



General Assembly

February Session, 2014

**Raised Bill No. 5456**

LCO No. 1924



Referred to Committee on PUBLIC HEALTH

Introduced by:  
(PH)

***AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES ABUSE AND NEGLECT REGISTRY.***

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

1 Section 1. Section 17a-247b of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) The Department of Developmental Services shall establish and  
4 maintain a registry of [individuals] former employees who have been  
5 terminated or separated from employment as a result of substantiated  
6 abuse or neglect. The department shall, for the purposes of  
7 maintaining the registry, be capable of responding to inquiries in  
8 accordance with subsection (c) of this section as to whether [an  
9 individual] a former employee has been terminated or separated from  
10 employment as a result of substantiated abuse or neglect. Such  
11 capability may include response by telephone voice mail or other  
12 automated response for initial inquiries.

13 (b) The registry shall include, but not be limited to, the following: (1)  
14 The names, addresses and Social Security numbers of those

15 [individuals] former employees terminated or separated from  
16 employment as a result of substantiated abuse or neglect; (2) the date  
17 of termination or separation; (3) the type of abuse or neglect; and (4)  
18 the name of any employer or authorized agency requesting  
19 information from the registry, the reason for the request and the date  
20 of the request.

21 (c) The department shall make information in the registry available  
22 only to: (1) Authorized agencies, for the purpose of protective service  
23 determinations; (2) employers who employ [individuals] employees to  
24 provide services to [a department client] an individual who receives  
25 services or funding from the department; (3) the Departments of  
26 Children and Families and Mental Health and Addiction Services, for  
27 the purpose of determining whether an applicant for employment  
28 appears on the registry; or (4) charitable organizations [which] that  
29 recruit volunteers to support programs for persons with intellectual  
30 disability or autism spectrum disorder, upon application to and  
31 approval by the commissioner, for purposes of conducting background  
32 checks on such volunteers.

33 (d) The department shall limit responses to requests for identifying  
34 information from the registry established under this section to (1)  
35 identification of the [individual] former employee terminated or  
36 separated from employment for substantiated abuse or neglect, and (2)  
37 the type of abuse or neglect so substantiated.

38 (e) Not later than five business days following receipt of written  
39 notification by an authorized agency of the substantiation of abuse or  
40 neglect by [an] a former employee who has been terminated or  
41 separated from employment for such abuse or neglect, an employer  
42 shall submit to the department the name of such former employee and  
43 such other information as the department may request. Upon receipt  
44 of notification of such termination or separation, the department shall  
45 conduct a hearing in accordance with sections 4-177 to 4-181a,  
46 inclusive, governing contested cases. The department shall not place

47 [an individual's] a former employee's name on the registry until the  
48 department has completed the hearing and the hearing has resulted in  
49 a decision to place the [individual's] former employee's name on the  
50 registry.

51 (f) The department shall remove [an] a former employee's name  
52 from the registry if an arbitration or a legal proceeding results in a  
53 finding that the former employee was unfairly terminated from  
54 employment.

55 (g) No employer shall be liable in any civil action for damages  
56 brought by an employee, former employee or an applicant for  
57 employment whose name appears on the registry established by this  
58 section arising out of the conduct of the employer in (1) making any  
59 report in good faith pursuant to subsection (e) of this section, (2)  
60 testifying under oath in any administrative or judicial proceeding  
61 arising from such report, (3) refusing to hire or to retain any  
62 [individual] person whose name appears on the registry established  
63 under this section, or (4) taking any other action to conform to the  
64 requirements of this section. The immunity provided in this subsection  
65 shall not apply to gross negligence or to wilful or wanton misconduct.

66 Sec. 2. Section 17a-247c of the general statutes is repealed and the  
67 following is substituted in lieu thereof (*Effective October 1, 2014*):

68 (a) No employer shall hire [an individual] a person whose name  
69 appears on the registry and no employer shall retain an [individual]  
70 employee after receiving notice that [an individual's] his or her name  
71 so appears.

72 (b) The department shall, on at least a semiannual basis, issue a  
73 notice to employers containing the name of each [individual] former  
74 employee placed on the registry and the identifying information  
75 pertaining to such [individual] former employee as provided in  
76 subsection (d) of section 17a-247b, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	17a-247b
Sec. 2	<i>October 1, 2014</i>	17a-247c

***Statement of Purpose:***

To make the Department of Developmental Services abuse and neglect registry information available to organizations that recruit volunteers to support programs for persons with autism spectrum disorder and to make technical changes.

*[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.]*