



House Bill No. 7007

Public Act No. 07-73

AN ACT RENAMING THE DEPARTMENT OF MENTAL RETARDATION.

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

Section 1. Section 17a-210 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) There shall be a Department of [Mental Retardation] Developmental Services. The Department of [Mental Retardation] Developmental Services, with the advice of a Council on Mental Retardation, shall be responsible for the planning, development and administration of complete, comprehensive and integrated state-wide services for persons with mental retardation and persons medically diagnosed as having Prader-Willi syndrome. The Department of [Mental Retardation] Developmental Services shall be under the supervision of a Commissioner of [Mental Retardation] Developmental Services, who shall be appointed by the Governor in accordance with the provisions of sections 4-5 to 4-8, inclusive. The Council on Mental Retardation may advise the Governor on the appointment. The commissioner shall be a person who has background, training, education or experience in administering programs for the care, training, education, treatment and custody of persons with mental retardation. The commissioner shall be responsible, with the advice of

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the council, for: (1) Planning and developing complete, comprehensive and integrated state-wide services for persons with mental retardation; (2) the implementation and where appropriate the funding of such services; and (3) the coordination of the efforts of the Department of [Mental Retardation] Developmental Services with those of other state departments and agencies, municipal governments and private agencies concerned with and providing services for persons with mental retardation. The commissioner shall be responsible for the administration and operation of the state training school, state mental retardation regions and all state-operated community-based residential facilities established for the diagnosis, care and training of persons with mental retardation. The commissioner shall be responsible for establishing standards, providing technical assistance and exercising the requisite supervision of all state-supported residential, day and program support services for persons with mental retardation and work activity programs operated pursuant to section 17a-226. The commissioner shall conduct or monitor investigations into allegations of abuse and neglect and file reports as requested by state agencies having statutory responsibility for the conduct and oversight of such investigations. In the event of the death of a person with mental retardation for whom the department has direct or oversight responsibility for medical care, the commissioner shall ensure that a comprehensive and timely review of the events, overall care, quality of life issues and medical care preceding such death is conducted by the department and shall, as requested, provide information and assistance to the Independent Mortality Review Board established by Executive Order No. 25 of Governor John G. Rowland. The commissioner shall report to the board and the board shall review any death: (A) Involving an allegation of abuse or neglect; (B) for which the Office of Chief Medical Examiner or local medical examiner has accepted jurisdiction; (C) in which an autopsy was performed; (D) which was sudden and unexpected; or (E) in which the commissioner's review raises questions about the appropriateness of care. The

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commissioner shall stimulate research by public and private agencies, institutions of higher learning and hospitals, in the interest of the elimination and amelioration of retardation and care and training of persons with mental retardation.

(b) The commissioner shall be responsible for the development of criteria as to the eligibility of any person with mental retardation for residential care in any public or state-supported private institution and, after considering the recommendation of a properly designated diagnostic agency, may assign such person to a public or state-supported private institution. The commissioner may transfer such persons from one such institution to another when necessary and desirable for their welfare, provided such person and such person's parent, conservator, guardian or other legal representative receive written notice of their right to object to such transfer at least ten days prior to the proposed transfer of such person from any such institution or facility. Such prior notice shall not be required when transfers are made between residential units within the training school or a state mental retardation region or when necessary to avoid a serious and immediate threat to the life or physical or mental health of such person or others residing in such institution or facility. The notice required by this subsection shall notify the recipient of his or her right to object to such transfer, except in the case of an emergency transfer as provided in this subsection, and shall include the name, address and telephone number of the Office of Protection and Advocacy for Persons with Disabilities. In the event of an emergency transfer, the notice required by this subsection shall notify the recipient of his or her right to request a hearing in accordance with subsection (c) of this section and shall be given within ten days following the emergency transfer. In the event of an objection to the proposed transfer, the commissioner shall conduct a hearing in accordance with subsection (c) of this section and the transfer shall be stayed pending final disposition of the hearing, provided no such hearing shall be required if the commissioner

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withdraws such proposed transfer.

(c) Any person with mental retardation who is eighteen years of age or older and who resides at any institution or facility operated by the Department of [Mental Retardation] Developmental Services, or the parent, guardian, conservator or other legal representative of any person with mental retardation who resides at any such institution or facility, may object to any transfer of such person from one institution or facility to another for any reason other than a medical reason or an emergency, or may request such a transfer. In the event of any such objection or request, the commissioner shall conduct a hearing on such proposed transfer, provided no such hearing shall be required if the commissioner withdraws such proposed transfer. In any such transfer hearing, the proponent of a transfer shall have the burden of showing, by clear and convincing evidence, that the proposed transfer is in the best interest of the resident being considered for transfer and that the facility and programs to which transfer is proposed (1) are safe and effectively supervised and monitored, and (2) provide a greater opportunity for personal development than the resident's present setting. Such hearing shall be conducted in accordance with the provisions of chapter 54.

(d) Any person, or the parent, guardian, conservator or other legal representative of such person, may request a hearing for any final determination by the department that denies such person eligibility for programs and services of the department. A request for a hearing shall be made in writing to the commissioner. Such hearing shall be conducted in accordance with the provisions of chapter 54.

(e) Any person with mental retardation, or the parent, guardian, conservator or other legal representative of such person, may request a hearing to contest the priority assignment made by the department for persons seeking residential placement, residential services or residential support. A request for hearing shall be made, in writing, to

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the commissioner. Such hearing shall be conducted in accordance with the provisions of chapter 54.

(f) Any person with mental retardation or the parent, guardian, conservator or other legal representative of such person, may object to (1) a proposed approval by the department of a program for such person that includes the use of behavior-modifying medications or aversive procedures, or (2) a proposed determination of the department that community placement is inappropriate for such person placed under the direction of the commissioner. The department shall provide written notice of any such proposed approval or determination to the person, or to the parent, guardian, conservator or other legal representative of such person, at least ten days prior to making such approval or determination. In the event of an objection to such proposed approval or determination, the commissioner shall conduct a hearing in accordance with the provisions of chapter 54, provided no such hearing shall be required if the commissioner withdraws such proposed approval or determination.

Sec. 2. (NEW) (*Effective October 1, 2007*) (a) Whenever the term "Department of Mental Retardation" is used or referred to in the following sections of the general statutes, the term "Department of Developmental Services" shall be substituted in lieu thereof: 1-101aa, 4-38c, 4-61aa, 4a-12, 4a-16, 4a-82, 5-259, 8-206d, 10-15d, 10-76d, 10-145d, 17a-33, 17a-114, 17a-145, 17a-210, 17a-210a, 17a-210b, 17a-211, 17a-211a, 17a-211b, 17a-212a, 17a-214, 17a-215, 17a-215a, 17a-215b, 17a-216, 17a-217, 17a-218, 17a-219b, 17a-219c, 17a-220, 17a-226, 17a-227, 17a-227a, 17a-228, 17a-236, 17a-238, 17a-240, 17a-246, 17a-247, 17a-247a, 17a-247b, 17a-247e, 17a-248, 17a-248g, 17a-270, 17a-273, 17a-274, 17a-276, 17a-277, 17a-281, 17a-475a, 17b-337, 17b-352, 17b-360, 17b-492b, 19-570, 19a-509d, 19a-576, 38a-488a, 38a-514, 45a-654, 45a-656, 45a-674, 45a-676, 45a-677, 45a-681, 46a-11, 46a-11a, 46a-11c, 46a-11d and 46a-11f.

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(b) Whenever the term "Commissioner of Mental Retardation" is used or referred to in the following sections of the general statutes, the term "Commissioner of Developmental Services" shall be substituted in lieu thereof: 4-5, 4b-3, 4b-23, 8-3e, 10-76i, 17a-4a, 17a-22a, 17a-210, 17a-212, 17a-212a, 17a-214, 17a-215a, 17a-215b, 17a-217a, 17a-218, 17a-218a, 17a-225, 17a-226, 17a-227a, 17a-228, 17a-229, 17a-230, 17a-232, 17a-238, 17a-240, 17a-241, 17a-242, 17a-244, 17a-246, 17a-247a, 17a-248, 17a-270, 17a-272, 17a-273, 17a-274, 17a-276, 17a-277, 17a-281, 17a-282, 17a-582, 17a-584, 17a-586, 17a-587, 17a-588, 17a-592, 17a-593, 17a-594, 17a-596, 17a-599, 17b-28a, 17b-244, 17b-244a, 17b-337, 17b-340, 17b-492b, 19a-24, 19a-411, 19a-580d, 20-14j, 20-571, 45a-670, 45a-674, 45a-676, 45a-677, 45a-681, 45a-682, 45a-692, 46a-11a, 46a-11c, 46a-11f, 54-56d, 54-102g and 54-102h.

(c) If the term "Department of Mental Retardation" is used or referred to in any public or special act of 2007 or 2008, or in any section of the general statutes that is amended in 2007 or 2008, it shall be deemed to refer to the Department of Developmental Services.

(d) If the term "Commissioner of Mental Retardation" is used or referred to in any public or special act of 2007 or 2008, or in any section of the general statutes that is amended in 2007 or 2008, it shall be deemed to refer to the Commissioner of Developmental Services.

(e) Any administrative changes related to the renaming of the Department of Mental Retardation as the Department of Developmental Services, including, but not limited to, changes in business cards, stationery, brochures, web sites and signage shall be done in a manner and in the timeframe prescribed by the Commissioner of Developmental Services.

(f) Nothing in this section shall be construed to change the criteria by which the Commissioner of Developmental Services makes eligibility determinations for programs and services of the Department

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of Developmental Services.

Approved May 30, 2007