



General Assembly

Substitute Bill No. 5325

February Session, 2008

* HB05325PRI GAE030708 *

**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2 repealed and the following is substituted in lieu thereof (*Effective from*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, 46b-120 to 46b-159, inclusive, 54-56d of the 2008
74 supplement to the general statutes, 54-142k of the 2008 supplement to
75 the general statutes, 54-199, 54-203 and in accordance with the
76 provisions of sections 4-38d and 4-39.

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78 general statutes is repealed and the following is substituted in lieu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

80 (c) Whenever the words "Commissioner of Children and Youth
81 Services", "Department of Children and Youth Services", or "Council
82 on Children and Youth Services" are used in sections [2c-2b,] 4-5 of the
83 2008 supplement to the general statutes, 4-38c of the 2008 supplement
84 to the general statutes, 4-60i of the 2008 supplement to the general
85 statutes, 4-77a of the 2008 supplement to the general statutes, 4-165b,
86 4a-11b, 4a-12 of the 2008 supplement to the general statutes, 4a-16 of
87 the 2008 supplement to the general statutes, 5-259 of the 2008
88 supplement to the general statutes, 7-127c, 8-206d of the 2008
89 supplement to the general statutes, 10-8a, 10-15d of the 2008
90 supplement to the general statutes, 10-76d of the 2008 supplement to
91 the general statutes, 10-76h, 10-76i of the 2008 supplement to the
92 general statutes, 10-76w, 10-94g, 10-253, 17-86a, 17-294, 17-409, 17-437,
93 17-572, 17-578, 17-579, 17-585, 17a-1 to 17a-89, inclusive, 17a-90 to 17a-
94 209, inclusive, 17a-218 of the 2008 supplement to the general statutes,
95 17a-277 of the 2008 supplement to the general statutes, 17a-450 of the
96 2008 supplement to the general statutes, 17a-458 of the 2008
97 supplement to the general statutes, 17a-474, 17a-511, 17a-634, 17a-646,
98 17a-659, 18-69, 18-69a, 18-87, 19a-78, 19a-125, 19a-216, 20-14i of the 2008
99 supplement to the general statutes, 20-14j of the 2008 supplement to
100 the general statutes, 31-23, 31-306a, 38a-514 of the 2008 supplement to
101 the general statutes, 45a-591 to 45a-705, inclusive, 45a-706 to 45a-770,
102 inclusive, 46a-28 of the 2008 supplement to the general statutes, 46a-
103 126 of the 2008 supplement to the general statutes, 46b-15 to 46b-19,
104 inclusive, 46b-120 to 46b-159, inclusive, 54-56d of the 2008 supplement
105 to the general statutes, 54-142k of the 2008 supplement to the general
106 statutes, 54-199, 54-203, the words "Commissioner of Children and
107 Families", "Department of Children and Families", and "Council on
108 Children and Families" shall be substituted respectively in lieu thereof.

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

112 As used in sections 17a-247b to 17a-247e, inclusive; [, and
113 subdivision (31) of subsection (a) of section 2c-2b:]

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

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

121 (3) "Commissioner" means the Commissioner of Developmental
122 Services.

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

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

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

129 (7) "Employer" means (A) the department, or (B) an agency,
130 organization or individual that is licensed or funded by the
131 department.

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

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

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

139 (11) "Substantiated abuse or neglect" means a determination by an
140 authorized agency, following an investigation conducted or monitored
141 by such agency, that (A) abuse or neglect of a department client has

142 occurred, or (B) there has been a criminal conviction of a felony or
143 misdemeanor involving abuse or neglect.

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

147 (a) The Department of Mental Health and Addiction Services shall
148 constitute a successor department to the Department of Mental Health.
149 Whenever the words "Commissioner of Mental Health" are used or
150 referred to in the following general statutes, the words "Commissioner
151 of Mental Health and Addiction Services" shall be substituted in lieu
152 thereof and whenever the words "Department of Mental Health" are
153 used or referred to in the following general statutes, the words
154 "Department of Mental Health and Addiction Services" shall be
155 substituted in lieu thereof: [2c-2b,] 4-5 of the 2008 supplement to the
156 general statutes, 4-38c of the 2008 supplement to the general statutes,
157 4-60i of the 2008 supplement to the general statutes, 4-77a of the 2008
158 supplement to the general statutes, 4a-12 of the 2008 supplement to the
159 general statutes, 4a-16 of the 2008 supplement to the general statutes,
160 5-142, 8-206d of the 2008 supplement to the general statutes, 10-19, 10-
161 71 of the 2008 supplement to the general statutes, 10-76d of the 2008
162 supplement to the general statutes, 17a-14, 17a-26, 17a-31, 17a-33 of the
163 2008 supplement to the general statutes, 17a-218 of the 2008
164 supplement to the general statutes, 17a-246 of the 2008 supplement to
165 the general statutes, 17a-450 of the 2008 supplement to the general
166 statutes, 17a-451 of the 2008 supplement to the general statutes, 17a-
167 452, 17a-453, 17a-454, 17a-455, 17a-456, as amended by this act, 17a-457
168 of the 2008 supplement to the general statutes, 17a-458 of the 2008
169 supplement to the general statutes, 17a-459 of the 2008 supplement to
170 the general statutes, 17a-460, 17a-464, 17a-465, 17a-466, 17a-467, 17a-
171 468, 17a-470 of the 2008 supplement to the general statutes, 17a-471,
172 17a-472, 17a-473 of the 2008 supplement to the general statutes, 17a-
173 474, 17a-476, 17a-478, 17a-479, 17a-480, 17a-481, 17a-482, 17a-483, 17a-
174 484, 17a-498, 17a-499, 17a-502 of the 2008 supplement to the general
175 statutes, 17a-506, 17a-510, 17a-511, 17a-512, 17a-513, 17a-519, 17a-528,

176 17a-560, 17a-561, 17a-562, 17a-565, 17a-576, 17a-581, 17a-582 of the 2008
177 supplement to the general statutes, 17a-675, 17b-28 of the 2008
178 supplement to the general statutes, 17b-222 of the 2008 supplement to
179 the general statutes, 17b-223, 17b-225 of the 2008 supplement to the
180 general statutes, 17b-359 of the 2008 supplement to the general
181 statutes, 17b-420 of the 2008 supplement to the general statutes, 17b-
182 694, 19a-82, 19a-495, 19a-498, 19a-507a, 19a-507c, 19a-576 of the 2008
183 supplement to the general statutes, 19a-583, 20-14i of the 2008
184 supplement to the general statutes, 20-14j of the 2008 supplement to
185 the general statutes, 21a-240, 21a-301, 27-122a, 31-222, 38a-514 of the
186 2008 supplement to the general statutes, 46a-28 of the 2008 supplement
187 to the general statutes, 51-51o, 52-146h and 54-56d of the 2008
188 supplement to the general statutes.

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

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

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

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

201 (1) "Certificate" includes the whole or part of any Department of
202 Public Health permit which the department is authorized by the
203 general statutes to issue and which further: (A) Authorizes practice of
204 the profession by certified persons but does not prohibit the practice of
205 the profession by others, not certified; (B) prohibits a person from
206 falsely representing that he is certified to practice the profession unless
207 the person holds a certificate issued by the department; (C) requires as

208 a condition to certification that a person submit specified credentials to
209 the department which attest to qualifications to practice the profession;

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

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

223 (4) "Public member" means an elector of the state who has no
224 substantial financial interest in, is not employed in or by, and is not
225 professionally affiliated with, any industry, profession, occupation,
226 trade or institution regulated or licensed by the board or commission
227 to which he is appointed, and who has had no professional affiliation
228 with any such industry, profession, occupation, trade or institution for
229 three years preceding his appointment to the board or commission;

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

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

238 Sec. 9. Subdivision (4) of subsection (a) of section 19a-14 of the

239 general statutes is repealed and the following is substituted in lieu
 240 thereof (*Effective from passage*):

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

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

249 Sec. 11. (*Effective from passage*) Section 2c-2b of the 2008 supplement
 250 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 Legislative Commissioners:

In sections 3, 4 and 5, the reference to the 2008 supplement to the general statutes following the string citation was deleted for clarity.

PRI

Joint Favorable Subst.-LCO C/R

GAE