



General Assembly

January Session, 2019

Raised Bill No. 832

LCO No. 3698



Referred to Committee on AGING

Introduced by:
(AGE)

AN ACT CONCERNING REGISTRIES OF PERSONS FOUND RESPONSIBLE FOR ASSAULTS OR OTHER ABUSE, NEGLECT, EXPLOITATION OR ABANDONMENT OF ELDERLY PERSONS OR PERSONS WITH DISABILITIES.

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

1 Section 1. (NEW) (*Effective from passage*) For purposes of this section,
2 sections 2 to 4, inclusive, of this act and sections 17a-247b, 17a-412, 17a-
3 488a and 17b-452 of the general statutes, as amended by this act, (1)
4 "convicted" and "found not guilty by reason of mental disease or
5 defect" have the same meaning as provided in section 54-280 of the
6 general statutes, (2) "elderly person" means a person sixty years of age
7 or older, (3) "persons with disabilities" has the same meaning as
8 provided in section 17b-608 of the general statutes and includes
9 persons with intellectual disabilities, as defined in section 1-1g of the
10 general statutes, (4) "certain crimes against elderly persons or persons
11 with disabilities" means crimes prosecuted under section 53a-59a, 53a-
12 60b, 53a-60c, 53a-61a, 53a-321, 53a-322 or 53a-323 of the general
13 statutes, (5) "registrant" means a person required to register pursuant
14 to section 3 of this act, and (6) "release into the community" has the
15 same meaning as provided in section 54-280 of the general statutes.

16 Sec. 2. (NEW) (*Effective from passage*) (a) The Department of
17 Emergency Services and Public Protection shall, not later than January
18 1, 2020, establish and maintain a registry of all persons required to
19 register under section 3 of this act as offenders convicted of certain
20 crimes against elderly persons or persons with disabilities. The
21 department shall, in cooperation with the Office of the Chief Court
22 Administrator, the Department of Correction and the Psychiatric
23 Security Review Board, develop appropriate forms for use by agencies
24 and individuals to report registration information, including changes
25 of address. Upon receipt of registration information, the department
26 shall enter the information into the registry and notify the local police
27 department or state police troop having jurisdiction where the
28 registrant resides or plans to reside.

29 (b) Upon receiving notification pursuant to section 3 of this act that
30 a registrant has changed his or her address within the state, the
31 Department of Emergency Services and Public Protection shall enter
32 the information into the registry and notify the local police
33 departments or state police troops having jurisdiction where the
34 registrant previously resided and the jurisdiction where the registrant
35 has relocated. The Commissioner of Emergency Services and Public
36 Protection shall ensure that the name and residence address of each
37 registrant is available through the Connecticut online law enforcement
38 communication teleprocessing system maintained by the department.
39 If a registrant reports a residence in another state, the department may
40 notify the state police agency of that state or such other agency in that
41 state that maintains registry information, if known.

42 (c) The Department of Emergency Services and Public Protection
43 may suspend the registration of any person registered under section 3
44 of this act while such person is incarcerated, under civil commitment
45 or residing outside this state. During the period that such registration
46 is under suspension, the department may withdraw the registration
47 information from access to law enforcement agencies. Upon the release
48 of the registrant from incarceration or civil commitment or resumption
49 of residency in this state by the registrant, the department shall

50 reinstate the registration and redistribute the registration information
51 in accordance with subsection (b) of this section. Suspension of
52 registration shall not affect the date of expiration of the registration
53 obligation of the registrant under section 3 of this act.

54 (d) The Department of Emergency Services and Public Protection
55 shall include in the registry the most recent photographic image of
56 each registrant taken by the department, the Department of Correction,
57 a law enforcement agency or the Court Support Services Division of
58 the Judicial Department.

59 (e) Whenever the Commissioner of Emergency Services and Public
60 Protection receives notice from a Superior Court pursuant to section
61 52-11 of the general statutes or a Probate Court pursuant to section
62 45a-99 of the general statutes that such court has ordered the change of
63 name of a person, and the department determines that such person is
64 listed in the registry, the department shall revise such person's
65 registration information accordingly.

66 (f) The Commissioner of Emergency Services and Public Protection
67 shall develop a protocol for the notification of other state agencies, the
68 Judicial Department and local police departments whenever a person
69 listed in the registry changes such person's name and notifies the
70 commissioner of the new name pursuant to section 3 of this act or
71 whenever the commissioner determines pursuant to subsection (e) of
72 this section that a person listed in the registry has changed such
73 person's name.

74 (g) The information in the registry shall not be a public record or file
75 for the purposes of section 1-200 of the general statutes. Any
76 information recorded or disclosed pursuant to this section or section 3
77 or 4 of this act shall not be further disclosed unless such disclosure is
78 permitted under this section, sections 3 and 4 of this act or section 17a-
79 412, 17a-247b, 17a-488a, 17b-452 or 19a-491c of the general statutes, as
80 amended by this act.

81 (h) Not later than two business days after entering the information

82 of a new offender in the registry, the Commissioner of Emergency
83 Services and Public Protection shall send the information to the
84 Commissioner of Public Health for inclusion in a searchable data base
85 established pursuant to section 19a-491c of the general statutes, as
86 amended by this act, for persons seeking to hire individuals for
87 positions assisting elderly persons and persons with disabilities.

88 Sec. 3. (NEW) (*Effective from passage*) (a) (1) Any person who has
89 been convicted or found not guilty by reason of mental disease or
90 defect of certain crimes against elderly persons or persons with
91 disabilities and is released into the community on or after January 1,
92 2020, shall, within fourteen calendar days following such release or, if
93 such person is in the custody of the Commissioner of Correction, at
94 such time prior to release as the Commissioner of Correction shall
95 direct, and whether or not such person's place of residence is in this
96 state, register such person's name, identifying factors, criminal history
97 record, residence address and electronic mail address with the
98 Commissioner of Emergency Services and Public Protection, on such
99 forms and in such locations as the Commissioner of Emergency
100 Services and Public Protection shall direct, and shall maintain such
101 registration for five years.

102 (2) Prior to accepting a plea of guilty or nolo contendere from a
103 person with respect to certain crimes against elderly persons or
104 persons with disabilities, the court shall (A) inform the person that the
105 entry of a finding of guilty after acceptance of the plea will subject the
106 person to the registration requirements of this section, and (B)
107 determine that the person fully understands the consequences of the
108 plea.

109 (3) If any person who is subject to registration under this section
110 changes such person's name, such person shall, without undue delay,
111 notify the Commissioner of Emergency Services and Public Protection
112 in writing of the new name. If any person who is subject to registration
113 under this section changes such person's address, such person shall,
114 without undue delay, notify the Commissioner of Emergency Services

115 and Public Protection in writing of the new address. During such
116 period of registration, each registrant shall complete and return any
117 forms mailed to such registrant to verify such registrant's residence
118 address and shall submit to the retaking of a photographic image upon
119 request of the Commissioner of Emergency Services and Public
120 Protection.

121 (b) Any person required to register under this section shall, not later
122 than twenty calendar days after each anniversary date of such initial
123 registration, until the date such registration requirement expires under
124 subdivision (1) of subsection (a) of this section, personally appear at
125 the local police department or state police troop having jurisdiction
126 where the registrant resides to verify and update, as appropriate, the
127 contents of his or her registration. The local police department or state
128 police troop, as the case may be, may defer such requirement to
129 personally appear to a later date for good cause shown. Not later than
130 thirty calendar days prior to such anniversary date, the Department of
131 Emergency Services and Public Protection shall mail written notice of
132 the personal appearance requirement of this subsection to the
133 registrant and the local police department or state police troop having
134 jurisdiction where the registrant resides. Not later than thirty calendar
135 days after the anniversary date of each registrant, the local police
136 department or state police troop having jurisdiction where the
137 registrant resides shall notify the Commissioner of Emergency Services
138 and Public Protection, on such form as the commissioner may
139 prescribe, (1) whether the registrant complied with the personal
140 appearance requirement of this subsection or whether such personal
141 appearance requirement was deferred to a later date for good cause
142 shown, and (2) if the personal appearance requirement was deferred to
143 a later date for good cause shown, the local police department or state
144 police troop shall indicate the later date established for such personal
145 appearance and describe the good cause shown.

146 (c) Any person who is subject to registration under this section who
147 violates any provisions of subsection (a) or (b) of this section, except a
148 violation consisting of failure to notify the Commissioner of

149 Emergency Services and Public Protection of a change of name or
150 address, shall be guilty of a class D felony. Any person who is subject
151 to registration under this section who fails to notify the Commissioner
152 of Emergency Services and Public Protection of a change of name or
153 address not later than five business days after such change of name or
154 address shall be guilty of a class D felony.

155 Sec. 4. (NEW) (*Effective from passage*) (a) The registration information
156 for each registrant required to register under section 3 of this act shall
157 include:

158 (1) The offender's name, including any other name by which the
159 offender has been legally known, and any aliases used by the offender;

160 (2) Identifying information, including a physical description of the
161 offender;

162 (3) The current residence address of the offender;

163 (4) The date of conviction of the offense;

164 (5) A description of the offense; and

165 (6) If the offender was sentenced to a term of incarceration for such
166 offense, a portion of which was not suspended, the date the offender
167 was released from such incarceration.

168 (b) The offender shall sign and date the registration.

169 (c) At the time that the offender appears for the purpose of
170 registering, the Department of Emergency Services and Public
171 Protection shall photograph the offender and arrange for the
172 fingerprinting of the offender and include such photograph and a
173 complete set of fingerprints in the registry.

174 (d) The Department of Emergency Services and Public Protection
175 may require the offender to provide documentation to verify the
176 contents of his or her registration.

177 Sec. 5. Section 19a-491c of the general statutes is repealed and the
178 following is substituted in lieu thereof (*Effective from passage*):

179 (a) As used in this section:

180 (1) "Criminal history and patient abuse background search" or
181 "background search" means (A) a review of the registry of nurse's
182 aides maintained by the Department of Public Health pursuant to
183 section 20-102bb, (B) checks of state and national criminal history
184 records conducted in accordance with section 29-17a, [and] (C) a
185 review of the registry established in sections 2 to 4, inclusive, of this
186 act, and (D) a review of information obtained from registries
187 established pursuant to section 17a-247b, 17a-412, 17a-488a or 17b-452,
188 as amended by this act, and any other registry specified by the
189 Department of Public Health which the department deems necessary
190 for the administration of a background search program.

191 (2) "Direct access" means physical access to a patient or resident of a
192 long-term care facility that affords an individual with the opportunity
193 to commit abuse or neglect against or misappropriate the property of a
194 patient or resident.

195 (3) "Disqualifying offense" means a conviction of any crime
196 described in 42 USC 1320a-7(a)(1), (2), (3) or (4), a conviction of certain
197 crimes against elderly persons or persons with disabilities or a
198 substantiated finding by a state or federal agency of neglect, abuse or
199 misappropriation of property [by a state or federal agency] pursuant to
200 an investigation conducted in accordance with 42 USC 1395i-3(g)(1)(C)
201 or 42 USC 1396r(g)(1)(C).

202 (4) "Long-term care facility" means any facility, agency or provider
203 that is a nursing home, as defined in section 19a-521, a residential care
204 home, as defined in section 19a-521, a home health agency, as defined
205 in section 19a-490, an assisted living services agency, as defined in
206 section 19a-490, an intermediate care facility for individuals with
207 intellectual disabilities, as defined in 42 USC 1396d(d), except any such
208 facility operated by a Department of Developmental Services' program

209 subject to background checks pursuant to section 17a-227a, a chronic
210 disease hospital, as defined in section 19a-550, or an agency providing
211 hospice care which is licensed to provide such care by the Department
212 of Public Health or certified to provide such care pursuant to 42 USC
213 1395x.

214 (b) The Department of Public Health shall create and implement a
215 criminal history and patient abuse background search program, within
216 available appropriations, in order to facilitate the performance,
217 processing and analysis of the criminal history and patient abuse
218 background search of individuals who have direct access.

219 (c) (1) Except as provided in subdivision (2) of this subsection, each
220 long-term care facility, prior to extending an offer of employment to, or
221 entering into a contract for, the provision of long-term care services
222 with any individual who will have direct access, or prior to allowing
223 any individual to begin volunteering at such long-term care facility
224 when the long-term care facility reasonably expects such volunteer will
225 regularly perform duties that are substantially similar to those of an
226 employee with direct access, shall require that such individual submit
227 to a background search. The Department of Public Health shall
228 prescribe the manner by which (A) long-term care facilities perform
229 the review of (i) the registry of nurse's aides maintained by the
230 department pursuant to section 20-102bb, and (ii) any other registry
231 specified by the department, including requiring long-term care
232 facilities to report the results of such review to the department, and (B)
233 individuals submit to state and national criminal history records
234 checks, including requiring the Department of Emergency Services and
235 Public Protection to report the results of such checks to the Department
236 of Public Health.

237 (2) [No] Except for individuals registered pursuant to sections 2 to 4,
238 inclusive, of this act, no long-term care facility shall be required to
239 comply with the provisions of this subsection if the individual
240 provides evidence to the long-term care facility that such individual
241 submitted to a background search conducted pursuant to subdivision

242 (1) of this subsection not more than three years immediately preceding
243 the date such individual applies for employment, seeks to enter into a
244 contract or begins volunteering with the long-term care facility and
245 that the prior background search confirmed that the individual did not
246 have a disqualifying offense.

247 (d) (1) The Department of Public Health shall review all reports
248 provided to the department pursuant to [subsection (c)] subsections (c)
249 and (h) of this section. If any such report contains evidence indicating
250 that an individual has a disqualifying offense, the department shall
251 provide notice to the individual and the long-term care facility
252 indicating the disqualifying offense and providing the individual with
253 the opportunity to file a request for a waiver pursuant to subdivisions
254 (2) and (3) of this subsection.

255 (2) [An] Except for individuals registered pursuant to sections 2 to 4,
256 inclusive, of this act, an individual may file a written request for a
257 waiver with the department not later than thirty days after the date the
258 department mails notice to the individual pursuant to subdivision (1)
259 of this subsection. The department shall mail a written determination
260 indicating whether the department shall grant a waiver pursuant to
261 subdivision (3) of this subsection not later than fifteen business days
262 after the department receives the written request from the individual,
263 except that said time period shall not apply to any request for a waiver
264 in which an individual challenges the accuracy of the information
265 obtained from the background search.

266 (3) [The] Except for individuals registered pursuant to sections 2 to
267 4, inclusive, of this act, the department may grant a waiver from the
268 provisions of subsection (e) of this section to an individual who
269 identifies mitigating circumstances surrounding the disqualifying
270 offense, including (A) inaccuracy in the information obtained from the
271 background search, (B) lack of a relationship between the disqualifying
272 offense and the position for which the individual has applied, (C)
273 evidence that the individual has pursued or achieved rehabilitation
274 with regard to the disqualifying offense, or (D) that substantial time

275 has elapsed since committing the disqualifying offense. The
276 department and its employees shall be immune from liability, civil or
277 criminal, that might otherwise be incurred or imposed, for good faith
278 conduct in granting waivers pursuant to this subdivision.

279 (4) After completing a review pursuant to subdivision (1) of this
280 subsection, the department shall notify in writing the long-term care
281 facility to which the individual has applied for employment or with
282 which the individual seeks to enter into a contract or volunteer (A) of
283 any disqualifying offense and any information the individual provided
284 to the department regarding mitigating circumstances surrounding
285 such offense, or of the lack of a disqualifying offense, and (B) whether
286 the department granted a waiver pursuant to subdivision (3) of this
287 subsection.

288 (e) Notwithstanding the provisions of section 46a-80, no long-term
289 care facility shall employ an individual required to submit to a
290 background search, contract with any such individual to provide long-
291 term care services or allow such individual to volunteer if the long-
292 term care facility receives notice from the department that the
293 individual has a disqualifying offense in the individual's background
294 search and the department has not granted a waiver pursuant to
295 subdivision (3) of subsection (d) of this section. A long-term care
296 facility may, but is not obligated to, employ, enter into a contract with
297 or allow to volunteer an individual who was granted a waiver
298 pursuant to said subdivision (3).

299 (f) (1) Except as provided in subdivision (2) of this subsection, a
300 long-term care facility shall not employ, enter into a contract with or
301 allow to volunteer any individual required to submit to a background
302 search until the long-term care facility receives notice from the
303 Department of Public Health pursuant to subdivision (4) of subsection
304 (d) of this section.

305 (2) [A] Except for individuals registered pursuant to sections 2 to 4,
306 inclusive, of this act, a long-term care facility may employ, enter into a

307 contract with or allow to volunteer an individual required to submit to
308 a background search on a conditional basis before the long-term care
309 facility receives notice from the department that such individual does
310 not have a disqualifying offense, provided: (A) The employment or
311 contractual or volunteer period on a conditional basis shall last not
312 more than sixty days, except the sixty-day time period may be
313 extended by the department to allow for the filing and consideration of
314 a written request for a waiver of a disqualifying offense filed by an
315 individual pursuant to subsection (d) of this section, (B) the long-term
316 care facility has begun the review required under subsection (c) of this
317 section and the individual has submitted to checks pursuant to
318 subsection (c) of this section, (C) the individual is subject to direct, on-
319 site supervision during the course of such conditional employment or
320 contractual or volunteer period, and (D) the individual, in a signed
321 statement (i) affirms that the individual has not committed a
322 disqualifying offense, and (ii) acknowledges that a disqualifying
323 offense reported in the background search required by subsection (c)
324 of this section shall constitute good cause for termination and a long-
325 term care facility may terminate the individual if a disqualifying
326 offense is reported in said background search.

327 (g) [Records] Except as provided in subsection (i) of this section,
328 records and information with respect to any individual that are
329 obtained by the department pursuant to this section shall not be
330 disclosed or subject to disclosure under section 1-210.

331 (h) On and after January 1, 2020, the Department of Public Health
332 shall include in the background search program the names, ages, last-
333 known addresses and information on the offenses of persons who have
334 registered with the Commissioner of Emergency Services and Public
335 Protection pursuant to sections 2 to 4, inclusive, of this act, the names,
336 ages, last-known addresses and information on the offenses of any
337 nurse's aide with a finding of improper conduct listed on the nurse's
338 aide registry pursuant to section 20-102cc and information obtained
339 from registries established pursuant to sections 17a-247b, 17a-412, 17a-
340 488a and 17b-452, as amended by this act. Except for persons

341 registered pursuant to sections 2 to 4, inclusive, of this act, the
342 department may grant a waiver to any person pursuant to
343 subdivisions (2) and (3) of subsection (d) of this section.

344 (i) On and after February 1, 2020, the Department of Public Health
345 shall include on the department's Internet web site a link to the
346 background search program that allows the public to search the
347 program by name of an individual. The listing will show an
348 individual's age, last known address, convictions or other disciplinary
349 actions taken and a general description of a substantiated case of
350 abuse, neglect, exploitation or abandonment.

351 [(h)] (j) The department shall adopt regulations, in accordance with
352 the provisions of chapter 54, to implement the provisions of this
353 section, including, but not limited to, the amount of time per offense a
354 person's name shall remain on the publicly accessible background
355 search program on the department's Internet web site. The department
356 may implement policies and procedures consistent with the provisions
357 of this section while in the process of adopting such policies and
358 procedures as regulation, provided notice of intention to adopt
359 regulations is [printed in the Connecticut Law Journal] published on
360 the eRegulations System not later than twenty days after the date of
361 implementation. Such policies and procedures shall be valid until the
362 time final regulations are effective.

363 Sec. 6. Section 17a-247b of the general statutes is repealed and the
364 following is substituted in lieu thereof (*Effective from passage*):

365 (a) The Department of Developmental Services shall establish and
366 maintain a registry of former employees who have been terminated or
367 separated from employment as a result of substantiated abuse or
368 neglect. The department shall, for the purposes of maintaining the
369 registry, be capable of responding to inquiries in accordance with
370 subsection (c) of this section as to whether a former employee has been
371 terminated or separated from employment as a result of substantiated
372 abuse or neglect. Such capability may include response by telephone

373 voice mail or other automated response for initial inquiries.

374 (b) The registry shall include, but not be limited to, the following: (1)
375 The names, addresses and Social Security numbers of those former
376 employees terminated or separated from employment as a result of
377 substantiated abuse or neglect; (2) the date of termination or
378 separation; (3) the type of abuse or neglect; and (4) the name of any
379 employer or authorized agency requesting information from the
380 registry, the reason for the request and the date of the request.

381 (c) [The] Except as provided in subsection (h) of this section, the
382 department shall make information in the registry available only to: (1)
383 Authorized agencies, for the purpose of protective service
384 determinations; (2) employers who employ employees to provide
385 services to an individual who receives services or funding from the
386 department; (3) the Departments of Children and Families, Mental
387 Health and Addiction Services, and Social Services, for the purpose of
388 determining whether an applicant for employment appears on the
389 registry; or (4) charitable organizations that recruit volunteers to
390 support programs for persons with intellectual disability or autism
391 spectrum disorder, upon application to and approval by the
392 commissioner, for purposes of conducting background checks on such
393 volunteers.

394 (d) [The] Except as provided in subsection (h) of this section, the
395 department shall limit responses to requests for identifying
396 information from the registry established under this section to (1)
397 identification of the former employee terminated or separated from
398 employment for substantiated abuse or neglect, and (2) the type of
399 abuse or neglect so substantiated.

400 (e) Not later than five business days following receipt of written
401 notification by an authorized agency of the substantiation of abuse or
402 neglect by a former employee who has been terminated or separated
403 from employment for such abuse or neglect, an employer shall submit
404 to the department the name of such former employee and such other

405 information as the department may request. Upon receipt of
406 notification of such termination or separation, the department shall
407 conduct a hearing in accordance with sections 4-177 to 4-181a,
408 inclusive, governing contested cases. The department shall not place a
409 former employee's name on the registry until the department has
410 completed the hearing and the hearing has resulted in a decision to
411 place the former employee's name on the registry. The former
412 employee shall be informed before such hearing that his or her name
413 will be forwarded to the Department of Public Health pursuant to
414 subsection (h) of this section if the hearing results in a decision to place
415 his or her name on the registry established pursuant to this section.

416 (f) The department shall remove a former employee's name from the
417 registry if an arbitration or a legal proceeding results in a finding that
418 the former employee was unfairly terminated from employment. Upon
419 removal of such former employee's name from the registry, the
420 department shall inform the Department of Public Health that such
421 former employee's identifying information should be removed from
422 the background search program established pursuant to section 19a-
423 491c, as amended by this act.

424 (g) No employer shall be liable in any civil action for damages
425 brought by an employee, former employee or an applicant for
426 employment whose name appears on the registry established by this
427 section arising out of the conduct of the employer in (1) making any
428 report in good faith pursuant to subsection (e) of this section, (2)
429 testifying under oath in any administrative or judicial proceeding
430 arising from such report, (3) refusing to hire or to retain any person
431 whose name appears on the registry established under this section, or
432 (4) taking any other action to conform to the requirements of this
433 section. The immunity provided in this subsection shall not apply to
434 gross negligence or to wilful or wanton misconduct.

435 (h) Notwithstanding subsections (c) and (d) of this section, on and
436 after December 1, 2019, the department shall forward to the
437 Department of Public Health (1) the names, ages and last-known

438 addresses of the former employees on the registry who were
439 terminated or separated from employment for substantiated abuse or
440 neglect and a general description of the offense for inclusion in the
441 background search program established pursuant to section 19a-491c,
442 as amended by this act, and (2) if known, (A) whether such former
443 employees were convicted of certain crimes against elderly persons or
444 persons with disabilities or other crimes as a result of a substantiated
445 case of abuse or neglect, (B) the crimes such persons were convicted of,
446 and (C) a general description of the offense.

447 Sec. 7. Section 17a-412 of the general statutes is amended by adding
448 subsection (i) as follows (*Effective from passage*):

449 (NEW) (i) Notwithstanding subsections (d) and (g) of this section,
450 on and after December 1, 2019, the Department of Social Services shall
451 forward to the Department of Public Health the following information
452 for inclusion in the background search program established pursuant
453 to section 19a-491c, as amended by this act:

454 (1) (A) If known, the names, ages and last-known addresses of
455 persons convicted of certain crimes against elderly persons or persons
456 with disabilities, or any other crime, as a result of an investigation
457 pursuant to this section that substantiated allegations of abuse, neglect,
458 exploitation or abandonment, (B) the crimes such persons were
459 convicted of, and (C) a general description of the offense; and

460 (2) (A) The names, ages and last-known addresses of any caregiver
461 or other employee who has been terminated or separated from
462 employment as a result of an investigation pursuant to this section that
463 substantiated allegations of abuse, neglect, exploitation or
464 abandonment, and (B) a general description of the allegations,
465 provided such former caregiver or employee shall have the right to an
466 administrative hearing in accordance with chapter 54 to contest
467 inclusion in the background search system before the Department of
468 Social Services forwards such information to the Department of Public
469 Health.

470 Sec. 8. Section 17a-488a of the general statutes is amended by adding
471 subsection (f) as follows (*Effective from passage*):

472 (NEW) (f) Notwithstanding subsections (a) and (c) of this section, on
473 and after December 1, 2019, the Commissioner of Mental Health and
474 Addiction Services shall forward to the Department of Public Health
475 the following information for inclusion in the background search
476 program established pursuant to section 19a-491c, as amended by this
477 act:

478 (1) (A) If known, the names, ages and last-known addresses of
479 persons convicted of certain crimes against elderly persons or persons
480 with disabilities, or any other crime, as a result of an investigation that
481 substantiated allegations of abuse, (B) the crimes such persons were
482 convicted of, and (C) a general description of the offense; and

483 (2) (A) The names, ages and last-known addresses of any caregiver
484 or other employee who has been terminated or separated from
485 employment as a result of an investigation pursuant to this section that
486 substantiated allegations of abuse, and (B) a general description of the
487 allegations, provided such former caregiver or employee shall have the
488 right to an administrative hearing in accordance with chapter 54 to
489 contest inclusion in the background search system before the
490 commissioner forwards such information to the Department of Public
491 Health.

492 Sec. 9. Section 17b-452 of the general statutes is amended by adding
493 subsection (g) as follows (*Effective from passage*):

494 (NEW) (g) Notwithstanding the provisions of subsections (a), (c)
495 and (d) of this section, on and after December 1, 2019, the Department
496 of Social Services shall forward to the Department of Public Health the
497 following information for inclusion in the background search program
498 established pursuant to section 19a-491c, as amended by this act:

499 (1) (A) If known, the names, ages and last-known addresses of
500 persons convicted of certain crimes against elderly persons or persons

501 with disabilities, or any other crime, as a result of an investigation that
 502 substantiated allegations of abuse, neglect, exploitation or
 503 abandonment, (B) the crimes such persons were convicted of, and (C) a
 504 general description of the offense; and

505 (2) (A) The names, ages and last-known addresses of any caregiver
 506 or other employee who has been terminated or separated from
 507 employment as a result of an investigation pursuant to this section that
 508 substantiated allegations of abuse, neglect, exploitation or
 509 abandonment, and (B) a general description of the allegations,
 510 provided such former caregiver or employee shall have the right to an
 511 administrative hearing in accordance with chapter 54 to contest
 512 inclusion in the background search program before the Department of
 513 Social Services forwards such information to the Department of Public
 514 Health.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	19a-491c
Sec. 6	<i>from passage</i>	17a-247b
Sec. 7	<i>from passage</i>	17a-412
Sec. 8	<i>from passage</i>	17a-488a
Sec. 9	<i>from passage</i>	17b-452

Statement of Purpose:

To provide the public with access to a searchable database of perpetrators of crimes and other substantiated abuse, neglect, exploitation or abandonment of elderly persons or persons with disabilities.

[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.]