



General Assembly

February Session, 2014

**Raised Bill No. 362**

LCO No. 1923



Referred to Committee on PUBLIC HEALTH

Introduced by:  
(PH)

***AN ACT CONCERNING MANDATORY REPORTING OF ABUSE AND  
NEGLECT OF INDIVIDUALS WITH AUTISM SPECTRUM DISORDER  
AND THE DEFINITION OF ABUSE.***

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

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 Section 17a-247a of the general statutes is repealed and  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

3 As used in this section, section 2 of this act and sections 17a-247b to  
4 17a-247e, inclusive:

5 (1) "Abuse" means (A) the wilful infliction by an employee of  
6 physical pain or injury, [or] financial exploitation, psychological abuse  
7 or verbal abuse; (B) the wilful deprivation of services necessary to the  
8 physical and mental health and safety of [a department client] an  
9 individual who receives services or funding from the department; or  
10 (C) sexual abuse.

11 (2) "Authorized agency" means any agency authorized in  
12 accordance with the general statutes to conduct abuse and neglect  
13 investigations and responsible for issuing or carrying out protective

14 services for persons with intellectual disability or individuals receiving  
15 services or funding from the department's Division of Autism  
16 Spectrum Disorder Services.

17 (3) "Commissioner" means the Commissioner of Developmental  
18 Services.

19 (4) "Department" means the Department of Developmental Services.

20 [(5) "Department client" means a person who is eligible for, and  
21 receives services or funding from, the department.]

22 [(6)] (5) "Employee" means any [individual] person employed (A) by  
23 the department, or (B) by an agency, organization or [individual]  
24 person that is licensed or funded by the department.

25 [(7)] (6) "Employer" means (A) the department, or (B) an agency,  
26 organization or [individual] person that is licensed or funded by the  
27 department.

28 (7) "Financial exploitation" means the theft, misappropriation or  
29 unauthorized or improper use of property, money or other resource  
30 that is intended to be used by or for an individual who receives  
31 services or funding from the department.

32 (8) "Neglect" means the failure by an employee, through action or  
33 inaction, to provide [a department client] an individual who receives  
34 services or funding from the department with the services necessary to  
35 maintain such [client's] individual's physical and mental health and  
36 safety.

37 (9) "Protective services" has the same meaning as provided in  
38 section 46a-11a.

39 (10) "Psychological abuse" means an act intended to (A) humiliate,  
40 intimidate, degrade or demean an individual who receives services or  
41 funding from the department, (B) inflict emotional harm or invoke fear

42 in such individual, or (C) otherwise negatively impacts the mental  
43 health of such individual.

44 [(10)] (11) "Registry" means a centralized data base containing  
45 information regarding substantiated abuse or neglect.

46 (12) "Sexual abuse" means (A) any sexual contact between an  
47 individual who receives services or funding from the department,  
48 regardless of such individual's ability to consent and an employee, or  
49 (B) the encouragement by an employee of an individual who receives  
50 services or funding from the department to engage in sexual activity.

51 [(11)] (13) "Substantiated abuse or neglect" means a determination  
52 by an authorized agency, following an investigation conducted or  
53 monitored by such agency, that (A) abuse or neglect of [a department  
54 client] an individual who receives services or funding from the  
55 department has occurred, or (B) there has been a criminal conviction of  
56 a felony or misdemeanor involving abuse or neglect.

57 (14) "Verbal abuse" means the use of offensive or intimidating  
58 language that is intended to provoke or cause the distress of an  
59 individual who receives services or funding from the department.

60 Sec. 2. (NEW) (*Effective October 1, 2014*) (a) (1) For purposes of this  
61 section, "commissioner" means the Commissioner of Developmental  
62 Services or the commissioner's designee.

63 (2) Any mandated reporter described in subsection (a) of section  
64 46a-11b of the general statutes who has reasonable cause to suspect or  
65 believe that an individual who receives services or funding from the  
66 Department of Developmental Services' Division of Autism Spectrum  
67 Disorder Services has been subjected to abuse or neglect, as such terms  
68 are defined in section 17a-247a of the general statutes, as amended by  
69 this act, shall, as soon as practicable but not later than seventy-two  
70 hours after such abuse or neglect is suspected or believed by a  
71 mandated reporter, report such information or cause a report to be

72 made in any reasonable manner to the commissioner. Such initial  
73 report shall be followed by a written report not later than five calendar  
74 days after the initial report is made. Any mandated reporter who fails  
75 to make such report shall be fined not more than five hundred dollars.

76 (b) The report described in subsection (a) of this section shall  
77 contain (1) the name and address of the allegedly abused or neglected  
78 individual, (2) a statement from the mandated reporter indicating his  
79 or her belief that the allegedly abused or neglected individual is  
80 receiving services or funding from the department's Division of  
81 Autism Spectrum Disorder Services, (3) information supporting the  
82 supposition that such individual is substantially unable to protect  
83 himself or herself from abuse or neglect, (4) information regarding the  
84 nature and extent of the abuse or neglect, and (5) any other  
85 information that the mandated reporter believes might be helpful in an  
86 investigation of the case and the protection of the individual receiving  
87 services or funding from the department.

88 (c) Any person, other than a mandated reporter, who has reasonable  
89 cause to suspect or believe that an individual who receives services or  
90 funding from the department's Division of Autism Spectrum Disorder  
91 Services has been subjected to abuse or neglect, as such terms are  
92 defined in section 17a-247a of the general statutes, as amended by this  
93 act, may report such information, in any reasonable manner, to the  
94 commissioner.

95 (d) The commissioner, upon receiving a report described in  
96 subsection (a) of this section, shall investigate such report to determine  
97 whether the individual who receives services or funding from said  
98 division has been abused or neglected. The commissioner shall include  
99 in the state-wide registry, described in section 17a-247b of the general  
100 statutes, the reports received pursuant to this section, the evaluation  
101 and findings and actions recommended.

102 (e) Neither the original report nor an investigation report that

103 includes findings and recommendations shall be deemed a public  
104 record for purposes of section 1-210 of the general statutes. The name  
105 of the person making the original report shall not be disclosed to any  
106 person unless the person making the original report consents to such  
107 disclosure or unless a judicial proceeding results therefrom.

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

**Statement of Purpose:**

To require reporting of suspected abuse or neglect of persons receiving services from the Department of Developmental Services' Division of Autism Spectrum Disorder Services and to expand the definition of abuse for purposes of the registry of persons who have been terminated or separated from employment as a result of substantiated abuse or neglect.

*[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.]*