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Department of Developmental Services

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Commissioner

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TESTIMONY OF THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
TO THE
PUBLIC HEALTH COMMITTEE

H.B. 6279- 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
February 9, 2011

Senators Stillman and Welch, Representatives Ritter and Perillo and members of the Public Health Committee. I am Commissioner Peter O'Meara of the Department of Developmental Services (DDS). Thank you for raising House Bill 6279, 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.

This bill defines "intellectual disability" to mean the same as "mental retardation" in state statutes related to the Department of Developmental Services. The Department has proposed this change both from a respectful language perspective and to conform with the recently passed federal legislation "Rosa's Law" which changed the term "mental retardation" to "intellectual disability" in many instances. This change at the federal level, coupled with the proposed changes to the Diagnostic and Statistical Manual of Mental Disorders (DSM-V) by the American Psychiatric Association that are scheduled to take effect in May 2013, made changing the department's statutes to more appropriate and up-to-date terminology necessary.

As mentioned, the bill changes terminology to person first, respectful language (i.e. "person with intellectual disability" rather than "mental retardation"). Although there are other references in state statutes to the term "mental retardation", the Department made the decision to begin with changes specific to DDS statutes. DDS did not want to unintentionally impact any legal requirements or rights of individuals with intellectual disability by making sweeping statutory changes. (ex: probate statutes, the state penal code, non-discrimination provisions in areas of state government such as human rights and contracting).

We encourage other agencies and entities throughout the state to review their statutory language and make changes as appropriate going forward. We also respectfully request that state legislators consider using respectful and person first language when referring to individuals who receive services from DDS.

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If any legislators have questions regarding what constitutes respectful language, our staff would be happy to talk with them. "Rosa's Law" changed the terminology to intellectual disability in many significant federal acts, but not all of them. For this reason, we have not changed any references to an "intermediate care facility for the mentally retarded" (ICF/MR) at this time in the DDS statutes. We will wait for a federal change and consult with the Department of Social Services as the lead Medicaid agency before making the change in state statute so as not to impact any federal reimbursement or Medicaid waiver provisions. Additionally, the bill assures that DDS statutes accurately reflect the department's responsibilities for licensing community companion homes and community living arrangements.

House Bill 6279 also streamlines or eliminates specific obsolete reporting requirements and statutes. Our intent is not to stop providing information to the legislature that it may find useful in its deliberations regarding DDS. However, we do want to eliminate many old requirements to produce information or reports that are no longer useful or pertinent. Additionally, DDS produces various reports and sets of data on a regular basis that is either available on our agency website or in electronic form upon request. We pride ourselves on being responsive to requests for data and specific information that would be useful to legislators. In a time of limited resources and when employees are juggling multiple responsibilities, it makes sense that we not produce reports that have no usefulness or relevance to current issues. Thank you for your consideration of this request.

Below is a summary of each section of the bill:

Sec 1 (1-1g) defines intellectual disability to mean the same as mental retardation in DDS statutes.
Sec 2 (17a-210) change in terminology from "mental retardation" (mr) to "intellectual disability" (id) to be more respectful and in conformance with recent federal legislation (Rosa's Law- S.2781).
Sec 3 (17a-210b) mr to id
Sec 4 (17a-210c) technical
Sec 5 (17a-215) respectful person first language related to Autism Spectrum Disorder (ASD)
Sec 6 (17a-217) mr to id
Sec 7 (17a-217a) repeals a reporting requirement related to Camp Harkness. This report has not been done in several years and we are not aware of anyone requesting it.
Sec 8 (17a-218) changes the reference from community training homes (CTH) to community companion homes (CCH) to reflect the new name which will be reflected in agency regulations that are in the process of being amended. Also "mr" to "id"
Sec 9 (17a-218a) mr to id; also the deletion of subsection (c) because requirement relates to a specific period of time that has passed
Sec 10 (17a-220) mr to id and autism to ASD
Sec 11 (17a-224) person first language: "disabled persons" to "persons with disabilities"
Sec 12 (17a-226) mr to id; deletion of definition and specific list of "employment opportunities and day services" as the list is out of date and ever-changing
Sec 13 (17a-227) technical changes to conform with DDS licensing process and regulations; mr to id
Sec 14 (17a-227a) mr to id
Sec 15 (17a-228) mr to id
Sec 16 (17a-231) mr to id
Sec 17 (17a-232) mr to id
Sec 18 (17a-233) mr to id
Sec 19 (17a-238) repeal of sub sec (h). rights are spelled out in sub sec (e) of this statute
Sec 20 (17a-246) deletion in sub sec (a) definition and specific list of "employment opportunities and day services" as list is out of date and ever-changing. Deletion in sub sec (b) statute's requirements relate to a specific period of time that has passed. Renames sub (c) to sub (b)

Sec 21 (17a-247) mr to id
Sec 22 (subdivision (2) of 17a-247a) mr to id
Sec 23 (17a-270) mr to id
Sec 24 (17a-272) mr to id
Sec 25 (17a-273) mr to id
Sec 26 (17a-274) mr to id; also CTH to CCH in sub sec (n)
Sec 27 (17a-275) change in terminology to better describe and reflect intent of statute
Sec 28 (17a-276) mr to id, "patient" to "person" to conform with other DDS statutes
Sec 29 (17a-277) mr to id and CTH to CCH
Sec 30 (17a-281) mr to id
Sec 31 (17a-282) mr to id
Sec 32 (17a-451d) deletes a reference to a statute that is being proposed for deletion because effective time period has passed
Sec 33 (subsection (b) of 17b-229) deletes a reference to an outdated statute that is being proposed for deletion
Sec 34 (subsection (a) of 17b-243) deletes reference to a defined term to conform with proposed language change
Sec 35 (17b-245) respectful language
Sec 36 (45a-676) CTH to CCH
Sec 37 (subdivision (6) of 46a-11a) CTH to CCH
Sec 38 multiple repealed sections:
(17a-211) repeals requirement to do a 5-year plan. No other state agencies have 5 year plans required in statute. DDS has multiple internal business planning documents and processes. Less staff and resources to do required reports.
(17a-213) repeals a regional comparison report. DDS produces several non-mandated reports that tend to meet the informational request needs of the legislature.
(17a-216) repeals outdated statute that doesn't get used related to the purchase of equipment.
Also mr to id. Repeal of sub sec (b) as the language is not needed due to the overhaul of the entire state procurement process.
(17a-278) repeals outdated statute that doesn't get used related to "recalls" and boarding homes
(17a-279) repeals outdated statute that doesn't get used related to "escaped persons"
(17a-280) repeals outdated statute that doesn't get used related to recommitment and transfers. This language is very outdated and probably illegal
(17a-283a) repeals entire section as statute's requirements relate to a specific period of time that has passed (ended June 30, 2009).

Thank you again for the opportunity to testify before you today on our agency proposal, House Bill 6279. I would be happy to answer any questions that you might have, or you may contact Christine Pollio Cooney, DDS Director of Legislative Affairs at (860) 418-6066.