

DDS Legislative Update – May 16, 2012

2012 Legislative Session Ended Wednesday, May 9, 2012

This is a brief end-of-session update on DDS bills and some bills of interest to DDS consumers, families and guardians, DDS employees and DDS providers. A comprehensive end-of-session summary will be available after the General Assembly meets in Special Session to vote on budget implementer bills.

DDS Legislative Package

[S.B. No. 205](#) - AN ACT CONCERNING INSURANCE COVERAGE FOR THE BIRTH-TO-THREE PROGRAM, amends sections 38a-490a and 38a-516a by enacting new provisions that allow the state to 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. **Senate passed on Consent. House passed. [Public Act 12-44](#)**

[H.B. No. 5105](#) - AN ACT CONCERNING THE JOB EXPANSION TAX CREDIT PROGRAM AND INDIVIDUALS RECEIVING CERTAIN SERVICES FROM THE DEPARTMENTS OF MENTAL HEALTH AND ADDICTION SERVICES AND DEVELOPMENTAL SERVICES, to allow employers that hire individuals receiving employment services through the Departments of Mental Health and Addiction Services and Developmental Services to qualify for the job expansion tax credit program. **H.B. No. 5105 died in the Finance, Revenue and Bonding Committee.**

[H.B. No. 5367](#) - AN ACT CONCERNING COMPETENCY TO STAND TRIAL, to: (1) Allow the Department of Mental Health and Addiction Services and the Department of Correction to coordinate the custody and treatment of a defendant who presents a significant security, safety or medical risk, and (2) allow a court to receive notice if a defendant is released from commitment to the Commissioner of Developmental Services prior to the expiration of the statute of limitations for the crime with which the defendant was charged. **House passed. H.B. 5367 died in the Senate.**

Bills of Interest

[S.B. No. 27](#) - AN ACT TRANSITIONING THE REGULATIONS OF CONNECTICUT STATE AGENCIES TO AN ONLINE FORMAT, to implement the Governor's budget recommendations for having all state regulations posted on-line. **Senate passed as amended by Senate Amendment A on Consent. House passed on Consent.**

[S.B. No. 41](#) AN ACT CONCERNING WORKFORCE DEVELOPMENT, to require the Office of Workforce Competitiveness to conduct a study of model employment programs for youth on the autism spectrum. **Senate passed on Consent. House passed on Consent.**

S.B. No. 92 AN ACT CONCERNING THE DISPOSAL AND COLLECTION OF UNUSED MEDICATION, to prohibit healthcare institutions from disposing medications into waste water systems and to establish a program for the collection and disposal of unused pharmaceuticals. **S.B. No. 92 died in the General Law Committee.**

S.B. No. 94 - AN ACT CONCERNING THE EQUAL TREATMENT OF RENTERS WITH MENTAL DISABILITIES, to clarify certain protections under state housing law for persons with disabilities. **Senate passed on Consent. House passed. Public Act 12-41**

S.B. No. 138 - AN ACT ESTABLISHING A TASK FORCE TO STUDY "AGING IN PLACE", to establish a task force to examine how the state can encourage aging in place. **Senate passed as amended by Senate Amendment A. House passed.**

S.B. No. 214 - AN ACT CONCERNING PERMANENT ABSENTEE BALLOT STATUS FOR THE PERMANENTLY DISABLED, to make absentee ballot status permanent for the permanently physically disabled and to clarify instructions for the recipient of such status. **Senate passed. House passed. Public Act 12-57**

S.B. No. 234 - AN ACT CONCERNING CERTAIN SOCIAL SERVICES PROGRAMS, among other provisions, to change eligibility requirements, funding, and participation levels for the Department of Social Services (DSS)-administered home care program for people with severe disabilities (the so-called "Katie Beckett" waiver). **Senate passed as amended by Senate Amendment A on Consent. House passed on Consent.**

S.B. No. 247 - AN ACT CONCERNING THE SEXUAL ASSAULT OF PERSONS WHOSE ABILITY TO COMMUNICATE LACK OF CONSENT IS SUBSTANTIALLY IMPAIRED, to provide that sexual intercourse or sexual contact with a person whose ability to communicate lack of consent to such sexual activity is substantially impaired because of a mental or physical condition constitutes the crime of sexual assault. **S.B. No. 247 died in the Appropriations Committee. The provisions of S.B. No. 247 were amended into S.B. No. 379 - An Act Concerning Expenditures of the Judicial Department, the Division of Criminal Justice and the Public Defender Services Commission, which died in the Senate.**

S.B. No. 281 - AN ACT CONCERNING A REPORT ON THE SURVEY OF ACCESSIBILITY IN AND TO STATE BUILDINGS, to require state buildings to meet the requirements of the federal Americans with Disabilities Act by 2018. **S.B. No. 281 died in the Senate.**

S.B. No. 309 - AN ACT CONCERNING PROBATE COURT OPERATIONS, among several provisions to: (1) provide for a probate court officer to perform certain functions in regional children's probate court matters; and (2) revise various probate court operation provisions, including those related to costs for estates of nondomiciliary testators, transfer of proceedings, review of guardianships for persons with intellectual disability, and service of process on nonresident fiduciaries. **Senate passed. House passed. Public Act 12-66**

S.B. No. 379 - AN ACT CONCERNING EXPENDITURES OF THE JUDICIAL DEPARTMENT, THE DIVISION OF CRIMINAL JUSTICE AND THE PUBLIC DEFENDER SERVICES COMMISSION, to review expenditures of the Judicial Department, the Division of Criminal Justice and the Public Defender Services Commission.

The provisions of **S.B. No. 247 - An Act Concerning the Sexual Assault of Persons Whose Ability to Communicate Lack of Consent is Substantially Impaired** were amended into S.B. No. 379 in Senate Amendment A. S.B. No. 379 died in the Senate.

H.B. No. 5014 - AN ACT MAKING ADJUSTMENTS TO STATE EXPENDITURES AND REVENUES FOR THE FISCAL YEAR ENDING JUNE 30, 2013, to implement the Governor's budget recommendations. H.B. No. 5014 died in the House. Provisions of H.B. No. 5014 can be found in **H.B. No. 5557 AN ACT MAKING ADJUSTMENTS TO STATE EXPENDITURES FOR THE FISCAL YEAR ENDING JUNE 30, 2013**.

H.B. No. 5027 - AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET RECOMMENDATIONS CONCERNING THE ELIMINATION, CONSOLIDATION AND MODIFICATION OF VARIOUS BOARDS AND COMMISSIONS, to implement the Governor's budget recommendations including among several provisions codifying the Connecticut Council on Developmental Disabilities, which is currently a federally-funded program operating as a state agency to advocate and promote policy and programs for people with disabilities..

House passed as amended by House Amendment A H.B. No. 5027 died in the Senate.

H.B. No. 5291 AN ACT CONCERNING THE MINIMUM WAGE, to raise the minimum wage and base future raises on the consumer price index, remove the tip credit, and increase penalties for failure to pay the minimum wage. House passed as amended by House Amendment A. H.B. No. 5291 died in the Senate.

H.B. No. 5312 - AN ACT CREATING A PROCESS FOR FAMILY CHILD CARE PROVIDERS AND PERSONAL CARE ATTENDANTS TO COLLECTIVELY BARGAIN WITH THE STATE, allows certain family child care providers and personal care attendants (PCAs) to collectively bargain with the state through an employee organization (i. e. , a union) over reimbursement rates, benefits, payment procedures, contract grievance arbitration, training, professional development, and other requirements and opportunities. It explicitly states that the child care providers and PCAs are not state employees. House passed as amended by House Amendments A and B. Senate passed.

Public Act 12-33

H.B. No. 5347 - AN ACT CONCERNING THE REPORTING OF CHILDREN PLACED IN SECLUSION, requires local school boards and other entities providing special education to children, when recording instances when seclusion or restraints are used on a child, to indicate whether the use of seclusion was in accordance with the child's individualized education program (IEP) or whether the use of either action was an emergency and also requires the State Board of Education (SBE) to review the information on seclusion and restraints and summarize it, including whether such actions result in physical injuries to the child. The SBE must provide these summaries annually to the Children's Committee for inclusion in the children's report card. House passed as amended by House Amendments A and B. Senate passed on Consent.

H.B. No. 5353 - AN ACT CONCERNING INDIVIDUALIZED EDUCATION PROGRAMS AND OTHER ISSUES RELATING TO SPECIAL EDUCATION, to improve the dissemination and communication of information regarding individualized education programs to parents and guardians and to improve the quality of education for teachers in the implementation of individualized education programs; to require that any special education services provided by a school district to a student whose parents have chosen to send him or her to a private school comply with the federal Individuals with Disabilities Education Act; to require that the state special education excess cost grant goes to the district that is financially responsible for paying the tuition costs for a child; and to make technical corrections to the general statutes. **Provisions of H.B. No. 5357 - An Act Concerning a Deaf Child Bill of Rights were amended into H.B. No. 5353 in Section 11. House passed. Senate passed on Consent.**

H.B. No. 5357 AN ACT CONCERNING A DEAF CHILD BILL OF RIGHTS, to require the individualized education program for a child who is deaf or hearing impaired to include a language and communication plan. **H.B. No. 5357 died in the Education Committee. The bill's provisions have been included in Section 11 of H.B. No. 5353 - An Act Concerning Individualized Education Programs and Other Issues Relating to Special Education, which passed both the House and the Senate.**

H.B. No. 5433 - AN ACT CREATING A PROCEDURE FOR PERSONAL CARE ATTENDANTS TO COLLECTIVELY BARGAIN WITH THE STATE, to provide a process for personal care attendants to collectively bargain with the state via the Personal Care Attendant Quality Home Care Workforce Council. **H.B. No. 5433 died in the Labor and Public Employees Committee. The bill's provisions have been included in Sections 4, 5, 6, 7, and 8 of Public Act 12-33 - An Act Creating a Process for Family Child Care Providers and Personal Care Attendants to Collectively Bargain With The State.**

H.B. No. 5437 - AN ACT CONCERNING THE DEFINITIONS OF MENTAL RETARDATION AND INTELLECTUAL DISABILITY, to update the definition of "mental retardation" and "intellectual disability". **House passed. Senate passed on Consent.**

H.B. No. 5487 - AN ACT CONCERNING THE RECOMMENDATIONS OF THE SMALL BUSINESS HEALTHCARE WORKING GROUP AND CLAIMS INFORMATION REQUIRED TO BE PROVIDED BY INSURERS, among several provisions would have required the comptroller to offer employee and retiree coverage under "partnership plans" to (a) small employers (i. e. , those with 50 or fewer employees) and (b) "municipal-related employers" as defined by the bill. **H.B. No. 5487 died in the House.**

H.B. No. 5514 - AN ACT CONCERNING VARIOUS REVISIONS TO THE PUBLIC HEALTH STATUTES, to make various changes to the public health statutes. **House passed as amended by House Amendments A and B. Senate passed on Consent.**

H.B. No. 5557 AN ACT MAKING ADJUSTMENTS TO STATE EXPENDITURES FOR THE FISCAL YEAR ENDING JUNE 30, 2013. Emergency Certified Bill

The bill: 1) increases the FY 13 original appropriation by \$143. 0 million, to \$20. 5 billion in FY 13 (for ten appropriated funds); 2) provides \$101. 1 million in FY 12 General Fund deficiency appropriations with equivalent reductions to appropriations (resulting in no net change to the General Fund); 3) includes provisions to implement the budget; and 4) results in various revenue impacts totaling \$72. 7 million. **House passed. Senate passed.**

DDS Legislative List of Bills Being Tracked as of May 16, 2012

Below is a link to the list of bills DDS is tracking and assessing as of May 16, 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 – May 16, 2012](#)

Note: The **DDS Legislative Affairs** team will be compiling an end-of-session **Legislative Summary for the 2012 session**. All the bills that DDS has been tracking will be summarized and their impact on DDS consumers, families and guardians, DDS employees and DDS providers will be highlighted.