



State of Connecticut
Department of Developmental Services

DDS

Dannel P. Malloy
Governor

Terrence W. Macy, Ph.D.
Commissioner

Joseph W. Drexler, Esq.
Deputy Commissioner

July 11, 2013

To: Council on Developmental Services members

From: Christine Cooney and Rod O'Connor

Re: DDS Legislative Update – June 6, 2013

The 2013 legislative session has concluded. Below is our "short list" of top bills from the 2013 session that we were tracking and thought might be of interest to you. This is by no means a comprehensive list of bills that we were tracking for the session, however, the bills selected have the most direct impact on DDS. We will be following up with our more comprehensive end of session update after bills have received public act numbers.

[S.B. No. 521 Special Act 13-6](#) - An Act Concerning a Report on the Survey of Accessibility in and to State Buildings. Senate passed. House passed. The Special Act requires the Department of Administrative Services (DAS) to submit a report regarding the state's compliance with the Americans with Disabilities Act to the General Assembly by January 1, 2014.

[S.B. No. 652](#) - An Act Concerning Referrals from the Department of Children and Families to the Birth-To-Three Program. Senate passed as amended by Senate Amendment A. Provisions of the bill are in Section 156 of **[H.B. No. 6705](#) - An Act Implementing the Governor's Budget Recommendations for Housing, Human Services and Public Health.** The provision requires the Department of Children and Families (DCF) to establish a program, within available appropriations, to address the developmental needs of children age three or younger who are substantiated abuse or neglect victims.

[S.B. No. 842 Public Act 13-239](#) - An Act Authorizing and Adjusting Bonds of the State for Capital Improvements, Transportation and Other Purposes. Senate passed as amended by Senate Amendment A. House passed in Concurrence with the Senate. Provisions of the Bonding Bill concerning DDS are in **Sections 2(i), 21(i), and 128** of **[Senate Amendment A](#)**. The bill provides up to \$5 million in both FY14 and FY15 to DDS for fire, safety and environmental improvements to regional facilities and intermediate care facilities for client and staff needs, including improvements in compliance with current codes, site improvements, handicapped access improvements, utilities, repair or replacement of roofs, air conditioning and other interior and exterior building renovations and additions at all state-owned facilities. Additionally, section 13 of the bill provides Grants-in-aid, not exceeding a total of \$20,000,000, for private, nonprofit health and human service organizations for alterations, renovations, improvements, additions and new construction, including health, safety, compliance with the Americans with Disabilities Act and energy conservation improvements, information technology systems, technology for independence and purchase of vehicles.

S.B. No. 874 Public Act 13-20 - An Act Concerning Various Revisions to the Department of Developmental Services' Statutes. Senate passed. House passed. Signed by the Governor on May 28, 2013 Our agency bill makes a technical change to the statute establishing the Camp Harkness Advisory Committee, changes term limits and appointments to the Birth-to-Three Interagency Coordinating Council, and establishes the Autism Spectrum Disorder Advisory Council.

S.B. No. 886 Public Act 13-250- An Act Concerning Aging In Place. Senate passed as amended by Senate Amendments A and B. House passed in Concurrence with the Senate. Among the several provisions in the bill as amended by **Senate Amendment B**, in Section 4, the bill adds to the list of persons who must report abuse, neglect, exploitation or abandonment of an elderly person to the Commissioner of Social Services or his designee. The bill adds any person paid for caring for an elderly person by any institution, organization, agency or facility which includes an employee of a community-based services provider, senior center, home care agency, homemaker and companion agency, adult day care center, village-model community and congregate housing facility. The bill also requires any institution, organization, agency or facility employing individuals to care for persons sixty years of age or older to provide mandatory training on detecting potential abuse and neglect of such persons. Also, in Section 5, the bill requires the Commissioner of Social Services, or his designee, to submit a report to the joint standing committees of the General Assembly having cognizance of matters relating to aging, human services and public health, detailing: (1) The number of complaints involving abuse or neglect of elderly persons received in the previous calendar year in the categories of (A) physical abuse, (B) mental abuse, (C) self-neglect, (D) neglect by others, and (E) financial exploitation; (2) the disposition of complaints; and (3) whether and by how much complaints per category have increased or decreased from the previous year.

S.B. No. 986 - An Act Concerning the Applicability of Probate Court Orders to State Agencies. Senate passed. The bill died in the House. The bill would have required each state agency to follow any order, denial or decree of a Probate Court that is applicable to a determination made by the state agency, and clarify that a state agency has standing to appeal any such order, denial or decree to the Superior Court with respect to its applicability to the state agency's determination. DDS testified against this bill during the session.

S.B. No. 1029 Public Act 13-84 - An Act Concerning Health Insurance Coverage for Autism Spectrum Disorders. Senate passed as amended by Senate Amendment A. House passed in Concurrence with the Senate. This public act requires individual and group health insurance policies delivered, issued, renewed, amended, or continued in Connecticut that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; and (4) hospital or medical services, including coverage under an HMO plan to at least maintain current levels of benefits for insureds who were diagnosed with autism spectrum disorder before the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) was released. Senate Amendment "A" (1) requires that insurers at least maintain benefit levels for insureds diagnosed with autism spectrum disorder before the release of the fifth edition, rather than requiring that benefits for insureds diagnosed before or after this date be tied to the fourth edition of the DSM and (2) makes conforming changes.

S.B. No. 1164 - An Act Concerning Revisions to Statutes Concerning Human Rights And Opportunities. The bill died in the Senate. The bill would have amended various statutes concerning the Commission on Human Rights and Opportunities.

H.B. No. 6359 - An Act Concerning an Early Childhood System. The bill died in the House. Provisions of the bill concerning the transfer of the Birth to Three Program to the Office of Early Childhood were contained in **Section 43** (see below) of House Amendment **LCO 8868**. (The Birth to Three Program is currently budgeted to remain at DDS for FY14 and FY15.)

Sec. 43. (NEW) (*Effective July 1, 2013*) Not later January 15, 2014, the executive director of the Office of Early Childhood, in consultation with the Commissioner of Developmental Services, shall report to the joint standing committees of the General Assembly having cognizance of matters relating to education and appropriations, in accordance with the provisions of section 11-4a of the general statutes, regarding the feasibility of transferring the birth-to-three program, established pursuant to section 17a-248 of the general statutes, from the Department of Developmental Services to the Office of Early Childhood.

H.B. No. 6388 Public Act 13-139 - An Act Concerning Intermediate Care Facilities for Individuals with Intellectual Disabilities. House passed. Senate passed. Our agency bill replaces the terms "intermediate care facility for the mentally retarded" and "residential facility for the mentally retarded" with "intermediate care facility for individuals with intellectual disabilities" and "residential facility for persons with intellectual disability", respectively, in accordance with the federal terminology.

H.B. No. 6439 - An Act Concerning the Disposal and Collection of Unused Medication. The bill died in the House. This bill would have prohibited a health care institution, including an institution, facility, or agency providing services to people with psychiatric or intellectual disabilities, and its employees, staff, contractors, or other people under its direction or supervision from discharging, disposing of, flushing, pouring, or emptying unused medication into a wastewater collection or septic system. DDS is piloting an alternative disposal method to flushing at selected DDS residential locations.

H.B. No. 6542 Public Act 13-90 - An Act Concerning the Preservation of Farmland at the Southbury Training School. House passed as amended by House Amendment A. Senate passed in Concurrence with the House. This public act establishes a procedure to preserve and manage state-owned property known as the "Farm at the Southbury Training School." It transfers approximately 800 acres of agricultural land that is currently part of the Southbury Training School (STS) from the care of the Department of Developmental Services (DDS) to the Department of Agriculture (DoAG), which must grant a permanent conservation easement on it to a nonprofit organization.

H.B. No. 6641 Public Act 13-47 - An Act Concerning the Sexual Assault of Persons Whose Ability to Communicate Lack of Consent is Substantially Impaired. House passed as amended by House Amendment A. Senate passed in Concurrence with the House. Signed by the Governor on May 28, 2013. This public act provides that sexual intercourse or sexual contact with a person, whose ability to resist or communicate consent is substantially impaired because of such person's mental or physical condition, constitutes the offense of sexual assault.

H.B. No. 6644 Public Act 13-208 - An Act Concerning Various Revisions to the Public Health Statutes. House passed as amended by House Amendment A. Senate passed in Concurrence with the House. The bill makes various changes to the public health and other human services statutes. In **Section 542** of **File No. 887**, DDS is added as a member of the Task Force on Alzheimer's Disease and Dementia.

H.B. No. 6672 Public Act 13-23 - An Act Concerning the Conveyance of Certain Parcels of State Land. House passed as amended by House Amendment A. Senate passed in Concurrence with the House. Provisions of the bill concerning the conveyance of a parcel of land at the Southbury Training School to the Town of Southbury are in **Section 5** of House Amendment **LCO 8793**. The bill provides that not earlier than October 1, 2014 (upon certification by DDS Commissioner that the property is no longer needed for residential purposes), the Commissioner of Administrative Services, on behalf of the Commissioner of Developmental Services, shall convey to the town of Southbury a parcel of land located in the town of Southbury, with an area of approximately 45 acres and identified as a

portion of the parcel of land containing the Southbury Training School Personnel Village east of South Britain Road. The town of Southbury shall use this parcel of land for housing purposes.

[H.B. No. 6704 Public Act 13-184](#) - An Act Concerning Expenditures and Revenue for the Biennium Ending June 30, 2015. House passed as amended by House Amendment A. Senate passed in Concurrence with the House. This is the biennial budget for fiscal years 2014 and 2015. [Fiscal Note for H.B. No. 6704](#) [Bill Analysis For H.B. No. 6704](#)

[H.B. No. 6705 Public Act 13-234](#) - An Act Implementing the Governor's Budget Recommendations for Housing, Human Services and Public Health. House passed as amended by House Amendments A and C. Senate passed in Concurrence with the House. The implementer's provisions that affect DDS are contained in **Section 16, which adds DDS as a member of the state's Interagency Council on Affordable Housing; in **Section 69**, which includes consulting with DDS for a report to the legislature done by the Department of Housing on rental assistance certificates; and in **Section 156**, which incorporates language from [S.B. No. 652](#), that requires the Department of Children and Families (DCF) to refer any child who is a victim of substantiated abuse and neglect or is receiving DCF differential response program services and has been found, through screening, to exhibit developmental and social-emotional delays to (1) the Birth-to-Three Program or if ineligible for this program (2) the Children's Trust Fund's Help Me Grow prevention program or a similar program.**

[H.B. No. 6706 Public Act 13-247](#) - An Act Implementing Provisions of the State Budget for the Biennium Ending June 30, 2015 Concerning General Government. House passed as amended by House Amendment A. Senate passed in Concurrence with the House.

Among numerous provisions of the bill, Section 327 creates Regional Human Services Coordinating Councils. Starting January 1, 2015, the bill requires each state planning region to establish regional human services coordinating councils to encourage collaborations fostering the development and maintenance of a client-focused structure for each region's health and human services system. Membership on the regional human services coordinating councils will require the Commissioner or his designee to attend at least two council meetings per year in each of the planning regions re-designated pursuant to section 16a-4c of the general statutes. These new councils were originally a provision in [H.B. No. 5267](#) - **An Act Concerning the Regional Delivery of Human Services** and then became a provision in [H.B. No. 6629](#) - **An Act Concerning Regionalism in Connecticut**, which passed in the House as amended by House Amendments B and C but died in the Senate. Additionally, **Sections 250, 252, 254, 258-259, 261-319 and 388** eliminate regional planning agencies and regional councils of elected officials after January 1, 2015, leaving regional councils of governments (COGs) as the only type of regional planning organization (RPO), and makes many conforming changes to reflect this change. **Section 68** amends CGS § 8-3e and requires local zoning regulations to treat as single-family homes Department of Public Health-licensed inpatient hospice facilities serving up to six people. **Sections 26-36 and 386** create an eRegulations System to be administered by the Secretary of State. Among these sections several provisions, they (1) delay until October 1, 2014, a requirement that online regulations posted by the secretary of the state be the "official version" of the regulations of state agencies; (2) eliminates requirements for agencies to post regulations and related documents on their own websites; (3) require that several manuals published by the Department of Social Services be posted on the eRegulations System; and (4) repeal requirements that agencies (a) post all manuals and guidance documents online and (b) post on their websites policies that are implemented before being adopted in regulation form. **Sections 195-230** dissolve the Department of Construction Services (DCS) and transfers its powers and duties to the Department of Administrative Services (DAS). **Sections 331-375 and 389** make numerous changes to state employee hiring practices, working conditions, compensation, and time limits for appeal of exam results. In **Section 344** it requires DAS to evaluate, at least every five years, (1) classified and (2) unionized non-classified, positions to determine if they are in an appropriate compensation plan.