



General Assembly

February Session, 2008

**Raised Bill No. 5325**

LCO No. 1388

\*01388 \_\_\_\_\_ PRI\*

Referred to Committee on Program Review and Investigations

Introduced by:  
(PRI)

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE  
PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE  
CONCERNING THE SUNSET LAW.**

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

1 Section 1. Subdivision (1) of section 2-53d of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (1) "Program review" means an examination of state government  
5 entities and programs and their administration to ascertain whether  
6 such programs are effective, continue to serve their intended purposes,  
7 are conducted in an efficient and effective manner, or require  
8 modification, consolidation or elimination.

9 Sec. 2. Section 2-53g of the general statutes is amended by adding  
10 subsections (c) and (d) as follows (*Effective from passage*):

11 (NEW) (c) In the discharge of its duties to conduct program reviews,  
12 the committee may consider, but need not limit its consideration to,  
13 whether there is a public need for the continued existence of an entity  
14 or program. For purposes of this subsection, the committee's

15 consideration may include, but not be limited to, whether:

16 (1) Termination of the entity or program would significantly  
17 endanger the public health, safety or welfare;

18 (2) The public could be adequately protected by another statute,  
19 entity or program, or by a less restrictive method of regulation;

20 (3) The governmental entity or program produces any direct or  
21 indirect increase in the cost of goods or services, and if it does, whether  
22 the public benefits attributable to the entity or program outweigh the  
23 public burden of the increase in cost; and

24 (4) The effective operation of the governmental entity or program is  
25 impeded by existing statutes, regulations or policies, including  
26 budgetary and personnel policies.

27 (NEW) (d) In the discharge of its duties to conduct program  
28 reviews, the committee may consider, but need not limit its  
29 consideration to, whether a regulated entity or program has served the  
30 general public and not merely the persons regulated. For purposes of  
31 this subsection, the committee's consideration may include, but not be  
32 limited to, the:

33 (1) Extent to which qualified applicants have been permitted to  
34 engage in any profession, occupation, trade or activity regulated by the  
35 entity or program;

36 (2) Extent to which the governmental entity involved has complied  
37 with federal and state affirmative action requirements;

38 (3) Extent to which the governmental entity involved has  
39 recommended statutory changes that would benefit the public, as  
40 opposed to the persons regulated;

41 (4) Extent to which the governmental entity involved has  
42 encouraged public participation in the formulation of its regulations

43 and policies; and

44 (5) Manner in which the governmental entity involved has  
45 processed and resolved public complaints concerning persons subject  
46 to regulation.

47 Sec. 3. Subsection (b) of section 17a-2 of the 2008 supplement to the  
48 general statutes is repealed and the following is substituted in lieu  
49 thereof (*Effective from passage*):

50 (b) Said department shall constitute a successor department to the  
51 Department of Children and Youth Services, for the purposes of  
52 sections [2c-2b,] 4-5 of the 2008 supplement to the general statutes, 4-  
53 38c of the 2008 supplement to the general statutes, 4-60i of the 2008  
54 supplement to the general statutes, 4-77a of the 2008 supplement to the  
55 general statutes, 4-165b, 4a-11b, 4a-12 of the 2008 supplement to the  
56 general statutes, 4a-16 of the 2008 supplement to the general statutes,  
57 5-259 of the 2008 supplement to the general statutes, 7-127c, 8-206d of  
58 the 2008 supplement to the general statutes, 10-8a, 10-15d of the 2008  
59 supplement to the general statutes, 10-76d of the 2008 supplement to  
60 the general statutes, 10-76h, 10-76i of the 2008 supplement to the  
61 general statutes, 10-76w, 10-76g, 10-94g, 10-253, 17-86a, 17-294, 17-409,  
62 17-437, 17-572, 17-578, 17-579, 17-585, 17a-1 to 17a-89, inclusive, 17a-90  
63 to 17a-209, inclusive, 17a-218 of the 2008 supplement to the general  
64 statutes, 17a-277 of the 2008 supplement to the general statutes, 17a-  
65 450 of the 2008 supplement to the general statutes, 17a-458 of the 2008  
66 supplement to the general statutes, 17a-474, 17a-560, 17a-511, 17a-634,  
67 17a-646, 17a-659, 18-69, 18-69a, 18-87, 19a-78, 19a-125, 19a-216, 20-14i of  
68 the 2008 supplement to the general statutes, 20-14j of the 2008  
69 supplement to the general statutes, 31-23, 31-306a, 38a-514 of the 2008  
70 supplement to the general statutes, 45a-591 to 45a-705, inclusive, 45a-  
71 706 to 45a-770, inclusive, 46a-28 of the 2008 supplement to the general  
72 statutes, 46a-126 of the 2008 supplement to the general statutes, 46b-15  
73 to 46b-19, inclusive, of the 2008 supplement to the general statutes,  
74 46b-120 to 46b-159, inclusive, of the 2008 supplement to the general

75 statutes, 54-56d of the 2008 supplement to the general statutes, 54-142k  
76 of the 2008 supplement to the general statutes, 54-199, 54-203 and in  
77 accordance with the provisions of sections 4-38d and 4-39.

78 Sec. 4. Subsection (c) of section 17a-2 of the 2008 supplement to the  
79 general statutes is repealed and the following is substituted in lieu  
80 thereof (*Effective from passage*):

81 (c) Whenever the words "Commissioner of Children and Youth  
82 Services", "Department of Children and Youth Services", or "Council  
83 on Children and Youth Services" are used in sections [2c-2b,] 4-5 of the  
84 2008 supplement to the general statutes, 4-38c of the 2008 supplement  
85 to the general statutes, 4-60i of the 2008 supplement to the general  
86 statutes, 4-77a of the 2008 supplement to the general statutes, 4-165b,  
87 4a-11b, 4a-12 of the 2008 supplement to the general statutes, 4a-16 of  
88 the 2008 supplement to the general statutes, 5-259 of the 2008  
89 supplement to the general statutes, 7-127c, 8-206d of the 2008  
90 supplement to the general statutes, 10-8a, 10-15d of the 2008  
91 supplement to the general statutes, 10-76d of the 2008 supplement to  
92 the general statutes, 10-76h, 10-76i of the 2008 supplement to the  
93 general statutes, 10-76w, 10-94g, 10-253, 17-86a, 17-294, 17-409, 17-437,  
94 17-572, 17-578, 17-579, 17-585, 17a-1 to 17a-89, inclusive, 17a-90 to 17a-  
95 209, inclusive, 17a-218 of the 2008 supplement to the general statutes,  
96 17a-277 of the 2008 supplement to the general statutes, 17a-450 of the  
97 2008 supplement to the general statutes, 17a-458 of the 2008  
98 supplement to the general statutes, 17a-474, 17a-511, 17a-634, 17a-646,  
99 17a-659, 18-69, 18-69a, 18-87, 19a-78, 19a-125, 19a-216, 20-14i of the 2008  
100 supplement to the general statutes, 20-14j of the 2008 supplement to  
101 the general statutes, 31-23, 31-306a, 38a-514 of the 2008 supplement to  
102 the general statutes, 45a-591 to 45a-705, inclusive, 45a-706 to 45a-770,  
103 inclusive, 46a-28 of the 2008 supplement to the general statutes, 46a-  
104 126 of the 2008 supplement to the general statutes, 46b-15 to 46b-19,  
105 inclusive, of the 2008 supplement to the general statutes, 46b-120 to  
106 46b-159, inclusive, of the 2008 supplement to the general statutes, 54-  
107 56d of the 2008 supplement to the general statutes, 54-142k of the 2008

108 supplement to the general statutes, 54-199, 54-203, the words  
109 "Commissioner of Children and Families", "Department of Children  
110 and Families", and "Council on Children and Families" shall be  
111 substituted respectively in lieu thereof.

112 Sec. 5. Section 17a-247a of the 2008 supplement to the general  
113 statutes is repealed and the following is substituted in lieu thereof  
114 (*Effective from passage*):

115 As used in sections 17a-247b to 17a-247e, inclusive, [and subdivision  
116 (31) of subsection (a) of section 2c-2b] of the 2008 supplement to the  
117 general statutes:

118 (1) "Abuse" means the wilful infliction by an employee of physical  
119 pain or injury or the wilful deprivation of services necessary to the  
120 physical and mental health and safety of a department client.

121 (2) "Authorized agency" means any agency authorized in  
122 accordance with the general statutes to conduct abuse and neglect  
123 investigations and responsible for issuing or carrying out protective  
124 services for persons with mental retardation.

125 (3) "Commissioner" means the Commissioner of Developmental  
126 Services.

127 (4) "Department" means the Department of Developmental Services.

128 (5) "Department client" means a person who is eligible for, and  
129 receives services or funding from, the department.

130 (6) "Employee" means any individual employed (A) by the  
131 department, or (B) by an agency, organization or individual that is  
132 licensed or funded by the department.

133 (7) "Employer" means (A) the department, or (B) an agency,  
134 organization or individual that is licensed or funded by the  
135 department.

136 (8) "Neglect" means the failure by an employee, through action or  
137 inaction, to provide a department client with the services necessary to  
138 maintain such client's physical and mental health and safety.

139 (9) "Protective services" has the same meaning as provided in  
140 section 46a-11a of the 2008 supplement to the general statutes.

141 (10) "Registry" means a centralized data base containing information  
142 regarding substantiated abuse or neglect.

143 (11) "Substantiated abuse or neglect" means a determination by an  
144 authorized agency, following an investigation conducted or monitored  
145 by such agency, that (A) abuse or neglect of a department client has  
146 occurred, or (B) there has been a criminal conviction of a felony or  
147 misdemeanor involving abuse or neglect.

148 Sec. 6. Subsection (a) of section 17a-450a of the 2008 supplement to  
149 the general statutes is repealed and the following is substituted in lieu  
150 thereof (*Effective from passage*):

151 (a) The Department of Mental Health and Addiction Services shall  
152 constitute a successor department to the Department of Mental Health.  
153 Whenever the words "Commissioner of Mental Health" are used or  
154 referred to in the following general statutes, the words "Commissioner  
155 of Mental Health and Addiction Services" shall be substituted in lieu  
156 thereof and whenever the words "Department of Mental Health" are  
157 used or referred to in the following general statutes, the words  
158 "Department of Mental Health and Addiction Services" shall be  
159 substituted in lieu thereof: [2c-2b,] 4-5 of the 2008 supplement to the  
160 general statutes, 4-38c of the 2008 supplement to the general statutes,  
161 4-60i of the 2008 supplement to the general statutes, 4-77a of the 2008  
162 supplement to the general statutes, 4a-12 of the 2008 supplement to the  
163 general statutes, 4a-16 of the 2008 supplement to the general statutes,  
164 5-142, 8-206d of the 2008 supplement to the general statutes, 10-19, 10-  
165 71 of the 2008 supplement to the general statutes, 10-76d of the 2008  
166 supplement to the general statutes, 17a-14, 17a-26, 17a-31, 17a-33 of the

167 2008 supplement to the general statutes, 17a-218 of the 2008  
168 supplement to the general statutes, 17a-246 of the 2008 supplement to  
169 the general statutes, 17a-450 of the 2008 supplement to the general  
170 statutes, 17a-451 of the 2008 supplement to the general statutes, 17a-  
171 452, 17a-453, 17a-454, 17a-455, 17a-456, as amended by this act, 17a-457  
172 of the 2008 supplement to the general statutes, 17a-458 of the 2008  
173 supplement to the general statutes, 17a-459 of the 2008 supplement to  
174 the general statutes, 17a-460, 17a-464, 17a-465, 17a-466, 17a-467, 17a-  
175 468, 17a-470 of the 2008 supplement to the general statutes, 17a-471,  
176 17a-472, 17a-473 of the 2008 supplement to the general statutes, 17a-  
177 474, 17a-476, 17a-478, 17a-479, 17a-480, 17a-481, 17a-482, 17a-483, 17a-  
178 484, 17a-498, 17a-499, 17a-502 of the 2008 supplement to the general  
179 statutes, 17a-506, 17a-510, 17a-511, 17a-512, 17a-513, 17a-519, 17a-528,  
180 17a-560, 17a-561, 17a-562, 17a-565, 17a-576, 17a-581, 17a-582 of the 2008  
181 supplement to the general statutes, 17a-675, 17b-28 of the 2008  
182 supplement to the general statutes, 17b-222 of the 2008 supplement to  
183 the general statutes, 17b-223, 17b-225 of the 2008 supplement to the  
184 general statutes, 17b-359 of the 2008 supplement to the general  
185 statutes, 17b-420 of the 2008 supplement to the general statutes, 17b-  
186 694, 19a-82, 19a-495, 19a-498, 19a-507a, 19a-507c, 19a-576 of the 2008  
187 supplement to the general statutes, 19a-583, 20-14i of the 2008  
188 supplement to the general statutes, 20-14j of the 2008 supplement to  
189 the general statutes, 21a-240, 21a-301, 27-122a, 31-222, 38a-514 of the  
190 2008 supplement to the general statutes, 46a-28 of the 2008 supplement  
191 to the general statutes, 51-51o, 52-146h and 54-56d of the 2008  
192 supplement to the general statutes.

193 Sec. 7. Subsection (b) of section 17a-456 of the general statutes is  
194 repealed and the following is substituted in lieu thereof (*Effective from*  
195 *passage*):

196 (b) Whenever the term "Board of Mental Health" is used or referred  
197 to in the following sections of the general statutes, the term "Board of  
198 Mental Health and Addiction Services" shall be substituted in lieu  
199 thereof: [2c-2b,] 17a-457, 17a-460, 17a-467, 17a-473, 17a-564.

200 Sec. 8. Section 19a-13 of the general statutes is repealed and the  
201 following is substituted in lieu thereof (*Effective from passage*):

202 As used in [subsection (a) of section 2c-2b,] this chapter and  
203 chapters 368v, 369 to 375, inclusive, 378 to 381, inclusive, 383 to 388,  
204 inclusive, 398 and 399 unless the context otherwise requires:

205 (1) "Certificate" includes the whole or part of any Department of  
206 Public Health permit which the department is authorized by the  
207 general statutes to issue and which further: (A) Authorizes practice of  
208 the profession by certified persons but does not prohibit the practice of  
209 the profession by others, not certified; (B) prohibits a person from  
210 falsely representing that he is certified to practice the profession unless  
211 the person holds a certificate issued by the department; (C) requires as  
212 a condition to certification that a person submit specified credentials to  
213 the department which attest to qualifications to practice the profession;

214 (2) "Emerging occupation or profession" means a group of health  
215 care providers whose actual or proposed duties, responsibilities and  
216 services include functions which are not presently regulated or  
217 licensed or which are presently performed within the scope of practice  
218 of an existing licensed or otherwise regulated health occupation or  
219 profession;

220 (3) "License" includes the whole or part of any Department of Public  
221 Health permit, approval or similar form of permission required by the  
222 general statutes and which further requires: (A) Practice of the  
223 profession by licensed persons only; (B) that a person demonstrate  
224 competence to practice through an examination or other means and  
225 meet certain minimum standards; (C) enforcement of standards by the  
226 department or regulatory board or commission;

227 (4) "Public member" means an elector of the state who has no  
228 substantial financial interest in, is not employed in or by, and is not  
229 professionally affiliated with, any industry, profession, occupation,  
230 trade or institution regulated or licensed by the board or commission

231 to which he is appointed, and who has had no professional affiliation  
 232 with any such industry, profession, occupation, trade or institution for  
 233 three years preceding his appointment to the board or commission;

234 (5) "Registration" means the required entry upon a list maintained  
 235 by the Department of Public Health of the name of a practitioner or the  
 236 address of a place where a practice or profession subject to the  
 237 provisions of [subsection (a) of section 2c-2b,] this chapter and chapters  
 238 368v, 369 to 375, inclusive, 378 to 381, inclusive, 383 to 388, inclusive,  
 239 398 and 399 may be engaged in;

240 (6) "Complaint" means a formal statement of charges issued by the  
 241 Department of Public Health.

242 Sec. 9. Subdivision (4) of subsection (a) of section 19a-14 of the  
 243 general statutes is repealed and the following is substituted in lieu  
 244 thereof (*Effective from passage*):

245 (4) Adopt, with the advice and assistance of the appropriate board  
 246 or commission, and in accordance with chapter 54, any regulations  
 247 which are consistent with protecting the public health and safety and  
 248 which are necessary to implement the purposes of [subsection (a) of  
 249 section 2c-2b,] this chapter, and chapters 368v, 369 to 375, inclusive,  
 250 378 to 381, inclusive, 383 to 388, inclusive, 398 and 399.

251 Sec. 10. (*Effective from passage*) Sections 2c-1 and 2c-3 to 2c-12,  
 252 inclusive, of the general statutes are repealed.

253 Sec. 11. (*Effective from passage*) Section 2c-2b of the 2008 supplement  
 254 to the general statutes is repealed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	2-53d(1)
Sec. 2	<i>from passage</i>	2-53g
Sec. 3	<i>from passage</i>	17a-2(b)

Sec. 4	<i>from passage</i>	17a-2(c)
Sec. 5	<i>from passage</i>	17a-247a
Sec. 6	<i>from passage</i>	17a-450a(a)
Sec. 7	<i>from passage</i>	17a-456(b)
Sec. 8	<i>from passage</i>	19a-13
Sec. 9	<i>from passage</i>	19a-14(a)(4)
Sec. 10	<i>from passage</i>	Repealer section
Sec. 11	<i>from passage</i>	Repealer section

**Statement of Purpose:**

To repeal the Sunset Law and make conforming amendments to the general statutes; to preserve certain evaluation criteria set forth in the Sunset Law by transferring it to the Program Review and Investigations Committee enabling statute.

*[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.]*