



House Bill No. 6278

Public Act No. 11-4

AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES DIVISION OF AUTISM SPECTRUM DISORDER SERVICES.

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

Section 1. Section 17a-215 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Department of Developmental Services shall serve as the lead agency to coordinate, where possible, the functions of the several state agencies which have responsibility for providing services to [autistic] persons diagnosed with autism spectrum disorder.

Sec. 2. Section 17a-215c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There is established a Division of Autism Spectrum Disorder Services within the Department of Developmental Services.

(b) The Department of Developmental Services shall adopt regulations, in accordance with chapter 54, to define the term ["autism"] "autism spectrum disorder", establish eligibility standards and criteria for the receipt of services by any resident of the state diagnosed with [an] autism spectrum disorder, regardless of age, and

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data collection, maintenance and reporting processes. The commissioner may implement policies and procedures necessary to administer the provisions of this section prior to adoption of such regulations, provided the commissioner shall publish notice of intent to adopt such regulations not later than twenty days after implementation of such policies and procedures. Any such policies and procedures shall be valid until such regulations are adopted.

(c) The Division of Autism Spectrum Disorder Services may, within available appropriations, research, design and implement the delivery of appropriate and necessary services and programs for all residents of the state with autism spectrum [disorders] disorder. Such services and programs may include the creation of: (1) [The Autism-Specific Early Intervention Program, (AEI), designed to deliver services to] Autism-specific early intervention services for any child [who becomes at risk or is] under the age of three diagnosed with [an] autism spectrum disorder; [and who was previously placed in the "birth-to-three" program administered by the Department of Developmental Services; (2) age three to twenty-one, inclusive, support services including educational, recreation, life and skill coaching, and vocational and transition services; and (3) over age twenty-one adult services, including those services as defined by the pilot autism spectrum disorder program established pursuant to section 17a-215b, as well as related] (2) education, recreation, habilitation, vocational and transition services for individuals age three to twenty-one, inclusive, diagnosed with autism spectrum disorder; (3) services for adults over the age of twenty-one diagnosed with autism spectrum disorder; and (4) related autism spectrum disorder services deemed necessary by the Commissioner of Developmental Services.

(d) The Department of Developmental Services shall serve as the lead state agency for the purpose of the federal Combating Autism Act, P.L. 109-416 and for applying for and receiving funds and

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performing any related responsibilities concerning autism spectrum [disorders] disorder which are authorized pursuant to any state or federal law.

(e) On or before February 1, 2009, and annually thereafter, the Department of Developmental Services [shall] may make recommendations to the Governor and the joint standing committee of the General Assembly having cognizance of matters relating to public health concerning legislation and funding required to provide necessary services to persons diagnosed with autism spectrum [disorders] disorder.

(f) The Division of Autism Spectrum Disorder Services shall research and locate possible funding streams for the continued development and implementation of services for persons [with autism spectrum disorders without mental retardation] diagnosed with autism spectrum disorder but not with intellectual disability. The division shall take all necessary action, in coordination with the Department of Social Services, to secure Medicaid reimbursement for home and community-based individualized support services for adults diagnosed with autism spectrum [disorders, but who are not mentally retarded] disorder but not with intellectual disability. Such action may include applying for a Medicaid waiver pursuant to Section 1915(c) of the Social Security Act, in order to secure the funding for such services.

(g) The Division of Autism Spectrum Disorder Services shall, within available appropriations; [, shall:] (1) Design and implement a training initiative that shall include training to develop a workforce; and (2) develop [an autism-specific] a curriculum specific to autism spectrum disorder in coordination with the Department of Higher Education. [; and (3) to the extent federal reimbursement permits, develop an education and training initiative eligible for the receipt of funding pursuant to the federal Combating Autism Act, P.L. 109-416.]

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(h) The case records of the Division of Autism Spectrum Disorder Services maintained by the division for any purpose authorized pursuant to subsections (b) to (g), inclusive, of this section shall be subject to the same confidentiality requirements, under state and federal law, that govern all client records maintained by the Department of Developmental Services.

(i) The Commissioner of Social Services, in consultation with the Commissioner of Developmental Services, may seek approval of an amendment to the state Medicaid plan or a waiver from federal law, whichever is sufficient and most expeditious, to establish and implement a Medicaid-financed home and community-based program to provide community-based services and, if necessary, housing assistance, to adults [with autism spectrum disorders who are not mentally retarded] diagnosed with autism spectrum disorder but not with intellectual disability.

(j) On or before January 1, 2008, and annually thereafter, the Commissioner of Social Services, in consultation with the Commissioner of Developmental Services, and in accordance with the provisions of section 11-4a, shall submit a report to the joint standing committee of the General Assembly having cognizance of matters relating to public health, on the status of any amendment to the state Medicaid plan or waiver from federal law as described in subsection (i) of this section and on the establishment and implementation of the program authorized pursuant to subsection (i) of this section.

(k) The independent council established [pursuant to section 17a-215b] in connection with the autism spectrum disorder pilot program previously operated by the Department of Developmental Services shall continue to advise the Commissioner of Developmental Services on all matters relating to autism.

Sec. 3. Subdivision (5) of section 17a-220 of the general statutes is

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

(5) "Community residential facility" means a community-based residential facility which houses up to six persons with [mental retardation or autism] intellectual disability or autism spectrum disorder and which provides food, shelter, personal guidance and, to the extent necessary, continuing health-related services and care for persons requiring assistance to live in the community, provided any such facilities in operation on July 1, 1985, which house more than six persons with [mental retardation or autism] intellectual disability or autism spectrum disorder shall be eligible for loans for rehabilitation under this section and sections 17a-221 to 17a-225, inclusive. Such facility shall be licensed and may be certified;

Sec. 4. Subsections (a) and (b) of section 17a-210c of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

(b) Whenever the term "Commissioner of Mental Retardation" is

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used or referred to in the following sections of the general statutes, the term "Commissioner of Developmental Services" shall be substituted in lieu thereof: 4-5, 4b-3, 4b-23, 8-3e, 10-76i, 17a-4a, 17a-22a, 17a-210, 17a-212, 17a-212a, 17a-214, 17a-215a, [17a-215b,] 17a-217a, 17a-218, 17a-218a, 17a-225, 17a-226, 17a-227a, 17a-228, 17a-229, 17a-230, 17a-232, 17a-238, 17a-240, 17a-241, 17a-242, 17a-244, 17a-246, 17a-247a, 17a-248, 17a-270, 17a-272, 17a-273, 17a-274, 17a-276, 17a-277, 17a-281, 17a-282, 17a-582, 17a-584, 17a-586, 17a-587, 17a-588, 17a-592, 17a-593, 17a-594, 17a-596, 17a-599, 17b-28a, 17b-244, 17b-244a, 17b-337, 17b-340, 17b-492b, 19a-24, 19a-411, 19a-580d, 20-14j, 20-571, 45a-670, 45a-674, 45a-676, 45a-677, 45a-681, 45a-682, 45a-692, 46a-11a, 46a-11c, 46a-11f, 54-56d, 54-102g and 54-102h.

Sec. 5. Subsection (h) of section 26-30 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(h) The Commissioner of Environmental Protection may issue a group fishing license to any tax-exempt organization qualified under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, for the purpose of conducting a group fishing event or events for persons: (1) With a service-related or other disability who receive services at a facility of the United States Department of Veterans Affairs Connecticut Healthcare System, (2) who receive mental health or addiction services from: (A) The Department of Mental Health and Addiction Services, (B) state-operated facilities, as defined in section 17a-458, or (C) programs or facilities funded by the Department of Mental Health and Addiction Services, as provided for in sections 17a-468b, 17a-469, 17a-673 and 17a-676, (3) with [mental retardation] intellectual disability or diagnosed with autism spectrum disorder who receive services from the Department of Developmental Services, as provided for in section

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17a-217, or from facilities licensed by the Department of Developmental Services, as provided for in section 17a-227, or (4) receiving care from the Department of Children and Families, as provided for in section 17a-94, or from programs or child-care facilities licensed pursuant to section 17a-145, 17a-147 or 17a-154. Any such organization shall conduct not more than fifty such events, including marine and inland water events, in any calendar year and each such event shall be limited to not more than fifty persons. Application for such a group fishing license shall be submitted once per calendar year on a form prescribed by the commissioner and with the necessary fee and shall provide such information as required by the commissioner. All fishing activities conducted pursuant to such group license shall be supervised by staff or volunteers of the organization conducting the event or events. Such staff or volunteers shall possess such group fishing license at the site of any such event or events. Each such staff member or volunteer shall have a license to fish. Such organization shall, not later than ten days after such group fishing event, report to the commissioner, on forms provided by the commissioner, information on the results of such event. Such information shall include, but not be limited to, the total: (i) Number of participants, (ii) hours fished, (iii) number of each species caught, and (iv) number of each species not released. Such organization shall not charge a fee to any person that participates in any such group fishing event conducted pursuant to such group fishing license and any such group fishing event shall not be used by such organization as a fund raising event.

Sec. 6. Section 38a-488b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Each individual health insurance policy providing coverage of the type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469 that is delivered, issued for delivery, renewed, amended or continued in this state on or after January 1, 2009, shall provide

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coverage for physical therapy, speech therapy and occupational therapy services for the treatment of autism spectrum [disorders] disorder, as set forth in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders", to the extent such services are a covered benefit for other diseases and conditions under such policy.

Sec. 7. Subsections (a) to (c), inclusive, of section 38a-514b of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this section:

(1) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, including the use of direct observation, measurement and functional analysis of the relationship between environment and behavior, to produce socially significant improvement in human behavior.

(2) "Autism services provider" means any person, entity or group that provides treatment for autism spectrum [disorders] disorder pursuant to this section.

(3) "Autism spectrum [disorders]" disorder" means [the] a pervasive developmental [disorders] disorder set forth in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders", including, but not limited to, Autistic Disorder, Rett's Disorder, Childhood Disintegrative Disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

(4) "Behavioral therapy" means any interactive behavioral therapies derived from evidence-based research, including, but not limited to, applied behavior analysis, cognitive behavioral therapy, or other

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therapies supported by empirical evidence of the effective treatment of individuals diagnosed with an autism spectrum disorder, that are: (A) Provided to children less than fifteen years of age, and (B) provided or supervised by (i) a behavior analyst who is certified by the Behavior Analyst Certification Board, (ii) a licensed physician, or (iii) a licensed psychologist. For the purposes of this subdivision, behavioral therapy is "supervised by" such behavior analyst, licensed physician or licensed psychologist when such supervision entails at least one hour of face-to-face supervision of the autism services provider by such behavior analyst, licensed physician or licensed psychologist for each ten hours of behavioral therapy provided by the supervised provider.

(5) "Diagnosis" means the medically necessary assessment, evaluation or testing performed by a licensed physician, licensed psychologist or licensed clinical social worker to determine if an individual has an autism spectrum disorder.

(b) Each group health insurance policy providing coverage of the type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469 that is delivered, issued for delivery, renewed, amended or continued in this state shall provide coverage for the diagnosis and treatment of autism spectrum [disorders] disorder. For the purposes of this section and section 38a-513c, an autism spectrum disorder shall be considered an illness.

(c) Such policy shall provide coverage for the following treatments, provided such treatments are (1) medically necessary, and (2) identified and ordered by a licensed physician, licensed psychologist or licensed clinical social worker for an insured who is diagnosed with an autism spectrum disorder, in accordance with a treatment plan developed by a licensed physician, licensed psychologist or licensed clinical social worker pursuant to a comprehensive evaluation or reevaluation of the insured:

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(A) Behavioral therapy;

(B) Prescription drugs, to the extent prescription drugs are a covered benefit for other diseases and conditions under such policy, prescribed by a licensed physician, licensed physician assistant or advanced practice registered nurse for the treatment of symptoms and comorbidities of autism spectrum [disorders] disorder;

(C) Direct psychiatric or consultative services provided by a licensed psychiatrist;

(D) Direct psychological or consultative services provided by a licensed psychologist;

(E) Physical therapy provided by a licensed physical therapist;

(F) Speech and language pathology services provided by a licensed speech and language pathologist; and

(G) Occupational therapy provided by a licensed occupational therapist.

Sec. 8. Section 17a-215b of the general statutes is repealed. (*Effective from passage*)

Approved May 9, 2011