



General Assembly

**Substitute Bill No. 5630**

February Session, 2008

\* HB05630PH\_JUD031708 \*

**AN ACT PROMOTING CONSISTENCY AMONG PEER REVIEW PROCEEDINGS.**

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

1 Section 1. Subsection (a) of section 17a-210 of the 2008 supplement  
2 to the general statutes is repealed and the following is substituted in  
3 lieu thereof (*Effective October 1, 2008*):

4 (a) There shall be a Department of Developmental Services. The  
5 Department of Developmental Services, with the advice of a Council  
6 on [Mental Retardation] Developmental Services, shall be responsible  
7 for the planning, development and administration of complete,  
8 comprehensive and integrated state-wide services for persons with  
9 mental retardation and persons medically diagnosed as having Prader-  
10 Willi syndrome. The Department of Developmental Services shall be  
11 under the supervision of a Commissioner of Developmental Services,  
12 who shall be appointed by the Governor in accordance with the  
13 provisions of sections 4-5 to 4-8, inclusive. The Council on [Mental  
14 Retardation] Developmental Services may advise the Governor on the  
15 appointment. The commissioner shall be a person who has  
16 background, training, education or experience in administering  
17 programs for the care, training, education, treatment and custody of  
18 persons with mental retardation. The commissioner shall be  
19 responsible, with the advice of the council, for: (1) Planning and

20 developing complete, comprehensive and integrated state-wide  
21 services for persons with mental retardation; (2) the implementation  
22 and where appropriate the funding of such services; and (3) the  
23 coordination of the efforts of the Department of Developmental  
24 Services with those of other state departments and agencies, municipal  
25 governments and private agencies concerned with and providing  
26 services for persons with mental retardation. The commissioner shall  
27 be responsible for the administration and operation of the state  
28 training school, state [mental retardation] developmental services  
29 regions and all state-operated community-based residential facilities  
30 established for the diagnosis, care and training of persons with mental  
31 retardation. The commissioner shall be responsible for establishing  
32 standards, providing technical assistance and exercising the requisite  
33 supervision of all state-supported residential, day and program  
34 support services for persons with mental retardation and work activity  
35 programs operated pursuant to section 17a-226 of the 2008 supplement  
36 to the general statutes. The commissioner shall stimulate research by  
37 public and private agencies, institutions of higher education and  
38 hospitals, in the interest of the elimination and amelioration of  
39 retardation and care and training of persons with mental retardation.  
40 The commissioner shall conduct or monitor investigations into  
41 allegations of abuse and neglect and file reports as requested by state  
42 agencies having statutory responsibility for the conduct and oversight  
43 of such investigations. In the event of the death of a person with  
44 mental retardation for whom the department has direct or oversight  
45 responsibility for medical care, the commissioner shall ensure that a  
46 comprehensive and timely review of the events, overall care, quality of  
47 life issues and medical care preceding such death is conducted by the  
48 department and shall, as requested, provide information and  
49 assistance to the Independent Mortality Review Board established by  
50 Executive Order No. 25 of Governor John G. Rowland. The  
51 commissioner shall report to the board and the board shall review any  
52 death: (A) Involving an allegation of abuse or neglect; (B) for which the  
53 Office of Chief Medical Examiner or local medical examiner has  
54 accepted jurisdiction; (C) in which an autopsy was performed; (D)

55 which was sudden and unexpected; or (E) in which the commissioner's  
56 review raises questions about the appropriateness of care. [The  
57 commissioner shall stimulate research by public and private agencies,  
58 institutions of higher learning and hospitals, in the interest of the  
59 elimination and amelioration of retardation and care and training of  
60 persons with mental retardation.] The department's mortality review  
61 process and the Independent Mortality Review Board shall operate in  
62 accordance with the peer review provisions established under section  
63 19a-17b for medical review teams and confidentiality of records  
64 provisions established under section 19a-25 for the Department of  
65 Public Health.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2008	17a-210(a)
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**Statement of Legislative Commissioners:**

In section 1, the reference to the 2008 supplement to the general statutes following the string citation was deleted for clarity.

**PH**            *Joint Favorable Subst.-LCO C/R*

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