



General Assembly

January Session, 2007

Raised Bill No. 7007

LCO No. 3605

* HB07007PH 032307 *

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT RENAMING THE DEPARTMENT OF MENTAL RETARDATION.

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

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 Section 17a-210 of the general statutes is repealed and the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

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

19 the council, for: (1) Planning and developing complete, comprehensive
20 and integrated state-wide services for persons with mental retardation;
21 (2) the implementation and where appropriate the funding of such
22 services; and (3) the coordination of the efforts of the Department of
23 [Mental Retardation] Developmental Services with those of other state
24 departments and agencies, municipal governments and private
25 agencies concerned with and providing services for persons with
26 mental retardation. The commissioner shall be responsible for the
27 administration and operation of the state training school, state mental
28 retardation regions and all state-operated community-based
29 residential facilities established for the diagnosis, care and training of
30 persons with mental retardation. The commissioner shall be
31 responsible for establishing standards, providing technical assistance
32 and exercising the requisite supervision of all state-supported
33 residential, day and program support services for persons with mental
34 retardation and work activity programs operated pursuant to section
35 17a-226. The commissioner shall conduct or monitor investigations
36 into allegations of abuse and neglect and file reports as requested by
37 state agencies having statutory responsibility for the conduct and
38 oversight of such investigations. In the event of the death of a person
39 with mental retardation for whom the department has direct or
40 oversight responsibility for medical care, the commissioner shall
41 ensure that a comprehensive and timely review of the events, overall
42 care, quality of life issues and medical care preceding such death is
43 conducted by the department and shall, as requested, provide
44 information and assistance to the Independent Mortality Review Board
45 established by Executive Order No. 25 of Governor John G. Rowland.
46 The commissioner shall report to the board and the board shall review
47 any death: (A) Involving an allegation of abuse or neglect; (B) for
48 which the Office of Chief Medical Examiner or local medical examiner
49 has accepted jurisdiction; (C) in which an autopsy was performed; (D)
50 which was sudden and unexpected; or (E) in which the commissioner's
51 review raises questions about the appropriateness of care. The
52 commissioner shall stimulate research by public and private agencies,
53 institutions of higher learning and hospitals, in the interest of the

54 elimination and amelioration of retardation and care and training of
55 persons with mental retardation.

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

85 (c) Any person with mental retardation who is eighteen years of age
86 or older and who resides at any institution or facility operated by the
87 Department of [Mental Retardation] Developmental Services, or the

88 parent, guardian, conservator or other legal representative of any
89 person with mental retardation who resides at any such institution or
90 facility, may object to any transfer of such person from one institution
91 or facility to another for any reason other than a medical reason or an
92 emergency, or may request such a transfer. In the event of any such
93 objection or request, the commissioner shall conduct a hearing on such
94 proposed transfer, provided no such hearing shall be required if the
95 commissioner withdraws such proposed transfer. In any such transfer
96 hearing, the proponent of a transfer shall have the burden of showing,
97 by clear and convincing evidence, that the proposed transfer is in the
98 best interest of the resident being considered for transfer and that the
99 facility and programs to which transfer is proposed (1) are safe and
100 effectively supervised and monitored, and (2) provide a greater
101 opportunity for personal development than the resident's present
102 setting. Such hearing shall be conducted in accordance with the
103 provisions of chapter 54.

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

110 (e) Any person with mental retardation, or the parent, guardian,
111 conservator or other legal representative of such person, may request a
112 hearing to contest the priority assignment made by the department for
113 persons seeking residential placement, residential services or
114 residential support. A request for hearing shall be made, in writing, to
115 the commissioner. Such hearing shall be conducted in accordance with
116 the provisions of chapter 54.

117 (f) Any person with mental retardation or the parent, guardian,
118 conservator or other legal representative of such person, may object to
119 (1) a proposed approval by the department of a program for such
120 person that includes the use of behavior-modifying medications or

121 aversive procedures, or (2) a proposed determination of the
122 department that community placement is inappropriate for such
123 person placed under the direction of the commissioner. The
124 department shall provide written notice of any such proposed
125 approval or determination to the person, or to the parent, guardian,
126 conservator or other legal representative of such person, at least ten
127 days prior to making such approval or determination. In the event of
128 an objection to such proposed approval or determination, the
129 commissioner shall conduct a hearing in accordance with the
130 provisions of chapter 54, provided no such hearing shall be required if
131 the commissioner withdraws such proposed approval or
132 determination.

133 Sec. 2. (NEW) (*Effective October 1, 2007*) (a) Whenever the term
134 "Department of Mental Retardation" is used or referred to in the
135 following sections of the general statutes, the term "Department of
136 Developmental Services" shall be substituted in lieu thereof: 1-101aa, 4-
137 38c, 4-61aa, 4a-12, 4a-16, 4a-82, 5-259, 8-206d, 10-15d, 10-76d, 10-145d,
138 17a-33, 17a-114, 17a-145, 17a-210, 17a-210a, 17a-210b, 17a-211, 17a-211a,
139 17a-211b, 17a-212a, 17a-214, 17a-215, 17a-215a, 17a-215b, 17a-216, 17a-
140 217, 17a-218, 17a-219b, 17a-219c, 17a-220, 17a-226, 17a-227, 17a-227a,
141 17a-228, 17a-236, 17a-238, 17a-240, 17a-246, 17a-247, 17a-247a, 17a-247b,
142 17a-247e, 17a-248, 17a-248g, 17a-270, 17a-273, 17a-274, 17a-276, 17a-277,
143 17a-281, 17a-475a, 17b-337, 17b-352, 17b-360, 17b-492b, 19-570, 19a-
144 509d, 19a-576, 38a-488a, 38a-514, 45a-654, 45a-656, 45a-674, 45a-676,
145 45a-677, 45a-681, 46a-11, 46a-11a, 46a-11c, 46a-11d and 46a-11f.

146 (b) Whenever the term "Commissioner of Mental Retardation" is
147 used or referred to in the following sections of the general statutes, the
148 term "Commissioner of Developmental Services" shall be substituted
149 in lieu thereof: 4-5, 4b-3, 4b-23, 8-3e, 10-76i, 17a-4a, 17a-22a, 17a-210,
150 17a-212, 17a-212a, 17a-214, 17a-215a, 17a-215b, 17a-217a, 17a-218, 17a-
151 218a, 17a-225, 17a-226, 17a-227a, 17a-228, 17a-229, 17a-230, 17a-232,
152 17a-238, 17a-240, 17a-241, 17a-242, 17a-244, 17a-246, 17a-247a, 17a-248,
153 17a-270, 17a-272, 17a-273, 17a-274, 17a-276, 17a-277, 17a-281, 17a-282,
154 17a-582, 17a-584, 17a-586, 17a-587, 17a-588, 17a-592, 17a-593, 17a-594,

155 17a-596, 17a-599, 17b-28a, 17b-244, 17b-244a, 17b-337, 17b-340, 17b-
156 492b, 19a-24, 19a-411, 19a-580d, 20-14j, 20-571, 45a-670, 45a-674, 45a-
157 676, 45a-677, 45a-681, 45a-682, 45a-692, 46a-11a, 46a-11c, 46a-11f, 54-
158 56d, 54-102g and 54-102h.

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

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	17a-210
Sec. 2	<i>October 1, 2007</i>	New section

PH *Joint Favorable*