



General Assembly

January Session, 2011

Raised Bill No. 6279

LCO No. 2762

02762_____PH_

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT CONCERNING REVISIONS TO STATUTES RELATING TO THE DEPARTMENT OF DEVELOPMENTAL SERVICES INCLUDING THE UTILIZATION OF RESPECTFUL LANGUAGE WHEN REFERRING TO PERSONS WITH INTELLECTUAL DISABILITY.

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

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 Section 1-1g of the general statutes is repealed and the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

3 (a) For the purposes of sections 4a-60, [17a-274, 17a-281] 17a-210b, as
4 amended by this act, 17a-580, 38a-816, 45a-669 to 45a-684, inclusive,
5 46a-11a, as amended by this act, 46a-51, 46a-64b, 46b-84, 53a-46a, 53a-
6 59a, 53a-60b, 53a-60c, [and] 53a-61a, 53a-320 and 54-56d, mental
7 retardation means a significantly subaverage general intellectual
8 functioning existing concurrently with deficits in adaptive behavior
9 and manifested during the developmental period.

10 (b) For the purposes of sections 17a-210, as amended by this act,
11 17a-210b, as amended by this act, 17a-215c, 17a-217 to 17a-218a,
12 inclusive, as amended by this act, 17a-220, as amended by this act, 17a-
13 226 to 17a-227a, inclusive, as amended by this act, 17a-228, as amended

14 by this act, 17a-231 to 17a-233, inclusive, as amended by this act, 17a-
15 247 to 17a-247b, inclusive, as amended by this act, 17a-270, as amended
16 by this act, 17a-272 to 17a-274, inclusive, as amended by this act, 17a-
17 276, as amended by this act, 17a-277, as amended by this act, 17a-281,
18 as amended by this act, and 17a-282, as amended by this act,
19 "intellectual disability" shall have the same meaning as "mental
20 retardation" as defined in subsection (a) of this section.

21 [(b)] (c) As used in subsection (a) of this section, "general intellectual
22 functioning" means the results obtained by assessment with one or
23 more of the individually administered general intelligence tests
24 developed for that purpose and standardized on a significantly
25 adequate population and administered by a person or persons
26 formally trained in test administration; "significantly subaverage"
27 means an intelligence quotient more than two standard deviations
28 below the mean for the test; "adaptive behavior" means the
29 effectiveness or degree with which an individual meets the standards
30 of personal independence and social responsibility expected for the
31 individual's age and cultural group; and "developmental period"
32 means the period of time between birth and the eighteenth birthday.

33 Sec. 2. Section 17a-210 of the general statutes is repealed and the
34 following is substituted in lieu thereof (*Effective from passage*):

35 (a) There shall be a Department of Developmental Services. The
36 Department of Developmental Services, with the advice of a Council
37 on Developmental Services, shall be responsible for the planning,
38 development and administration of complete, comprehensive and
39 integrated state-wide services for persons with [mental retardation]
40 intellectual disability and persons medically diagnosed as having
41 Prader-Willi syndrome. The Department of Developmental Services
42 shall be under the supervision of a Commissioner of Developmental
43 Services, who shall be appointed by the Governor in accordance with
44 the provisions of sections 4-5 to 4-8, inclusive. The Council on
45 Developmental Services may advise the Governor on the appointment.

46 The commissioner shall be a person who has background, training,
47 education or experience in administering programs for the care,
48 training, education, treatment and custody of persons with [mental
49 retardation] intellectual disability. The commissioner shall be
50 responsible, with the advice of the council, for: (1) Planning and
51 developing complete, comprehensive and integrated state-wide
52 services for persons with [mental retardation] intellectual disability; (2)
53 the implementation and where appropriate the funding of such
54 services; and (3) the coordination of the efforts of the Department of
55 Developmental Services with those of other state departments and
56 agencies, municipal governments and private agencies concerned with
57 and providing services for persons with [mental retardation]
58 intellectual disability. The commissioner shall be responsible for the
59 administration and operation of the state training school, state
60 developmental services regions and all state-operated community-
61 based residential facilities established for the diagnosis, care and
62 training of persons with [mental retardation] intellectual disability.
63 The commissioner shall be responsible for establishing standards,
64 providing technical assistance and exercising the requisite supervision
65 of all state-supported residential, day and program support services
66 for persons with [mental retardation] intellectual disability and work
67 activity programs operated pursuant to section 17a-226, as amended
68 by this act. The commissioner shall stimulate research by public and
69 private agencies, institutions of higher education and hospitals, in the
70 interest of the elimination and amelioration of [mental retardation]
71 intellectual disability and care and training of persons with [mental
72 retardation] intellectual disability. The commissioner shall conduct or
73 monitor investigations into allegations of abuse and neglect and file
74 reports as requested by state agencies having statutory responsibility
75 for the conduct and oversight of such investigations. In the event of the
76 death of a person with [mental retardation] intellectual disability for
77 whom the department has direct or oversight responsibility for
78 medical care, the commissioner shall ensure that a comprehensive and
79 timely review of the events, overall care, quality of life issues and

80 medical care preceding such death is conducted by the department
81 and shall, as requested, provide information and assistance to the
82 Independent Mortality Review Board established by Executive Order
83 No. 25 of Governor John G. Rowland. The commissioner shall report to
84 the board and the board shall review any death: (A) Involving an
85 allegation of abuse or neglect; (B) for which the Office of the Chief
86 Medical Examiner or local medical examiner has accepted jurisdiction;
87 (C) in which an autopsy was performed; (D) which was sudden and
88 unexpected; or (E) in which the commissioner's review raises questions
89 about the appropriateness of care. The department's mortality review
90 process and the Independent Mortality Review Board shall operate in
91 accordance with the peer review provisions established under section
92 19a-17b for medical review teams and confidentiality of records
93 provisions established under section 19a-25 for the Department of
94 Public Health.

95 (b) The commissioner shall be responsible for the development of
96 criteria as to the eligibility of any person with [mental retardation]
97 intellectual disability for residential care in any public or state-
98 supported private institution and, after considering the
99 recommendation of a properly designated diagnostic agency, may
100 assign such person to a public or state-supported private institution.
101 The commissioner may transfer such persons from one such institution
102 to another when necessary and desirable for their welfare, provided
103 such person and such person's parent, conservator, guardian or other
104 legal representative receive written notice of their right to object to
105 such transfer at least ten days prior to the proposed transfer of such
106 person from any such institution or facility. Such prior notice shall not
107 be required when transfers are made between residential units within
108 the training school or a state developmental services region or when
109 necessary to avoid a serious and immediate threat to the life or
110 physical or mental health of such person or others residing in such
111 institution or facility. The notice required by this subsection shall
112 notify the recipient of his or her right to object to such transfer, except
113 in the case of an emergency transfer as provided in this subsection, and

114 shall include the name, address and telephone number of the Office of
115 Protection and Advocacy for Persons with Disabilities. In the event of
116 an emergency transfer, the notice required by this subsection shall
117 notify the recipient of his or her right to request a hearing in
118 accordance with subsection (c) of this section and shall be given within
119 ten days following the emergency transfer. In the event of an objection
120 to the proposed transfer, the commissioner shall conduct a hearing in
121 accordance with subsection (c) of this section and the transfer shall be
122 stayed pending final disposition of the hearing, provided no such
123 hearing shall be required if the commissioner withdraws such
124 proposed transfer.

125 (c) Any person with [mental retardation] intellectual disability who
126 is eighteen years of age or older and who resides at any institution or
127 facility operated by the Department of Developmental Services, or the
128 parent, guardian, conservator or other legal representative of any
129 person with [mental retardation] intellectual disability who resides at
130 any such institution or facility, may object to any transfer of such
131 person from one institution or facility to another for any reason other
132 than a medical reason or an emergency, or may request such a transfer.
133 In the event of any such objection or request, the commissioner shall
134 conduct a hearing on such proposed transfer, provided no such
135 hearing shall be required if the commissioner withdraws such
136 proposed transfer. In any such transfer hearing, the proponent of a
137 transfer shall have the burden of showing, by clear and convincing
138 evidence, that the proposed transfer is in the best interest of the
139 resident being considered for transfer and that the facility and
140 programs to which transfer is proposed (1) are safe and effectively
141 supervised and monitored, and (2) provide a greater opportunity for
142 personal development than the resident's present setting. Such hearing
143 shall be conducted in accordance with the provisions of chapter 54.

144 (d) Any person with intellectual disability, or the parent, guardian,
145 conservator or other legal representative of such person, may request a
146 hearing for any final determination by the department that denies such

147 person eligibility for programs and services of the department. A
148 request for a hearing shall be made in writing to the commissioner.
149 Such hearing shall be conducted in accordance with the provisions of
150 chapter 54.

151 (e) Any person with [mental retardation] intellectual disability, or
152 the parent, guardian, conservator or other legal representative of such
153 person, may request a hearing to contest the priority assignment made
154 by the department for persons seeking residential placement,
155 residential services or residential support. A request for hearing shall
156 be made, in writing, to the commissioner. Such hearing shall be
157 conducted in accordance with the provisions of chapter 54.

158 (f) Any person with [mental retardation] intellectual disability or the
159 parent, guardian, conservator or other legal representative of such
160 person, may object to (1) a proposed approval by the department of a
161 program for such person that includes the use of behavior-modifying
162 medications or aversive procedures, or (2) a proposed determination of
163 the department that community placement is inappropriate for such
164 person placed under the direction of the commissioner. The
165 department shall provide written notice of any such proposed
166 approval or determination to the person, or to the parent, guardian,
167 conservator or other legal representative of such person, at least ten
168 days prior to making such approval or determination. In the event of
169 an objection to such proposed approval or determination, the
170 commissioner shall conduct a hearing in accordance with the
171 provisions of chapter 54, provided no such hearing shall be required if
172 the commissioner withdraws such proposed approval or
173 determination.

174 Sec. 3. Section 17a-210b of the general statutes is repealed and the
175 following is substituted in lieu thereof (*Effective from passage*):

176 The absence of a diagnosis of, or reference to, mental retardation,
177 intellectual disability or developmental disability within an
178 individual's school records or medical records shall not preclude the

179 Department of Developmental Services from making a finding of
180 [mental retardation] intellectual disability, as defined in section 1-1g,
181 as amended by this act.

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

185 (a) Whenever the term "Department of Mental Retardation" is used
186 or referred to in the following sections of the general statutes, the term
187 "Department of Developmental Services" shall be substituted in lieu
188 thereof: 1-101aa, 4-38c, 4-61aa, 4a-12, 4a-16, 4a-82, 5-259, 8-206d, 10-
189 15d, 10-76d, 10-145d, 17a-33, 17a-114, 17a-145, 17a-210, as amended by
190 this act, 17a-210a, 17a-210b, as amended by this act, [17a-211,] 17a-
191 211a, 17a-211b, 17a-212a, 17a-214, 17a-215, 17a-215a, 17a-215b, [17a-
192 216,] 17a-217, as amended by this act, 17a-218, as amended by this act,
193 17a-219b, 17a-219c, 17a-220, as amended by this act, 17a-226, as
194 amended by this act, 17a-227, as amended by this act, 17a-227a, as
195 amended by this act, 17a-228, as amended by this act, 17a-236, 17a-238,
196 as amended by this act, 17a-240, 17a-246, as amended by this act, 17a-
197 247, as amended by this act, 17a-247a, as amended by this act, 17a-
198 247b, 17a-247e, 17a-248, 17a-248g, 17a-270, as amended by this act, 17a-
199 273, as amended by this act, 17a-274, as amended by this act, 17a-276,
200 as amended by this act, 17a-277, as amended by this act, 17a-281, as
201 amended by this act, 17a-475a, 17b-337, 17b-352, 17b-360, 17b-492b, 19-
202 570, 19a-509d, 19a-576, 38a-488a, 38a-514, 45a-654, 45a-656, 45a-674,
203 45a-676, as amended by this act, 45a-677, 45a-681, 46a-11, 46a-11a, as
204 amended by this act, 46a-11c, 46a-11d and 46a-11f.

205 Sec. 5. Section 17a-215 of the general statutes is repealed and the
206 following is substituted in lieu thereof (*Effective from passage*):

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

211 Sec. 6. Section 17a-217 of the general statutes is repealed and the
212 following is substituted in lieu thereof (*Effective from passage*):

213 (a) The Department of Developmental Services shall develop day
214 care programs, day camp programs and recreational programs for
215 children and adults with [mental retardation] intellectual disability.
216 Any nonprofit organization which establishes or maintains day care
217 programs, day camp programs or recreational programs for children
218 or adults with [mental retardation] intellectual disability may apply to
219 the Department of Developmental Services for funds to be used to
220 assist in establishing, maintaining or expanding such programs. For
221 the purposes of this section: (1) A day care program (A) may provide
222 for the care and training of preschool age children to enable them to
223 achieve their maximum social, physical and emotional potential; (B)
224 may provide adolescents and adults with [mental retardation]
225 intellectual disability with an activity program which includes training
226 in one or more of the following areas: (i) Self-care, (ii) activities of daily
227 living, (iii) personal and social adjustment, (iv) work habits, and (v)
228 skills, speech and language development; (2) a day camp program may
229 provide children or adults with [mental retardation] intellectual
230 disability with a supervised program of [out-of-doors] outdoor
231 activities which may be conducted during all or part of the months of
232 June, July, August and September; and (3) a recreational program may
233 provide planned and supervised recreational activities for children or
234 adults with [mental retardation] intellectual disability, which activities
235 may be of a social, athletic or purely diversionary nature and which
236 programs shall be considered separate and apart from the day camp
237 program described in subdivision (2) of this subsection.

238 (b) No grant made under this section to assist in establishing,
239 maintaining or expanding any program set forth in subsection (a) of
240 this section shall exceed the ordinary and recurring annual operating
241 expenses of such program, nor shall any grant be made to pay for all or
242 any part of capital expenditures. The Department of Developmental
243 Services shall: (1) Define minimum requirements to be met by each

244 program in order to be eligible to receive funds as provided for by this
245 section in regard to qualification and number of staff members and
246 program operation, including, but not limited to, physical plant and
247 record keeping; (2) establish procedures to be used in making
248 application for such funds; and (3) adopt regulations, in accordance
249 with chapter 54, governing the granting of funds to assist in the
250 establishment of day care programs, day camp programs and
251 recreational programs for persons with [mental retardation]
252 intellectual disability. Upon receipt of proper application, the
253 Department of Developmental Services, within available
254 appropriations, may grant such funds, provided the plans for
255 financing and the standards of operation of such programs shall be
256 approved by the department in accordance with the provisions of this
257 section. For the purpose of developing such programs, the department
258 may accept grants from the federal government, a municipality or any
259 other source.

260 Sec. 7. Section 17a-217a of the general statutes is repealed and the
261 following is substituted in lieu thereof (*Effective from passage*):

262 (a) There shall be a Camp Harkness Advisory Committee to advise
263 the Commissioner of Developmental Services with respect to issues
264 concerning the health and safety of persons who attend and utilize the
265 facilities at Camp Harkness. The advisory committee shall be
266 composed of twelve members as follows: (1) The director of Camp
267 Harkness, who shall serve ex-officio, one member representing the
268 Southeastern Connecticut Association for Developmental Disabilities,
269 one member representing the Southbury Training School, one member
270 representing the Arc of New London County, one consumer
271 representing persons who use the camp on a residential basis and one
272 member representing parents or guardians of persons who use the
273 camp, all of whom shall be appointed by the Governor; (2) one
274 member representing parents or guardians of persons who use the
275 camp, who shall be appointed by the president pro tempore of the
276 Senate; (3) one consumer from the Family Support Council established

277 pursuant to section 17a-219c representing persons who use the camp
278 on a day basis, who shall be appointed by the speaker of the House of
279 Representatives; (4) one member representing the board of selectmen
280 of the town of Waterford, who shall be appointed by the majority
281 leader of the House of Representatives; (5) one member representing a
282 private nonprofit corporation that is: (A) Tax exempt under Section
283 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent
284 internal revenue code of the United States, as amended from time to
285 time, and (B) established to promote and support Camp Harkness and
286 its camping programs, who shall be appointed by the majority leader
287 of the Senate; (6) one member representing the Connecticut Institute
288 for the Blind and the Oak Hill School, who shall be appointed by the
289 minority leader of the House of Representatives; and (7) one member
290 representing the United Cerebral Palsy Association, who shall be
291 appointed by the minority leader of the Senate.

292 (b) The advisory committee shall promote communication
293 regarding camp services and develop recommendations for the
294 commissioner regarding the use of Camp Harkness.

295 [(c) Not later than October 1, 2002, and annually thereafter, the
296 advisory committee shall submit a report to the commissioner and to
297 the joint standing committee of the General Assembly having
298 cognizance of matters relating to public health concerning the status of
299 Camp Harkness. Such report shall be submitted in accordance with
300 section 11-4a.]

301 Sec. 8. Section 17a-218 of the general statutes is repealed and the
302 following is substituted in lieu thereof (*Effective from passage*):

303 (a) For purposes of this section, the following terms have the
304 following meanings: "Commissioner" means the Commissioner of
305 Developmental Services; "department" means the Department of
306 Developmental Services; and "emergency placement" means cases in
307 which there has been a request for a residential accommodation for an
308 individual for whom there is an unforeseen emergency in his current

309 living arrangement, or cases in which the department has had no
310 previous knowledge of a need for placement, or cases in which such a
311 placement is needed because of actions of another state agency or
312 department, including, but not limited to, the Department of Mental
313 Health and Addiction Services, the Department of Children and
314 Families, and any court, or cases prior to any other planned
315 placements, because the health or safety of the individual needing such
316 placement would be adversely affected without such placement.

317 (b) The commissioner shall plan, develop and administer a
318 comprehensive program of community-based residential facilities
319 including, but not limited to, transitional facilities, group homes,
320 community [training homes] companion homes, community living
321 arrangements and supervised apartments. [On and after January 1,
322 1997, every contract by the commissioner for the construction,
323 renovation or rehabilitation of a community-based residential facility
324 shall be awarded to the lowest responsible and qualified bidder on the
325 basis of competitive bids in accordance with procedures which the
326 commissioner shall establish in regulations adopted by the
327 commissioner in accordance with the provisions of chapter 54.]

328 (c) The commissioner may provide, within available appropriations,
329 subsidies to persons with [mental retardation] intellectual disability
330 who are placed in supervised apartments, condominiums or homes
331 which do not receive housing payments under section 17b-244, in
332 order to assist such persons to meet housing costs.

333 (d) The commissioner may provide, within available appropriations,
334 respite care services which may be administered directly by the
335 department, or through contracts for services with providers of such
336 services, or by means of direct subsidy to parents of [mentally
337 retarded] persons with intellectual disability to enable [them] the
338 parents to purchase such services.

339 (e) The commissioner may, within available appropriations and in
340 accordance with individualized plans of care, provide a full range of

341 services to support persons with [mental retardation] intellectual
342 disability living with their families, caretakers, independently or in
343 community-based residential facilities licensed pursuant to section
344 17a-227, as amended by this act. Such services may include, but are not
345 limited to, education and training programs, social services, counseling
346 services, medical services, physical or occupational therapy, parent
347 training, recreation and transportation. Such services may be provided
348 by the department or be purchased from persons or private agencies
349 through contracts pursuant to subsection (d) of section 4-70b or
350 purchased directly by the service recipient or his family. The
351 department may provide a direct subsidy to persons with [mental
352 retardation] intellectual disability or their families to be used for such
353 purchases of such support services. The recipient of such subsidy shall
354 provide a documented accounting of such subsidy to the department.

355 (f) Notwithstanding the provisions of part III of chapter 59, the
356 commissioner may, within available appropriations, enter into a rental
357 or lease agreement for an apartment, home, or similar private
358 residence if it has been determined by the commissioner that an
359 individual is in need of an emergency placement. Such agreements
360 shall not exceed the fair market price for the area in which the leased
361 premises are located and shall not be for more than twelve months.
362 Upon entering such agreements, the commissioner shall notify the
363 State Properties Review Board and shall begin the leasing procedures
364 outlined in [said] part III of chapter 59.

365 (g) Any person who is in or is seeking a placement through the
366 Department of Developmental Services or is receiving any support or
367 service that is included within or covered by any federal program
368 being administered and operated by the Department of Social Services
369 and the Department of Developmental Services, and who meets the
370 eligibility criteria for the federal program, shall enroll in such program
371 in order to continue in the existing placement or to remain eligible for
372 a placement or continue to receive such support or service. Any person
373 who is ineligible for such federal program due to excess income or

374 assets may continue in existing placement, or continue to receive
375 existing supports and services through the Department of
376 Developmental Services while spending down available excess income
377 and assets until such person qualifies for enrollment in the applicable
378 federal program. The Commissioner of Developmental Services may
379 make exceptions to the requirements of this provision and provide or
380 continue to provide, within available appropriations, placement,
381 support or services to individuals who are not eligible for enrollment
382 in such federal programs and for whom it is determined there is a legal
383 requirement to serve pursuant to state or federal law or court order.

384 Sec. 9. Section 17a-218a of the general statutes is repealed and the
385 following is substituted in lieu thereof (*Effective from passage*):

386 (a) The Commissioner of Developmental Services shall continue the
387 operation of the Southbury Training School and shall establish criteria
388 to evaluate the current population of the training school in regard to
389 community placement and training school placement. The criteria shall
390 include, at a minimum, consideration of the client's age, physical
391 disabilities, medical fragility, level of [mental retardation] intellectual
392 disability, length of residence at the school and availability of an
393 appropriate placement.

394 (b) The commissioner shall no longer accept new admissions at the
395 Southbury Training School.

396 [(c) For the fiscal years ending June 30, 1998, and June 30, 1999, the
397 commissioner shall not certify additional beds as immediate care
398 facilities for the mentally retarded (ICFMR) at the Southbury Training
399 School beyond a total of six hundred sixteen.]

400 Sec. 10. Subdivision (5) of section 17a-220 of the general statutes is
401 repealed and the following is substituted in lieu thereof (*Effective from*
402 *passage*):

403 (5) "Community residential facility" means a community-based

404 residential facility which houses up to six persons with [mental
405 retardation] intellectual disability or autism spectrum disorder and
406 which provides food, shelter, personal guidance and, to the extent
407 necessary, continuing health-related services and care for persons
408 requiring assistance to live in the community, provided any such
409 facilities in operation on July 1, 1985, which house more than six
410 persons with [mental retardation] intellectual disability or autism
411 spectrum disorder shall be eligible for loans for rehabilitation under
412 this section and sections 17a-221 to 17a-225, inclusive, as amended by
413 this act. Such facility shall be licensed and may be certified;

414 Sec. 11. Section 17a-224 of the general statutes is repealed and the
415 following is substituted in lieu thereof (*Effective from passage*):

416 The department may administer the residential facility revolving
417 loan program through a purchase-of-service contract with any state-
418 wide private nonprofit housing development corporation which is
419 organized for the purpose of expanding independent living
420 opportunities for [disabled] persons with disabilities.

421 Sec. 12. Section 17a-226 of the general statutes is repealed and the
422 following is substituted in lieu thereof (*Effective from passage*):

423 The Commissioner of Developmental Services shall develop, [to the
424 extent funding is available] within available appropriations, a program
425 of employment opportunities and day services for adults with [mental
426 retardation] intellectual disability. Any nonprofit organization which
427 provides such services may apply to the Department of Developmental
428 Services for funds to be used to assist in establishing, maintaining or
429 expanding its program. No funding to assist in establishing,
430 maintaining or expanding programs of employment opportunities and
431 day services under the provisions of this section shall exceed the
432 ordinary and recurring operating expenses of such employment
433 opportunities and day services. The Commissioner of Developmental
434 Services shall establish the requirements to be met by such
435 organizations in order to be eligible to receive funds as provided by

436 this section and establish procedures to be used in making application
437 for such funds. Upon receipt of proper application, the Department of
438 Developmental Services [, if funding is available,] shall, within
439 available appropriations, provide such funds, provided the
440 organization meets the requirements established by the commissioner
441 in accordance with the provisions of this section. The Department of
442 Developmental Services may receive federal, municipal or private
443 funds available or tendered on a matching or supporting basis for the
444 development, maintenance and promotion of employment
445 opportunities and day services. [For purposes of this section,
446 "employment opportunities and day services" means the following
447 programs operated or funded by the Department of Developmental
448 Services for adults: Supported employment, sheltered employment,
449 community experience, adult day treatment and opportunities for
450 older adults.]

451 Sec. 13. Section 17a-227 of the general statutes is repealed and the
452 following is substituted in lieu thereof (*Effective from passage*):

453 (a) No person, firm or corporation shall [conduct or maintain]
454 operate within this state a [residential facility] community living
455 arrangement or community companion home which it owns, leases or
456 rents for the lodging, care or treatment of persons with [mental
457 retardation or autistic persons] intellectual disability, Prader-Willi
458 syndrome or autism spectrum disorder unless such person, firm or
459 corporation, upon written application, verified by oath, has obtained a
460 license issued by the Department of Developmental Services.

461 (b) The commissioner shall adopt regulations, in accordance with
462 the provisions of chapter 54, to insure the comfort, safety, adequate
463 medical care and treatment of such persons at [such] the residential
464 facilities described in subsection (a) of this section. Such regulations
465 shall include requirements that: (1) All residential facility staff be
466 certified in cardiopulmonary resuscitation in a manner and timeframe
467 prescribed by the commissioner; (2) records of staffing schedules and

468 actual staff hours worked, by residential facility, be available for
469 inspection by the department upon advance notice; (3) each residential
470 facility develop and implement emergency plans and staff training to
471 address emergencies that may pose a threat to the health and safety of
472 the residents of the facility; (4) department [inspectors] staff verify
473 during quality service reviews and licensing inspections, that (A) staff
474 is adequately trained to respond in an emergency, and (B) a summary
475 of information on each resident is available to emergency medical
476 personnel for use in an emergency; and (5) [at least half] not less than
477 one-half of the quality service reviews, licensing inspections or facility
478 visits conducted by the department after initial licensure are
479 unannounced.

480 (c) After receiving an application and making such investigation as
481 is deemed necessary and after finding the specified requirements to
482 have been fulfilled, the department shall grant a license to such
483 applicant to [conduct] operate a facility of the character described in
484 such application, which license shall specify the name of the person to
485 have charge and the location of [such facility] each facility operated
486 under the license. Any person, firm or corporation aggrieved by any
487 requirement of the regulations or by the refusal to grant any license
488 may [within twenty days of any order directing the enforcement of any
489 provision of such regulations or the refusal of such license, appeal
490 therefrom] request an administrative hearing in accordance with the
491 provisions of [section 4-183, except venue for such appeal shall be in
492 the judicial district in which such facility is located] chapter 54. If the
493 licensee of any such facility desires to place in charge thereof a person
494 other than the one specified in the license, application shall be made to
495 the Department of Developmental Services, in the same manner as
496 provided for the original application, for permission to make such
497 change. Such application shall be acted upon [within] not later than ten
498 calendar days from the date of the filing of [same] the application.
499 Each such license shall be renewed annually upon such terms as may
500 be established by regulations and may be revoked by the department
501 upon proof that the facility for which such license was issued is being

502 improperly [~~conducted~~] operated, or for the violation of any of the
503 provisions of this section or of the regulations adopted pursuant to this
504 [~~subsection~~] section, provided the licensee shall first be given a
505 reasonable opportunity to be heard in reference to such proposed
506 revocation. Any person, firm or corporation aggrieved by such
507 revocation may [~~appeal in the same manner as hereinbefore provided~~]
508 request an administrative hearing in accordance with the provisions of
509 chapter 54. Each person, firm or corporation, upon filing an application
510 under the provisions of this section for a license for [~~a facility~~
511 ~~providing residential services for five or more persons~~] for one or more
512 community living arrangements, shall pay to the State Treasurer the
513 sum of fifty dollars.

514 (d) [~~Notwithstanding any regulation to the contrary, subject to the~~
515 ~~provisions of this section, the~~] The Department of Developmental
516 Services may contract, within available appropriations, with any
517 [~~organization~~] qualified provider for the operation of a community-
518 based residential facility, provided [~~such facility~~] the qualified
519 provider is licensed by the department to operate such facilities. The
520 department shall include in all contracts with such [~~organizations~~]
521 licensed qualified providers, provisions requiring the department to
522 (1) conduct periodic reviews of contract performance, and (2) take
523 progressive enforcement actions if the department finds poor
524 performance or noncompliance with the contract, as follows: (A) [~~The~~
525 ~~organization~~] The licensed qualified provider may be placed on a strict
526 schedule of monitoring and oversight by the department; (B) [~~the~~
527 ~~organization~~] the licensed qualified provider may be placed on a
528 partial-year contract; and (C) payments due under the contract may be
529 reduced by specific amounts on a monthly basis until the
530 [~~organization~~] licensed qualified provider complies with the contract.
531 If compliance cannot be achieved, the department shall terminate the
532 contract.

533 (e) The department may contract with any person, firm or
534 corporation to provide residential support services for persons with

535 [mental retardation] intellectual disability, Prader-Willi syndrome or
536 autism spectrum disorder who reside in settings which are not
537 licensed by the department. The commissioner shall adopt regulations,
538 in accordance with the provisions of chapter 54, to ensure the safety,
539 adequate supervision and support of persons receiving such
540 residential support services.

541 (f) Any person, firm or corporation who [conducts] operates any
542 facility contrary to the provisions of this section shall be fined not more
543 than one thousand dollars or imprisoned not more than six months or
544 both. Any person, firm or corporation who [conducts] operates any
545 facility contrary to the regulations adopted pursuant to subsection (b)
546 of this section shall be fined not more than one thousand dollars.

547 Sec. 14. Subsections (a) and (b) of section 17a-227a of the general
548 statutes are repealed and the following is substituted in lieu thereof
549 (*Effective from passage*):

550 (a) The Commissioner of Developmental Services shall require each
551 applicant for employment in a Department of Developmental Services
552 program that provides direct services to persons with [mental
553 retardation] intellectual disability to submit to a check of such
554 applicant's state criminal background.

555 (b) The commissioner may require private sector service providers
556 under contract with or licensed by the department to provide
557 residential, day or support services to persons with [mental
558 retardation] intellectual disability, to require each applicant for
559 employment who will have direct and ongoing contact with persons
560 and families receiving such services to submit to a check of such
561 applicant's state criminal background. If the department requires such
562 providers to have such applicants submit to such checks, the
563 administrative costs associated with such checks shall be considered an
564 allowable cost on the annual cost report.

565 Sec. 15. Section 17a-228 of the general statutes is repealed and the

566 following is substituted in lieu thereof (*Effective from passage*):

567 (a) If a person with [mental retardation] intellectual disability
568 residing in a residential facility for [the mentally retarded] persons
569 with intellectual disability licensed pursuant to section 17a-227, as
570 amended by this act, but not certified to participate in the Title XIX
571 Medicaid program as an intermediate care facility for the mentally
572 retarded, qualifies for the program of state supplementation to the
573 Supplemental Security Income Program, the Commissioner of Social
574 Services shall pay, under such qualifying program, on behalf of such
575 person the rate established pursuant to subsection (b) of section 17b-
576 244 for room and board, after a reasonable deduction, as determined
577 by the commissioner, to reflect such person's income. The Department
578 of Developmental Services shall pay the rate established pursuant to
579 subsection (b) of section 17b-244 for services other than room and
580 board provided on behalf of any person whose admission to the
581 facility has been authorized by the Department of Developmental
582 Services.

583 (b) Notwithstanding the provisions of subsection (a) of this section,
584 persons residing in residential facilities for [the mentally retarded]
585 persons with intellectual disability licensed pursuant to section 17a-
586 227, as amended by this act, and receiving state payment for the cost of
587 such services on October 1, 1983, shall be deemed to have been
588 authorized for admission by the Department of Developmental
589 Services. In addition, any person who is admitted to a residential
590 facility for [the mentally retarded] persons with intellectual disability
591 after October 1, 1983, and not later than December 31, 1983, which
592 facility is licensed pursuant to said section after October 1, 1983, and
593 who is receiving state payment for the cost of such services, shall be
594 deemed to have been authorized for admission by the Department of
595 Developmental Services if (1) not later than July 15, 1983, the applicant
596 for licensure owns or has an interest in the facility or land upon which
597 the facility shall be located, or concludes a closing transaction on any
598 mortgage loan secured by mortgage on such facility or land, (2) such

599 facility is licensed not later than December 31, 1983, and (3) the
600 applicant for licensure presents evidence to the Commissioner of
601 Developmental Services that commitments had been made by such
602 applicant not later than July 15, 1983, for the placement of individuals
603 in such facility.

604 (c) The Department of Social Services shall continue to make
605 payments on behalf of persons residing, on or before October 1, 1983,
606 in residential facilities licensed pursuant to section 17a-227, as
607 amended by this act, on or before October 1, 1983, but not certified as
608 intermediate care facilities for the mentally retarded, and on behalf of
609 persons authorized for admission into such facilities by the
610 Department of Developmental Services after October 1, 1983, who are
611 otherwise eligible for assistance under sections 17b-600 to 17b-604,
612 inclusive. Such payment shall be on the same basis and at the same
613 rate which is in effect on October 1, 1983, and shall continue to pay
614 such rate until the next succeeding annual rate is determined as
615 provided in section 17b-244 and in this section.

616 (d) Each individual authorized for admission pursuant to
617 subsections (a) or (b) of this section into a residential facility for [the
618 mentally retarded] persons with intellectual disability licensed
619 pursuant to section 17a-227, as amended by this act, shall be reviewed
620 annually by the Department of Developmental Services. Upon
621 completion of the annual review, the Department of Developmental
622 Services may (1) renew the authorization of the individual for
623 continued state-assisted care in the residential facility, (2) refuse to
624 renew the authorization of the individual for continued state-assisted
625 care in the residential facility but authorize admission into alternate
626 facilities or (3) refuse to renew the authorization of the individual for
627 continued state-assisted care in the facility and refuse to authorize
628 continued state-assisted care in alternate facilities. If the Department of
629 Developmental Services refuses to renew the authorization of the
630 individual for continued state-assisted care in the residential facility
631 and either authorizes admission into alternative facilities or refuses to

632 authorize the individual for state-assisted care in any such alternative
633 facility, the Department of Developmental Services shall continue to
634 pay the rate established pursuant to section 17b-244 for such time as
635 may be administratively necessary for the Department of
636 Developmental Services to arrange for an appropriate transfer.

637 (e) Whenever the Department of Developmental Services refuses to
638 renew the authorization of a person for continued state-assisted care in
639 a licensed residential facility for [the mentally retarded] persons with
640 intellectual disability pursuant to subsection (d) of this section and
641 either authorizes the individual for admission into alternate facilities
642 or refuses to authorize the individual for continued state-assisted care
643 in any alternative facility, the Department of Developmental Services
644 shall give thirty days' notice of its determination to the previously
645 authorized individual and to such individual's parent, conservator,
646 guardian or other legal representative. Such notice shall also notify
647 each such individual or his legal representative of the individual's
648 right to contest the determination by submitting a request for a hearing
649 in writing to the Commissioner of Developmental Services [within] not
650 later than fifteen days [of] after the date of receiving the notice
651 required by this subsection. Such hearing, if requested, shall be
652 conducted in accordance with the provisions of sections 4-176e to 4-
653 184, inclusive. State-assisted care shall continue in the present facility
654 pending final disposition of any such hearing.

655 (f) Whenever the Department of Social Services is notified that a
656 facility receiving payments from the Department of Developmental
657 Services under the provisions of this section has been certified as an
658 intermediate care facility for persons with mental retardation, as
659 defined in 42 CFR 440.50, the Commissioner of Social Services shall
660 notify the Governor and the Governor, with the approval of the
661 Finance Advisory Committee, may transfer from the appropriation for
662 the Department of Developmental Services to the Department of Social
663 Services, sufficient funds to cover the cost of all services previously
664 paid by the Department of Developmental Services that are

665 reimbursable, at the rate established for services provided by such
666 certified facilities. Subsequent budget requests from both departments
667 shall reflect such transfer of responsibility.

668 Sec. 16. Section 17a-231 of the general statutes is repealed and the
669 following is substituted in lieu thereof (*Effective from passage*):

670 As used in this section and sections 17a-232 to 17a-237, inclusive, as
671 amended by this act, unless the context otherwise requires:

672 (1) "Residential facility for [mentally retarded] persons with
673 intellectual disability" means a residential facility for persons with
674 [mental retardation] intellectual disability that is licensed, or required
675 to be licensed, pursuant to section 17a-227, as amended by this act,
676 including staffing and other program resources associated with such
677 facility;

678 (2) "Emergency" means a situation, physical condition or one or
679 more practices, methods or operations which present imminent danger
680 of death or serious physical or mental harm to residents of a residential
681 facility for [mentally retarded] persons with intellectual disability;

682 (3) "Transfer trauma" means the medical and psychological
683 reactions to physical transfer that increase the risk of death, or grave
684 illness, or both, in persons with [mental retardation] with intellectual
685 disability;

686 (4) "Substantial violation" means a violation of regulations adopted
687 pursuant to section 17a-227, as amended by this act, which presents a
688 reasonable likelihood of serious physical or mental harm to residents
689 of a residential facility for [mentally retarded] persons with intellectual
690 disability; and

691 (5) "Habitual violation" means a violation of regulations adopted
692 pursuant to section 17a-227, as amended by this act, which, due to its
693 repetition, presents a reasonable likelihood of serious physical or
694 mental harm to residents of a residential facility for [mentally

695 [mentally retarded] persons with intellectual disability.

696 Sec. 17. Subsection (a) of section 17a-232 of the general statutes is
697 repealed and the following is substituted in lieu thereof (*Effective from*
698 *passage*):

699 (a) An application to appoint a receiver for a residential facility for
700 [mentally retarded] persons with intellectual disability may be filed in
701 the Superior Court by the Commissioner of Developmental Services or
702 the director of the Office of Protection and Advocacy for Persons with
703 Disabilities. A resident of the facility or the resident's legally liable
704 relative, conservator, or guardian may file a written complaint with the
705 Commissioner of Developmental Services specifying conditions at the
706 facility which warrant an application to appoint a receiver. If the
707 Commissioner of Developmental Services fails to resolve the complaint
708 within forty-five days of its receipt or, in the case of a facility which
709 intends to close, within seven days of its receipt, the person who filed
710 the complaint may file an application in the Superior Court for the
711 appointment of a receiver for the facility. The court shall immediately
712 notify the Attorney General of the application. The court shall hold a
713 hearing not later than ten days after the date the application is filed.
714 Notice of the hearing shall be given to the owner of the facility or the
715 owner's agent for service of process not less than five days prior to the
716 hearing. The notice shall be posted by the court in a conspicuous place
717 inside the facility for not less than three days prior to the hearing.

718 Sec. 18. Section 17a-233 of the general statutes is repealed and the
719 following is substituted in lieu thereof (*Effective from passage*):

720 (a) The court may grant an application for the appointment of a
721 receiver for a residential facility for [mentally retarded] persons with
722 intellectual disability upon a finding of any of the following: (1) The
723 facility is operating without a license issued pursuant to section 17a-
724 227, as amended by this act; (2) the facility intends to close and
725 adequate arrangements for relocation of its residents have not been
726 made [at least] not less than thirty days prior to the date of the

727 intended closing; (3) there exists in the facility a condition in
728 substantial violation of regulations established pursuant to section 17a-
729 227, as amended by this act; (4) there exists in the facility a practice of
730 habitual violation of regulations established pursuant to section 17a-
731 227, as amended by this act.

732 (b) It shall be a sufficient defense to a receivership application if any
733 owner of a residential facility for [mentally retarded] persons with
734 intellectual disability establishes that: (1) He did not have knowledge
735 or could not reasonably have known that any conditions in violation of
736 section 17a-227, as amended by this act, existed, or (2) he did not have
737 a reasonable time in which to correct such violations, or (3) the
738 violations listed in the application do not, in fact, exist, or (4) in the
739 event the grounds upon which the petition is based are those set forth
740 in subdivision (2) of subsection (a) of this section, the facility does not
741 intend to close.

742 Sec. 19. Section 17a-238 of the general statutes is repealed and the
743 following is substituted in lieu thereof (*Effective from passage*):

744 (a) No person placed or treated under the direction of the
745 Commissioner of Developmental Services in any public or private
746 facility shall be deprived of any personal, property or civil rights,
747 except in accordance with due process of law.

748 (b) Each person placed or treated under the direction of the
749 Commissioner of Developmental Services in any public or private
750 facility shall be protected from harm and receive humane and
751 dignified treatment which is adequate for such person's needs and for
752 the development of such person's full potential at all times, with full
753 respect for such person's personal dignity and right to privacy
754 consistent with such person's treatment plan as determined by the
755 commissioner. No treatment plan or course of treatment for any
756 person placed or treated under the direction of the commissioner shall
757 include the use of an aversive device which has not been tested for
758 safety and efficacy and approved by the federal Food and Drug

759 Administration except for any treatment plan or course of treatment
760 including the use of such devices which was initiated prior to October
761 1, 1993. No treatment plan or course of treatment prescribed for any
762 person placed or treated under the direction of the commissioner shall
763 include the use of aversive procedures except in accordance with
764 procedures established by the Commissioner of Developmental
765 Services. For purposes of this subsection, "aversive procedure" means
766 the contingent use of an event which may be unpleasant, noxious or
767 otherwise cause discomfort to alter the occurrence of a specific
768 behavior or to protect an individual from injuring himself or herself or
769 others and may include the use of physical isolation and mechanical
770 and physical restraint. Nothing in this subsection shall prohibit
771 persons who are not placed or treated under the direction of the
772 Commissioner of Developmental Services from independently
773 pursuing and obtaining any treatment plan or course of treatment as
774 may otherwise be authorized by law. The commissioner shall adopt
775 regulations, in accordance with chapter 54, to carry out the provisions
776 of this subsection.

777 (c) The Commissioner of Developmental Services shall adopt
778 regulations, in accordance with the provisions of chapter 54, with
779 respect to each facility or institution under the jurisdiction of the
780 commissioner, with regard to the following: (1) Prohibiting the use of
781 corporal punishment; (2) when and by whom therapies may be used;
782 (3) which therapies may be used; and (4) when a person may be placed
783 in restraint or seclusion or when force may be used upon a person.

784 (d) A copy of any order prescribing the use of therapy, restraint or
785 seclusion in accordance with the regulations adopted under subsection
786 (c) of this section shall be made a part of the person's permanent
787 clinical record together with the reasons for each such order and made
788 available in compliance with existing statutes relating to the right to
789 know.

790 (e) The Commissioner of Developmental Services shall ensure that

791 each person placed or treated under the commissioner's direction in
792 any public or private facility is afforded the following rights and
793 privileges: (1) The right to prompt, sufficient and appropriate medical
794 and dental treatment; (2) the right to communicate freely and privately
795 with any person, including, but not limited to, an attorney or other
796 legal representative of the person's choosing; (3) the right to reasonable
797 access to a telephone, both to make and receive calls in private, unless
798 such access is used in violation of any federal or state statute; (4) the
799 right to send and receive unopened mail and to make reasonable
800 requests for assistance in the preparation of correspondence; (5) the
801 safety of each person's personal effects shall be assured including the
802 provision of reasonably accessible individual storage space; (6) the
803 right to be free from unnecessary or excessive physical restraint; (7) the
804 right to voice grievances without interference; (8) the right to a
805 nourishing and well-balanced diet; (9) the right to be employed
806 outside a facility and to receive assistance in his or her efforts to secure
807 suitable employment. The department shall encourage the
808 employment of such persons and shall promote the training of such
809 persons for gainful employment, and all benefits of such employment
810 shall accrue solely to the person employed; (10) the right to have the
811 complete record maintained by the Department of Developmental
812 Services concerning such person released for review, inspection and
813 copying to such person's attorney or other legal representative
814 notwithstanding any provisions of subsection (g) of section 4-193 or
815 section 4-194; and (11) the right to receive or purchase his or her own
816 clothing and personal effects, including toilet articles, and the right to
817 wear such clothing and use such personal effects except where
818 determined to be dangerous to the health or safety of the individual or
819 others.

820 (f) The Commissioner of Developmental Services shall require the
821 attending physician of any person placed or treated under the
822 direction of the commissioner to obtain informed written consent from
823 the following persons prior to authorizing any surgical procedure or
824 any medical treatment, excluding routine medical treatment which is

825 necessary to maintain the general health of a resident or to prevent the
826 spread of any communicable disease: (1) The resident if such resident
827 is eighteen years of age or over or is legally emancipated and
828 competent to give such consent; (2) the parent of a resident under
829 eighteen years of age who is not legally emancipated; or (3) the legal
830 guardian or conservator of a resident of any age who is adjudicated
831 unable to make informed decisions about matters relating to such
832 resident's medical care. The person whose consent is required shall be
833 informed of the nature and consequences of the particular treatment or
834 surgical procedure, the reasonable risks, benefits and purpose of such
835 treatment or surgical procedure and any alternative treatment or
836 surgical procedures which are available. The consent of any resident or
837 of any parent, guardian or conservator of any resident may be
838 withdrawn at any time prior to the commencement of the treatment or
839 surgical procedure. The regional or training school director having
840 custody and control of a resident of any facility may authorize
841 necessary surgery for such resident where, in the opinion of the
842 resident's attending physician, the surgery is of an emergency nature
843 and there is insufficient time to obtain the required written consent
844 provided for in this section. The attending physician shall prepare a
845 report describing the nature of the emergency which necessitated such
846 surgery and shall file a copy of such report in the patient's record.

847 (g) The commissioner's oversight and monitoring of the medical
848 care of persons placed or treated under the direction of the
849 commissioner does not include the authority to make treatment
850 decisions, except in limited circumstances in accordance with statutory
851 procedures. In the exercise of such oversight and monitoring
852 responsibilities, the commissioner shall not impede or seek to impede a
853 properly executed medical order to withhold cardiopulmonary
854 resuscitation. For purposes of this subsection, "properly executed
855 medical order to withhold cardiopulmonary resuscitation" means (1) a
856 written order by the attending physician; (2) in consultation and with
857 the consent of the patient or a person authorized by law; (3) when the
858 attending physician is of the opinion that the patient is in a terminal

859 condition, as defined in section 19a-570, which condition will result in
860 death within days or weeks; and (4) when such physician has
861 requested and obtained a second opinion from a Connecticut licensed
862 physician in the appropriate specialty that confirms the patient's
863 terminal condition; and includes the entry of such an order when the
864 attending physician is of the opinion that the patient is in the final
865 stage of a terminal condition but cannot state that the patient may be
866 expected to expire during the next several days or weeks, or, in
867 consultation with a physician qualified to make a neurological
868 diagnosis, deems the patient to be permanently unconscious, provided
869 the commissioner has reviewed the decision with the department's
870 director of community medical services, the family and guardian of the
871 patient and others whom the commissioner deems appropriate, and
872 determines that the order is a medically acceptable decision.

873 [(h) Any person applying for services from the Commissioner of
874 Developmental Services or any person placed by a probate court under
875 the direction of the Commissioner of Developmental Services, and
876 such person's parents or guardian, shall be informed orally and in
877 writing at the time of application or placement of the rights guaranteed
878 by this section and the provisions of subdivision (5) of section 46a-11.
879 A summary of such rights shall be posted conspicuously in the public
880 areas of every public or private facility providing services to persons
881 under the care of the Commissioner of Developmental Services.]

882 Sec. 20. Section 17a-246 of the general statutes is repealed and the
883 following is substituted in lieu thereof (*Effective from passage*):

884 (a) The amount of payments to be paid by the state to any
885 organization which provides employment opportunities and day
886 services for persons referred by any state agency shall be determined
887 annually by the Commissioners of Developmental Services, Social
888 Services, Mental Health and Addiction Services and any other state
889 agency which purchases employment opportunities and day services
890 using a uniform payment system. Nothing contained herein shall

891 authorize a payment by the state in excess of the charges for
892 comparable services to the general public. [For purposes of this
893 section, "employment opportunities and day services" means the
894 following programs: Supported employment, sheltered employment,
895 community experience, adult day treatment and opportunities for
896 older adults.]

897 [(b) Notwithstanding the provisions of the general statutes or the
898 regulations of the Connecticut state agencies, for the fiscal year
899 commencing July 1, 1989, and ending June 30, 1990, the Department of
900 Developmental Services, in conjunction with the Departments of
901 Mental Health and Addiction Services and Social Services, shall pro
902 rate any reduction in available appropriations to any agency funded
903 pursuant to sections 19a-476 to 19a-482, inclusive, of the general
904 statutes, revision of 1958, revised to 1989. Such proration shall not be
905 construed to authorize a reduction in the level of services to persons
906 receiving services pursuant to said sections as of May 31, 1989, except
907 that upon a showing of hardship to the appropriate commissioner, an
908 agency may be granted relief. Any agency accredited by an
909 appropriate national accrediting body on June 30, 1989, shall continue
910 such accreditation through June 30, 1990.]

911 [(c)] (b) The Commissioner of Developmental Services, in
912 consultation with the Commissioners of Mental Health and Addiction
913 Services, Social Services and any other agency which pays for
914 employment opportunities and day services, shall adopt regulations,
915 in accordance with chapter 54, to implement the provisions of
916 subsection (a) of this section.

917 Sec. 21. Subsection (b) of section 17a-247 of the general statutes is
918 repealed and the following is substituted in lieu thereof (*Effective from*
919 *passage*):

920 (b) The Department of Developmental Services shall not take or
921 threaten to take any action against any employee of the department in
922 retaliation for such employee's conduct as a guardian or limited

923 guardian of a [mentally retarded] person with intellectual disability.

924 Sec. 22. Subdivision (2) of section 17a-247a of the general statutes is
925 repealed and the following is substituted in lieu thereof (*Effective from*
926 *passage*):

927 (2) "Authorized agency" means any agency authorized in
928 accordance with the general statutes to conduct abuse and neglect
929 investigations and responsible for issuing or carrying out protective
930 services for persons with [mental retardation] intellectual disability.

931 Sec. 23. Section 17a-270 of the general statutes is repealed and the
932 following is substituted in lieu thereof (*Effective from passage*):

933 (a) There is established a Council on Developmental Services which
934 shall consist of thirteen members appointed as follows: Eight shall be
935 appointed by the Governor, one of whom shall be a doctor of
936 medicine, one of whom shall be a person with [mental retardation]
937 intellectual disability who is receiving services from the Department of
938 Developmental Services and at least two of whom shall be parents or
939 guardians of persons with [mental retardation] intellectual disability,
940 to serve for terms of two years each; four shall be appointed by
941 members of the General Assembly for two-year terms, one of whom
942 shall be a parent or guardian of a person with [mental retardation]
943 intellectual disability, appointed by the speaker of the House, one
944 appointed by the minority leader of the House, one appointed by the
945 president pro tempore of the Senate and one of whom shall be a parent
946 or guardian of a person with [mental retardation] intellectual
947 disability, appointed by the minority leader of the Senate; and one of
948 whom shall be a member of the board of trustees of the Southbury
949 Training School, appointed by said board for a term of one year. No
950 member of the council may serve more than three consecutive terms,
951 except that a member may continue to serve until a successor is
952 appointed. The members of the council shall serve without
953 compensation except for necessary expenses incurred in performing
954 their duties. The Commissioner of Developmental Services or the

955 commissioner's designee shall be an ex-officio member of the Council
956 on Developmental Services without vote and shall attend its meetings.
957 No employee of any state agency engaged in the care or training of
958 persons with [mental retardation] intellectual disability shall be
959 eligible for appointment to the council. The council shall appoint
960 annually, from among its members, a chairperson, vice chairperson
961 and secretary. The council may make rules for the conduct of its
962 affairs. The council shall meet at least bimonthly and at other times
963 upon the call of the chair or the written request of any two members.

964 (b) The council shall consider and advise on such matters as its
965 members, the board of trustees of the training school and the
966 Commissioner of Developmental Services may request. The council
967 shall consult with the Commissioner of Developmental Services on the
968 administration of the state program for persons with [mental
969 retardation] intellectual disability. The council shall recommend to the
970 Governor and to the General Assembly such legislation as will in its
971 judgment improve the care and training of persons with [mental
972 retardation] intellectual disability.

973 Sec. 24. Subsection (a) of section 17a-272 of the general statutes is
974 repealed and the following is substituted in lieu thereof (*Effective from*
975 *passage*):

976 (a) The director of each training school or state developmental
977 services region shall be appointed by the Commissioner of
978 Developmental Services, and shall be removable in the same manner.
979 The director shall be a trained administrator of services and facilities
980 engaged in the care, custody, treatment and training of [mentally
981 retarded] persons with intellectual disability. Each director shall be
982 subject to the direction of the Commissioner of Developmental
983 Services and shall be responsible for the operation and the
984 administration of the training school or state developmental services
985 region.

986 Sec. 25. Subsections (a) and (b) of section 17a-273 of the general

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

989 (a) The Commissioner of Developmental Services shall appoint at
990 least one advisory and planning council for each state developmental
991 services region operated by the Department of Developmental
992 Services, which council shall have the responsibility of consulting with
993 and advising the director of the region on the needs of persons with
994 [mental retardation] intellectual disability in the region, the annual
995 plan and budget of the region and other matters deemed appropriate
996 by the council.

997 (b) Each such council shall consist of at least ten members appointed
998 from the state developmental services region. No employee of any
999 state agency engaged in the care or training of persons with [mental
1000 retardation] intellectual disability shall be eligible for appointment. At
1001 least one member shall be designated by a local chapter of the Arc of
1002 Connecticut in the region. At least one member shall be an individual
1003 who is eligible for and receives services from the Department of
1004 Developmental Services. At least two members shall be parents of
1005 persons with [mental retardation] intellectual disability. Members shall
1006 be appointed for terms of three years. No member may serve more
1007 than two consecutive terms. Each council shall appoint annually, from
1008 among its members, a chairperson, vice-chairperson and secretary. The
1009 council may make rules for the conduct of its affairs. The director of
1010 the region shall be an ex-officio member of the council without vote
1011 and shall attend its meetings.

1012 Sec. 26. Section 17a-274 of the general statutes is repealed and the
1013 following is substituted in lieu thereof (*Effective from passage*):

1014 (a) Any court of probate shall have the power to place any person
1015 residing in its district whom it finds to be a [mentally retarded] person
1016 with intellectual disability with the Department of Developmental
1017 Services for placement in any appropriate setting which meets [his
1018 individual] the individual's habilitative needs in the least restrictive

1019 environment available or which can be created within existing
1020 resources of the department, in accordance with the provisions of this
1021 section and section 17a-276, as amended by this act. No person shall be
1022 so placed unless the court has found the person [is mentally retarded]
1023 has intellectual disability and (1) is unable to provide for himself or
1024 herself at least one of the following: Education, habilitation, care for
1025 personal health and mental health needs, meals, clothing, safe shelter
1026 or protection from harm; (2) has no family or guardian to care for him
1027 or her, or his or her family or guardian can no longer provide adequate
1028 care for him or her; (3) is unable to obtain adequate, appropriate
1029 services which would enable him or her to receive care, treatment and
1030 education or habilitation without placement by a court of probate; and
1031 (4) is not willing to be placed under the custody and control of the
1032 Department of Developmental Services or its agents or voluntary
1033 admission has been sought by the guardian or limited guardian of
1034 such person appointed pursuant to chapter 779a or the provisions of
1035 sections 45a-711 to 45a-725, inclusive, and such voluntary admission
1036 has been opposed by the ward or his or her next of kin.

1037 (b) Application to the Probate Court for placement under this
1038 section may be made by any interested party. The application and all
1039 records of Probate Court proceedings held as a result of the filing of
1040 such application, except for the name of any guardian of the
1041 respondent, shall be sealed and shall be made available only to the
1042 respondent or the respondent's counsel or guardian, and to the
1043 Commissioner of Developmental Services or the commissioner's
1044 designee, unless the Probate Court, after hearing held with notice to
1045 the respondent or the respondent's counsel or guardian, and to the
1046 commissioner or the commissioner's designee, determines that such
1047 application and records should be disclosed for cause shown. The
1048 application shall allege that the respondent is a person with [mental
1049 retardation] intellectual disability and (1) is unable to provide for
1050 himself or herself at least one of the following: Education, habilitation,
1051 care for personal health and mental health needs, meals, clothing, safe
1052 shelter or protection from harm; (2) has no family or guardian to care

1053 for the respondent or the respondent's family or guardian can no
1054 longer provide adequate care for the respondent; (3) is unable to obtain
1055 adequate, appropriate services which would enable the respondent to
1056 receive care, treatment and education or habilitation without
1057 placement by a court of probate; and (4) is not willing to be placed
1058 under the custody and control of the Department of Developmental
1059 Services or its agents or voluntary admission has been sought by the
1060 guardian or limited guardian of the respondent appointed pursuant to
1061 chapter 779a or the provisions of sections 45a-711 to 45a-725, inclusive,
1062 and such voluntary admission has been opposed by the ward or the
1063 ward's next of kin.

1064 (c) Immediately upon the filing of the application, the Probate Court
1065 shall assign a time, date and place for a hearing, such hearing to be
1066 held not later than thirty business days from the date of receipt of the
1067 application. The court shall give notice of the hearing to the
1068 respondent, the respondent's guardian or conservator, the
1069 respondent's spouse or, if none, the respondent's children or, if none,
1070 the respondent's parents or, if none, the respondent's siblings, the
1071 Commissioner of Developmental Services, the director of the Office of
1072 Protection and Advocacy for Persons with Disabilities, and any other
1073 person who has shown an interest in the respondent.

1074 (d) Notice to the respondent and Commissioner of Developmental
1075 Services shall include: The names of all persons filing the application,
1076 the allegations made in the application, the time, date and place of the
1077 hearing, and the name, address and telephone number of the attorney
1078 who will represent the respondent. The notice shall state the right of
1079 the respondent to be present at the hearing, to present evidence, to
1080 cross-examine witnesses who testify at the hearing, and to an
1081 independent diagnostic and evaluative examination by a licensed
1082 psychologist of his own choice, who may testify on his behalf. If the
1083 court finds the respondent is indigent, the notice shall further state the
1084 respondent may be represented by counsel of his own choosing, and, if
1085 the court finds the respondent is indigent, that counsel shall be

1086 provided without cost. The reasonable compensation for counsel
1087 provided to indigent respondents shall be established by, and paid
1088 from funds appropriated to, the Judicial Department, however, if
1089 funds have not been included in the budget of the Judicial Department
1090 for such purposes, such compensation shall be established by the
1091 Probate Court Administrator and paid from the Probate Court
1092 Administration Fund.

1093 (e) Unless the respondent is represented by counsel, the court shall
1094 immediately appoint an attorney to represent the respondent from a
1095 list of attorneys admitted to practice in this state provided by the
1096 Probate Court Administrator in accordance with regulations adopted
1097 by the Probate Court Administrator in accordance with section 45a-77.
1098 Such attorney may, unless replaced, attend all examinations preceding
1099 the hearing and may copy or inspect any and all reports concerning
1100 the respondent.

1101 (f) The court shall appoint a licensed psychologist from a panel of
1102 psychologists provided by the Office of the Probate Court
1103 Administrator to examine the respondent. The psychologist shall
1104 prepare a report on a form provided by the Probate Court. Such report
1105 shall include a statement as to whether the respondent [is mentally
1106 retarded] has intellectual disability and an explanation of how the
1107 determination was reached. The explanation shall include the results
1108 of a psychological assessment within the past year, an interview or
1109 observation of the respondent, and an evaluation of adaptive behavior.
1110 Such report shall include a statement of the respondent's needs.
1111 Duplicate copies of the report shall be filed with the Commissioner of
1112 Developmental Services and all attorneys of record [at least] not less
1113 than five days prior to the date of the hearing. The court shall order the
1114 psychologist to appear for cross-examination at the request of the
1115 respondent if the respondent makes such request [at least] not less
1116 than three days before the date of the hearing.

1117 (g) If the court, after hearing, finds there is clear and convincing

1118 evidence that the respondent [is mentally retarded] has intellectual
1119 disability and meets the criteria set out in subsection (a) of this section,
1120 [it] the court shall order the respondent placed with the Department of
1121 Developmental Services for placement in the least restrictive
1122 environment available or which can be created within existing
1123 resources of the department.

1124 (h) If, after hearing, the court determines that the respondent's need
1125 for placement is so critical as to require immediate placement, the
1126 court shall order the respondent to be temporarily placed in the most
1127 appropriate available placement. The Department of Developmental
1128 Services upon receipt of such order shall place the respondent in such
1129 setting and shall proceed according to subsection (i) of this section.

1130 (i) The Department of Developmental Services, upon receipt of an
1131 order pursuant to subsection (g) of this section, shall arrange for an
1132 interdisciplinary team to evaluate the respondent, determine the
1133 respondent's priority needs for programming and determine the least
1134 restrictive environments in which those needs could be met. The
1135 Department of Developmental Services shall place the [respondent]
1136 respondent's name on the waiting list for all facilities which have been
1137 identified. If no placement has become available [within] not later than
1138 sixty days after the date that the respondent's name was placed on the
1139 waiting list, the Commissioner of Developmental Services shall so
1140 advise the court and shall continue to report to the court every thirty
1141 days thereafter until an appropriate placement is available.

1142 (j) Upon receipt of a report under subsection (i) of this section, the
1143 Court of Probate, if it determines that the respondent's need is so
1144 critical as to require immediate placement, shall order the respondent
1145 to be temporarily placed in the most appropriate available placement.

1146 (k) Any person or agency having reasonable cause to believe that a
1147 person [is mentally retarded] has intellectual disability and in need of
1148 immediate care and treatment for his or her safety and welfare, which
1149 care and treatment is not being provided by his or her family or

1150 guardian, shall make a written report to the Commissioner of
1151 Developmental Services. The report shall contain the name and
1152 address of the person believed to [be mentally retarded] have
1153 intellectual disability and in need of immediate care and treatment,
1154 and his or her parent or other person responsible for his or her care,
1155 and all evidence forming the basis for such belief and shall be signed
1156 and dated by the person making such report. The Commissioner of
1157 Developmental Services shall promptly determine whether there is
1158 reasonable cause to believe that the person named in the report [is
1159 mentally retarded] has intellectual disability and in need of immediate
1160 care and treatment, which care and treatment is not being provided by
1161 such person's family or guardian, and if the commissioner so
1162 determines, shall assume the care and custody of such person. The
1163 commissioner or his designee shall, within twenty-four hours,
1164 excluding Saturdays, Sundays and legal holidays, after assuming the
1165 care and custody of such person, (1) notify the [office of protection and
1166 advocacy] Office of Protection and Advocacy for Persons with
1167 Disabilities, and (2) file an application pursuant to subsection (b) of
1168 this section in the court of probate for the district in which such person
1169 resided prior to emergency placement. The court of probate in which
1170 such application is filed shall assign a time and place for a hearing
1171 pursuant to subsection (c) of this section.

1172 (l) In the event that any person placed under the provisions of this
1173 section is recommended for transfer by the Department of
1174 Developmental Services, the department shall proceed as required by
1175 subsection (c) of section 17a-210, as amended by this act, and shall in
1176 addition notify the probate court which made the placement.

1177 (m) Any person who wilfully files or attempts to file, or conspires
1178 with any person to file a fraudulent or malicious application for the
1179 placement of any person pursuant to this section, shall be fined not
1180 more than one thousand dollars or imprisoned not more than five
1181 years or both.

1182 (n) For the purposes of this section, (1) "interdisciplinary team"
1183 means a group of persons appointed by the Commissioner of
1184 Developmental Services, including a social worker, psychologist,
1185 nurse, residential programmer, educational or vocational programmer
1186 and such other persons as may be appropriate; (2) ["mentally retarded
1187 person" means a person who has mental retardation] "intellectual
1188 disability" shall have the same meaning as defined in section 1-1g, as
1189 amended by this act; (3) "respondent" means a person alleged to be a
1190 [mentally retarded] person with intellectual disability for whom an
1191 application for placement has been filed; (4) "placement" means
1192 placement in a community [training home] companion home,
1193 community living arrangement, group home, regional facility, [or]
1194 other residential facility or residential program for [mentally retarded]
1195 persons with intellectual disability.

1196 Sec. 27. Section 17a-275 of the general statutes is repealed and the
1197 following is substituted in lieu thereof (*Effective from passage*):

1198 When any person is [found to be mentally retarded upon
1199 proceedings had under sections 17a-210 to 17a-247, inclusive, and 17a-
1200 274] involuntarily placed with the Department of Developmental
1201 Services pursuant to the provisions of section 17a-274, as amended by
1202 this act, all fees and expenses incurred upon such proceedings shall be
1203 paid by the state; and, if such person is [found not to be mentally
1204 retarded] not involuntarily placed with the department, such fees and
1205 expenses shall be paid by the petitioner.

1206 Sec. 28. Section 17a-276 of the general statutes is repealed and the
1207 following is substituted in lieu thereof (*Effective from passage*):

1208 (a) All persons admitted to a state training school, regional facility
1209 or other facility provided for the care and training of [the mentally
1210 retarded] persons with intellectual disability shall, until discharged
1211 therefrom either by the commissioner or by operation of law, be under
1212 the custody and control of the director of such facility. All costs of care
1213 and training shall be provided pursuant to section 17b-223. Notice of

1214 discharge shall be sent by the Department of Developmental Services
1215 to such person, his parent or guardian and the Probate Court.

1216 (b) Any person with intellectual disability placed with the
1217 Department of Developmental Services pursuant to section 17a-274, as
1218 amended by this act, may request a review of his or her placement by
1219 the Probate Court at any time after issuance of the original order of
1220 placement and once a year thereafter. Such request shall be in writing,
1221 shall state the reasons for review and shall be made by the [patient]
1222 person with intellectual disability or any other person acting on his or
1223 her behalf. Such request shall be filed with the Probate Court, one copy
1224 shall be served on the Commissioner of Developmental Services and
1225 one copy shall be served on the person in charge of the facility in
1226 which the [patient] person with intellectual disability is placed. The
1227 hearing on such request shall be held [within] not later than ten days,
1228 excluding Saturdays, Sundays and holidays, after the date of the filing
1229 of such request.

1230 (c) At such hearing the [patient] person with intellectual disability
1231 shall have the same rights as provided under subsections (c), (d), (e)
1232 and (f) of section 17a-274, as amended by this act. The Department of
1233 Developmental Services shall notify each person placed pursuant to
1234 section 17a-274, as amended by this act, at least annually that such
1235 person has the right to a hearing to review the appropriateness and
1236 adequacy of his or her placement. At such hearing, if the court finds
1237 that the person is no longer in need of placement, [it] the court shall
1238 order the placement terminated. If the court finds that the person's
1239 placement does not adequately meet his or her needs in the least
1240 restrictive environment available or which can be created within
1241 existing resources of the department, [it] the court shall order the
1242 department to place such person in such least restrictive environment
1243 as the court deems available.

1244 (d) If, within five years from the date of placement, any person
1245 placed on or after October 1, 1982, has not requested a hearing to

1246 review his placement, the Department of Developmental Services shall
1247 notify the court of probate which placed such person. The court of
1248 probate, upon such notice, shall proceed in accordance with
1249 subsections (b) and (c) of this section to schedule a hearing to
1250 determine if the placement should be continued and whether such
1251 placement adequately meets his or her habilitative needs in the least
1252 restrictive environment available or which can be created within
1253 existing resources of the department.

1254 Sec. 29. Section 17a-277 of the general statutes is repealed and the
1255 following is substituted in lieu thereof (*Effective from passage*):

1256 The director of any state training school, regional facility or other
1257 facility for the care and training of persons with [mental retardation]
1258 with intellectual disability may place any resident with [mental
1259 retardation] intellectual disability committed or admitted to such
1260 training school, regional facility or other facility provided for the care
1261 and training of persons with [mental retardation] intellectual
1262 disability, under the provisions of sections 17a-210 to 17a-247,
1263 inclusive, as amended by this act, and 17a-273, as amended by this act,
1264 in a community companion home, community living arrangement,
1265 private boarding home, group home, [or] other residential facility or
1266 residential program to be cared for in accordance with the following
1267 conditions:

1268 (1) Such resident shall, despite such transfer, remain subject to the
1269 control of the director of such training school, regional facility or other
1270 facility provided for the care and training of persons with [mental
1271 retardation] intellectual disability and the director may, at any time,
1272 order and provide for the return of any such resident to such training
1273 school, regional facility or other facility provided for the care and
1274 training of persons with [mental retardation] intellectual disability,
1275 subject to any limitations of the term of commitment contained in the
1276 order of commitment under which such resident was committed;

1277 (2) When the transfer of any such resident has been authorized or

1278 when, having been transferred to a community companion home,
1279 community living arrangement, private boarding home, group home,
1280 [or] other residential facility or residential program for persons with
1281 [mental retardation] intellectual disability, such resident has been
1282 returned to the training school, regional facility or other facility, the
1283 director of such training school, regional facility or other facility shall
1284 forthwith so notify the Commissioner of Developmental Services;

1285 (3) Such community companion home, community living
1286 arrangement, private boarding home, group home, [or] other
1287 residential facility or residential program shall be licensed by the
1288 Department of Developmental Services, the Department of Children
1289 and Families or the Department of Public Health under such
1290 regulations as the departments adopt, in accordance with chapter 54;
1291 and

1292 (4) The Commissioner of Developmental Services shall, upon
1293 request, be given access to the complete record of any resident placed
1294 in a community companion home, community living arrangement,
1295 private boarding home, group home, [or] other residential facility or
1296 residential program pursuant to this section.

1297 Sec. 30. Section 17a-281 of the general statutes is repealed and the
1298 following is substituted in lieu thereof (*Effective from passage*):

1299 Any person who is a resident of Connecticut at the time an
1300 application is made by [him or on his behalf] such resident or on behalf
1301 of such resident under the provisions of this section, and who is, or
1302 appears to be, or believes himself or herself to be a person with [mental
1303 retardation] intellectual disability, may apply, in writing, to the
1304 Commissioner of Developmental Services, on a form prescribed by
1305 [said] the commissioner, for admission to any facility for persons with
1306 [mental retardation] intellectual disability. Such application shall be
1307 accompanied by a medical history of the applicant, including any
1308 medical or physical condition requiring special attention, treatment or
1309 precautions, a written psychological report provided by a psychologist

1310 either licensed under the provisions of chapter 383 or employed by the
1311 Department of Developmental Services, who has personally examined
1312 the applicant prior to the filing of application for residential placement
1313 or a copy of the determination of eligibility made in accordance with
1314 section 17a-212 and the regulations adopted thereunder. The written
1315 psychological report shall include (1) a statement that the psychologist
1316 has personally examined the applicant not more than ninety days prior
1317 to the date of filing of the application, (2) the results of a psychometric
1318 assessment conducted not more than one year prior to the date of
1319 filing of the application, and (3) an evaluation of the applicant's current
1320 level of adaptive functioning, including self-care, mental health, social,
1321 academic and vocational needs. In the event of an emergency,
1322 admission to a residential facility may be made and the required
1323 medical history and psychologist's report may be submitted [within]
1324 not later than thirty days after the date of such admission. The
1325 application for such person, if such person is a minor, may be made by
1326 a parent, guardian of the person of, or person having custody of, such
1327 minor. If such person is an adult who has had a guardian appointed
1328 pursuant to sections 45a-669 to 45a-684, inclusive, as amended by this
1329 act, [his] such person's guardian may apply for admission and the
1330 commissioner may admit such person, provided [said] the
1331 commissioner is satisfied that there is no conflict concerning the
1332 admission between the guardian and his or her ward or the ward's
1333 next of kin. If such conflict exists, the applicant may only be admitted
1334 under the provisions of section 17a-274, as amended by this act. The
1335 commissioner may approve any such application for admission if the
1336 person on whose behalf application is made is suitable for admission
1337 and if space is available and may terminate such admission at any time
1338 when [he] the commissioner feels such person will not profit from
1339 continued placement. The provisions of this section shall not apply to
1340 persons who apply to the commissioner for respite care services for a
1341 period not to exceed thirty days.

1342 Sec. 31. Section 17a-282 of the general statutes is repealed and the
1343 following is substituted in lieu thereof (*Effective from passage*):

1344 No person admitted to a facility for persons with [mental
1345 retardation] intellectual disability under the provisions of section 17a-
1346 281, as amended by this act, shall be detained in such facility for more
1347 than seven days after [he] such person has given notice in writing, or,
1348 if such person is a minor or adult incompetent, after such notice has
1349 been given on his or her behalf by his or her parent, guardian,
1350 conservator or person having custody, to the Commissioner of
1351 Developmental Services, of his or her intention or desire to leave such
1352 facility. If [said] the commissioner is of the opinion that such person is
1353 in need of further treatment or observation, [he] the commissioner may
1354 make and file, in the probate court for the district within which such
1355 person resides, application for the involuntary placement of such
1356 person to such facility and the probate court shall proceed thereon in
1357 the same manner as is provided in section 17a-274, as amended by this
1358 act.

1359 Sec. 32. Section 17a-451d of the general statutes is repealed and the
1360 following is substituted in lieu thereof (*Effective from passage*):

1361 There is established a nonlapsing fund that shall contain (1) any
1362 moneys received by the state from the sale, lease or transfer of all or
1363 any part of Norwich Hospital or any regional center that takes place
1364 after January 1, 2001, and (2) any other moneys required by law to be
1365 deposited in a separate account within the General Fund for purposes
1366 of this section, section 17a-212a [or 17a-283a] or section 4 of public act
1367 01-154. The Treasurer shall credit the fund with its investment
1368 earnings. Any balance remaining in said fund at the end of any fiscal
1369 year shall be carried forward in the fund for the fiscal year next
1370 succeeding. The principal and interest of the fund shall be used solely
1371 for the purpose of site acquisition, capital development and
1372 infrastructure costs necessary to provide services to persons with
1373 mental retardation or psychiatric disabilities, provided amounts in the
1374 fund may be expended only pursuant to appropriation by the General
1375 Assembly.

1376 Sec. 33. Subsection (b) of section 17b-229 of the general statutes is
1377 repealed and the following is substituted in lieu thereof (*Effective from*
1378 *passage*):

1379 (b) The provisions of sections [17a-278,] 17a-502, 17b-222, 17b-223,
1380 17b-228, 17b-232, 17b-745, 46b-215 and 53-304 shall not affect or impair
1381 the responsibility of any patient or patient's estate for his care in a state
1382 humane institution prior to July 1, 1955, and the same may be enforced
1383 by any action by which such responsibility would have been
1384 enforceable prior to July 1, 1955, but only to the extent of that portion
1385 of such estate as is not needed for the support of the spouse, parents
1386 and dependent children of such patient.

1387 Sec. 34. Subsection (a) of section 17b-243 of the general statutes is
1388 repealed and the following is substituted in lieu thereof (*Effective from*
1389 *passage*):

1390 (a) The rate to be paid by the state to rehabilitation centers,
1391 including but not limited to, centers affiliated with the Easter Seal
1392 Society of Connecticut, Inc., for services to patients referred by any
1393 state agency, except employment opportunities and day services, [as
1394 defined in section 17a-246,] shall be determined annually by the
1395 Commissioner of Social Services who shall prescribe uniform forms on
1396 which such rehabilitation centers shall report their costs, except that
1397 rates effective April 30, 1989, shall remain in effect through May 31,
1398 1990, and rates in effect February 1, 1991, shall remain in effect through
1399 December 31, 1992, except those which would be decreased effective
1400 January 1, 1992, shall be decreased. For the rate years beginning
1401 January 1, 1993, through December 31, 1995, any rate increase shall not
1402 exceed the most recent annual increase in the consumer price index for
1403 urban consumers. Such rates shall be determined on the basis of a
1404 reasonable payment for necessary services rendered. Nothing
1405 contained herein shall authorize a payment by the state to any such
1406 rehabilitation center in excess of the charges made by such center for
1407 comparable services to the general public. The Commissioner of Social

1408 Services shall establish a fee schedule for rehabilitation services to be
1409 effective on and after January 1, 1996. The fee schedule may be
1410 adjusted annually beginning July 1, 1997, to reflect necessary increases
1411 in the cost of services.

1412 Sec. 35. Subsection (a) of section 17b-245 of the general statutes is
1413 repealed and the following is substituted in lieu thereof (*Effective from*
1414 *passage*):

1415 (a) The rates to be paid by the state to the day care and vocational
1416 training programs sponsored by the associations affiliated with United
1417 Cerebral Palsy of Connecticut, Inc., Epilepsy Foundation of America,
1418 Inc., Goodwill Industries of America, Inc. and to any private, nonprofit
1419 agency providing such programs for [autistic or neurologically
1420 impaired] persons with a neurological impairment or autism spectrum
1421 disorder, for services to clients referred by any state agency, except
1422 employment opportunities and day services, [as defined in section 17a-
1423 246,] shall be determined annually by the Commissioner of Social
1424 Services who shall prescribe uniform forms on which such day care
1425 and vocational training programs shall report their costs, except that
1426 rates effective April 30, 1989, shall remain in effect through May 31,
1427 1990. Such rates shall be determined on the basis of a reasonable
1428 payment for necessary services rendered. Nothing contained herein
1429 shall authorize a payment by the state to any such day care or
1430 vocational training program in excess of the charges made by such
1431 programs for comparable services to the general public.

1432 Sec. 36. Subsection (i) of section 45a-676 of the general statutes is
1433 repealed and the following is substituted in lieu thereof (*Effective from*
1434 *passage*):

1435 (i) No person shall be excluded from serving as a plenary guardian
1436 or limited guardian solely because such person is licensed by the
1437 Department of Developmental Services to operate a community
1438 [training] companion home, except that (1) no such licensee, nor any of
1439 such licensee's relatives or household members, may be appointed as a

1440 plenary guardian or limited guardian of a person with mental
 1441 retardation residing in a community [training] companion home
 1442 operated by such licensee, and (2) no such licensee shall be so
 1443 appointed unless no other suitable person to serve as plenary guardian
 1444 or limited guardian can be found.

1445 Sec. 37. Subdivision (6) of section 46a-11a of the general statutes is
 1446 repealed and the following is substituted in lieu thereof (*Effective from*
 1447 *passage*):

1448 (6) "Facility" means any public or private hospital, nursing home
 1449 facility, training school, regional facility, group home, community
 1450 [training] companion home, school or other program serving persons
 1451 with mental retardation;

1452 Sec. 38. Sections 17a-211, 17a-213, 17a-216, 17a-278 to 17a-280,
 1453 inclusive, and 17a-283a of the general statutes are repealed. (*Effective*
 1454 *from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	1-1g
Sec. 2	<i>from passage</i>	17a-210
Sec. 3	<i>from passage</i>	17a-210b
Sec. 4	<i>from passage</i>	17a-210c(a)
Sec. 5	<i>from passage</i>	17a-215
Sec. 6	<i>from passage</i>	17a-217
Sec. 7	<i>from passage</i>	17a-217a
Sec. 8	<i>from passage</i>	17a-218
Sec. 9	<i>from passage</i>	17a-218a
Sec. 10	<i>from passage</i>	17a-220(5)
Sec. 11	<i>from passage</i>	17a-224
Sec. 12	<i>from passage</i>	17a-226
Sec. 13	<i>from passage</i>	17a-227
Sec. 14	<i>from passage</i>	17a-227a(a) and (b)
Sec. 15	<i>from passage</i>	17a-228
Sec. 16	<i>from passage</i>	17a-231

Sec. 17	<i>from passage</i>	17a-232(a)
Sec. 18	<i>from passage</i>	17a-233
Sec. 19	<i>from passage</i>	17a-238
Sec. 20	<i>from passage</i>	17a-246
Sec. 21	<i>from passage</i>	17a-247(b)
Sec. 22	<i>from passage</i>	17a-247a(2)
Sec. 23	<i>from passage</i>	17a-270
Sec. 24	<i>from passage</i>	17a-272(a)
Sec. 25	<i>from passage</i>	17a-273(a) and (b)
Sec. 26	<i>from passage</i>	17a-274
Sec. 27	<i>from passage</i>	17a-275
Sec. 28	<i>from passage</i>	17a-276
Sec. 29	<i>from passage</i>	17a-277
Sec. 30	<i>from passage</i>	17a-281
Sec. 31	<i>from passage</i>	17a-282
Sec. 32	<i>from passage</i>	17a-451d
Sec. 33	<i>from passage</i>	17b-229(b)
Sec. 34	<i>from passage</i>	17b-243(a)
Sec. 35	<i>from passage</i>	17b-245(a)
Sec. 36	<i>from passage</i>	45a-676(i)
Sec. 37	<i>from passage</i>	46a-11a(6)
Sec. 38	<i>from passage</i>	Repealer section

Statement of Purpose:

To: (1) Utilize person first, respectful language in statutes relating to the Department of Developmental Services that refer to persons with intellectual disability, (2) eliminate obsolete statutes and reporting requirements, and (3) have the statutes accurately reflect the department's responsibilities for licensing community companion homes and community living arrangements.

[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.]