



General Assembly

February Session, 2006

Raised Bill No. 5531

LCO No. 1996

01996 _____ HS_

Referred to Committee on Human Services

Introduced by:
(HS)

AN ACT CONCERNING PROTECTIVE SERVICES FOR THE ELDERLY.

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

1 Section 1. Subsection (a) of section 17b-407 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2006*):

4 (a) Any physician or surgeon licensed under the provisions of
5 chapter 370, any resident physician or intern in any hospital in this
6 state, whether or not so licensed, and any registered nurse, licensed
7 practical nurse, medical examiner, dentist, optometrist, chiropractor,
8 podiatrist, psychologist, social worker, [clergyman] member of the
9 clergy, marital and family therapist, professional counselor, police
10 officer, pharmacist, physical therapist, speech and language
11 pathologist, occupational therapist, audiologist, natureopath, long-
12 term care facility administrator, nurse's aide or orderly in a long-term
13 care facility, any person paid for caring for a patient in a long-term
14 care facility, any staff person employed by a long-term care facility,
15 any assisted living facility employee, senior center employee, adult
16 day care center employee, respite care provider, personal care
17 attendant, patient advocate and any person who is a sexual assault

18 counselor or a battered women's counselor, as defined in section
19 52-146k, who has reasonable cause to suspect or believe that a resident
20 in a long-term care facility has been abused, neglected, exploited or
21 abandoned, or is in a condition that is the result of such abuse, neglect,
22 exploitation or abandonment, shall, not later than seventy-two hours
23 after such suspicion or belief arose, report such information or cause a
24 report to be made in any reasonable manner to the Commissioner of
25 Social Services pursuant to chapter 319dd. Any person required to
26 report under the provision of this section who fails to make such
27 report within the prescribed time period shall be fined not more than
28 five hundred dollars, except that, if such person intentionally fails to
29 make such report within the prescribed time period, such person shall
30 be guilty of a class C misdemeanor for the first offense and a class A
31 misdemeanor for any subsequent offense.

32 Sec. 2. Section 17b-408 of the general statutes is repealed and the
33 following is substituted in lieu thereof (*Effective July 1, 2006*):

34 Upon receipt of a report or complaint as provided in section
35 17b-407, as amended by this act, the commissioner shall determine
36 immediately whether there are reasonable grounds for an
37 investigation. If it is determined that reasonable grounds do not exist
38 for an investigation, the complainant or the person making the report
39 shall be notified of this determination not later than five working days
40 after the receipt of such complaint or report. If such reasonable
41 grounds are found, the commissioner shall investigate such report or
42 complaint not later than ten working days thereafter. The
43 commissioner shall complete an investigation and make a report of the
44 findings not later than [fifteen] thirty working days after the receipt of
45 the complaint or report. If the investigation indicates that there is a
46 possible violation of section 19a-533, 19a-535 or 19a-537, the
47 commissioner shall refer the report or complaint together with a report
48 of any investigation the commissioner has undertaken to the
49 Department of Public Health for action as appropriate. If the
50 investigation indicates that there is a possible violation of the

51 provisions of the Public Health Code with respect to licensing
52 requirements, the commissioner shall refer the report or complaint,
53 together with a report of the commissioner's investigation, to the
54 Commissioner of Public Health for appropriate action. If no violation
55 of the Public Health Code is indicated, the commissioner shall take
56 whatever action the commissioner deems necessary, and shall notify
57 the complainant or the person making the report, of the action taken
58 not later than fifteen working days after receipt of the complaint or
59 report. If the investigation indicates that a person has abused,
60 neglected, exploited or abandoned a resident in a long-term care
61 facility, the commissioner shall refer such information in writing to the
62 Chief State's Attorney or the Chief State's Attorney's designee who
63 shall conduct such further investigation, if any, as deemed necessary
64 and shall determine whether criminal proceedings should be initiated
65 against such person in accordance with applicable state law.

66 Sec. 3. Subsection (a) of section 17b-451 of the general statutes is
67 repealed and the following is substituted in lieu thereof (*Effective July*
68 *1, 2006*):

69 (a) Any physician or surgeon licensed under the provisions of
70 chapter 370, any resident physician or intern in any hospital in this
71 state, whether or not so licensed, any registered nurse, any nursing
72 home administrator, nurse's aide or orderly in a nursing home facility,
73 any person paid for caring for a patient in a nursing home facility, any
74 staff person employed by a nursing home facility, any [patients']
75 patient advocate and any licensed practical nurse, medical examiner,
76 dentist, optometrist, chiropractor, podiatrist, social worker,
77 [clergyman] member of the clergy, police officer, pharmacist,
78 psychologist, [or] physical therapist, marital and family therapist,
79 professional counselor, natureopath, recreation therapist, speech and
80 language pathologist, audiologist, occupational therapist, recreation
81 therapist, nutritionist, geriatric care manager, home health aide,
82 homemaker-home health aide, personal care attendant, respite care
83 provider, assisted living facility employee, resident service

84 coordinator, senior center employee, adult day care center employee
85 and any person who is a sexual assault counselor or a battered
86 women's counselor, as defined in section 52-146k, who has reasonable
87 cause to suspect or believe that any elderly person has been abused,
88 neglected, exploited or abandoned, or is in a condition which is the
89 result of such abuse, neglect, exploitation or abandonment, or is in
90 need of protective services, shall, not later than seventy-two hours
91 after such suspicion or belief arose, report such information or cause a
92 report to be made in any reasonable manner to the Commissioner of
93 Social Services or to the person or persons designated by the
94 commissioner to receive such reports. Any person required to report
95 under the provisions of this section who fails to make such report
96 within the prescribed time period shall be fined not more than five
97 hundred dollars, except that, if such person intentionally fails to make
98 such report within the prescribed time period, such person shall be
99 guilty of a class C misdemeanor for the first offense and a class A
100 misdemeanor for any subsequent offense.

101 Sec. 4. Section 17b-456 of the general statutes is repealed and the
102 following is substituted in lieu thereof (*Effective July 1, 2006*):

103 (a) If the Commissioner of Social Services finds that an elderly
104 person is being abused, neglected, exploited or abandoned and lacks
105 capacity to consent to reasonable and necessary protective services,
106 [he] the commissioner may petition the Probate Court for appointment
107 of a conservator of the elderly person pursuant to the provisions of
108 sections 45a-644 to 45a-662, inclusive, as amended, in order to obtain
109 such consent.

110 (b) Such elderly person or the individual, agency or organization
111 designated to be responsible for the personal welfare of the elderly
112 person shall have the right to bring a motion in the cause for review of
113 the Probate Court's determination regarding the elderly person's
114 capacity or an order issued pursuant to sections 17b-450 to 17b-461,
115 inclusive.

116 (c) [The] If the Commissioner of Social Services has petitioned the
117 Probate Court pursuant to subsection (a) of this section, the Probate
118 Court may appoint, if it deems appropriate, the [Commissioner of
119 Social Services] commissioner to be the conservator of the person of
120 such elderly person.

121 (d) In any proceeding in Probate Court pursuant to provisions of
122 sections 17b-450 to 17b-461, inclusive, the Probate Court shall appoint
123 an attorney to represent the elderly person if he is without other legal
124 representation.

125 (e) If the Commissioner of Social Services has been appointed by the
126 Probate Court as the conservator of the person of an elderly person
127 pursuant to subsection (c) of this section and the commissioner
128 determines that such elderly person is no longer in need of protective
129 services but still is in need of a conservator of the person, the
130 commissioner shall determine whether he or she will continue to serve
131 as conservator of the person of such elderly person in accordance with
132 the requirements of section 45a-651. If the commissioner determines
133 that the requirements of section 45a-651 are met, the commissioner
134 shall continue to serve as the conservator of the person for such elderly
135 person but shall inform the Probate Court that such elderly person is
136 no longer in need of protective services. If the commissioner
137 determines that the requirements of section 45a-651 are not met, the
138 commissioner shall apply to the Probate Court that appointed the
139 commissioner conservator of the person, pursuant to subsection (c) of
140 this section, for termination of the conservatorship.

141 (f) The Commissioner of Social Services shall adopt regulations, in
142 accordance with the provisions of chapter 54, to implement the
143 provisions of this section.

144 Sec. 5. Section 17b-457 of the general statutes is repealed and the
145 following is substituted in lieu thereof (*Effective July 1, 2006*):

146 In performing the duties set forth in sections 17b-450 to 17b-461,

147 inclusive, the Department of Social Services may request the assistance
148 of the staffs and resources of all appropriate state departments,
149 agencies and commissions and local health directors, and may utilize
150 any other public or private agencies, groups or individuals who are
151 appropriate and who may be available, including, but not limited to,
152 protective service agencies in other states.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<u>July 1, 2006</u>	17b-407(a)
Sec. 2	<u>July 1, 2006</u>	17b-408
Sec. 3	<u>July 1, 2006</u>	17b-451(a)
Sec. 4	<u>July 1, 2006</u>	17b-456
Sec. 5	<u>July 1, 2006</u>	17b-457

Statement of Purpose:

To enhance protective services for the elderly and clarify the conditions under which the Department of Social Services may serve as conservator of the person for vulnerable elders.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]