



House of Representatives

General Assembly

File No. 441

February Session, 2014

Substitute House Bill No. 5328

House of Representatives, April 8, 2014

The Committee on Public Health reported through REP. JOHNSON of the 49th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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2 repealed and the following is substituted in lieu thereof (*Effective*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 Section 17a-270 of the general statutes is repealed and the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.*

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.

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

The bill makes minor and technical changes, including adding additional members to various councils and updating terminology, that have no fiscal impact to the state or municipalities.

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

OLR Bill Analysis

sHB 5328

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

SUMMARY:

This bill makes several changes to the Council on Developmental Services, the Autism Spectrum Disorder Advisory Council, and the advisory and planning councils for state developmental services regions.

The bill increases, from 13 to 15, the members of the Council on Developmental Services, and from eight to 10 the number of members appointed by the governor. One of the additional members must be a person with autism spectrum disorder who is receiving, or has received, services from the Department of Developmental Services' Division of Autism Spectrum Disorder Services. It expands those eligible to serve certain positions on the council to include other relatives, not just parents or guardians, of individuals with an intellectual disability. The bill also changes how often the council must meet from every other month to six times per year.

The bill increases, from 23 to 25, the members of the Autism Spectrum Disorder Advisory Council. One of the additional members, appointed by the governor, must be an advocate for persons with autism spectrum disorder. The other must be a physician who treats or diagnoses persons with autism spectrum disorder. The bill does not specify who appoints the physician member.

The bill allows a member of an advisory and planning council to serve beyond the current limit of two consecutive three-year terms if

waiting for the appointment of a successor.

This bill also updates terminology.

EFFECTIVE DATE: October 1, 2014

BACKGROUND

Advisory and Planning Councils

The developmental services commissioner must appoint an advisory and planning council for each developmental services region. The council must consult and advise the regional director on the needs of persons with intellectual disability in the region, the annual plan and regional budget, and other matters deemed appropriate.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 26 Nay 0 (03/21/2014)