



House of Representatives

General Assembly

File No. 382

January Session, 2001

House Bill No. 6575

House of Representatives, April 19, 2001

The Committee on Public Health reported through REP. EBERLE of the 15th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING RECEIVERSHIP OF RESIDENTIAL FACILITIES FOR MENTALLY RETARDED PERSONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 17a-231 of the general statutes is repealed and the following
2 is substituted in lieu thereof:

3 [The following words and phrases, as] As used in this section and
4 sections 17a-232 to 17a-237, inclusive, [shall have the following
5 meanings,] unless the context otherwise requires:

6 [(a)] (1) "Residential facility for mentally retarded persons" means a
7 residential facility for [the mentally retarded] persons with mental
8 retardation that is licensed, or required to be licensed, pursuant to
9 section 17a-227, including staffing and other program resources
10 associated with such facility;

11 [(b)] (2) "Emergency" means a situation, physical condition or one or
12 more practices, methods or operations which present imminent danger

13 of death or serious physical or mental harm to residents of [such] a
14 residential facility for mentally retarded persons;

15 [(c)] (3) "Transfer trauma" means the medical and psychological
16 reactions to physical transfer that increase the risk of death, or grave
17 illness, or both, in [mentally retarded] persons with mental retardation;

18 [(d)] (4) "Substantial violation" means a violation of regulations
19 [established] adopted pursuant to section 17a-227 which presents a
20 reasonable likelihood of serious physical or mental harm to residents
21 of [such facility;] a residential facility for mentally retarded persons;
22 and

23 [(e)] (5) "Habitual violation" means a violation of regulations
24 [established] adopted pursuant to section 17a-227 which, due to its
25 repetition, presents a reasonable likelihood of serious physical or
26 mental harm to residents of [such] a residential facility for mentally
27 retarded persons.

PH *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Department of Mental Retardation

Municipal Impact: None

Explanation**State Impact:**

This bill clarifies the definition of residential facility for mentally retarded persons to include staffing and other program resources associated with the facility in addition to making other technical changes. As a result of this bill the Department of Mental Retardation will incur no cost.

OLR Bill Analysis

HB 6575

AN ACT CONCERNING RECEIVERSHIP OF RESIDENTIAL FACILITIES FOR MENTALLY RETARDED PERSONS.

SUMMARY:

This bill specifies that, for purposes of receivership of a residential facility for mentally retarded persons, the facility includes staffing and other program resources associated with the facility.

By law, the commissioner of the Department of Mental Retardation (DMR) or the director of the Office of Protection and Advocacy for Persons with Disabilities can file an application in Superior Court for appointment of a receiver for a residential facility for mentally retarded persons. A resident of a facility or his legally liable relative, conservator, or guardian can file a written complaint with the DMR commissioner specifying conditions at the facility that warrant a receivership application. If DMR fails to resolve the complaint within 45 days of receiving it, or seven days in the case of a facility that intends to close, the person filing the complaint can apply to the court for a receiver. The court must notify the attorney general of the application.

EFFECTIVE DATE: October 1, 2001

COMMITTEE ACTION

Public Health Committee

Joint Favorable Report

Yea 25 Nay 0