



General Assembly

January Session, 2017

**Committee Bill No. 38**

LCO No. 5767



Referred to Committee on PUBLIC HEALTH

Introduced by:  
(PH)

**AN ACT CONCERNING THE PROVISION OF SERVICES TO PERSONS WITH AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY.**

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

1 Section 1. (NEW) (*Effective July 1, 2017*) On and after July 1, 2017, the  
2 Department of Developmental Services shall require the following  
3 information from a potential provider of direct care services in any  
4 request for proposal for the privatization of an existing department  
5 facility or service:

6 (1) A plan for the continuity of care of individuals who receive any  
7 department service that is being privatized;

8 (2) An accounting of how the provider will maintain the same level  
9 of service and staffing provided by the department;

10 (3) The qualifications, training and number of staff at the time of the  
11 submission of the request for proposal, including, but not limited to,  
12 the following:

13 (A) A list of certifications required for all provider staff involved in  
14 direct care services;

15 (B) The type and number of hours of training provided by the  
16 provider to staff involved in direct care services;

17 (C) The average length of employment for the provider's staff  
18 involved in direct care services; and

19 (D) A list of individuals or entities with whom the provider has  
20 contracts for the provision of direct care services on behalf of the  
21 provider;

22 (4) Number of full-time and part-time employees expected to be  
23 employed by the provider under the request for proposal; and

24 (5) The number and type of any safety or security incidents  
25 experienced by the provider in the two-year period preceding the date  
26 of submission of the request for proposal at each direct care facility  
27 operated by the provider.

28 Sec. 2. (NEW) (*Effective July 1, 2017*) For any residential facility  
29 operated by the Department of Developmental Services that is  
30 privatized on or after July 1, 2017, the department shall (1) continue to  
31 provide staff at any facility that has one or more clients who have an  
32 average level of need score that is six or higher, during all hours of  
33 operation, with at least one direct care worker who has experience  
34 working with such clients for a period of not less than one year after  
35 the department's decision to privatize the residential facility, (2)  
36 require in any request for proposal for a private provider that operates  
37 a residential facility that the private provider maintains the same  
38 staffing ratio of direct care workers to clients as the average staffing  
39 ratio of direct care workers to clients that existed in the two-year  
40 period prior to the department's privatization of such facility, and (3)  
41 require in any request for proposal for a private provider that all  
42 clients receive the same level of services, including, but not limited to,  
43 nursing, direct care, physical, occupational and recreational therapy,  
44 that such clients received from the department in the two-year period  
45 prior to privatization of such facility. The costs associated with staffing

46 any facility under subdivision (1) of this section shall be paid directly  
47 by the department and may not be passed on to any private provider  
48 through a deduction in the amount of moneys paid to such provider in  
49 accordance with an award made pursuant to a request for proposal  
50 issued by the department. The department shall publish on its Internet  
51 web site the staffing ratios and hours of any private residential facility  
52 that provides services under subdivision (2) of this section, as reported  
53 to the department by such facility.

54 Sec. 3. (NEW) (*Effective July 1, 2017*) On and after July 1, 2017, the  
55 Department of Developmental Services, in collaboration with the  
56 Department of Public Health, shall conduct on a biannual basis  
57 random and unannounced inspections of all privatized facilities to  
58 monitor adherence to minimum staffing and services levels required  
59 under the award issued by the Department of Developmental Services  
60 to the private provider pursuant to said department's request for  
61 proposal.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2017</i>	New section
Sec. 2	<i>July 1, 2017</i>	New section
Sec. 3	<i>July 1, 2017</i>	New section

**Statement of Purpose:**

To prevent disruption of services to persons with an intellectual or developmental disability.

*[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.]*

Co-Sponsors: SEN. GERRATANA, 6th Dist.; REP. RILEY, 46th Dist.

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