
OLR Bill Analysis

sSB 400

AN ACT CONCERNING GRADUATE FUNDING AND THE PROVISION OF SUPPORT AND SERVICES FOR PERSONS WITH INTELLECTUAL DISABILITY.

SUMMARY

This bill makes various changes affecting the Department of Developmental Services (DDS), individuals with intellectual disability, and providers of services for such individuals. Principally, the bill:

1. requires DDS to annually provide day, employment, and other support services to all eligible individuals with intellectual disability immediately following the end of the school year in which they turn age 21 (this is sometimes referred to as graduate funding);
2. requires DDS to annually evaluate the need for such services, determine the projected cost, and report on such matters;
3. prohibits the governor from reducing DDS's budget allotments for such graduate funding and requires the Office of Policy and Management (OPM) to recommend appropriations for DDS graduate funding that reflect the agency's estimates of spending needs;
4. requires DDS, in consultation with the Department of Social Services (DSS) and within available appropriations, to adjust payments to private nonprofit providers of services to individuals with intellectual disability, to provide an annual increase in employee salaries; and
5. requires DDS to establish an advisory committee to develop training guidelines and improve the training received by direct care workers who provide services to individuals with

intellectual disability.

EFFECTIVE DATE: July 1, 2018, except the provisions on graduate funding and the DDS budget are effective October 1, 2018.

§ 1 — GRADUATE FUNDING AND DDS BUDGET

The bill requires DDS to annually:

1. evaluate the needs of individuals with intellectual disability who are eligible for DDS services and have turned or are turning 21-years-old during the school year;
2. determine the projected cost of providing such individuals with day, employment, and other support services following the end of such a school year;
3. starting by January 1, 2019, report to the Public Health and Appropriations committees and OPM on such individuals' needs and the funding required to cover the projected cost for all such individuals turning age 21 in each of the following three fiscal years; and
4. starting January 1, 2019, provide such services to all such eligible individuals with intellectual disability, immediately following the end of the school year in which they turn age 21.

The bill requires the proposed DDS budget for graduate funding that OPM submits to the legislature to be the estimates of expenditure requirements, together with any recommended adjustments and revisions, that OPM receives from the DDS commissioner. It bars the governor from reducing an allotment of such appropriated funds currently in force for, or an allotment of funds requisitioned by, DDS.

§ 2 — PAYMENTS TO NONPROFIT PRIVATE PROVIDERS

The bill requires the DDS commissioner, in consultation with the DSS commissioner and within available appropriations, to adjust payments made to certain nonprofit private providers that contract with the state. The adjustment must provide an annual pro rata

increase in salaries for direct care employees (not including managers and certain other individuals; see below).

Under the bill, this adjustment applies to state payments for programs, services, and supports to such providers that contract with the state to provide residential, day, employment, and other support services to individuals with intellectual disability. The commissioner must make the adjustment in compliance with standard accounting principles, as prescribed by himself and the DSS commissioner.

The bill requires the adjustment to provide an annual proportional increase based on direct care employee salaries for such services, as included in the departments' 2016 annual report of residential and day services. The increase must:

1. be adjusted to reflect salary increases that occurred after the report was released and
2. reflect reasonable costs mandated by collective bargaining agreements with certified collective bargaining agents or otherwise provided by such nonprofit organizations to their employees, including an increase in direct compensation and pension benefits.

The bill allows the DDS commissioner to establish a cap on the reasonable costs associated with salary adjustments beyond which the adjustment described above does not apply.

The bill also:

1. provides that these provisions do not require the commissioner to distribute these payment adjustments in a way that jeopardizes anticipated federal reimbursement;
2. prohibits the commissioner from providing disproportional increases to any nonprofit provider; and
3. allows DDS to decrease payment rates of providers who receive a payment adjustment but do not provide salary increases by

October 1, 2018 (the decrease is the same amount as the adjustment).

Under the bill, “employee” does not include someone employed as a manager or chief administrator or someone who receives compensation under a contractual arrangement and who is not directly employed by such a nonprofit provider.

§ 3 — TRAINING AND DEVELOPMENT ADVISORY COMMITTEE

The bill requires DDS to establish a training and development advisory committee to develop training guidelines and improve the training received by direct care workers who provide services to individuals with intellectual disability. The committee must determine:

1. the extent to which such workers who serve individuals with high levels of need may require additional training,
2. the curricula that needs to be developed for such additional training, and
3. how to provide this training to ensure consistent care across the direct care workforce and the appropriate state agencies.

Under the bill, the advisory committee consists of the following members:

1. two impartial representatives of the disability rights community, appointed by the governor;
2. the DDS commissioner, or his designee;
3. the DSS commissioner, or his designee;
4. the OPM secretary, or his designee;
5. two representatives of private care providers, designated by the Connecticut Community Nonprofit Alliance; and
6. two representatives of organizations that represent direct care

workers who provide services to individuals with intellectual disability (the bill does not specify who appoints these members).

The governor must appoint the advisory committee's chairperson from among its members.

The bill requires the advisory committee to report twice to the DDS commissioner, as follows:

1. by October 1, 2018, the committee must report an estimate of the funds required to pay for the appropriate level of additional training it determines necessary for direct care workers who serve individuals with high levels of need and
2. by December 1, 2018, the committee must report on (a) the training guidelines it developed and (b) its recommendations on additional training for workers as set forth above.

The bill requires the training funds to be available to pay any private provider that wishes to participate in the additional training program.

Under the bill, the DDS commissioner must adopt regulations to implements these provisions.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 25 Nay 0 (03/23/2018)