



General Assembly

**Substitute Bill No. 5328**

February Session, 2014



**AN ACT CONCERNING ADVISORY AND PLANNING COUNCILS FOR STATE DEVELOPMENTAL SERVICES REGIONS, A CHANGE IN TERMINOLOGY AND THE AUTISM SPECTRUM DISORDER ADVISORY COUNCIL.**

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

1 Section 1. Subsection (b) of section 17a-273 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2014*):

4 (b) Each such council shall consist of at least ten members appointed  
5 from the state developmental services region. No employee of any  
6 state agency engaged in the care or training of persons with intellectual  
7 disability shall be eligible for appointment. At least one member shall  
8 be designated by a local chapter of the Arc of Connecticut in the  
9 region. At least one member shall be an individual who is eligible for  
10 and receives services from the Department of Developmental Services.  
11 At least two members shall be parents of persons with intellectual  
12 disability. Members shall be appointed for terms of three years. No  
13 member may serve more than two consecutive terms, except a member  
14 may continue to serve until a successor is appointed. Each council shall  
15 appoint annually, from among its members, a chairperson, vice-  
16 chairperson and secretary. The council may make rules for the conduct  
17 of its affairs. The director of the region shall be an ex-officio member of

18 the council without vote and shall attend its meetings.

19 Sec. 2. Section 17a-270 of the general statutes is repealed and the  
20 following is substituted in lieu thereof (*Effective October 1, 2014*):

21 (a) There is established a Council on Developmental Services which  
22 shall consist of [~~thirteen~~] fifteen members appointed as follows: [~~Eight~~]  
23 Ten shall be appointed by the Governor, for two-year terms, one of  
24 whom shall be a doctor of medicine, one of whom shall be a person  
25 with intellectual disability who is receiving services from the  
26 Department of Developmental Services, one of whom shall be a person  
27 with autism spectrum disorder who is receiving, or has received,  
28 services from the department's Division of Autism Spectrum Disorder  
29 Services and at least two of whom shall be [~~parents or guardians of~~  
30 ~~persons~~] a relative or a guardian of a person with intellectual  
31 disability; [, to serve for terms of two years each;] four shall be  
32 appointed by members of the General Assembly for two-year terms,  
33 one of whom shall be a [~~parent~~] relative or guardian of a person with  
34 intellectual disability, appointed by the speaker of the House, one of  
35 whom shall be appointed by the minority leader of the House, one of  
36 whom shall be appointed by the president pro tempore of the Senate  
37 and one of whom shall be a [~~parent~~] relative or guardian of a person  
38 with intellectual disability, appointed by the minority leader of the  
39 Senate; and one of whom shall be a member of the board of trustees of  
40 the Southbury Training School, appointed by said board for a term of  
41 one year. No member of the council may serve more than three  
42 consecutive terms, except that a member may continue to serve until a  
43 successor is appointed. The members of the council shall serve without  
44 compensation except for necessary expenses incurred in performing  
45 their duties. The Commissioner of Developmental Services or the  
46 commissioner's designee shall be an ex-officio member of the Council  
47 on Developmental Services without vote and shall attend its meetings.  
48 No employee of any state agency engaged in the care or training of  
49 persons with intellectual disability shall be eligible for appointment to  
50 the council. The council shall appoint annually, from among its

51 members, a chairperson, vice chairperson and secretary. The council  
52 may make rules for the conduct of its affairs. The council shall meet at  
53 least [bimonthly] six times per year and at other times upon the call of  
54 the chair or the written request of any two members.

55 (b) The council shall consider and advise on such matters as its  
56 members, the board of trustees of the training school and the  
57 Commissioner of Developmental Services may request. The council  
58 shall consult with the Commissioner of Developmental Services on the  
59 administration of the state program for persons with intellectual  
60 disability. The council shall recommend to the Governor and to the  
61 General Assembly such legislation as will in its judgment improve the  
62 care and training of persons with intellectual disability.

63 Sec. 3. Section 17b-244 of the 2014 supplement to the general statutes  
64 is repealed and the following is substituted in lieu thereof (*Effective*  
65 *October 1, 2014*):

66 (a) The room and board component of the rates to be paid by the  
67 state to private facilities and facilities operated by regional education  
68 service centers which are licensed to provide residential care pursuant  
69 to section 17a-227, but not certified to participate in the Title XIX  
70 Medicaid program as intermediate care facilities for [persons with  
71 mental retardation] individuals with intellectual disabilities, shall be  
72 determined annually by the Commissioner of Social Services, except  
73 that rates effective April 30, 1989, shall remain in effect through  
74 October 31, 1989. Any facility with real property other than land  
75 placed in service prior to July 1, 1991, shall, for the fiscal year ending  
76 June 30, 1995, receive a rate of return on real property equal to the  
77 average of the rates of return applied to real property other than land  
78 placed in service for the five years preceding July 1, 1993. For the fiscal  
79 year ending June 30, 1996, and any succeeding fiscal year, the rate of  
80 return on real property for property items shall be revised every five  
81 years. The commissioner shall, upon submission of a request by such  
82 facility, allow actual debt service, comprised of principal and interest,  
83 on the loan or loans in lieu of property costs allowed pursuant to

84 section 17-313b-5 of the regulations of Connecticut state agencies,  
85 whether actual debt service is higher or lower than such allowed  
86 property costs, provided such debt service terms and amounts are  
87 reasonable in relation to the useful life and the base value of the  
88 property. In the case of facilities financed through the Connecticut  
89 Housing Finance Authority, the commissioner shall allow actual debt  
90 service, comprised of principal, interest and a reasonable repair and  
91 replacement reserve on the loan or loans in lieu of property costs  
92 allowed pursuant to section 17-313b-5 of the regulations of Connecticut  
93 state agencies, whether actual debt service is higher or lower than such  
94 allowed property costs, provided such debt service terms and amounts  
95 are determined by the commissioner at the time the loan is entered  
96 into to be reasonable in relation to the useful life and base value of the  
97 property. The commissioner may allow fees associated with mortgage  
98 refinancing provided such refinancing will result in state  
99 reimbursement savings, after comparing costs over the terms of the  
100 existing proposed loans. For the fiscal year ending June 30, 1992, the  
101 inflation factor used to determine rates shall be one-half of the gross  
102 national product percentage increase for the period between the  
103 midpoint of the cost year through the midpoint of the rate year. For  
104 fiscal year ending June 30, 1993, the inflation factor used to determine  
105 rates shall be two-thirds of the gross national product percentage  
106 increase from the midpoint of the cost year to the midpoint of the rate  
107 year. For the fiscal years ending June 30, 1996, and June 30, 1997, no  
108 inflation factor shall be applied in determining rates. The  
109 Commissioner of Social Services shall prescribe uniform forms on  
110 which such facilities shall report their costs. Such rates shall be  
111 determined on the basis of a reasonable payment for necessary  
112 services. Any increase in grants, gifts, fund-raising or endowment  
113 income used for the payment of operating costs by a private facility in  
114 the fiscal year ending June 30, 1992, shall be excluded by the  
115 commissioner from the income of the facility in determining the rates  
116 to be paid to the facility for the fiscal year ending June 30, 1993,  
117 provided any operating costs funded by such increase shall not  
118 obligate the state to increase expenditures in subsequent fiscal years.

119 Nothing contained in this section shall authorize a payment by the  
120 state to any such facility in excess of the charges made by the facility  
121 for comparable services to the general public. The service component  
122 of the rates to be paid by the state to private facilities and facilities  
123 operated by regional education service centers which are licensed to  
124 provide residential care pursuant to section 17a-227, but not certified  
125 to participate in the Title XIX Medicaid programs as intermediate care  
126 facilities for [persons with mental retardation] individuals with  
127 intellectual disabilities, shall be determined annually by the  
128 Commissioner of Developmental Services in accordance with section  
129 17b-244a. For the fiscal year ending June 30, 2008, no facility shall  
130 receive a rate that is more than two per cent greater than the rate in  
131 effect for the facility on June 30, 2007, except any facility that would  
132 have been issued a lower rate effective July 1, 2007, due to interim rate  
133 status or agreement with the department, shall be issued such lower  
134 rate effective July 1, 2007. For the fiscal year ending June 30, 2009, no  
135 facility shall receive a rate that is more than two per cent greater than  
136 the rate in effect for the facility on June 30, 2008, except any facility that  
137 would have been issued a lower rate effective July 1, 2008, due to  
138 interim rate status or agreement with the department, shall be issued  
139 such lower rate effective July 1, 2008. For the fiscal years ending June  
140 30, 2010, and June 30, 2011, rates in effect for the period ending June  
141 30, 2009, shall remain in effect until June 30, 2011, except that (1) the  
142 rate paid to a facility may be higher than the rate paid to the facility for  
143 the period ending June 30, 2009, if a capital improvement required by  
144 the Commissioner of Developmental Services for the health or safety of  
145 the residents was made to the facility during the fiscal years ending  
146 June 30, 2010, or June 30, 2011, and (2) any facility that would have  
147 been issued a lower rate for the fiscal years ending June 30, 2010, or  
148 June 30, 2011, due to interim rate status or agreement with the  
149 department, shall be issued such lower rate. For the fiscal year ending  
150 June 30, 2012, rates in effect for the period ending June 30, 2011, shall  
151 remain in effect until June 30, 2012, except that (A) the rate paid to a  
152 facility may be higher than the rate paid to the facility for the period  
153 ending June 30, 2011, if a capital improvement required by the

154 Commissioner of Developmental Services for the health or safety of the  
155 residents was made to the facility during the fiscal year ending June  
156 30, 2012, and (B) any facility that would have been issued a lower rate  
157 for the fiscal year ending June 30, 2012, due to interim rate status or  
158 agreement with the department, shall be issued such lower rate. Any  
159 facility that has a significant decrease in land and building costs shall  
160 receive a reduced rate to reflect such decrease in land and building  
161 costs. The rate paid to a facility may be increased if a capital  
162 improvement approved by the Department of Developmental Services,  
163 in consultation with the Department of Social Services, for the health  
164 or safety of the residents was made to the facility during the fiscal year  
165 ending June 30, 2014, or June 30, 2015, only to the extent such increases  
166 are within available appropriations.

167 (b) The Commissioner of Social Services and the Commissioner of  
168 Developmental Services shall adopt regulations in accordance with the  
169 provisions of chapter 54 to implement the provisions of this section.

170 Sec. 4. Subsection (a) of section 17a-215d of the 2014 supplement to  
171 the general statutes is repealed and the following is substituted in lieu  
172 thereof (*Effective October 1, 2014*):

173 (a) There is established the Autism Spectrum Disorder Advisory  
174 Council. The council shall consist of the following members: (1) The  
175 Commissioner of Developmental Services, or the commissioner's  
176 designee; (2) the Commissioner of Children and Families, or the  
177 commissioner's designee; (3) the Commissioner of Education, or the  
178 commissioner's designee; (4) the Commissioner of Mental Health and  
179 Addiction Services, or the commissioner's designee; (5) the  
180 Commissioner of Public Health, or the commissioner's designee; (6) the  
181 Commissioner of Rehabilitation Services, or the commissioner's  
182 designee; (7) the Commissioner of Social Services, or the  
183 commissioner's designee; (8) the Secretary of the Office of Policy and  
184 Management, or the secretary's designee; (9) the executive director of  
185 the Office of Protection and Advocacy for Persons with Disabilities, or  
186 the executive director's designee; (10) two persons with autism

187 spectrum disorder, one each appointed by the Governor and the  
 188 speaker of the House of Representatives; (11) two persons who are  
 189 parents or guardians of a child with autism spectrum disorder, one  
 190 each appointed by the Governor and the minority leader of the Senate;  
 191 (12) two persons who are parents or guardians of an adult with autism  
 192 spectrum disorder, one each appointed by the president pro tempore  
 193 of the Senate and the majority leader of the House of Representatives;  
 194 (13) [~~two~~] three persons who are advocates for persons with autism  
 195 spectrum disorder, [~~one each~~] two appointed by the Governor and  
 196 [~~the~~] one appointed by the speaker of the House of Representatives;  
 197 (14) two persons who are licensed professionals working in the field of  
 198 autism spectrum disorder, one each appointed by the Governor and  
 199 the majority leader of the Senate; (15) two persons who provide  
 200 services for persons with autism spectrum disorder, one each  
 201 appointed by the Governor and the minority leader of the House of  
 202 Representatives; [~~and~~] (16) two persons who shall be representatives of  
 203 an institution of higher education in the state with experience in the  
 204 field of autism spectrum disorder, one each appointed by the Governor  
 205 and the president pro tempore of the Senate; and (17) one person who  
 206 is a physician who treats or diagnoses persons with autism spectrum  
 207 disorder.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	17a-273(b)
Sec. 2	October 1, 2014	17a-270
Sec. 3	October 1, 2014	17b-244
Sec. 4	October 1, 2014	17a-215d(a)

**Statement of Legislative Commissioners:**

In section 2(a), "to serve for terms of two years each" was changed to "for two-year terms", for internal consistency.

**PH**            *Joint Favorable Subst.*