



House of Representatives

General Assembly

File No. 182

February Session, 2018

Substitute House Bill No. 5257

House of Representatives, April 4, 2018

The Committee on Human Services reported through REP. ABERCROMBIE of the 83rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING REPORTS OF ABUSE OR NEGLECT OF PERSONS WITH INTELLECTUAL DISABILITY OR AUTISM SPECTRUM DISORDER.

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

1 Section 1. Subsection (a) of section 46a-11b of the 2018 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*Effective July 1, 2018*):

4 (a) Any physician or surgeon licensed under the provisions of
5 chapter 370, any resident physician or intern in any hospital in this
6 state, whether or not so licensed, any registered nurse, any person paid
7 for caring for persons in any facility and any licensed practical nurse,
8 medical examiner, dental hygienist, dentist, occupational therapist,
9 optometrist, chiropractor, psychologist, podiatrist, social worker,
10 school teacher, school principal, school guidance counselor, school
11 paraprofessional, mental health professional, physician assistant,
12 licensed or certified substance abuse counselor, licensed marital and

13 family therapist, speech and language pathologist, clergyman, police
 14 officer, pharmacist, physical therapist, licensed professional counselor
 15 or sexual assault counselor or domestic violence counselor, as defined
 16 in section 52-146k, who has reasonable cause to suspect or believe that
 17 any person with intellectual disability or any person who receives
 18 services from the Department of Social Services' Division of Autism
 19 Spectrum Disorder Services has been abused or neglected shall, as
 20 soon as practicable but not later than [seventy-two] forty-eight hours
 21 after such person has reasonable cause to suspect or believe that a
 22 person with intellectual disability or any person who receives services
 23 from the Department of Social Services' Division of Autism Spectrum
 24 Disorder Services has been abused or neglected, report such
 25 information or cause a report to be made in any reasonable manner to
 26 the commissioner, [. Such] or the commissioner's designee. An
 27 unsuccessful attempt to make an initial report to the commissioner, or
 28 the commissioner's designee, on a weekend or after normal business
 29 hours shall not be construed as a violation of this section if reasonable
 30 attempts are made by a person required to report under this subsection
 31 to reach the commissioner, or the commissioner's designee, as soon as
 32 practicable after the initial attempt. The initial report shall be followed
 33 up by a written report not later than five calendar days after the initial
 34 report was made. Any person required to report under this subsection
 35 who fails to make such report shall be fined not more than five
 36 hundred dollars. For purposes of this subsection, "reasonable manner"
 37 and "reasonable attempts" mean efforts that include, but are not
 38 limited to, efforts to reach the commissioner, or the commissioner's
 39 designee, by phone, in person or by electronic mail.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2018	46a-11b(a)

HS *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 reduces the time a mandated reporter has to report suspected abuse and neglect of a person with intellectual disability or autism spectrum disorder. This change is not anticipated to have a fiscal impact since the number of reports to the Department of Developmental Services is not expected to increase, nor are associated fines.

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

OLR Bill Analysis**sHB 5257*****AN ACT CONCERNING REPORTS OF ABUSE OR NEGLECT OF PERSONS WITH INTELLECTUAL DISABILITY OR AUTISM SPECTRUM DISORDER.*****SUMMARY**

This bill reduces, from 72 to 48 hours, the amount of time a mandated reporter (see BACKGROUND) has to report the suspected abuse or neglect of a person (1) with an intellectual disability or (2) served by the Department of Social Services' (DSS) Division of Autism Spectrum Disorder Services. Current law requires mandated reporters to make such reports to the Department of Developmental Services (DDS) commissioner. The bill allows them to also report to his designee.

Existing law, unchanged by the bill, imposes a fine of up to \$500 on anyone who violates the reporting requirement. Under the bill, an unsuccessful attempt to make an initial report to the commissioner, or his designee, on a weekend or after normal business hours is not a violation if the mandated reporter makes reasonable attempts, including by phone, email, or in person, to reach the commissioner or his designee as soon as practicable after the initial attempt.

EFFECTIVE DATE: July 1, 2018

BACKGROUND***Mandated Reporters***

By law, mandated reporters of neglect and abuse of people with intellectual disabilities or served by the DSS' Division of Autism Spectrum Disorder Services include, among others:

1. health professionals (e.g., resident physicians or interns in any

- hospital in the state, physician assistants, licensed practical nurses, and registered nurses);
2. mental health workers (e.g., psychologists, social workers, mental health professionals, licensed marital and family therapists);
 3. certain people working in schools (e.g., school teachers, principals, guidance counselors, and paraprofessionals);
 4. police officers; and
 5. anyone paid to care for people in a facility.

Related Bill

SB 186, favorably reported by the Education Committee, adds school counselors as mandated reporters of abuse and neglect for individuals with intellectual disabilities or served by the DSS' Division of Autism Spectrum Disorder Services.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/22/2018)