



Senate

General Assembly

File No. 229

February Session, 2018

Substitute Senate Bill No. 439

Senate, April 4, 2018

The Committee on Human Services reported through SEN. MOORE, M. of the 22nd Dist. and SEN. MARKLEY, J. of the 16th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING TECHNICAL REVISIONS TO HUMAN SERVICES STATUTES.

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

1 Section 1. Subsection (b) of section 17a-303a of the 2018 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*Effective October 1, 2018*):

4 (b) In awarding any grants or entering into any [agreements or
5 contracts] contracts or agreements pursuant to this section, after
6 October 1, 2017, the Commissioner of Social Services shall determine
7 appropriate data and program outcome measures, including fall
8 prevention program outcome measures, as applicable, that the
9 recipient organization, institution or consortia of organizations and
10 institutions shall collect and report to the commissioner and the
11 frequency of such reports.

12 Sec. 2. Subsection (a) of section 17b-451 of the 2018 supplement to

13 the general statutes is repealed and the following is substituted in lieu
14 thereof (*Effective October 1, 2018*):

15 (a) A mandatory reporter, as defined in this section, who has
16 reasonable cause to suspect or believe that any elderly person has been
17 abused, neglected, exploited or abandoned, or is in a condition that is
18 the result of such abuse, neglect, exploitation or abandonment, or is in
19 need of protective services, shall, not later than seventy-two hours
20 after such suspicion or belief arose, report such information or cause a
21 report to be made in any reasonable manner to the Commissioner of
22 Social Services or to the person or persons designated by the
23 commissioner to receive such reports. The term "mandatory reporter"
24 means (1) any physician or surgeon licensed under the provisions of
25 chapter 370, (2) any resident physician or intern in any hospital in this
26 state, whether or not so licensed, (3) any registered nurse, (4) any
27 nursing home administrator, nurse's aide or orderly in a nursing home
28 facility or residential care home, (5) any person paid for caring for a
29 resident in a nursing home facility or residential care home, (6) any
30 staff person employed by a nursing home facility or residential care
31 home, (7) any residents' advocate, other than a representative of the
32 Office of the Long-Term Care Ombudsman, as [defined in] established
33 under section 17a-405, including the State Ombudsman, (8) any
34 licensed practical nurse, medical examiner, dentist, optometrist,
35 chiropractor, podiatrist, social worker, clergyman, police officer,
36 pharmacist, psychologist or physical therapist, (9) any person paid for
37 caring for an elderly person by any institution, organization, agency or
38 facility, including without limitation, any employee of a community-
39 based services provider, senior center, home care agency, homemaker
40 and companion agency, adult day care center, village-model
41 community and congregate housing facility, and (10) any person
42 licensed or certified as an emergency medical services provider
43 pursuant to chapter 368d or chapter 384d, including any such
44 emergency medical services provider who is a member of a municipal
45 fire department. Any mandatory reporter who fails to make such
46 report within the prescribed time period shall be fined not more than
47 five hundred dollars, except that, if such person intentionally fails to

48 make such report within the prescribed time period, such person shall
49 be guilty of a class C misdemeanor for the first offense and a class A
50 misdemeanor for any subsequent offense. Any institution,
51 organization, agency or facility employing individuals to care for
52 persons sixty years of age or older shall provide mandatory training on
53 detecting potential abuse, neglect, exploitation and abandonment of
54 such persons and inform such employees of their obligations under
55 this section. For purposes of this subsection, "person paid for caring for
56 an elderly person by any institution, organization, agency or facility"
57 includes an employee of a community-based services provider, senior
58 center, home health care agency, homemaker and companion agency,
59 adult day care center, village-model community and congregate
60 housing facility.

61 Sec. 3. Section 5-175a of the 2018 supplement to the general statutes
62 is repealed and the following is substituted in lieu thereof (*Effective*
63 *October 1, 2018*):

64 (a) Vending stand operators, operating stands under permits held
65 by the Department of Rehabilitation Services pursuant to section 10-
66 303, shall be members of the state employees retirement system, part
67 A, exclusive of the Social Security option and benefits in the state
68 employees' retirement system dependent thereon. Each such person
69 shall annually, on or before June thirtieth, pay five per cent of his
70 adjusted gross income, arising out of the operation of such stand, as
71 determined under the Internal Revenue Code, during the calendar
72 year preceding to the Department of Rehabilitation Services which
73 shall, as the state administering agency for such persons, certify such
74 payment and pay it over to the State Retirement Commission,
75 provided membership of such persons in said system shall be
76 exclusive of disability retirement upon the grounds of defects of vision.

77 (b) Any member of the state employees retirement system who
78 operated vending stands under permits held by the State Board of
79 Education and Services for the Blind pursuant to section 10-303, prior
80 to October 1, 1971, may obtain credit for such period or periods of

81 service for retirement purposes, provided such member has been in the
82 active full-time employment of the state continuously for twelve
83 months next preceding such member's written request to the
84 Retirement Commission for such credit, and by making retirement
85 contributions of five per cent of such member's adjusted gross income
86 arising out of the operation of such stands for each of such years with
87 interest thereon at the rate of five per cent per year from the time of
88 such operation to the date of payment, all as certified by the State
89 Board of Education and Services for the Blind or, its successor agency,
90 the Department of Rehabilitative Services. Such payments may be
91 made in twelve equal monthly installments but such service credit
92 shall not be granted unless payment of installments is completed.

93 Sec. 4. Subsection (b) of section 17a-4a of the 2018 supplement to the
94 general statutes is repealed and the following is substituted in lieu
95 thereof (*Effective October 1, 2018*):

96 (b) The Children's Behavioral Health Advisory Committee shall be
97 composed of the following ex-officio voting members: (1) The
98 Commissioner of Children and Families or the commissioner's
99 designee; (2) the Commissioner of Social Services or the
100 commissioner's designee; (3) the executive director of the Children's
101 Health Council or [said] the executive director's designee; (4) the Chief
102 Court Administrator or said administrator's designee; (5) the
103 Commissioner of Education or the commissioner's designee; (6) the
104 Commissioner of Mental Health and Addiction Services or the
105 commissioner's designee; (7) the Commissioner of Developmental
106 Services or the commissioner's designee; (8) the executive director of
107 the nonprofit entity designated by the Governor in accordance with
108 section 46a-10b to serve as the Connecticut protection and advocacy
109 system, or the executive director's designee; and the following public
110 members: (A) Two members appointed by the Governor, one of whom
111 shall be a parent of a child who receives behavioral health services and
112 one of whom shall be a provider of behavioral health services; (B) six
113 members, one of whom shall be appointed by the president pro
114 tempore of the Senate, one of whom shall be appointed by the speaker

115 of the House of Representatives, one of whom shall be appointed by
116 the majority leader of the Senate, one of whom shall be appointed by
117 the majority leader of the House of Representatives, one of whom shall
118 be appointed by the minority leader of the Senate and one of whom
119 shall be appointed by the minority leader of the House of
120 Representatives, and all of whom shall be knowledgeable on issues
121 relative to children in need of behavioral health services and family
122 supports; and (C) sixteen members appointed by the Commissioner of
123 Children and Families. The membership of the advisory committee
124 shall fairly and adequately represent parents of children who have a
125 serious emotional disturbance. At least fifty-one per cent of the
126 members of the advisory committee shall be persons who are parents
127 or relatives of a child who has or had a serious emotional disturbance
128 or persons who had a serious emotional disturbance as children and
129 no more than half the members of the committee shall be persons who
130 receive income from a private practice or any public or private agency
131 that delivers behavioral health services.

132 Sec. 5. Subsection (c) of section 17a-60 of the 2018 supplement to the
133 general statutes is repealed and the following is substituted in lieu
134 thereof (*Effective October 1, 2018*):

135 (c) Possession of a bracelet linking the parent or lawful agent to an
136 infant surrendered to a designated employee if parental rights have
137 not been terminated creates a presumption the parent or lawful agent
138 has standing to participate in a custody hearing for the infant under
139 chapter 319a but does not create a presumption of maternity, paternity
140 or custody.

141 Sec. 6. Subsection (a) of section 10-76i of the 2018 supplement to the
142 general statutes is repealed and the following is substituted in lieu
143 thereof (*Effective October 1, 2018*):

144 (a) There shall be an Advisory Council for Special Education which
145 shall advise the General Assembly, State Board of Education and the
146 Commissioner of Education, and which shall engage in such other
147 activities as described in this section. On and after July 1, 2012, the

148 advisory council shall consist of the following members: (1) Nine
149 appointed by the Commissioner of Education, (A) six of whom shall be
150 (i) the parents of children with disabilities, provided such children are
151 under the age of twenty-seven, or (ii) individuals with disabilities, (B)
152 one of whom shall be an official of the Department of Education, (C)
153 one of whom shall be a state or local official responsible for carrying
154 out activities under Subtitle B of Title VII of the McKinney-Vento
155 Homeless Assistance Act, 42 USC 11431 et seq., as amended from time
156 to time, and (D) one of whom shall be a representative of an institution
157 of higher education in the state that prepares teacher and related
158 services personnel; (2) one appointed by the Commissioner of
159 Developmental Services who shall be an official of the department; (3)
160 one appointed by the Commissioner of Children and Families who
161 shall be an official of the department; (4) one appointed by the
162 Commissioner of Correction who shall be an official of the department;
163 (5) one appointed by the director of the Parent Leadership Training
164 Institute within the Commission on Women, Children and Seniors
165 who shall be (A) the parent of a child with a disability, provided such
166 child is under the age of twenty-seven, or (B) an individual with a
167 disability; (6) a representative from the parent training and
168 information center for Connecticut established pursuant to the
169 Individuals With Disabilities Education Act, 20 USC 1400 et seq., as
170 amended from time to time; (7) the Commissioner of Rehabilitation
171 Services, or the commissioner's designee; (8) five who are members of
172 the General Assembly who shall serve as nonvoting members of the
173 advisory council, one appointed by the speaker of the House of
174 Representatives, one appointed by the majority leader of the House of
175 Representatives, one appointed by the minority leader of the House of
176 Representatives, one appointed by the president pro tempore of the
177 Senate and one appointed by the minority leader of the Senate; (9) one
178 appointed by the president pro tempore of the Senate who shall be a
179 member of the Connecticut Speech-Language-Hearing Association;
180 (10) one appointed by the majority leader of the Senate who shall be a
181 public school teacher; (11) one appointed by the minority leader of the
182 Senate who shall be a representative of a vocational, community or

183 business organization concerned with the provision of transitional
184 services to children with disabilities; (12) one appointed by the speaker
185 of the House of Representatives who shall be a member of the
186 Connecticut Council of Special Education Administrators and who is a
187 local education official; (13) one appointed by the majority leader of
188 the House of Representatives who shall be a representative of charter
189 schools; (14) one appointed by the minority leader of the House of
190 Representatives who shall be a member of the Connecticut Association
191 of Private Special Education Facilities; (15) one appointed by the Chief
192 Court Administrator of the Judicial Department who shall be an
193 official of such department responsible for the provision of services to
194 adjudicated children and youth; (16) seven appointed by the Governor,
195 all of whom shall be (A) the parents of children with disabilities,
196 provided such children are under the age of twenty-seven, or (B)
197 individuals with disabilities; (17) the executive director of the
198 nonprofit entity designated by the Governor in accordance with
199 section 46a-10b to serve as the Connecticut protection and advocacy
200 system, or the executive director's designee; and (18) such other
201 members as required by the Individuals with Disabilities Education
202 Act, 20 USC 1400 et seq., as amended from time to time, appointed by
203 the Commissioner of Education. Appointments made pursuant to the
204 provisions of this section shall be representative of the ethnic and
205 racial diversity of, and the types of disabilities found in, the state
206 population. The terms of the members of the council serving on June 8,
207 2010, shall expire on June 30, 2010. Appointments shall be made to the
208 council by July 1, 2010. Members shall serve two-year terms, except
209 that members appointed pursuant to subdivisions (1) to (3), inclusive,
210 of this subsection whose terms commenced July 1, 2010, shall serve
211 three-year terms and the successors to such members appointed
212 pursuant to subdivisions (1) to (3), inclusive, of this subsection shall
213 serve two-year terms.

214 Sec. 7. Subsection (c) of section 17a-411 of the 2018 supplement to
215 the general statutes is repealed and the following is substituted in lieu
216 thereof (*Effective October 1, 2018*):

217 (c) The Commissioner of Social Services shall have authority to seek
218 funding for the purposes contained in this section from public and
219 private sources, including, but not limited to, any federal or state
220 funded programs.

221 Sec. 8. Subsection (a) of section 17b-338 of the 2018 supplement to
222 the general statutes is repealed and the following is substituted in lieu
223 thereof (*Effective October 1, 2018*):

224 (a) There is established a Long-Term Care Advisory Council which
225 shall consist of the following: (1) The executive director of the
226 Commission on Women, Children and Seniors, or the executive
227 director's designee; (2) the State Nursing Home Ombudsman, or the
228 ombudsman's designee; (3) the president of the Coalition of Presidents
229 of Resident Councils, or the president's designee; (4) the executive
230 director of the Legal Assistance Resource Center of Connecticut, or the
231 executive director's designee; (5) the state president of AARP, or the
232 president's designee; (6) one representative of a bargaining unit for
233 health care employees, appointed by the president of the bargaining
234 unit; (7) the president of LeadingAge Connecticut, Inc., or the
235 president's designee; (8) the president of the Connecticut Association
236 of Health Care Facilities, or the president's designee; (9) the president
237 of the Connecticut Association of Residential Care Homes, or the
238 president's designee; (10) the president of the Connecticut Hospital
239 Association or the president's designee; (11) the executive director of
240 the Connecticut Assisted Living Association or the executive director's
241 designee; (12) the executive director of the Connecticut Association for
242 Homecare or the executive director's designee; (13) the president of
243 Connecticut Community Care, Inc. or the president's designee; (14) one
244 member of the Connecticut Association of Area Agencies on Aging
245 appointed by the agency; (15) the president of the Connecticut chapter
246 of the Connecticut Alzheimer's Association; (16) one member of the
247 Connecticut Association of Adult Day Centers appointed by the
248 association; (17) the president of the Connecticut Chapter of the
249 American College of Health Care Administrators, or the president's
250 designee; (18) the president of the Connecticut Council for Persons

251 with Disabilities, or the president's designee; (19) the president of the
252 Connecticut Association of Community Action Agencies, or the
253 president's designee; (20) a personal care attendant appointed by the
254 speaker of the House of Representatives; (21) the president of the
255 Family Support Council, or the president's designee; (22) a person
256 who, in a home setting, cares for a person with a disability and is
257 appointed by the president pro tempore of the Senate; (23) three
258 persons with a disability appointed one each by the majority leader of
259 the House of Representatives, the majority leader of the Senate and the
260 minority leader of the House of Representatives; (24) a legislator who
261 is a member of the Long-Term Care Planning Committee; (25) one
262 member who is a nonunion home health aide appointed by the
263 minority leader of the Senate; and (26) the executive director of the
264 nonprofit entity designated by the Governor in accordance with
265 section 46a-10b to serve as the Connecticut protection and advocacy
266 system or the executive director's designee.

267 Sec. 9. Section 46a-27 of the 2018 supplement to the general statutes
268 is repealed and the following is substituted in lieu thereof (*Effective*
269 *October 1, 2018*):

270 The Advisory Board for Persons Who are Deaf or Hard of Hearing
271 is hereby created to advocate, strengthen and advise the Governor and
272 the General Assembly concerning state policies affecting persons who
273 are deaf or hard of hearing [individuals] and their relationship to the
274 public, industry, health care and educational opportunity. The board
275 shall:

276 (1) Monitor services for persons who are deaf or hard of hearing;
277 [persons;]

278 (2) Periodically meet with the Commissioners of Public Health,
279 Social Services, Mental Health and Addiction Services, Education,
280 Developmental Services, and Children and Families and the Labor
281 Commissioner, or the commissioners' designees, to discuss best
282 practices and gaps in services for persons who are deaf or hard of
283 hearing;

284 (3) Refer [individuals] persons with complaints concerning the
285 qualification and registration of interpreters for persons who are deaf
286 or hard of hearing to the entity designated pursuant to section 46a-10b;

287 (4) Make recommendations for (A) technical assistance and
288 resources for state agencies in order to serve persons who are deaf or
289 hard of hearing; (B) public policy and legislative changes needed to
290 address gaps in services; and (C) the qualifications and registration of
291 interpreters pursuant to section 46a-33a. The board shall submit such
292 recommendations, in accordance with section 11-4a, to the Governor
293 and the joint standing committee of the General Assembly having
294 cognizance of matters relating to human services.

295 Sec. 10. Subsection (a) of section 17a-215d of the 2018 supplement to
296 the general statutes is repealed and the following is substituted in lieu
297 thereof (*Effective October 1, 2018*):

298 (a) There is established the Autism Spectrum Disorder Advisory
299 Council. The council shall consist of the following members: (1) The
300 Commissioner of Social Services, or the commissioner's designee; (2)
301 the Commissioner of Children and Families, or the commissioner's
302 designee; (3) the Commissioner of Education, or the commissioner's
303 designee; (4) the Commissioner of Mental Health and Addiction
304 Services, or the commissioner's designee; (5) the Commissioner of
305 Public Health, or the commissioner's designee; (6) the Commissioner of
306 Rehabilitation Services, or the commissioner's designee; (7) the
307 Commissioner of Developmental Services, or the commissioner's
308 designee; (8) the Commissioner of Early Childhood, or the
309 commissioner's designee; (9) the Secretary of the Office of Policy and
310 Management, or the secretary's designee; (10) two persons with autism
311 spectrum disorder, one each appointed by the Governor and the
312 speaker of the House of Representatives; (11) two persons who are
313 parents or guardians of a child with autism spectrum disorder, one
314 each appointed by the Governor and the minority leader of the Senate;
315 (12) two persons who are parents or guardians of an adult with autism
316 spectrum disorder, one each appointed by the president pro tempore

317 of the Senate and the majority leader of the House of Representatives;
318 (13) two persons who are advocates for persons with autism spectrum
319 disorder, one each appointed by the Governor and the speaker of the
320 House of Representatives; (14) two persons who are licensed
321 professionals working in the field of autism spectrum disorder, one
322 each appointed by the Governor and the majority leader of the Senate;
323 (15) two persons who provide services for persons with autism
324 spectrum disorder, one each appointed by the Governor and the
325 minority leader of the House of Representatives; (16) two persons who
326 shall be representatives of an institution of higher education in the
327 state with experience in the field of autism spectrum disorder, one
328 each appointed by the Governor and the president pro tempore of the
329 Senate; (17) the executive director of the nonprofit entity designated by
330 the Governor in accordance with section 46a-10b to serve as the
331 Connecticut protection and advocacy system, or the executive
332 director's designee; and (18) one person who is a physician who treats
333 or diagnoses persons with autism spectrum disorder, appointed by the
334 Governor.

335 Sec. 11. Section 17b-613 of the 2018 supplement to the general
336 statutes is repealed and the following is substituted in lieu thereof
337 (*Effective October 1, 2018*):

338 As used in this section and sections 17b-614 [to] and 17b-615: [,
339 inclusive:]

340 (1) "Center for independent living" means a consumer-controlled,
341 community-based, nonprofit corporation which provides consumers
342 or their families with independent living services, as identified by
343 community residents with disabilities and service providers. A center
344 shall provide program information to all community residents about
345 the needs of people with disabilities. Personal care assistant services
346 arranged for or provided by independent living centers shall not be
347 required to be licensed or certified;

348 (2) "Independent living services" shall include, but not be limited to,
349 advocacy, peer counseling, independent living skills assessment,

350 counseling and training information and referral, and other programs
 351 and services which would promote the independence, productivity
 352 and quality of life for people with disabilities;

353 (3) "Consumer" means an individual with a significant physical or
 354 mental impairment whose ability to function independently in the
 355 family or community or whose ability to obtain, maintain or advance
 356 in employment is substantially limited and for whom the delivery of
 357 independent living services will improve the ability to function,
 358 continue functioning, or move toward functioning independently in
 359 the family or community or to continue in employment, respectively;

360 (4) "Consumer-controlled" means that at least fifty-one per cent of
 361 the members of the board of directors of a center for independent
 362 living are consumers.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	17a-303a(b)
Sec. 2	<i>October 1, 2018</i>	17b-451(a)
Sec. 3	<i>October 1, 2018</i>	5-175a
Sec. 4	<i>October 1, 2018</i>	17a-4a(b)
Sec. 5	<i>October 1, 2018</i>	17a-60(c)
Sec. 6	<i>October 1, 2018</i>	10-76i(a)
Sec. 7	<i>October 1, 2018</i>	17a-411(c)
Sec. 8	<i>October 1, 2018</i>	17b-338(a)
Sec. 9	<i>October 1, 2018</i>	46a-27
Sec. 10	<i>October 1, 2018</i>	17a-215d(a)
Sec. 11	<i>October 1, 2018</i>	17b-613

Statement of Legislative Commissioners:

Section 10 was deleted for accuracy.

HS *Joint Favorable Subst. -LCO*

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 has no fiscal impact as it makes technical changes to the human services statutes.

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

OLR Bill Analysis**sSB 439*****AN ACT CONCERNING TECHNICAL REVISIONS TO HUMAN SERVICES STATUTES.*****SUMMARY**

This bill makes various technical revisions in the human services statutes. Among other things, it updates terminology to use “person-first” language relating to the Advisory Board for Persons Who are Deaf or Hard of Hearing.

EFFECTIVE DATE: October 1, 2018

COMMITTEE ACTION

Human Services Committee

Joint Favorable

Yea 15 Nay 4 (03/20/2018)