



# Senate

General Assembly

**File No. 187**

January Session, 2013

Substitute Senate Bill No. 853

*Senate, March 27, 2013*

The Committee on Human Services reported through SEN. SLOSSBERG of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

**AN ACT CONCERNING TECHNICAL AND OTHER REVISIONS TO STATUTES CONCERNING THE DEPARTMENT OF REHABILITATION SERVICES.**

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

1 Section 1. Section 10-297 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2013*):

3 The Commissioner of Rehabilitation Services is authorized to aid in  
4 securing employment for [capable] legally blind [or partially blind]  
5 persons. [in industrial and mercantile establishments and in other  
6 positions which offer financial returns.] Said commissioner may aid  
7 [needy] legally blind persons in such way as said commissioner deems  
8 expedient, expending for such purpose such sum as the General  
9 Assembly appropriates. [, provided the maximum expenditure for any  
10 one person shall not exceed the sum of nine hundred and sixty dollars  
11 in a fiscal year, but, if said maximum amount is insufficient to furnish  
12 necessary medical or hospital treatment to a beneficiary, said  
13 commissioner may authorize payment of such additional costs as the

14 commissioner deems necessary and reasonable.]

15 Sec. 2. Section 10-298 of the general statutes is repealed and the  
16 following is substituted in lieu thereof (*Effective July 1, 2013*):

17 (a) [The Commissioner of Rehabilitation Services shall, annually, as  
18 provided in section 4-60, submit to the Governor a report, containing a  
19 statement of the activities of the Department of Rehabilitation Services  
20 relating to services provided by the department to individuals in the  
21 state who are legally blind or visually impaired during the preceding  
22 year.] The [commissioner] Commissioner of Rehabilitation Services  
23 shall prepare and maintain a register of the blind in this state which  
24 shall describe their condition, cause of blindness and capacity for  
25 education and rehabilitative training. The commissioner may register  
26 cases of persons whose eyesight is seriously defective and who are  
27 liable to become visually disabled or blind, and may take such  
28 measures in cooperation with other authorities as the commissioner  
29 deems advisable for the prevention of blindness or conservation of  
30 eyesight and, in appropriate cases, for the education of children and  
31 for the vocational guidance of adults having seriously defective sight  
32 but who are not blind. The commissioner shall establish criteria for low  
33 vision care and maintain a list of ophthalmologists and optometrists  
34 that are exclusively authorized to receive agency funds through  
35 established and existing state fee schedules for the delivery of  
36 specifically defined low vision services that increase the capacity of  
37 eligible recipients of such services to maximize the use of their  
38 remaining vision.

39 (b) The Commissioner of Rehabilitation Services may accept and  
40 receive any bequest or gift of personal property and, subject to the  
41 consent of the Governor and Attorney General as provided in section  
42 4b-22, any devise or gift of real property made to the Commissioner of  
43 Rehabilitation Services, and may hold and use such property for the  
44 purposes, if any, specified in connection with such bequest, devise or  
45 gift.

46 (c) The Commissioner of Rehabilitation Services shall provide the

47 Department of Motor Vehicles with the names of all individuals  
48 sixteen years of age or older who, on or after October 1, 2005, have  
49 been determined to be blind by a physician or optometrist, as provided  
50 in section 10-305. The Commissioner of Rehabilitation Services shall  
51 provide simultaneous written notification to any individual whose  
52 name is being transmitted by the Commissioner of Rehabilitation  
53 Services to the Department of Motor Vehicles. The Commissioner of  
54 Rehabilitation Services shall update the list of names provided to the  
55 Department of Motor Vehicles on a quarterly basis. The list shall also  
56 contain the address and date of birth for each individual reported, as  
57 shown on the records of the Department of Rehabilitation Services.  
58 The Department of Motor Vehicles shall maintain such list on a  
59 confidential basis, in accordance with the provisions of section 14-46d.  
60 The [Department] Commissioner of Rehabilitation Services shall enter  
61 into a memorandum of understanding with the [Department]  
62 Commissioner of Motor Vehicles to effectuate the purposes of this  
63 subsection.

64 Sec. 3. Subsection (a) of section 17b-607 of the general statutes is  
65 repealed and the following is substituted in lieu thereof (*Effective July*  
66 *1, 2013*):

67 (a) The Commissioner of [Social] Rehabilitation Services is  
68 authorized to establish and administer a fund to be known as the  
69 Assistive Technology Revolving Fund. Said fund shall be used by said  
70 commissioner to make loans to persons with disabilities, senior  
71 citizens or the family members of persons with disabilities or senior  
72 citizens for the purchase of assistive technology and adaptive  
73 equipment and services. Each such loan shall be made for a term of not  
74 more than [five] ten years. Any loans made under this section after  
75 July 1, 2013, shall bear interest at a fixed rate [to be determined in  
76 accordance with subsection (t) of section 3-20] not to exceed six per  
77 cent. Said commissioner is authorized to expend any funds necessary  
78 for the reasonable direct expenses relating to the administration of said  
79 fund. Said commissioner shall adopt regulations, in accordance with  
80 the provisions of chapter 54, to implement the purposes of this section.

81 Sec. 4. Section 17b-612 of the general statutes is repealed and the  
82 following is substituted in lieu thereof (*Effective July 1, 2013*):

83 The Department of Rehabilitation Services shall establish a program  
84 to assist disabled public school students in preparing for and obtaining  
85 competitive employment and to strengthen the linkage between  
86 vocational rehabilitation services and public schools. Under the  
87 program, the Department of Rehabilitation Services shall provide,  
88 within the limits of available appropriations, vocational evaluations  
89 and other appropriate transitional services and shall [place] provide  
90 vocational rehabilitation counselors [in the following] to school  
91 districts [; Hartford, West Hartford, Norwich, Bloomfield, Wethersfield  
92 and other school districts selected by the Department of Rehabilitation  
93 Services] throughout the state. The counselors shall, if requested, assist  
94 those persons planning in-school skill development programs. The  
95 counselors shall, with planning and placement team members, develop  
96 transition plans and individual education and work rehabilitation  
97 plans for disabled students who will no longer be eligible for  
98 continued public school services. Students whose termination date for  
99 receipt of public school services is most immediate shall be given  
100 priority.

101 Sec. 5. Section 17b-650a of the general statutes is repealed and the  
102 following is substituted in lieu thereof (*Effective July 1, 2013*):

103 (a) There is created a Department of Rehabilitation Services. The  
104 Department of Social Services shall provide administrative support  
105 services to the Department of Rehabilitation Services until the  
106 Department of Rehabilitation Services requests cessation of such  
107 services, or until June 30, 2013, whichever is earlier. The Department of  
108 Rehabilitation Services shall be responsible for providing the  
109 following: (1) [Providing services] Services to the deaf and hearing  
110 impaired; (2) [providing] services for the blind and visually impaired;  
111 and (3) [providing] rehabilitation services in accordance with the  
112 provisions of the general statutes concerning the Department of  
113 Rehabilitation Services. The Department of Rehabilitation Services

114 shall constitute a successor authority to the Bureau of Rehabilitative  
115 Services in accordance with the provisions of sections 4-38d, 4-38e and  
116 4-39.

117 (b) The department head shall be the Commissioner of  
118 Rehabilitation Services, who shall be appointed by the Governor in  
119 accordance with the provisions of sections 4-5 to 4-8, inclusive, and  
120 shall have the powers and duties described in said sections. The  
121 Commissioner of Rehabilitation Services shall appoint such persons as  
122 may be necessary to administer the provisions of public act 11-44 and  
123 the Commissioner of Administrative Services shall fix the  
124 compensation of such persons in accordance with the provisions of  
125 section 4-40. The [commissioner] Commissioner of Rehabilitation  
126 Services may create such sections within [said department] the  
127 Department of Rehabilitation Services as will facilitate such  
128 administration, including a disability determinations section for which  
129 one hundred per cent federal funds may be accepted for the operation  
130 of such section in conformity with applicable state and federal  
131 regulations. The Commissioner of Rehabilitation Services may adopt  
132 regulations, in accordance with the provisions of chapter 54, to  
133 implement the purposes of the department as established by statute.

134 (c) The Commissioner of Rehabilitation Services shall, annually, in  
135 accordance with section 4-60, submit to the Governor a report in  
136 electronic format on the activities of the Department of Rehabilitation  
137 Services relating to services provided by the department to individuals  
138 who (1) are blind or visually impaired, (2) are deaf or hearing  
139 impaired, or (3) receive vocational rehabilitation services. The report  
140 shall include the data the department provides to the federal  
141 government that relates to the evaluation standards and performance  
142 indicators for the vocational rehabilitation services program. The  
143 commissioner shall submit the report in electronic format, in  
144 accordance with the provisions of section 11-4a, to the joint standing  
145 committees of the General Assembly having cognizance of matters  
146 relating to human services and appropriations and the budgets of state  
147 agencies.

148 Sec. 6. Section 17b-661 of the general statutes is repealed and the  
149 following is substituted in lieu thereof (*Effective July 1, 2013*):

150 Notwithstanding any other provision of the general statutes, the  
151 Department of Rehabilitation Services may, within the limits of  
152 appropriations, purchase (1) wheelchairs and placement equipment  
153 directly and without the issuance of a purchase order, provided the  
154 cost of such purchases shall not be in excess of [three thousand five  
155 hundred] twenty thousand dollars per unit, [purchased,] and (2)  
156 adaptive equipment, [and modified] including equipment to modify  
157 vehicles for persons with disabilities directly and without the issuance  
158 of a purchase order, provided the cost of such purchases of adaptive  
159 equipment shall not be in excess of [ten] one hundred twenty thousand  
160 dollars per unit. [purchased and such purchases of modified vehicles  
161 shall not be in excess of twenty-five thousand dollars per vehicle.] All  
162 such purchases shall be made in the open market, but shall, when  
163 possible, be based on at least three competitive bids. Such bids shall be  
164 solicited by sending notice to prospective suppliers and by posting  
165 notice on the Internet web site of the Department of Rehabilitation  
166 Services. Each bid shall be opened publicly at the time stated in the  
167 notice soliciting such bid. Acceptance of a bid by the Department of  
168 Rehabilitation Services shall be based on standard specifications as  
169 may be adopted by said department.

170 Sec. 7. Section 17b-650 of the general statutes is repealed and the  
171 following is substituted in lieu thereof (*Effective July 1, 2013*):

172 As used in sections 17b-650 to [17b-665] 17b-663, inclusive, and  
173 sections 10-298b and 10-298c:

174 [(a)] (1) "Person with a disability" means any individual with a  
175 disability, excluding blindness, as such term is applied to Title I of the  
176 Rehabilitation Act of 1973, 29 USC 701 et seq., as amended from time  
177 to time;

178 [(b)] (2) "Vocational rehabilitation service" means any goods and  
179 services necessary to render a person with a disability employable, in

180 accordance with Title I of the Rehabilitation Act of 1973, 29 USC 701 et  
181 seq., as amended from time to time;

182 [(c)] (3) "Community rehabilitation program" means a program that  
183 provides directly for or facilitates the provision of vocational  
184 rehabilitation services to persons with disabilities, as defined in the  
185 Rehabilitation Act of 1973, 29 USC 701 et seq., as amended from time  
186 to time;

187 [(d)] (4) "Products are made or manufactured by or services are  
188 provided by persons with disabilities" if not less than seventy-five per  
189 cent of the hours of direct labor required for such products or services  
190 are performed by persons with disabilities.

191 Sec. 8. Subsection (a) of section 17b-655 of the general statutes is  
192 repealed and the following is substituted in lieu thereof (*Effective July*  
193 *1, 2013*):

194 (a) In carrying out sections 17b-650 to [17b-665] 17b-663, inclusive,  
195 as amended by this act, the Department of Rehabilitation Services shall  
196 cooperate with other departments, agencies and institutions, both  
197 public and private, in providing for the vocational rehabilitation of  
198 persons with disabilities, in studying the problems involved therein  
199 and in establishing, developing and providing such programs,  
200 facilities and services as it deems necessary or desirable.  
201 Notwithstanding any other provision of the general statutes, the  
202 Department of Rehabilitation Services shall not be required to pay that  
203 portion of the cost of a program of postsecondary education or training  
204 which is properly designated as expected parental or family  
205 contribution in accordance with state and federal law regarding  
206 eligibility for student financial aid.

207 Sec. 9. Section 17b-662 of the general statutes is repealed and the  
208 following is substituted in lieu thereof (*Effective July 1, 2013*):

209 The right of a person with disability to maintenance under sections  
210 17b-650 to [17b-665] 17b-663, inclusive, as amended by this act, shall

211 not be transferable or assignable at law or in equity.

212 Sec. 10. Sections 17b-665 and 46a-32 of the general statutes are  
213 repealed. (*Effective July 1, 2013*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	10-297
Sec. 2	<i>July 1, 2013</i>	10-298
Sec. 3	<i>July 1, 2013</i>	17b-607(a)
Sec. 4	<i>July 1, 2013</i>	17b-612
Sec. 5	<i>July 1, 2013</i>	17b-650a
Sec. 6	<i>July 1, 2013</i>	17b-661
Sec. 7	<i>July 1, 2013</i>	17b-650
Sec. 8	<i>July 1, 2013</i>	17b-655(a)
Sec. 9	<i>July 1, 2013</i>	17b-662
Sec. 10	<i>July 1, 2013</i>	Repealer section

***Statement of Legislative Commissioners:***

In section 1, in the second sentence, "[needy] blind" was changed to "[needy] legally blind" for consistency of reference in the section. In section 3(a), "their family members" was changed to "the family members of persons with disabilities or senior citizens" for clarity. In section 5(b), in the third sentence, "commissioner" was changed to "[commissioner] Commissioner of Rehabilitation Services" and "said department" was changed to "[said department] Department of Rehabilitation Services" for clarity. In section 5(b), the last sentence was rephrased to conform with the style of the general statutes.

***HS***      *Joint Favorable Subst.*

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

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**OFA Fiscal Note****State Impact:** None**Municipal Impact:** None**Explanation**

The bill makes various revisions to Department of Rehabilitation Services (DORS) statutes which (1) conform them to current federal programmatic provisions, (2) update antiquated terminology and thresholds and (3) make minor technical changes and have no fiscal impact.

**The Out Years****State Impact:** None**Municipal Impact:** None

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**OLR Bill Analysis****sSB 853****AN ACT CONCERNING TECHNICAL AND OTHER REVISIONS TO STATUTES CONCERNING THE DEPARTMENT OF REHABILITATION SERVICES.****SUMMARY:**

This bill makes changes to the Department of Rehabilitation Services (DORS) reporting requirements. It also (1) eliminates a per person cap on the amount that DORS may spend to provide employment assistance to blind people; (2) increases dollar thresholds for wheelchair and certain equipment purchases; (3) expands Assistive Technology Revolving Fund loan eligibility; (4) authorizes the DORS commissioner to adopt regulations to implement its statutory purpose; and (5) makes several minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2013

**§§ 2, 5, 7-10 — REPORTING REQUIREMENTS**

The bill requires the DORS commissioner to annually submit a report in electronic form to the governor and the Human Services and Appropriations committees on the department's activities related to services it provided (presumably during the prior year) to people who (1) are blind or visually impaired, (2) are deaf or hearing impaired, or (3) receive vocational rehabilitation services. The report must include the data the department provides to the federal government on evaluation standards and performance indicators for the vocational rehabilitation services program. It removes a requirement that DORS annually submit to the Human Services and Appropriations committees such data (CGS § 17b-665).

It eliminates requirements that the DORS commissioner annually submit to the governor and General Assembly a (1) report that

includes recommendations for needed programs to assist deaf and hearing impaired people and (2) statement of department activities related to services it provided to legally blind or visually impaired people in the state during the prior year.

### **§ 1 — EMPLOYMENT ASSISTANCE FOR THE BLIND**

Current law authorizes the DORS commissioner to help needy capable blind or partially blind people secure employment in industrial and mercantile establishments and in other paid positions. The bill instead conforms the law to practice by authorizing the DORS commissioner to help legally blind people secure employment. (Capable blind and partially blind are obsolete terms. The department currently provides such services to legally blind people regardless of their financial circumstances.)

The bill also eliminates a per-person expense cap of \$960 per fiscal year, but it retains language that allows the commissioner to provide such help expediently and within available appropriations.

### **§ 6 — PLACEMENT AND ADAPTIVE EQUIPMENT AND WHEELCHAIRS**

The bill increases the dollar thresholds up to which DORS, within available appropriations, may spend to purchase (1) wheelchairs and placement equipment (from \$3,500 to \$20,000 per unit); and (2) adaptive equipment (from \$10,000 to \$120,000 per unit). The bill removes DORS' authority to purchase modified vehicles costing up to \$25,000 for people with disabilities and instead allows the department to purchase the equipment to modify such vehicles for up to \$120,000 per unit. In practice, DORS only pays for necessary adaptations and modifications made to a vehicle; it does not purchase the actual vehicles.

### **§ 3 — ASSISTIVE TECHNOLOGY REVOLVING FUND**

The bill conforms law to practice by authorizing the DORS commissioner, rather than the Department of Social Services (DSS) commissioner, to establish and administer the Assistive Technology

Revolving Fund.

By law, the commissioner uses the fund to make loans to people with disabilities to purchase assistive equipment. The bill expands loan eligibility to include senior citizens or the family members of either group. It eliminates loan use for assistive equipment and instead allows the loans to be used for assistive technology and adaptive equipment and services. It also extends from five to 10 years the maximum loan term and caps the interest at a fixed rate of up to 6%. It removes obsolete language allowing the State Bond Commission to set the interest rate. (In practice, DORS sets the interest rate; the Bond Commission has not done so for years.)

The bill also requires the DORS commissioner to adopt regulations to implement these changes.

#### **§ 4 — VOCATIONAL REHABILITATION COUNSELORS**

DORS offers vocational and training services to schools throughout Connecticut within available appropriations. Currently, it must place vocational rehabilitation counselors in the Bloomfield, Hartford, Norwich, West Hartford, and Wethersfield school districts and in any other district the department selects. The bill instead requires DORS to provide vocational rehabilitation counselors throughout the state.

#### **BACKGROUND**

##### ***DORS***

PA 11- 4 created a new Bureau of Rehabilitative Services (renamed the Department of Rehabilitation Services, or DORS, in 2012). The act transferred functions of the Commission on the Deaf and Hearing Impaired, the Board of Education and Services to the Blind, DSS' Bureau of Rehabilitation Services, and some additional disability-related programs to DORS.

#### **COMMITTEE ACTION**

Human Services Committee

Joint Favorable Substitute

Yea 18    Nay 0    (03/12/2013)