



House of Representatives

File No. 666

General Assembly

February Session, 2018

(Reprint of File No. 182)

Substitute House Bill No. 5257
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
May 2, 2018

***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2 to the general statutes is repealed and the following is substituted in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, licensed behavior analyst, mental health
12 professional, physician assistant, licensed or certified substance abuse
13 counselor, licensed marital and family therapist, speech and language
14 pathologist, clergyman, police officer, pharmacist, physical therapist,

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

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

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.

House "A" makes technical changes that have no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5257 (as amended by House "A")******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's (DSS) Division of Autism Spectrum Disorder Services. The bill also makes licensed behavioral analysts mandated reporters.

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, holiday, 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

*House Amendment "A" makes licensed behavioral analysts mandated reporters and adds holidays to the circumstances in which an unsuccessful attempt to report is not a violation.

BACKGROUND

Mandated Reporters

By law, mandated reporters of neglect and abuse of people with intellectual disabilities or served by DSS’s 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 DSS’s Division of Autism Spectrum Disorder Services.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/22/2018)