



Senate

General Assembly

File No. 935

January Session, 2009

Substitute Senate Bill No. 752

Senate, May 11, 2009

The Committee on Appropriations reported through SEN. HARP of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING ASSESSMENT OF THE NEEDS OF AGING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

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

1 Section 1. Subsection (a) of section 19a-498b of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2009*):

4 (a) The Department of Public Health₂ [shall,] when conducting its
5 annual survey of a nursing home that has admitted a resident or
6 residents who have been administered a level two assessment, shall
7 review a sample of residents with level two assessments and compare
8 the services recommended for any such resident in the level two
9 assessment with the actual services being provided to such resident as
10 reflected in such resident's plan of care. The department shall ensure
11 that the results of any such comparison pertaining to a resident who is
12 a client of the Department of Developmental Services or who may

13 qualify for services from said department are provided to the
 14 Commissioner of Developmental Services, or the commissioner's
 15 designee. In any case where the Department of Public Health finds that
 16 the recommended services are not being provided by a nursing home
 17 to a resident with mental retardation, the Department of Public Health
 18 shall document for the benefit of the Commissioner of Developmental
 19 Services, or the commissioner's designee, the reasons why such
 20 services are not being provided. The Commissioner of Developmental
 21 Services, or the commissioner's designee, shall, within existing
 22 budgetary resources, use his or her best efforts to ensure the resident is
 23 provided with the recommended services. The [department]
 24 Department of Public Health shall include the results of any such
 25 comparison, as well as any regulatory violations found by the
 26 department during an inspection, in the survey of such nursing home.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	19a-498b(a)

APP *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill does not result in a fiscal impact. It requires the Department of Public Health (DPH) to review services for a sample of residents with level two assessments during their annual nursing home survey. If any residents reviewed within their sample are Department of Developmental Services (DDS) clients, DPH is required to provide the results of the clients' reviews to DDS. It is anticipated that DPH can accommodate this requirement within its normally budgeted resources.

DDS is also required by the bill, within its existing budgetary resources, to use its best efforts to ensure that the clients whose reviews it receives are provided with recommended services. DDS currently provides case management services to the DDS clients in nursing homes. The case managers routinely audit the level of services identified in the Level II screen, ensure that there is a plan for the identified services, and follow up with the nursing facility to ensure that DDS clients have received the services identified in the plan. Additionally, the needs of this group are also assessed by the DDS Ombudsperson and a full time DDS nurse. The bill does not result in a fiscal impact to DDS.

The Out Years

None

Sources: Department of Developmental Services, Department of Public Health

OLR Bill Analysis**sSB 752*****AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING ASSESSMENT OF THE NEEDS OF AGING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.*****SUMMARY:**

This bill requires the Public Health Department (DPH) to report certain results of its annual nursing home licensing survey to the Developmental Services Department (DDS) when they involve a DDS client or someone who may qualify for DDS services. If the home is not providing certain services recommended for the individual, it requires DPH to tell DDS why. And it requires DDS, if budgeted funds are available, to use its best efforts to ensure the person receives those services.

EFFECTIVE DATE: October 1, 2009

NURSING HOME SCREENING AND SERVICES FOR PEOPLE WITH MENTAL RETARDATION

Federal law requires people to be screened before they enter a nursing home to determine if they have mental retardation or serious mental illness (a level I assessment) and if so, whether they need nursing home care and specialized services, such as behavior management or day programming (a level II assessment). State law requires DPH to survey annually each nursing home for licensure purposes. During that survey, it requires DPH to compare the services recommended on a resident's level II assessment with the actual services the home is providing. The bill specifies that DPH must do this by reviewing a sample of residents with level II assessments; this conforms with the agency's practice.

The bill requires DPH to communicate the results of any

comparison that pertains to a DDS client or someone who might qualify for DDS services. If the comparison shows that the home is not providing recommended services to someone with mental retardation, DPH must document for DDS the reasons why. DDS must, within its budget, use its best efforts to ensure the person receives the recommended services.

BACKGROUND

Qualifying for DDS Services

DDS serves people with mental retardation (and a limited number of adults with autism in a pilot program). In order to qualify for services, a person must, before age 18, meet two conditions: significant, subaverage intellectual functioning (an IQ of 70 or less) and deficits in the ability to perform daily activities relative to someone the same age.

Legislative History

The Senate referred this bill (File 614) to the Appropriations Committee, which reported this substitute, specifying that DPH must review a sample of residents with level II assessments.

COMMITTEE ACTION

Program Review and Investigations Committee

Joint Favorable Substitute Change of Reference
Yea 11 Nay 0 (03/05/2009)

Public Health Committee

Joint Favorable Substitute
Yea 30 Nay 0 (03/26/2009)

Appropriations Committee

Joint Favorable Substitute
Yea 51 Nay 0 (04/27/2009)