



M. JODI RELL
GOVERNOR

STATE OF CONNECTICUT
DEPARTMENT OF MENTAL RETARDATION



PETER H. O'MEARA
COMMISSIONER

TESTIMONY OF
DEPARTMENT OF MENTAL RETARDATION
TO THE
HUMAN SERVICES COMMITTEE
FEBRUARY 13, 2007

Senator Harris, Representative Villano and members of the Human Services Committee. I am James P. Welsh, DMR's Director of Legal and Government Affairs and on behalf of the Department of Mental Retardation (DMR) I am submitting written testimony to raise a concern about **Raised Bill No. 1096, An Act Concerning the Establishment of the Fatality Review Board for Persons with Disabilities.**

Executive Order 25 (under Governor Rowland) created a Fatality Review Board whose purpose is to investigate the circumstances surrounding the untimely deaths of persons with disabilities, including clients under the care of the Department of Mental Retardation. The DMR believes that it serves an important purpose and function. However, DMR does not believe that the language in the raised bill is consistent with language in existing statutes.

Current OPA statute 46a-11c (b) states: "In cases where there is a death of a person with mental retardation for whom the Department of Mental Retardation has direct or oversight responsibility for medical care, and there is reasonable cause to suspect or believe that such death may be due to abuse or neglect, the Commissioner of Mental Retardation shall notify the director or the director's designee not later than twenty-four hours after the commissioner determines that there is reasonable cause to suspect or believe that such death may be due to abuse or neglect and the director shall conduct an investigation to determine whether abuse or neglect occurred, except as may be otherwise required by court order. The director, in consultation with the Commissioner of Mental Retardation, shall establish protocols for conducting such investigations." Raised bill 1096, does not contain the following language: "direct or medical oversight responsibility for medical care" and "reasonable cause to suspect or believe that such death may be due to abuse or neglect." In addition, it inserts the word "promptly" in place of "not later than twenty-four hours after the Commissioner determines that there is reasonable cause...".

DMR believes that some of the changes proposed in Section 17a-210, as referenced above, should be consistent with the language of other statutes and may be unnecessary as this aspect of the bill reflects an established process.

Thank you for allowing me the opportunity to submit written testimony on this bill. You may contact DMR's Legislative Program Manager, Christine Pollio at 418-6066 with any questions.