



# Senate

General Assembly

**File No. 774**

January Session, 2017

Substitute Senate Bill No. 246

*Senate, May 17, 2017*

The Committee on Appropriations reported through SEN. OSTEN of the 19th Dist. and SEN. FORMICA of the 20th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING A STATE-WIDE WAITING LIST FOR RESIDENTIAL PLACEMENT FOR PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.***

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

1 Section 1. Subsection (e) of section 17a-210 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2018*):

4 (e) Any person with intellectual disability, or the parent, guardian,  
5 conservator or other legal representative of such person, may request a  
6 hearing to contest the [priority] category assignment made by the  
7 department for persons seeking residential placement, residential  
8 services or residential support. A request for hearing shall be made, in  
9 writing, to the commissioner. Such hearing shall be conducted in  
10 accordance with the provisions of chapter 54.

11 Sec. 2. Section 17a-238a of the general statutes is repealed and the

12 following is substituted in lieu thereof (*Effective July 1, 2018*):

13 (a) For purposes of this section:

14 (1) "Category" means the department's assessment of the urgency of  
15 an individual's need for funding or services from the department.

16 ~~[(1)]~~ (2) "Department" means the Department of Developmental  
17 Services.

18 ~~[(2)]~~ (3) "Level of need assessment" means the department's method  
19 of determining, through the use of a standardized screening tool, an  
20 individual's need for funding or services from the department.

21 ~~[(3)]~~ "Priority status" means the department's assessment of the  
22 urgency of an individual's need for funding or services from the  
23 department.]

24 (4) "Planning and resource allocation team" means the department's  
25 staff members who are responsible for (A) establishing an individual's  
26 [priority status] category, (B) approving or denying an individual's  
27 request for funding or services, and (C) allocating resources to  
28 individuals receiving funding or services from the department.

29 (5) "Residential waiting list" means data maintained by the  
30 department that includes the number of individuals with intellectual  
31 disability who (A) have requested residential funding or services from  
32 the department, (B) have been determined by the department to be in  
33 need of such funding or services, and (C) are unable to receive such  
34 funding or services because of the department's inability to provide  
35 such funding or services within existing appropriations.

36 (b) An individual determined by the department to be eligible for  
37 funding or services from the department, or such individual's legal  
38 guardian or representative, may request and, if requested, shall obtain  
39 from the department a copy of (1) such individual's [priority status]  
40 category for residential funding or services, if the individual has an  
41 unmet need for residential services, (2) such individual's request for

42 funding or services submitted to the regional planning and resource  
43 allocation team, and (3) any decision on the individual's request for  
44 funding or services made by the regional planning and resource  
45 allocation team. Additionally, any such individual who receives  
46 annual funding or services from the department, or such individual's  
47 legal guardian or representative, may request and, if requested, shall  
48 obtain from the department a copy of such individual's (A) individual  
49 plan, and (B) level of need assessment.

50 (c) The Commissioner of Developmental Services shall report [ in  
51 accordance with the provisions of section 11-4a,] on the department's  
52 web site at least annually [to the joint standing committees of the  
53 General Assembly having cognizance of matters relating to public  
54 health and appropriations and the budgets of state agencies]  
55 concerning the number of individuals determined by the department  
56 to be eligible for funding or services from the department and who (1)  
57 have unmet residential care needs, (2) have unmet employment  
58 opportunity and day service needs, or (3) are eligible for the  
59 department's behavioral services program and are waiting for a  
60 funding allocation.

61 (d) The commissioner shall develop and maintain one state-wide  
62 comprehensive residential waiting list. Such waiting list shall (1) be  
63 organized by geographic region, (2) identify the type of residential  
64 funding or services each individual is requesting, and (3) include the  
65 estimated time period that the residential funding or services would be  
66 accepted by such individual. The commissioner shall update such list  
67 not less than quarterly.

68 (e) On or before August 1, 2018, and at least annually thereafter, the  
69 commissioner or his or her designee shall, in consultation with (1) each  
70 individual with intellectual disability who is eligible to receive  
71 residential funding or services from the department and who has an  
72 individual plan, and (2) the individual's legal representative, if  
73 applicable, assess the individual's need for future residential funding  
74 or services from the department. Such assessment shall include an

75 indication of the time period when each support or service would be  
76 accepted by such individual based on information collected at the  
77 annual meeting.

78 (f) On or before December 1, 2018, and at least annually thereafter,  
79 the commissioner or his or her designee, shall review the residential  
80 waiting list with the regional advisory councils, established pursuant  
81 to section 17a-30, and the Council on Developmental Services,  
82 established pursuant to section 17a-270.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2018	17a-210(e)
Sec. 2	July 1, 2018	17a-238a

**Statement of Legislative Commissioners:**

In Section 2(d), "residential support services" was changed to "residential funding or services" and "residential funding or service" was changed to "residential funding or services" for internal consistency and in Section 2(e), "when" was inserted after "period" for clarity.

**APP**      *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, which codifies current practices regarding the Department of Developmental Services statewide residential waiting list and makes other changes, has no fiscal impact. During FY 17, the agency worked with stakeholders on the statewide residential waiting list and developed new categories and definitions of needs that went into effect March 1, 2017.

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

Sources: *DDS Management Information Report*  
*DDS Testimony*

**OLR Bill Analysis****sSB 246*****AN ACT CONCERNING A STATE-WIDE WAITING LIST FOR RESIDENTIAL PLACEMENT FOR PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.*****SUMMARY**

This bill makes various changes affecting the Department of Developmental Services (DDS) and individuals with intellectual disability.

As under current practice, the bill requires the DDS commissioner to maintain one statewide, comprehensive residential waiting list for individuals with intellectual disability and update the list at least quarterly. It also requires the commissioner or his designee to do the following:

1. starting by August 1, 2018, and in consultation with the individual and his or her legal representative, annually assess the future residential funding or service needs for certain individuals with intellectual disability and
2. starting by December 1, 2018, annually review the residential waiting list with the DDS regional advisory councils and the Council on Developmental Services.

The bill also:

1. replaces the term "priority status" with "category" in certain existing provisions on DDS' assessment of the urgency for providing residential services or funding and
2. requires DDS to make a specified annual report available online, rather than requiring the department to report the information

to the Appropriations and Public Health committees.

The bill also makes conforming changes.

EFFECTIVE DATE: July 1, 2018

### **DDS RESIDENTIAL WAITING LIST**

The bill defines “residential waiting list” as data DDS maintains with the number of individuals with intellectual disability who:

1. have requested residential funding or services from DDS,
2. have been determined by DDS to need such funding or services, and
3. are unable to receive such funding or services because of DDS’ inability to provide the funding or services within existing appropriations.

The bill requires the commissioner to develop and maintain one statewide comprehensive residential waiting list and update it at least quarterly. (In practice, DDS currently does this.) The bill specifies that the waiting list must (1) be organized by geographic region, (2) identify the type of residential funding or services each individual is requesting, and (3) include the estimated period that the funding or services would be accepted by the individual.

### **ANNUAL ASSESSMENT OF FUTURE NEEDS**

Starting by August 1, 2018, the bill requires the DDS commissioner or his designee to annually assess the need for future DDS residential funding or services for each individual with intellectual disability who is eligible for DDS residential funding or services from DDS and who has an individual plan (presumably, the plan DDS prepares for individuals who receive DDS supports or services). The commissioner or designee must do so in consultation with the individual and his or her legal representative, if applicable.

The bill requires the assessment to indicate the period when each

support or service would be accepted by the individual, based on information collected at the annual meeting.

### **“CATEGORY” FOR RESIDENTIAL SERVICES**

Under current law, individuals DDS determines as eligible for department funding or services, or their legal guardians or representatives, may obtain from DDS a copy of the individual’s “priority status” for residential services if the individual has an unmet need for such services. The bill substitutes the term “category” for “priority status” for this purpose, and retains the existing definition (the department’s assessment of the urgency of an individual’s need for DDS funding or services). It specifies that such individuals or their legal guardians or representatives may obtain a copy of their category for residential funding as well as residential services.

The bill makes a similar change in terminology in another law that allows individuals with intellectual disability, or their legal representatives, to request a hearing to contest DDS’ priority assignment of individuals seeking residential services.

### **REPORTING REQUIREMENT**

Current law requires the DDS commissioner to report annually to the Appropriations and Public Health committees on the number of individuals it determines are eligible for DDS funding or services and who (1) have unmet residential care or employment opportunity and day service needs or (2) are eligible for DDS’s behavioral services program and are waiting for funding. The bill instead requires the commissioner to annually report this information on the department’s website.

### **BACKGROUND**

#### ***Legislative History***

The Senate referred the bill (File 604) to the Appropriations Committee, which reported a substitute. Among other things, the substitute bill:

1. removes provisions which would require DDS to develop and annually update five- and 10-year care plans for certain individuals with intellectual disability and annually complete a survey of such individuals, and
2. adds the provisions changing terminology and requiring the report to be posted online rather than sent to legislative committees.

***Related Bill***

sSB 39 (File 602), reported favorably by the Public Health Committee, makes various changes regarding DDS services, such as requiring the department to provide in-home support services to individuals and families on a DDS waiting list, or those seeking DDS services, by using employees who complete the department's Training Academy for Family Support program to deliver these services.

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable

Yea 26    Nay 0    (03/27/2017)

Appropriations Committee

Joint Favorable Substitute

Yea 47    Nay 0    (05/08/2017)