



Senate

General Assembly

File No. 410

January Session, 2005

Substitute Senate Bill No. 1093

Senate, April 19, 2005

The Committee on Public Health reported through SEN. MURPHY of the 16th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING REVISIONS TO THE DEPARTMENT OF MENTAL RETARDATION STATUTES.

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

1 Section 1. Subsection (e) of section 5-259 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (e) Notwithstanding the provisions of subsection (a) of this section,
5 (1) vending stand operators eligible for membership in the state
6 employee's retirement system pursuant to section 5-175a, shall be
7 eligible for coverage under the group hospitalization and medical and
8 surgical insurance plans procured under this section, provided the cost
9 for such operators' insurance coverage shall be paid by the Board of
10 Education and Services for the Blind from vending machine income
11 pursuant to section 10-303, and (2) blind persons employed in
12 workshops established pursuant to section 10-298a, shall be eligible for
13 coverage under the group hospitalization and medical and surgical

14 insurance plans procured under this section, provided the cost for such
15 persons' insurance coverage shall be paid by the Board of Education
16 and Services for the Blind. General workers employed in positions by
17 the Department of Mental Retardation as self-advocates, not to exceed
18 ten employees, shall be eligible for sick leave, in accordance with
19 section 5-247, vacation and personal leave, in accordance with section
20 5-250, and holidays, in accordance with section 5-254.

21 Sec. 2. Section 17a-248c of the general statutes is repealed and the
22 following is substituted in lieu thereof (*Effective October 1, 2005*):

23 (a) The commissioner shall establish at least one local interagency
24 coordinating council in each region of the state. [The] Each council
25 shall consist of [at least four members who are parents of children aged
26 birth to three with disabilities or of children aged three through twelve
27 with disabilities. Each such council shall also include a representative
28 from the medical community, at least three public or private providers
29 of early intervention services, at least one child care provider or
30 representative of child care providers, regional representatives of
31 participating agencies, if appropriate, and a representative of at least
32 one local public school district. The commissioner may waive one or
33 more of the membership composition requirements set forth in this
34 subsection in those regions where such requirements cannot
35 reasonably be met] five or more individuals interested in the welfare of
36 children ages birth to three years with disabilities or developmental
37 delays.

38 (b) [The] Each local interagency coordinating council established
39 pursuant to subsection (a) of this section shall meet at least four times a
40 year and shall advise and assist the regional birth-to-three managers
41 regarding [: (1) The planning for delivery and assessment of the early
42 intervention services for eligible children and their families, including
43 the transition from early intervention services to services and
44 programs under sections 10-76a to 10-76g, inclusive, and other early
45 childhood programs; (2) the identification of service delivery reforms
46 needed to promote the availability of early intervention services within

47 natural environments; (3) the identification of programs and services
48 available to children who are determined not to be eligible for early
49 intervention services; (4) the coordination of public and private
50 agencies; and (5) such other matters] any matter relating to early
51 intervention policies and procedures within the [region] towns served
52 by that council as are brought to its attention by parents, providers,
53 public agencies or others, including the transition from early
54 intervention services to services and programs under sections 10-76a to
55 10-76g, inclusive, and other early childhood programs.

56 [(c) The council shall report annually to the regional birth-to-three
57 managers and the state interagency coordinating council on the
58 adequacy of the birth-to-three system to ensure the availability of
59 family-centered, coordinated services and interface with other existing
60 planning bodies that serve like populations.]

61 [(d)] (c) Council members who are parents of children with
62 disabilities shall be reimbursed for reasonable and necessary expenses
63 incurred in the performance of their duties.

64 Sec. 3. Subsection (c) of section 17a-210a of the general statutes is
65 repealed and the following is substituted in lieu thereof (*Effective*
66 *October 1, 2005*):

67 (c) Upon the vacancy of the director of the ombudsman office by the
68 person serving in such position on July 1, 2004, and whenever
69 thereafter the term of such position expires or there is a vacancy in
70 such position, the Governor shall appoint the director of the
71 ombudsman office from a list of candidates prepared and submitted to
72 the Governor by the Council on Mental Retardation, established by
73 section 17a-270. The Governor shall notify the council of the pending
74 expiration of the term of an incumbent ombudsman not less than
75 ninety days prior to the final day of the ombudsman's term in office. If
76 a vacancy occurs in the position of ombudsman, the Governor shall
77 notify the council immediately of the vacancy. The council shall meet
78 to consider qualified candidates for the position of ombudsman and
79 shall submit a list of not more than five candidates to the Governor

80 ranked in order of preference, not more than sixty days after receiving
81 notice from the Governor of the pending expiration of the
82 ombudsman's term or the occurrence of a vacancy. The Governor shall
83 designate, not more than sixty days after receipt of the list of
84 candidates from the council, one candidate from the list for the
85 position of ombudsman. If, after the list is submitted to the Governor
86 by the council, any candidate withdraws from consideration, the
87 Governor shall designate a candidate from those remaining on the list.
88 If the Governor fails to designate a candidate within sixty days of
89 receipt of the list from the council, the council shall refer the candidate
90 with the highest ranking on the list to the General Assembly for
91 confirmation. If the General Assembly is not in session at the time of
92 the Governor's or council's designation of a candidate, the candidate
93 shall serve as the acting ombudsman until the General Assembly meets
94 and confirms the candidate as ombudsman. A candidate serving as
95 acting ombudsman shall be entitled to compensation and have all the
96 powers, duties and privileges of the ombudsman. An ombudsman
97 shall serve a term of four years, not including any time served as
98 acting ombudsman, and may be reappointed by the Governor or shall
99 remain in the position until a successor is [confirmed] appointed
100 pursuant to this subsection. Although an incumbent ombudsman may
101 be reappointed, the Governor shall also consider additional candidates
102 from a list submitted by the council as provided in this section.

103 Sec. 4. Subsection (a) of section 17a-241 of the general statutes is
104 repealed and the following is substituted in lieu thereof (*Effective*
105 *October 1, 2005*):

106 (a) The Commissioner of Mental Retardation shall [, upon the
107 recommendation of the education council of the school district,]
108 appoint a superintendent for [said] the school district. Said
109 superintendent shall operate the school district in accordance with the
110 rules and orders of the commissioner. [and with the policies and
111 programs approved by the education council of said district.] The
112 superintendent shall, subject to the approval of the commissioner,
113 make rules for the administration of the school system, provided all

114 such rules are in accordance with regulations established by the State
115 Board of Education.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	5-259(e)
Sec. 2	<i>October 1, 2005</i>	17a-248c
Sec. 3	<i>October 1, 2005</i>	17a-210a(c)
Sec. 4	<i>October 1, 2005</i>	17a-241(a)

PH *Joint Favorable Subst.*

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:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Mental Retardation	GF - Cost	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill allows up to ten general workers employed by the Department of Mental Retardation as self-advocates to be eligible for paid sick, vacation, personal and holiday leave. The cost of providing state employees with paid vacation, sick, personal and holiday leave is twofold; the cost of the paid leave and any personnel cost to cover the work responsibilities of the employee on paid leave. It is not anticipated that leave taken by these general workers will require coverage and result in additional personnel costs. Due to the minimal number of staff impacted, level of wages, and the unknown as to when a separation would occur (and payout of any unused vacation), a minimal impact is anticipated.

The bill makes other changes to the statute that will not result in a fiscal impact.

OLR Bill Analysis

sSB 1093

AN ACT CONCERNING REVISIONS TO THE DEPARTMENT OF MENTAL RETARDATION STATUTES**SUMMARY:**

This bill (1) revises the duties and membership of the interagency coordinating councils that advise Department of Mental Retardation (DMR) Birth-to-Three program managers; (2) makes up to 10 people who DMR employs as self-advocates eligible for paid sick, vacation, personal, and holiday leave; (3) specifies that the director of DMR's Ombudsman Office remains in office until the governor appoints a successor, not until the legislature confirms one; and (4) eliminates a reference to the education council in DMR's Unified School District # 3 in conformance with PA 04-54, which eliminated the council.

EFFECTIVE DATE: October 1, 2005, except for the provisions concerning the interagency coordinating councils, which are effective on passage.

INTERAGENCY COORDINATING COUNCILS

Current law requires DMR to establish at least one interagency coordinating council in each of its regions to advise regional Birth-to-Three program managers on service delivery and other program issues. The bill eliminates the requirement for councils to advise managers on:

1. planning for and assessing services for eligible children and their families,
2. identifying reforms to the service delivery system that promote making services available in "natural environments,"
3. identifying programs and services for children who are not eligible for Birth-to-Three services, and

4. coordinating public and private agencies.

It continues the requirement that councils advise on early intervention policies and procedures brought to its attention by parents, providers, public agencies, and others. And it specifies that, as under current law, these include the transition from Birth-to-Three services to special education and other early childhood programs. But, to reflect current practice, it shifts each council's focus from the DMR region to the towns it serves. (Seven councils currently operate in DMR's three regions; two councils are inactive.)

The bill eliminates the requirement that each council consist of at least four parents of children with disabilities and representatives of the medical community, Birth-to-Three providers, child care providers, and school districts. Instead, it sets membership at five or more people interested in the welfare of children ages birth to three with disabilities or developmental delays.

Finally, the bill eliminates a requirement that the councils report annually to the regional Birth-to-Three managers and the state interagency coordinating council.

BACKGROUND

DMR Self-Advocates

DMR currently employs nine people with mental retardation as self-advocates, three in each of its regions. They work 20 hours each week helping to promote the self-advocacy concept, representing consumer viewpoints to the agency, and providing training in the community, among other functions.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 26 Nay 0