

## DDS Legislative Update – April 13, 2012

### Senate Passes DDS “Birth to Three Insurance Coverage” Bill, House Passes Bill Updating Definition of “Intellectual Disability” and DDS Bill Tracking

#### Senate Votes Unanimously for DDS’s AAC Insurance Coverage for the Birth-To-Three Program.

The **Senate** passed [S.B. No. 205](#) **An Act Concerning Insurance Coverage for the Birth-To-Three Program** on Wednesday, April 11, 2012. This bill is one of DDS’s three agency bills in the 2012 legislative session. **S.B. No. 205** now moves on to the House for a vote. The bill needs to be acted upon by the House by the end of the 2012 session on May 9<sup>th</sup>.

The bill would enact language that will allow Connecticut to count commercial health insurance revenue for Birth to Three services towards the state’s “maintenance of effort” (MOE). The federal Individuals with Disabilities Education Act (IDEA) states that the federal funding is to supplement, not supplant state and local funding for early intervention. In order to receive this federal funding, the IDEA requires each state to annually assure that there is a “maintenance of effort” which is defined as the state spending as much or more from state and local funds for early intervention in one year as it did in the previous year. Until now, the definition of “state and local funds” has always excluded reimbursement from commercial health insurance plans.

In recent revisions to the IDEA Part C regulations, a new provision says that a state may establish a new baseline to include annual health insurance reimbursements and that the state may then count future health insurance reimbursement toward “maintenance of effort” (MOE) if the state has enacted statutory language regarding commercial health insurance coverage that (1) protects annual and lifetime caps; (2) ensures that billing for early intervention services alone will not cause a family to be denied health insurance coverage; and (3) ensures that the billing for early intervention services alone will not be the basis for increasing the family’s health insurance premiums. S.B. No. 205 makes these changes to the statute.

#### House Passes H.B. No. 5437 Updating the Definition of Intellectual Disability in Connecticut.

The **House of Representatives** voted unanimously to pass [H.B. No. 5437](#) **An Act Concerning the Definitions of Mental Retardation and Intellectual Disability**. The bill moves on to the Senate for a vote.

If passed by the Senate and signed by the Governor, the revised definition of the terms “intellectual disability” and “mental retardation” would provide better guidance on what constitutes an intellectual disability, and would make the definitions consistent with updated terminology used by other states and national groups such as the American Association on Intellectual and Developmental Disabilities (AAIDD) as well as with proposed updates to the

Diagnostic and Statistical Manual of Mental Disorders-V (DSM-V). In bringing out **H.B. No. 5437**, Representative Christopher Lyddy, Vice-Chair of the Public Health Committee, explained that the intent of the bill was not to change who is or is not eligible for DDS services, but to provide a clearer understanding of what constitutes an intellectual disability.

### **DDS Legislative List of Bills Being Tracked as of April 12, 2012**

Below is a link to the list of bills DDS is tracking and assessing as of April 12, 2012 that may be of interest to or may have a potential impact on DDS consumers, families and guardians, DDS employees and DDS providers.

**[DDS Legislative List of Bills Being Tracked - April 12, 2012](#)**