to provide necessary services to persons diagnosed with autism spectrum disorder. The bill also repeals a statute concerning an autism pilot program that ended in 2009.

<http://www.cga.ct.gov/2011/ACT/PA/2011PA-00004-R00HB-06278-PA.htm>

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H.B. 6279 (PA 11-16) AN ACT CONCERNING REVISIONS TO STATUTES RELATING TO THE DEPARTMENT OF DEVELOPMENTAL SERVICES INCLUDING THE UTILIZATION OF RESPECTFUL LANGUAGE WHEN REFERRING TO PERSONS WITH INTELLECTUAL DISABILITY.

This bill updates terminology used by the Department of Developmental Services (DDS) and the Office of Protection and Advocacy for Persons with Disabilities (OPA) in their provision of services. It substitutes the term “intellectual disability” for “mental retardation” to reflect changes in federal law. It also uses the term “autism spectrum disorder” instead of just “autism” to encompass all autism diagnoses on the autism spectrum. It also deletes or updates language in outdated sections of the DDS statute and eliminates some reporting requirements. Additionally, the bill replaces statutory references to “community training homes” with “community companion homes and community living arrangements” to reflect updated terminology.

<http://www.cga.ct.gov/2011/ACT/PA/2011PA-00016-R00HB-06279-PA.htm>

H.B. 6314, (File No. 882- No Public Act No. yet) ACT CONCERNING THE SEXUAL ASSAULT OF PERSONS PLACED OR RECEIVING SERVICES UNDER THE DIRECTION OF THE COMMISSIONER OF DEVELOPMENTAL SERVICES. This bill makes it (1) 2nd-degree sexual assault to have sexual intercourse or (2) 4th-degree sexual assault to have intentional sexual contact with someone when the perpetrator has disciplinary or supervisory authority over the victim who is placed or receiving services under the developmental services commissioner's direction in a facility or program, whether public or private. Second-degree sexual assault is a class C felony unless the victim is under age 16, in which case it is a class B felony. In either case, the law requires a mandatory minimum of nine months' imprisonment. A class C felony is punishable by up to 10 years' imprisonment, up to a \$10,000 fine, or both. A class B felony is punishable by up to 20 years' imprisonment, up to a \$15,000 fine, or both. Fourth-degree sexual assault is a class A misdemeanor unless the victim is under age 16, in which case it is a class D felony. A class A misdemeanor is punishable by up to one year in prison, a \$ 2,000 fine, or both. A class D felony is punishable by up to five years' imprisonment, up to a \$ 5,000 fine, or both. This addition to the criminal statutes clarifies a loophole in existing law.

<http://www.cga.ct.gov/2011/FC/2011HB-06314-R000882-FC.htm>

Budget:

S.B. 1239 (PA 11-6) AN ACT CONCERNING THE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2013, AND OTHER PROVISIONS RELATING TO REVENUE.

The legislature passed a budget bill in early May that was mostly in sync with what passed out of the Appropriations Committee with a few changes to the tax structure. Attached are the links to the fiscal note and bill summary for PA 11-6. For DDS, current services were generally maintained minus a 1% reduction in self directed payments; a reduction to the Autism account of \$340,000 to reflect FY10 and projected FY11 spending; a reduction in the Birth to Three account (to be offset by additional insurance revenue); continued consolidation of STS residential cottages and the closure of 5 publicly operated Community Living Arrangements in FY12. Additional funding was included for new high school graduates, ageouts and individuals in the Voluntary Services Program (VSP) in FYs 12 and 13. The budget as passed includes a delay in start dates for high school graduates, but DDS will be able to manage this internally so that those who need programs earlier in the fiscal year will be able to get them. In addition to DDS line item appropriations, the following sections are specifically related to DDS: Sec. 26- language related to ending the cost settlement process with private provider agencies; Sec. 27- allows up to

\$125,000 of FY 11 appropriations for the Autism Pilot Program to not lapse and be available to conduct a study related to the needs of persons with autism spectrum disorder; and Sec 35-transfers federal funds from the State Department of Education to DDS for the Birth to Three program in order to carry out Part B responsibilities consistent with the Individuals with Disabilities Education Act (IDEA). The bill contains a placeholder for the union concessions of \$1B in each fiscal year. (See budget implementer H.B. 6652 below for additional details on the concessions)

<http://www.cga.ct.gov/2011/BA/2011SB-01239-R01-BA.htm>

<http://www.cga.ct.gov/2011/FN/2011SB-01239-R01-FN.htm>

<http://www.cga.ct.gov/2011/SFN/2011SB-01239-R00LCO05700-COR.htm>

Budget Implementers:

Following passage of PA 11-6, the legislature passed several budget “implementer” bills during the last few weeks of the session to clarify or enact various provisions in the budget.

H.B. 6651 (PA 11-48) AN ACT IMPLEMENTING PROVISIONS OF THE BUDGET CONCERNING GENERAL GOVERNMENT. Among other things, this bill consolidates nine “watchdog” agencies including the Office of State Ethics, State Elections Enforcement Commission, Freedom of Information Commission, Judicial Review Council, Judicial Selection Commission, Board of Firearms Permit Examiners, Office of the Child Advocate, Office of the Victim Advocate, and the State Contracting Standards Board.

<http://www.cga.ct.gov/2011/ACT/PA/2011PA-00048-R00HB-06651-PA.htm>

S.B. 1240 (PA 11-44) AN ACT CONCERNING THE BUREAU OF REHABILITATIVE SERVICES AND IMPLEMENTATION OF PROVISIONS OF THE BUDGET CONCERNING HUMAN SERVICES AND PUBLIC HEALTH. This bill transfers all of the powers, functions, and duties of the (1) Board of Education and Services for the Blind (BESB) and (2) Commission on the Deaf and Hearing Impaired (CDHI) to a new Bureau of Rehabilitative Services (BRS), which is within the Department of Social Services (DSS) for administrative purposes only. The bill transfers all of the rehabilitation service functions from DSS' current Bureau of Rehabilitation Services to the new BRS. This includes rehabilitation services and disability determinations for people with disabilities who apply for federal Social Security disability benefits. The bill also makes numerous changes to the statutes governing the programs and services of the Department of Social Services (DSS). The Governor’s budget bill re: Birth to Three Insurance and autism coverage (H.B. 6392) was incorporated into sections 147 and 148 of this bill. Section 167 establishes a Council on Medical Assistance Program Oversight and makes the DDS Commissioner an ex-officio member.

<http://www.cga.ct.gov/2011/ACT/PA/2011PA-00044-R00SB-01240-PA.htm>

H.B. 6650 (PA 11-51) AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING THE JUDICIAL BRANCH, CHILD PROTECTION, CRIMINAL JUSTICE, WEIGH STATIONS AND CERTAIN STATE AGENCY CONSOLIDATIONS. This bill makes several changes related to the laws on the Commission on Child Protection and other children's matters, public defenders, intensive probation, risk reduction credits, house arrest, education in juvenile detention facilities, the open court pilot program, the foreclosure mediation program, gun possession by minors, the Juvenile Jurisdiction Policy and Operations Coordinating Council, reporting on unified community corrections, and the Probate Court Administration Fund. The bill dissolves the Department of Public Works (DPW) and establishes a Department of Construction Services (DCS) as its successor for purposes of construction and

construction management. It makes the DCS commissioner, rather than the DPW commissioner, responsible for constructing and developing state-owned buildings and real estate. It generally shifts all other DPW duties to the Department of Administrative Services (DAS), while some are transferred to the Office of Policy and Management (OPM). Under the bill, the DAS commissioner is responsible for acquiring, selling, and leasing state-owned property to house state offices and equipment as well as security for such property. The bill also (1) transfers, from the Department of Public Safety (DPS) to DCS, responsibility for enforcing the Fire Safety Code and the State Building Code and (2) divides, between the State Department of Education (SDE) and DCS, responsibility for reviewing and approving school construction grant applications. With these changes, the bill transfers to DCS the corresponding personnel, powers, duties, obligations, and other government functions of each transferring agency or division, whichever applies.

In addition, the bill (1) dissolves the Department of Information Technology (DOIT), and makes DAS its successor and (2) makes changes to affirmative action plan filing requirements and discrimination investigations. It also requires reports on the mergers by January 2, 2012; repeals obsolete language; and makes minor, technical, and conforming changes.

The bill eliminates the departments of Public Safety (DPS) and Emergency Management and Homeland Security (DEMHS) and creates the Department of Emergency Services and Public Protection (DESPP) as a successor agency to (1) DEMHS and (2) DPS, with some exceptions. It designates DESPP as the state's emergency management and homeland security agency.

The bill (1) puts the Division State Police, currently within DPS for administrative purposes only, within DESPP and (2) establishes a Division of Emergency Management and Homeland Security within DESPP to carry out emergency management, civil preparedness, and homeland security functions currently performed by DEMHS. The commissioner must appoint a deputy commissioner to head the State Police and a deputy commissioner to head the Emergency Management and Homeland Security Division. <http://www.cga.ct.gov/2011/BA/2011HB-06650-R01-BA.htm>

H.B. 6652 AN ACT IMPLEMENTING THE REVENUE ITEMS IN THE BUDGET AND MAKING BUDGET ADJUSTMENTS, DEFICIENCY APPROPRIATIONS, CERTAIN REVISIONS TO BILLS OF THE CURRENT SESSION AND MISCELLANEOUS CHANGES TO THE GENERAL STATUTES.

Section 87 of this bill included a technical fix to the cost settlement language that clarifies that private providers will be able to cost settle for FY11 as specified in their contracts but not for the FY12 contracts going forward. The budget act requires private providers under contract to return to DDS the full 100% balance, rather than 50%, of the difference between actual expenditures and the amount the state pays under the contract. Section 165 of the bill is related to the SEBAC Agreement. The bill establishes a method for the General Assembly to approve the tentative contract between the State Employees Bargaining Agent Coalition (SEBAC) and the state. SEBAC is a coalition that represents 15 state employee unions that include more than 30 local bargaining units representing roughly 85% of all state employees.

Under the bill, the General Assembly may call itself into special session for the purpose of approving the SEBAC contract no later than five calendar days after the contract is filed with the Senate and House clerks, or by June 30, 2011, whichever is first. Under the bill, if the General Assembly does not call itself into session the agreement is deemed approved by the General Assembly. Under current law, if the General Assembly does not act on a state employee union agreement that is submitted to it within 30 days, then it is deemed approved. The bill essentially speeds up the approval process if the General Assembly chooses not to act on the contract.

Applying Terms Comparable to SEBAC to Nonunionized State Employees

The bill requires the Administrative Services commissioner and the Office of Policy and Management (OPM) secretary, once the General Assembly approves the contract, to apply terms comparable to the SEBAC contract to all nonunion classified and unclassified officers and state employees. The bill excepts from this the following: (1) the Legislative Management Committee will apply terms concerning wages for legislative branch employees in accord with a separate provision of this bill (see below), and (2) longevity pay for nonunionized employees in the executive, judicial, legislative branches, and higher education in accord with separate provisions of the bill (see below).

By June 30, 2011, the OPM secretary must submit a plan to the Appropriations Committee detailing how the terms of the SEBAC contract will apply to nonunion classified and unclassified officers and employees. By June 30, 2011, the chief court administrator and the legislative management executive director must submit a plan to the Appropriations Committee detailing how the terms of the SEBAC contract will apply to nonunion classified and unclassified officers and employees of the Judicial Department and the legislative branch.

Longevity Pay for Executive Branch and Higher Education Employees

The bill requires the executive branch and Board of Regents of Higher Education, by August 1, 2011, to implement changes to longevity pay for nonunion classified and unclassified officers and employees that are comparable to the longevity pay provisions of the SEBAC contract. Under the SEBAC agreement, longevity payments (1) will be frozen for the two years of service in upcoming budget biennium and those years will not count as service for longevity purposes, (2) new employees hired after July 1, 2011 will not be eligible for longevity in the future, and (3) union employees with capped longevity will not receive their October, 2011 payment and those with uncapped longevity will lose an amount equal to that lost by those with capped longevity and the procedure for doing this is yet to be determined.

Current statutes provide authority for longevity payments for employees at 10 years of service, with payments increasing at the following five year steps: 15, 20, and 25 years.

Wages and Longevity Pay for Judicial and Legislative Branch Employees

The bill requires the judicial and legislative branches, by August 1, 2011, to consider and implement changes to longevity pay and wages for officers and employees of the judicial and legislative branches that are comparable to the longevity pay and wage provisions of the SEBAC contract. In addition to SEBAC freezing longevity for two years, it includes a two-year wage freeze followed by wage increases of 3% for each of the following three years (plus other possible increase in union contracts). The bill specifies that nothing regarding the judicial branch applies to officers or employees whose wages are set in statute. Judges, family support magistrates, workers' compensation commissioners, and others' wages are set in statute.

Bill History: <http://www.cga.ct.gov/2011/BA/2011SB-01244-R00-BA.htm>

Bill: <http://www.cga.ct.gov/2011/TOB/s/pdf/2011SB-01244-R00-SB.pdf>

Other bills of interest that were passed:

S.B. 913 (PA 11-52) AN ACT MANDATING EMPLOYERS PROVIDE PAID SICK LEAVE TO EMPLOYEES. This bill requires most employers that employ 50 or more people in the state to provide certain employees with paid sick leave accruing at a rate of one hour per 40 hours worked. The bill provides paid sick leave to service workers who work in an occupation with one of 68 federal Standard Occupational Classification System titles named in the bill and are paid by the hour. The earliest service workers can begin accruing sick leave is January 1, 2012. They must meet the following thresholds before they can begin using accrued sick leave: (1) have worked for the employer for at least 680 hours and (2) have worked an average of at least 10 hours a week for the employer in the most recent complete calendar quarter. The bill excludes manufacturers and certain tax-exempt organizations from its requirements. It also bans

employers from retaliating or discriminating against employees who request or use the leave the bill provides or that the employer voluntarily provides.

<http://www.cga.ct.gov/2011/ACT/Pa/pdf/2011PA-00052-R00SB-00913-PA.pdf>

S.B. 921 (PA 11-53) AN ACT ESTABLISHING A STATE HEALTH INSURANCE

EXCHANGE. This bill establishes the Connecticut Health Insurance Exchange as a quasi-public agency to satisfy requirements of the federal Patient Protection and Affordable Care Act (“PPACA”). Under the bill, a 14-member board manages the exchange, including operating an online marketplace where individuals and small employers (i.e., those with up to 50 employees) can compare and purchase health insurance plans that meet federal requirements beginning in 2014. Please see the bill analysis for additional information on this legislation.

<http://www.cga.ct.gov/2011/ACT/PA/2011PA-00053-R00SB-00921-PA.htm>

<http://www.cga.ct.gov/2011/BA/2011SB-00921-R01-BA.htm>

S.B. 954 AN ACT CONCERNING THE ELECTRONIC RECORDING OF CUSTODIAL INTERROGATIONS.

When someone is investigated for or accused of a capital felony or class A or B felony, this bill presumes that a statement the person made during a custodial interrogation at a place of detention is inadmissible as evidence against him or her in a criminal proceeding unless: 1. there is an audiovisual recording of the custodial interrogation made by an electronic or digital audiovisual device and 2. the recording is substantially accurate and not intentionally altered. The bill applies to oral, written, and sign language statements. Under the bill, if the court finds by a preponderance of the evidence that a person's custodial interrogation was not recorded, any statement made during or following the non-recorded custodial interrogation, even if otherwise complying with the bill, is presumed inadmissible in any criminal proceeding against the person. The bill will not take effect until January 1, 2014 to give police departments time to comply with the new mandate.

http://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=954&which_year=2011

S.B. 973 AN ACT CONCERNING THE DETERMINATION OF UNDUE HARDSHIP FOR PURPOSES OF MEDICAID ELIGIBILITY.

This bill, as amended in the Senate, establishes new and codifies existing circumstances under which the Department of Social Services (DSS) could not impose a penalty period for certain Medicaid eligibility related asset transfers when the penalty would create an undue hardship for the person transferring the asset. The bill establishes and codifies a process that Medicaid applicants and DSS must follow when an applicant disagrees with DSS' decision to impose a penalty period. The bill requires DSS to independently perform a disability determination when someone who claims to have a disability and is a beneficiary of a special needs trust has not received a disability determination from the Social Security Administration.

<http://www.cga.ct.gov/2011/amd/s/pdf/2011SB-00973-R00SB-AMD.pdf>

S.B. 1103 AN ACT CONCERNING EARLY CHILDHOOD EDUCATION.

This bill creates, by July 1, 2013, a coordinated system of early care and education and child development and requires the governor to appoint a planning director, by July 15, 2011, to develop a plan to implement the new system. The bill lists the new system's duties and the items the planning director, who is within the Office of Policy and Management (OPM), must consider in developing the implementation plan. The bill requires various state agencies, including DDS, to assist the planning director in the plan's development. It requires the system to collaborate with local and regional early childhood councils to implement the system at the local level. Among other things, this system must create a unified set of reporting requirements for (a)

school readiness; (b) Head Start; (c) family resource centers; (d) child care programs, facilities, and licensing; (e) **Birth to Three**; (f) professional development activities relating to early childhood education; and (g) other relevant early childhood programs and services, in order to collect data necessary for quality assessments and longitudinal analysis. The bill lists the childhood council's duties in the collaboration. It requires the planning director to report to the Early Childhood Education Cabinet and several committees of the General Assembly, at certain points in time, regarding progress of the system's planning and implementation. By January 30, 2013, the planning director must report to the Appropriations, Human Services and Education committees with recommendations on the department to serve as the lead agency and where the staff of the coordinated system will be located. The bill eliminates the State Department of Education's (SDE) Office of Early Childhood Planning, Outreach, and Coordination and all of its duties. It also changes the membership of the Early Childhood Education Cabinet and expands it from 17 to 20. <http://www.cga.ct.gov/2011/BA/2011SB-01103-R02-BA.htm>

S.B. 1242 AN ACT AUTHORIZING BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS AUTHORIZING SPECIAL TAX OBLIGATION BONDS OF THE STATE FOR TRANSPORTATION PURPOSES AND AUTHORIZING STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS. This bill authorizes \$5 million in bond funds in each FY (12 and 13) for fire, safety, and environmental improvements for client and staff needs related to DDS facilities. It also authorizes \$2 million in bond funds in each FY (12 and 13) for grants to nonprofit organizations for alterations and improvements to non residential facilities. <http://www.cga.ct.gov/2011/BA/2011SB-01242-R00-BA.htm>

H.B. 5045 (PA 11-32) AN ACT REQUIRING HEALTH CARE PROVIDERS TO DISPLAY PHOTOGRAPHIC IDENTIFICATION BADGES DURING WORK HOURS. This bill requires a health care provider who provides direct patient care as an employee or on behalf of a healthcare facility or institution to wear an employer-issued photo-identification badge during working hours. The badge must be worn in plain view and include the (1) facility or institution's name; (2) provider's name; and (3) provider's license, certificate, or employment title. The bill defines "healthcare facility or institution" as a (1) hospital; (2) nursing home; (3) rest home; (4) home health care agency; (5) homemaker-home health aide agency; (6) emergency medical services organization; (7) assisted living services agency; (8) outpatient surgical facility; or (9) infirmary operated by an educational institution for the care of its students, faculty, and employees. The bill also requires these facilities to consult with the Department of Public Health, to develop policies and procedures concerning (1) the badge size and format and (2) any necessary exemptions to ensure patient and health care provider safety. DDS and other state agencies were exempted out of this bill through an amendment to the bill. <http://www.cga.ct.gov/2011/ACT/Pa/pdf/2011PA-00032-R00HB-05045-PA.pdf>

H.B. 6612 AN ACT CONCERNING RECOMMENDATIONS FROM THE COMMISSION ON NONPROFIT HEALTH AND HUMAN SERVICES RELATING TO PURCHASE OF SERVICE CONTRACTS. This bill requires the Office of Policy and Management (OPM) secretary to report annually to the General Assembly on the state's purchase of service (POS) contracting activity. The report must include an assessment of the aggregate financial condition of nonprofit community-based health and human services agencies that enter into POS contracts. A POS contract is one between a state agency and a private provider organization or municipality for the purchase of ongoing direct health and human services for agency clients. The bill also requires the OPM secretary, in consultation with the nonprofit liaison to the governor and representatives of nonprofit, community-based health and human services providers and within available appropriations, to study the feasibility of establishing a

statewide data warehouse. The warehouse would be used to store public and private health and human services data to enable state agencies to track data trends, operate more efficiently, and make recommendations for policy changes. The secretary must report on the study to the Human Services and Government Administration and Elections committees by January 1, 2012.

<http://www.cga.ct.gov/2011/BA/2011HB-06612-R02-BA.htm>

H.B. 6618 AN ACT CONCERNING VARIOUS REVISIONS TO PUBLIC HEALTH RELATED STATUTES.

This bill makes numerous substantive and minor changes to Department of Public Health (DPH)-related statutes and programs. Among the provisions of the bill: **Section 519** requires a study of the feasibility of (1) establishing a uniform state licensing process for community-based providers and (2) implementing deemed status. The study must be undertaken by the nonprofit liaison to the governor, in consultation with the public health, developmental services, social services, children and families, and mental health and addiction services commissioners or their designees; and two representatives of community-based providers, selected by the governor's liaison, one recommended by the Connecticut association of Nonprofits and the other by the Connecticut Community Providers Association. At a minimum, the study must examine whether a community-based provider may be allowed to obtain a single state license that allows it to offer services for the benefit of multiple state agencies without requiring it to obtain separate licenses from each state agency for which services are offered. By January 1, 2012, the nonprofit liaison must report to the Public Health and Human Services committees on the feasibility of establishing a uniform licensing process for community-based providers, and implementing deemed status. The nonprofit liaison may include any legislative recommendations that she believes are necessary for meeting these objectives. **Section 554** requires long-term care facilities to ensure that potential service providers undergo criminal history and patient abuse background searches (background search) before they are allowed direct access to patient or residents. It requires DPH to establish, within available appropriations, a program to facilitate the searches, receive criminal history record check results from the Department of Public Safety (DPS), and notify facilities of people with disqualifying offenses. By July 1, 2012, it requires the DPH commissioner to adopt implementing regulations. It allows the department to implement policies and procedures to establish the program while in the process of adopting them as regulation. She must publish notice of intent to adopt the regulations in the Connecticut Law Journal within 20 days of implementation. These policies and procedures are valid until the final regulations are adopted. It also makes technical changes. (Please see the attached Bill Summary for additional details.) DPH must consult with DDS and other state agencies as part of the implementation of this program.

<http://www.cga.ct.gov/2011/BA/2011HB-06618-R01-BA.htm>

H.B. 6308 AN ACT CONCERNING HEALTHCARE REFORM.

This bill requires the comptroller to offer employee and retiree coverage under “partnership plans” to (a) nonstate public employers beginning January 1, 2012 and (b) nonprofit employers beginning January 1, 2013 and establishes the (a) Office of Health Reform and Innovation (OHRI) and (b) SustiNet Health Care Cabinet in the lieutenant governor's office. Please see the attached bill summary for additional details on this piece of legislation.

<http://www.cga.ct.gov/2011/BA/2011HB-06308-R01-BA.htm>

H.B. 6440 AN ACT CONCERNING APPLICATIONS FOR GUARDIANSHIP OF AN ADULT WITH INTELLECTUAL DISABILITY AND CERTAIN STATUTORY CHANGES RELATED TO INTELLECTUAL DISABILITY.

This bill allows a parent or guardian of a person under age 18 to apply for guardianship of that child 180 days prior to that child turning 18. In addition to other technical terminology changes made by the bill, it specifies

that the substitution of the term “intellectual disability” for “mental retardation,” as well as the substitution of related phrases, applies to specified sections of the general statutes.

<http://www.cga.ct.gov/2011/FC/2011HB-06440-R000834-FC.htm>

Other bills of interest that did not pass:

S.B. 649 AN ACT ESTABLISHING SIX SERVICE REGIONS FOR STATE AGENCIES.

The bill would have required the Office of Policy and Management (OPM) to prepare a plan outlining a strategy to establish six uniform service regions for state agencies by January 1, 2012. The bill died in the Appropriations Committee.

http://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=649&which_year=2011

S.B. 918 AN ACT CONCERNING THE SEXUAL ASSAULT OF PERSONS WHOSE ABILITY TO COMMUNICATE LACK OF CONSENT IS SUBSTANTIALLY IMPAIRED.

This bill, proposed by the Chief State’s Attorney, would have changed certain factors for determining guilt in cases of 2nd and 4th degree sexual assault involving a person with a mental or physical disability. Under the bill, a person would have been guilty of 2nd or 4th degree sexual assault if: 1. the assault victim's ability to communicate his or her lack of consent to sexual intercourse or sexual contact is substantially impaired because of a mental or physical condition and 2. the person accused of the assault knew or had reasonable cause to believe the victim's ability to communicate lack of consent was impaired by that condition. This bill also would have eliminated the terms (1) “mentally defective” or (2) physically helpless in the sexual assault statutes. The bill died in the House.

http://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=918&which_year=2011

S.B. 1059, AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE COMMISSION ON ENHANCING AGENCY OUTCOMES.

This bill, among its numerous provisions, would have required DDS to lead a working group to develop a plan to deinstitutionalize the residents of Southbury Training School (Section 36). This group would have included the OPM secretary, a representative of (1) the school's residents, (2) state employees working at STS, (3) an advocacy group for the residents, and (4) a private provider of services the residents need. The deinstitutionalization plan would have considered the feasibility of safely moving the residents into new community settings. The bill died in the Senate.

http://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=1059&which_year=2011

H.B. 5203 AN ACT AUTHORIZING AN AGRICULTURAL CONSERVATION EASEMENT ON THE LANDS OF THE SOUTHBURY TRAINING SCHOOL.

The bill would have permitted the commissioner of the DDS to grant an easement on land located at the Southbury Training School to a nonprofit organization whose mission includes the permanent protection of agricultural land. This bill died in the Finance, Revenue and Bonding Committee.

http://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=5203&which_year=2011

H.B. 6486 AN ACT CONCERNING HOME HEALTH CARE SERVICES AND THE ESTABLISHMENT OF A PERSONAL CARE ATTENDANT WORKFORCE COUNCIL.

The bill would have established a 13-member Personal Care Attendant (PCA) Quality Workforce Council charged with improving the recruitment, retention, and working conditions of PCAs.

With help from DSS and DDS, it would have established and maintained a PCA referral registry and offered education for prospective PCAs and their clients. The bill also would have established statewide collective bargaining rights for PCAs working in state-funded programs. Under the bill, the council would have become the workers' employer for collective bargaining purposes with the DSS commissioner acting as chief executive officer. The bill would have allowed consumers to retain their rights to (1) hire or refuse to hire, (2) supervise, (3) direct the activities of, and (4) terminate the employment of any PCA. They could also hire a PCA who is not referred by the council. The bill died in the House.

http://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=6486&which_year=2011

Additional Items:

Two issues that surfaced this session were related to group home siting and a change to the DDS eligibility statute (CSG Section 1-1g). We are happy to report that the session ended with no legislation moving forward on either of these issues.

Please note that this is not a complete list of all bills that we were tracking for the session. It will take us a few weeks to sort through all the action taken (or not taken) on legislation, especially from the last week of session. In some cases, multiple bills need to be reconciled to determine the final language that passed. Our intent is to have a comprehensive legislative summary available in July.

We hope that the above information is helpful. Copies of, or additional information on, any of the above mentioned or any other bills from this session can be found online at www.cga.ct.gov. Enter the bill number and click on "go". This will bring you to the bill history page where you can see end results of any bills from the session including: if it passed both chambers, any amendments that passed, was it signed by the Governor, and any public act numbers that have been assigned. As always, please contact us with any questions.