

# DDS Legislative Wrap-Up 2023



# Frequently used Acronyms

- **DDS**- Department of Developmental Services
- **DSS**- Department of Developmental Services
- **ADS**- Department of Aging and Disability Services
- **DCF**- Department of Children and Families
- **DPH**- Department of Public Health
- **DEEP**- Department of Energy and Environmental Protection
- **DESPP**- Department of Emergency Services and Public Protection
- **DMHAS** - Department of Mental Health and Addiction Services
- **SDE**- State Department of Education
- **OWS**- Office of Workforce Strategies
- **OPM**- Governor's Office of Policy and Management
- **CGA**- Connecticut General Assembly
- **SB**- Senate Bill
- **HB**- House Bill
- **AAC**- An Act Concerning
- **AAR**- An Act Requiring
- **LCO**- Legislative Commissioner's Office

# How to get more information on a bill

- Visit the Connecticut General Assembly's Website-  
<https://www.cga.ct.gov/>
- "Quick Bill Search"
- Bill number only, no letters
- Select "GO"



# Bills re: DDS Funding



## **Public Act 12-204 (HB 6941) AAC The State Budget for the Biennium Ending June 30, 2025...**

Highlights in DDS budget:

- Community Residential Services account was moved from DSS back to DDS
- New “Provider Bonuses” account provides a supplemental increase for DDS providers (approximately 4.5%)
- COLA for private providers appropriated at OPM (approximately 2.5%)
- Caseload growth recognized in both employment/day and residential accounts



# Public Act 23-186 (SB 989) AAC Nursing Home Air Conditioning, Cost Reporting, Transparency, Waiting List Requirements, Involuntary Patient Transfer Notices and Transportation for Resident Social Visits

## Section 2.

Allows private providers to retain unspent funding provided to them through a contract under specific circumstances. These include:

- Submitting an application to the contracting state agency on how savings are planned to be reinvested
- Report to the contracting state agency on how savings will be reinvested to strengthen quality, invest in deferred maintenance and make asset improvements
- Requires the commissioner of each state agency shall prescribe the form and manner of such application form and the frequency of such reports
- The Commissioner of each state agency shall review an application submitted pursuant to this subsection and respond to a nonprofit private provider organization not later than ninety days after receiving such application from such provider organization
- The commissioner of each state agency shall approve, disapprove or modify any application for funds
- Nonprofit private provider organizations providing health and human services shall be permitted to expend retained funds on programs that are funded by the same state agency

## Public Act 23-198 (SB 1215) AAC Certain Employees Working in Intermediate Care Facilities

- For FY 23, any Department of Developmental Services (DDS) contracted provider who received funds pursuant to PA 21-2, JSS as amended by PA 22-118, for the purpose of wage enhancements and related expenses for employees who provide services to individuals with intellectual disability authorized to receive supports and services through DDS, may use the remaining funding to support their employees who work in Department of Social Services funded Intermediate Care Facilities for individuals with Intellectual Disability(ICF/ID)
- The providers must use the funds for the purpose of the same enhancements received by their DDS contracted employees

# Bills re: DDS Programs

## *HB 5001*





# Public Act 23-137 (HB 5001) as amended by LCO 8934: AAC Resources and Supports Services for Persons With An Intellectual Or Developmental Disability

## Section 1:

- Requires DDS to produce a plan to establish a Transitional Life Skills College program to provide transitional tools and life skills development for persons with an intellectual disability or other developmental disabilities, who are at least twenty-two years of age and transitioning from
  - (1) the kindergarten through grade twelve education system, or
  - (2) living with parents or guardians to living independently or quasi-independently through a residential program administered by the DDS.
- DDS Report to Legislature by January 1, 2025

## Public Act 23-137 (HB 5001) cont.

### Section 2:

- Requires OPM, in consultation with the Commissioners of Labor, DDS, ADS, DECD, DRS, OWS, DD Council, the Autism Spectrum Disorder Advisory Council, and CBIA to create a report that will:
  - Identify and analyze existing employment assistance programs for persons with disabilities, including, but not limited to, persons with an intellectual disability or other developmental disabilities, and the capacity of and demand for such programs,
  - Recommend financial incentives for businesses to employ a greater number of such persons, and
  - Create a workforce plan that incentivizes businesses to provide training programs, offer modified interviews to accommodate the needs of such persons, and reserve market-rate, full-time jobs.
- OPM Report to Legislature by January 1, 2025

## Public Act 23-137 (HB 5001) cont.

### Section 3:

- Requires DDS, in consultation with DSS and OPM to reduce waiting lists for services in Medicaid waiver programs established under Section 1915(c) of the Social Security Act and administered by the Department of Developmental Services.
- Requires New OPM coordinator of services (see section 14) and the DDS Commissioner to report on the following by 1/1/24 and annually thereafter.
  - (1) the number of persons waiting for services in the waiver programs and the number of underserved persons waiting for additional services in the waiver programs,
  - (2) the number of persons added to and subtracted from such waiting lists for the previous calendar year, and
  - (3) whether such waiting lists have increased or decreased over the previous calendar year and, if so, by how many persons
- OPM Report to Legislature annually starting January 1, 2024

## Public Act 23-137 (HB 5001) cont.

### Section 4:

- Requires OPM in consultation with Commissioners of SDE, DSS, DDS, ADS and DPH and the DD Council, Autism Spectrum Disorder Council to:
  - (1) develop and recommend new state statutory definitions for intellectual disability and developmental disabilities and identify related programs for persons with such disabilities that may need to be changed or redesignated in accordance with any new statutory definitions,
  - (2) evaluate whether an Intelligence Quotient (IQ) should be a factor in such definitions, and
  - (3) evaluate the level-of-need assessment tool used by state agencies that serve persons with an intellectual disability or other developmental disabilities.
- The agencies are required to:
  - seek input from individuals and families with ID/DD while developing the recommendations
  - identify statutory definitions, and programs that may need to be redesignated in accordance with any new statutory definitions and qualifying criteria for services, and level-of-need assessment tool models
- OPM Report to Legislature by January 1, 2025



## Public Act 23-137 (HB 5001) cont.

Section 7 & 8 as amended in section 179 HB 6941

- Requires DESPP to develop a form that police departments may distribute to collect specified information that can help emergency services personnel interact with children with intellectual disabilities or other developmental disabilities including autism spectrum disorder, cognitive impairments, and nonverbal learning disorders.
- Creates a voluntary public safety registration system that municipal police departments may implement for the parents and guardians of these children and adults.
- Requires participating police departments to record the information collected in a database that police officers and emergency dispatchers can access in specified situations.
- By January 1, 2024 the DESPP Commissioner is required to set up a grant program for municipalities and local police departments to establish and implement this local voluntary registration system.

## Public Act 23-137 (HB 5001) cont.

Section 9 & 10 :

- Requires DDS, DESPP, and DCF, to develop guidelines and best practices for municipalities to create and implement emergency services awareness programs for children and adults with an autism spectrum disorder, cognitive impairments, nonverbal learning disorders, and intellectual and other developmental disabilities by December 31, 2023
- The emergency services awareness programs must give these children and adults an opportunity to observe and interact with
  - (1) uniformed emergency services personnel,
  - (2) their vehicles and their associated flashing lights and sirens, and
  - (3) mock traffic stops.
  - (4) They must be held in a setting suited to the children's and adults' developmental and sensory needs.
- The Departments are required to publish the guidelines and best practices on their respective websites by January 1, 2024.



## Public Act 23-137 (HB 5001) cont.

### Section 11:

- Requires the Chief Workforce Officer to work with regional workforce boards and commissioners of Labor, DSS, DDS, DPH, ADS, the Governor's Workforce Council, the executive director of OHE, the Council on DD, the Autism Spectrum to:
  - Establish a Human Services Career Pipeline program to ensure a sufficient number of trained providers are available to serve the needs of persons in the state with an intellectual disability, other developmental disabilities, physical disabilities and elderly persons.
  - Such pipeline shall include training and certification for cardiopulmonary resuscitation, first aid, medication administration, job placement and incentives for retention in the human services labor sector upon successful completion of the program.
  - Determine barriers to hiring and retaining qualified providers. The Chief Workforce Officer shall assist local and regional boards of education in enhancing existing partnerships or establishing new partnerships with providers of human services and higher education institutions to provide a pathway to a diploma, credential, certificate or license and a job providing human services.

## Public Act 23-137 (HB 5001) cont.

Section 11, cont.:

- Requires the Chief Workforce Officer, in consultation with the Labor Commissioner, to develop a plan for the Human Services Career Pipeline program that includes, but is not be limited to:
  - (1) A strategy to increase the number of state residents pursuing careers in human services,
  - (2) recommended salary and working conditions necessary to retain an adequate number of human services providers to serve state residents, and
  - (3) estimated funding needed to support the Human Services Career Pipeline program.
- The Chief Workforce Officer shall establish such career pipeline not later than January 1, 2024, and submit a report, annually on January 1, 2025.

## Public Act 23-137 (HB 5001) cont.

### Section 12:

- Requires DDS, in consultation with the DDS Council, the Autism Spectrum Disorder Advisory Council and ADS to review the rights of persons with an intellectual disability or other developmental disabilities, including, but not limited to, autism spectrum disorder, to determine whether
  - (1) additions or changes are needed to section 17a-238 of the general statutes concerning rights of persons placed or treated under the supervision of the Commissioner of Developmental Services, and
  - (2) additional statutory protections are needed to ensure the rights of all such persons and their ability to seek a remedy for violation of such rights.
- DDS Report to Legislature by December 1, 2023

## Public Act 23-137 (HB 5001) cont.

### Section 13:

- Requires OPM in consultation with DAS, DDS, DSS, ADS, DMHAS, Education, Correction, DCF and OEC to create a plan to develop an online secure portal to facilitate sharing of basic critical information across agencies in order to ensure efficient and safe delivery of services. The portal shall include:
  - a means for each agency to note when it has performed a site visit or has scheduled a site visit and shall give the individual performing the site visit the opportunity to record notes that can be shared across agencies.
- The plan shall:
  - Review the feasibility of using current online portals already utilized by state agencies as well as a new online portal;
  - detail data sharing and privacy requirements for sharing such information across state agencies in accordance with federal and state law concerning data sharing and privacy
- OPM Report to Legislature by January 1, 2024

## Public Act 23-137 (HB 5001) cont.

### Section 14:

- Requires OPM to establish 2 positions as follows:
  - One who serves as the state-wide coordinator of programs for individuals with autism spectrum disorder
  - One who provides support to the DDS Commissioner (and other agencies who serve individuals with intellectual disability to identify and coordinate programs and services for individuals with intellectual disability and other developmental disabilities.
- Individuals need to be hired by October 1, 2023



## Public Act 23-137 (HB 5001) cont.

### Section 15:

- Requires the Connecticut Sentencing Commission to study the experience of people with IDD or ASD who are in the criminal justice system.
- The study must include
  - (1) incarceration rates of people with IDD and ASD compared to their overall population in the state,
  - (2) the advisability and cost of pre-sentencing behavioral assessments for these people, and
  - (3) other states' best practices
- OPM Report to Legislature by January 1, 2024



## Public Act 23-137 (HB 5001) cont.

### Section 15, cont:

- Requires DAS to consult with DESPP and OPM, to create a funding pool, and application requirements by January 1, 2025, for private providers to apply for financial assistance to comply with the fire regulation requirement that group homes be equipped with a 5,000-gallon water tank.
- Requires the DAS commissioner, in consultation with DESPP, the Connecticut Council of Small Towns, the Connecticut Conference of Municipalities, and the Connecticut Builders Trade Association, to assess the level of need for these funds and review other states' fire regulations for group homes, to determine whether any changes are needed to Connecticut regulations.
- DAS report on the level of need for the funds to the Legislature by October 1, 2024

## Public Act 23-137 (HB 5001) cont.

### Section 20:

- Requires the DOT Commissioner, in consultation with the DDS Commissioner and each transit district to study the demand and need for state-wide and local transportation services for persons with an intellectual disability or other developmental disabilities, including, but not limited to, autism spectrum disorder. Such study shall include, but need not be limited to:
  - (1) Expanding the hours of operation, including the evening hours, for rail service on commuter railroad systems and public transit services funded by the state,
  - (2) determining the daily transportation needs of such persons, including traveling to and from work, educational facilities, medical appointments, stores and other places in order to enjoy life's amenities,
  - (3) determining how accessible using state-wide and local transportation services is for persons with an intellectual disability or other developmental disabilities, including, but not limited to, autism spectrum disorder, and
  - (4) a specific analysis of the transit services provided by each transit district that identifies locations underserved by such transit district and specific routes for possible expansion to meet the demand and needs for such transit services and the costs associated with servicing such locations and expanding such routes
- DOT report to Legislature by January 1, 2025 on the study.

## Public Act 23-137 (HB 5001) cont.

### Section 23:

- Requires DDS to establish a pilot program, within available appropriations, to provide nonmedical transportation services to persons with an intellectual disability in the northwestern region of the state.
- The department shall issue a request for proposals not later than December 1, 2023, to select a transportation provider for the implementation and operation of such pilot program.
- Such nonmedical transportation services shall include transportation to and from work, educational facilities, stores and other places located within a twenty-mile radius of the residence of a person with an intellectual disability, at least two days per week, provided one such day is on the weekend or includes evening hours.
- DDS report to Legislature by January 1, 2025 on the program.

## Public Act 23-137 (HB 5001) cont.

### Section 25:

- Requires the DMV Commissioner in consultation with the Commissioners of ADS, DDS, DMHAS and Social Services to develop a video on training bus drivers on ways to appropriately interact with persons with intellectual or other developmental disabilities.
- Requires the Agencies to post the video and other important information on their respective websites.
- On or after 1/1/2024 any person being issued or renewing a operator's license bearing a public passenger endorsement is required to review the video.



## Public Act 23-137 (HB 5001) cont.

### Section 53:

- Requires the DDS Commissioner to provide grants to private nonprofit organizations for supportive housing for persons with ID or other developmental disabilities, including autism spectrum disorder.
- DDS must give priority in disbursement of grants to a nonprofit organization that reserves fifty per cent or more of the initial residential capacity of a housing site for individuals with such disabilities who are on a waiting list maintained by the Department of Developmental Services or the Department of Social Services for supportive housing.
- DDS will expend 5 million on the grant program in any one service region. 2% of the funds can be spent on administrative expenses related to the grants.
- DDS will develop and publish guidelines for the award of grants and a uniform application form for such grants and post on the website by 7/1/24.
- Grant recipients are required to report to DDS annually on a form developed by DDS on how the grant funds were expended.
- DDS to submit a report to the Legislature annually starting on 1/1/25 on the expenditure of the grant funds.

## Public Act 23-137 (HB 5001) cont.

### Section 54:

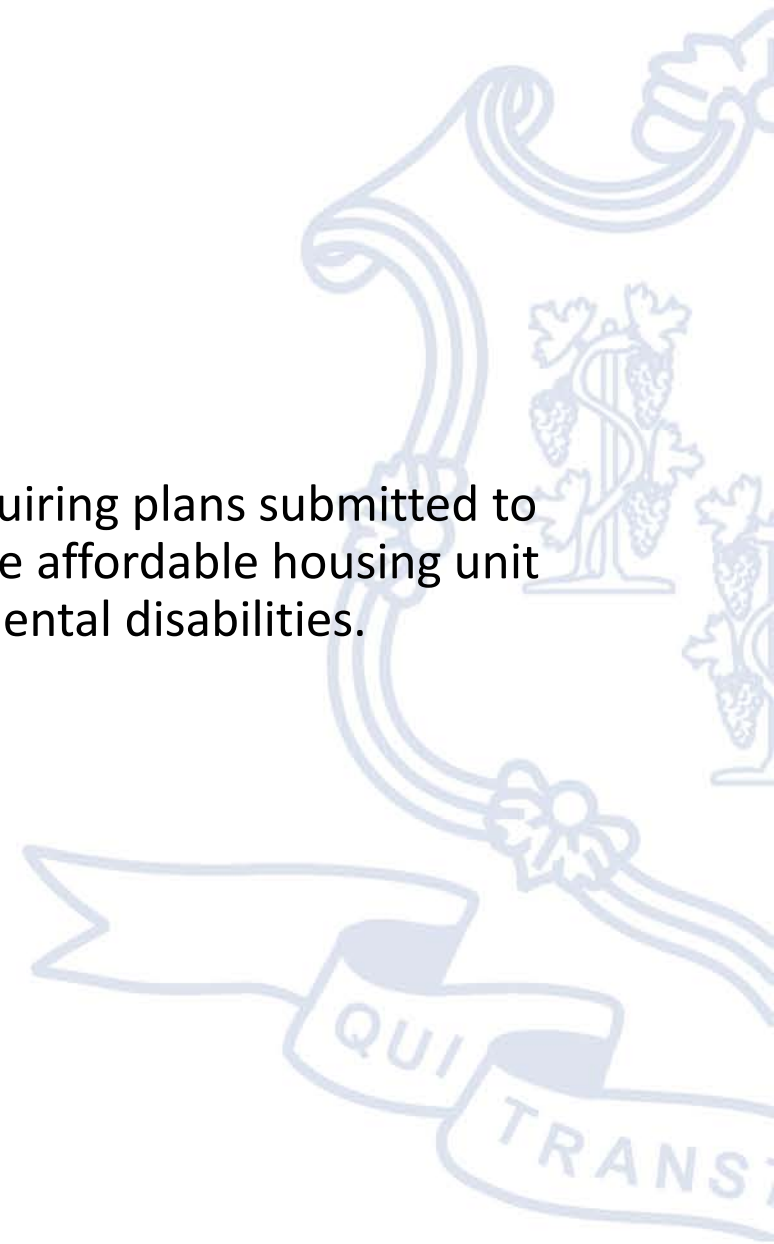
- Requires the DDS Commissioner in collaboration with Housing and Corrections Commissioners to within available appropriations create a plan for a comprehensive program for community-based group homes for persons with an intellectual disability reentering society from the correctional system.
- The program shall also provide supportive services for persons, which may include, but need not be limited to, assistance with daily living tasks, transportation assistance, medical care, and job training.
- DDS is required to submit the plan to the Legislature by January 1, 2024



## Public Act 23-137 (HB 5001) cont.

### Section 55:

- Expands the municipal affordable housing planning requirement by requiring plans submitted to OPM after October 1, 2023, to specify how the municipality will improve affordable housing unit accessibility for people with an intellectual disability or other developmental disabilities.



## Public Act 23-137 (HB 5001) cont.

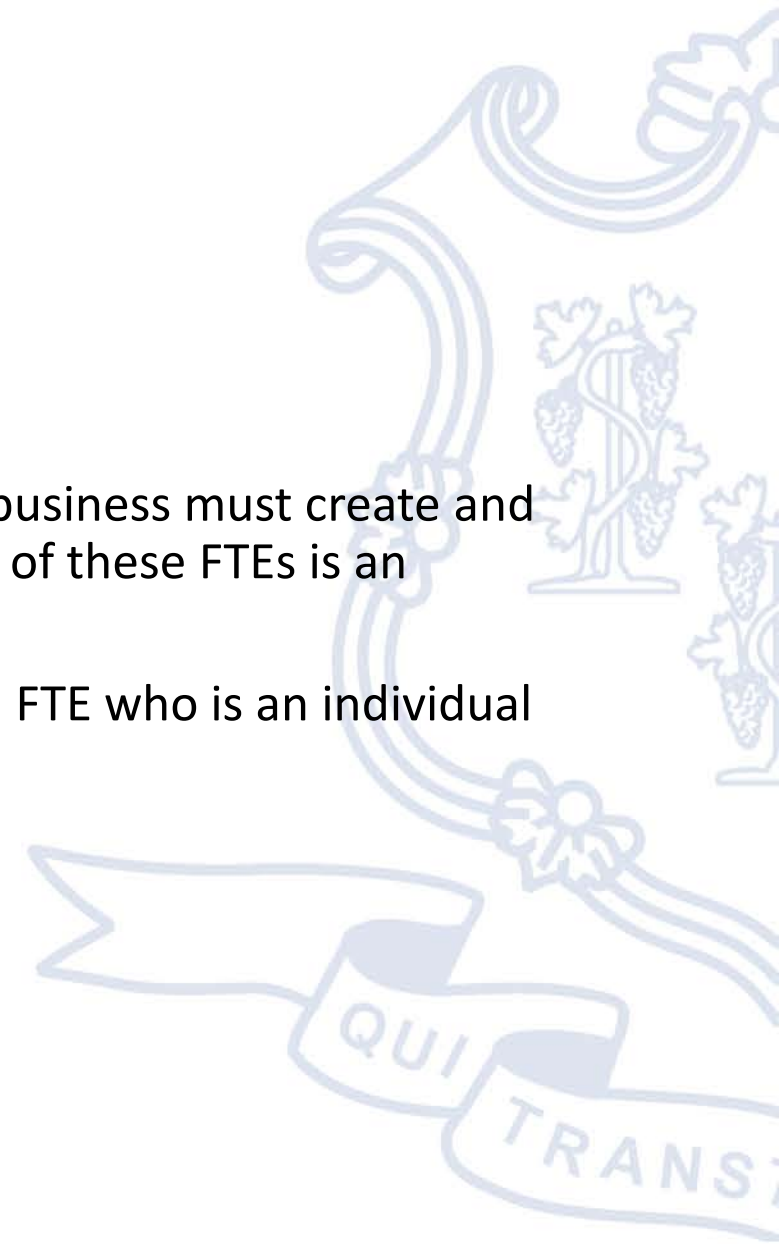
### Section 60:

- Allows payment to caregivers of individuals with ID who may be considered legal guardians to the extent allowed by Federal Law.
- Requires DSS, in consultation with DDS to amend the Medicaid waiver program administered by DDS to allow the payments.
- Note: Section 108 of the Budget has a fix that mandates DDS to amend the current waivers. Additionally the section does not take effect until approval from CMS.
- By November 1, 2023 DDS needs to send the request for a waiver amendment to CMS.

## Public Act 23-137 (HB 5001) cont.

### Section 61:

- Decreases the number of full-time equivalent employees (FTEs) that a business must create and maintain to be eligible for the JobsCT tax rebate program if at least one of these FTEs is an individual with intellectual disability.
- It also allows the business to earn an increased rebate amount for each FTE who is an individual with intellectual disability.



## Public Act 23-137 (HB 5001) cont.

### Section 62:

- Allows the administrative services commissioner to give a price preference of up to 10% for open market orders or contracts to a business that has a workforce of at least 10% individuals with IDD when it submits its bid or proposal.
- A price preference is the percentage by which a bid may be reduced for purposes of awarding a contract to the lowest qualified bidder.

## Public Act 23-137 (HB 5001) cont.

### Section 63:

- Requires the DECD commissioner to establish a workforce development program, within available appropriations, to make grants to nonprofit organizations that employ a workforce of at least 10% individuals with IDD.
- Grants made under this program must be awarded for infrastructure expenditures, start-up costs, or expansion costs.

## Public Act 23-137 (HB 5001) cont.

### Section 64:

- Current law allows the court to make appropriate support orders for children up to age 21 who
  - (1) have an intellectual disability, a mental disability, or who are physically disabled and
  - (2) live with a parent who they are primarily dependent on for support
- Starting October 1, 2023, this bill increases the age limit for these support orders to up to age 26.



## Public Act 23-137 (HB 5001) cont.

### Section 65 - 68:

- Makes several changes in laws governing where certain community and child-care residential facilities (i.e., certain group homes for adults or children, respectively, who have disabilities) may be located. Principally it does the following:
  - Increases the size, from those housing six people to those housing eight people, of these residences (and certain hospice residences) that are protected from zoning regulations, treating them differently than single family homes;
  - Modifies the definition of “community residence” (to no longer use the term “mentally ill”) that applies to a public health provision and restriction on zoning regulations allowing for multi-family dwellings; and
  - Exempts certain community and child-care residences from a density restriction and prohibitions on their locating within 1,000 feet from one another.

# Bills re: DDS Programs

## *Other*



# Public Act 23-111 (SB 1065) AAC the DDS' Recommendations Regarding Various Technical Revisions to Developmental Services Statutes

- Agency Bill
- Removes outdated language and updates statutes pertaining to the DDS Ombudsman to use a gender-neutral title of “Ombudsperson”
- Removes outdated and defunct language regarding DDS developing and funding day care programs
- Revises statutes to provide DDS with the ability to place an individual in a continuous residential supports (CRS) home.

# Public Act 23-20 (SB 1117) AA Implementing Additional Measures to Prevent Trafficking in Persons and Expanding the Composition of the Trafficking in Persons Council

- Adds DDS to the Trafficking in Persons Council.
- Expands protections for victims of human trafficking.
- Prohibits hotel, motel, or similar lodging operators (“operators”) that offer or provide a room with sleeping accommodations from offering or providing a financial discount or benefit that is based on (1) an hourly rate or (2) an occupancy period that is for 12 hours or less.
- Increases the Trafficking in Persons Council’s membership from 35 to 36 by adding the Department of Developmental Services commissioner, or the commissioner’s designee.
- The council coordinates human trafficking data collection and consults with government and non-government organizations in developing recommendations to strengthen state and local efforts to prevent trafficking, protect and assist victims, and prosecute traffickers

# Public Act 23-70 (HB 5441) AAC Clinical Placements for Nursing Students, Reporting by the Office of Workforce Strategy

## Section 1:

- The bill creates a task force to develop a plan to establish clinical placements for nursing students at public and private colleges and universities.
- Membership The task force includes six members appointed by the six legislative leaders.

The Taskforce will submit a report to the Legislature by January 1, 2024 and terminates upon completion of the report.



## Public Act 23-145 (HB 6638) AAR The State's Antidiscrimination Statutes

- Makes revisions to the state's antidiscrimination laws, by:
- Adding "age" to the list of protected classes and
- Repealing the definition of the term "sexual orientation" and replaces it with a new one.
- Specifies that "sexual orientation" includes any identity that a person is perceived by another person to hold, relating to the gender or genders to which a person is romantically, emotionally, or sexually attracted.

## Public Act 23-168 (HB 6775) AAC Mandated Reporters

- Adds the following professionals to the current list of mandated reporters:
  - Licensed professional counselors
  - adult probation officers
  - adult parole officers
  - physician assistants
  - dental hygienists
  - resident services coordinator
  - clinical care coordinator and managers employed by a housing authority or municipal developer operating an elderly housing project

## Public Act 23-90 (HB 6900) AAC the Transforming Children's Behavioral Health Policy and Planning Committee.

- Changes the name of the Council to “Transforming Children’s Behavioral Health Policy and Planning Committee”
- Adds extra appointments of: 2 people who are child or youth advocates
- DDS continues to be a member of the Council
- Changes the make up of the chairperson to 3 members, one of which is OPM, and 2 members selected by the Speaker of the House and the President Pro Tempore of the Senate
- Makes technical changes to remove the term “mental” and replace with “behavioral”
- Connecticut Voices for Children and other children’s behavioral health organizations.
- Also removes the requirement for the committee to work with a “results-first” initiative.
- Lastly it requires the committee to annually establish a work plan.

# Additional Bills of Interest for DDS Providers



## **Public Act 23-39 (SB 956) AAR Discharge Standards Regarding Follow- Up Appointments and Prescription Medications for Patients Being Discharged from A Hospital or Nursing Home Facility**

- Providers will receive information regarding medical appointments and list of medications their individuals are taking upon discharge from a hospital or nursing home.

## **Public Act 23-164 (HB 6580) AAR Certain Requirements Related to Smoke and Carbon Monoxide Detectors in Residential Buildings**

- Providers will need to review the new requirements regarding smoke and carbon monoxide detectors when purchasing or building a home

## **Public Act 23-184 (HB 6725) AAR Certain Farming and Aquaculture Programs of The Department of Agriculture**

- Providers that run programs that include farming and selling of products from the farm will have an opportunity to apply for grants to restore farmland, along with complying with the labeling requirements on the products they may sell.

## **Public Act 23-122 (HB 6731) An Act Concerning the Department of Public Health's Recommendations Regarding Change in Ownership of Health Care Facilities**

- This bill revises the change of ownership procedures for facilities licensed by the Department of Public Health.
- The revisions may have an impact on ICF/IID facilities licensed by the Department of Public Health who are going through a change of ownership.