



General Assembly

February Session, 2020

Raised Bill No. 246

LCO No. 1637



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING VARIOUS REVISIONS TO THE DEPARTMENT OF DEVELOPMENTAL SERVICES STATUTES.

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

1 Section 1. Subsection (c) of section 17a-247b of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (c) The department shall make information in the registry available
5 only to: (1) Authorized agencies, for the purpose of protective service
6 determinations; (2) employers who employ employees to provide
7 services to an individual who receives services or funding from the
8 department; (3) [the Departments of Children and Families, Mental
9 Health and Addiction Services, and Social Services, for the purpose of
10 determining whether an applicant for employment appears on the
11 registry] the Department of Administrative Services, for the purpose of
12 determining whether an applicant for employment with the
13 Departments of Children and Families, Developmental Services, Mental
14 Health and Addiction Services and Social Services appears on the
15 registry; or (4) charitable organizations that recruit volunteers to

16 support programs for persons with intellectual disability or autism
17 spectrum disorder, upon application to and approval by the
18 commissioner, for purposes of conducting background checks on such
19 volunteers.

20 Sec. 2. Subsection (f) of section 17a-238 of the general statutes is
21 repealed and the following is substituted in lieu thereof (*Effective from*
22 *passage*):

23 (f) The Commissioner of Developmental Services shall require the
24 attending physician of any person placed or treated in a residential
25 facility under the direction of the commissioner to obtain informed
26 written consent from the following persons prior to authorizing any
27 [surgical procedure or any] medical treatment or surgical procedure,
28 excluding routine medical treatment which is necessary to maintain the
29 general health of the person or to prevent the spread of any
30 communicable disease: (1) The person if such person is eighteen years
31 of age or over or is legally emancipated and competent to give such
32 consent; (2) the parent of a person under eighteen years of age who is
33 not legally emancipated; or (3) the legal representative of a person of
34 any age who is adjudicated unable to make informed decisions about
35 matters relating to such person's medical care. The person whose
36 consent is required shall be informed of the nature and consequences of
37 the particular medical treatment or surgical procedure, the reasonable
38 risks, benefits and purpose of such treatment or [surgical] procedure
39 and any alternative treatment or surgical [procedures] procedure which
40 [are] is available. The consent of any person or of any parent or legal
41 representative of any person may be withdrawn at any time prior to the
42 commencement of the medical treatment or surgical procedure. The
43 regional or training school director having custody and control of a
44 person living in a residential facility may authorize necessary [surgery]
45 medical treatment or surgical procedure for such person where, in the
46 opinion of the person's attending physician, the [surgery] medical
47 treatment or surgical procedure is of an emergency nature and there is
48 insufficient time to obtain the required written consent provided for in
49 this section. The attending physician shall prepare a report describing

50 the nature of the emergency which necessitated such [surgery] medical
51 treatment or surgical procedure and shall file a copy of such report in
52 the patient's record.

53 Sec. 3. Section 46a-11c of the general statutes is repealed and the
54 following is substituted in lieu thereof (*Effective from passage*):

55 (a) The commissioner, upon receiving a report that a person with
56 intellectual disability allegedly is being or has been abused or neglected,
57 shall make an initial determination whether such person has intellectual
58 disability, shall determine if the report warrants investigation and shall
59 cause, in cases that so warrant, a prompt, thorough evaluation to be
60 made to determine whether the person has intellectual disability and
61 has been abused or neglected. For the purposes of sections 46a-11a to
62 46a-11g, inclusive, the determination of intellectual disability may be
63 made by means of a review of records and shall not require the
64 commissioner to conduct a full psychological examination of the person.
65 Any delay in making such determination of intellectual disability shall
66 not delay the investigation of abuse or neglect or recommendation of
67 provision of protective services. The evaluation shall include a visit to
68 the named person with intellectual disability and consultation with
69 those individuals having knowledge of the facts of the particular case.
70 All state, local and private agencies shall have a duty to cooperate with
71 any investigation conducted by the Department of Developmental
72 Services under this section, including the release of complete records of
73 the named person for review, inspection and copying, except where the
74 person with intellectual disability refuses to permit such records to be
75 released. The commissioner shall have subpoena powers to compel any
76 information related to such investigation. All records of the named
77 person shall be kept confidential by said department. Upon completion
78 of the evaluation of each case, written findings shall be prepared which
79 shall include a determination of whether abuse or neglect has occurred
80 and recommendations as to whether protective services are needed. The
81 commissioner, except in cases where the legal representative is the
82 alleged or substantiated perpetrator of abuse or neglect or is residing
83 with the alleged or substantiated perpetrator, shall notify the legal

84 representative, if any, of the person with intellectual disability if a report
85 of abuse or neglect is made which the commissioner determines
86 warrants investigation. The commissioner, except in cases where the
87 legal representative is the alleged or substantiated perpetrator of abuse
88 or neglect or is residing with the alleged or substantiated perpetrator,
89 shall provide the legal representative who the commissioner determines
90 is entitled to such information with further information upon request.
91 The person filing the report of abuse or neglect shall be notified of the
92 findings upon such person's request.

93 (b) The commissioner, upon receiving a report that a person who
94 receives services from the Department of Social Services' Division of
95 Autism Spectrum Disorder Services, allegedly is being or has been
96 abused or neglected, shall make an initial determination whether such
97 person receives funding or services from said division, shall determine
98 if the report warrants investigation and shall cause, in cases that so
99 warrant, a prompt, thorough evaluation, as described in subsection (b)
100 of section 17a-247f, to be made by the Department of Developmental
101 Services to determine whether the person has been abused or neglected.

102 (c) In cases where there is a death of a person with intellectual
103 disability for whom the Department of Developmental Services has
104 direct or oversight responsibility for medical care, and there is
105 reasonable cause to suspect or believe that such death may be due to
106 abuse or neglect, the commissioner shall conduct an investigation to
107 determine whether abuse or neglect occurred, except as may be
108 otherwise required by court order. The commissioner shall establish
109 protocols for conducting such investigations.

110 (d) The commissioner shall maintain an electronic copy of the reports
111 received of alleged abuse or neglect and all evaluation reports.

112 (e) Neither the original report of alleged abuse or neglect nor the
113 evaluation report of the investigator which includes findings and
114 recommendations shall be deemed a public record for purposes of
115 section 1-210. The original report of alleged abuse or neglect or the

116 evaluation report of the investigator shall not be provided to a legal
117 representative who is the alleged or substantiated perpetrator of abuse
118 or neglect or is residing with the alleged or substantiated perpetrator.
119 The name of the person making the original report shall not be disclosed
120 to any person unless the person making the original report consents to
121 such disclosure or unless a judicial proceeding results therefrom.

122 Sec. 4. (NEW) (*Effective from passage*) (a) The Department of
123 Developmental Services shall encourage each operator of a residential
124 facility, licensed pursuant to section 17a-227 of the general statutes, to
125 adopt standards and practices that promote energy efficiency and
126 incorporate environmentally friendly construction materials and
127 techniques in the construction of any new residential facility.

128 (b) Any residential facility licensed pursuant to section 17a-227 of the
129 general statutes may participate in any energy assessment program
130 available under section 16-245m of the general statutes. A residential
131 facility participating in such energy assessment program shall provide
132 a copy of any energy assessment report received by such facility to the
133 Department of Developmental Services.

134 (c) Not later than July 1, 2021, the Commissioner of Developmental
135 Services shall report, in accordance with the provisions of section 11-4a
136 of the general statutes, to the joint standing committee of the General
137 Assembly having cognizance of matters relating to public health on (1)
138 the findings of the energy assessments performed on licensed
139 residential facilities pursuant to subsection (b) of this section, and (2)
140 recommendations for energy efficiency improvement in facilities
141 licensed pursuant to section 17a-227 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	17a-247b(c)
Sec. 2	<i>from passage</i>	17a-238(f)
Sec. 3	<i>from passage</i>	46a-11c
Sec. 4	<i>from passage</i>	New section

Statement of Purpose:

To (1) make information in the Department of Developmental Services' abuse and neglect registry available to the Department of Administrative Services, (2) allow the Commissioner of Developmental Services or a Department of Developmental Services regional or training school director to consent to emergency medical treatment for an individual under the custody or control of the department, (3) restrict legal representatives of persons with intellectual disabilities from accessing abuse and neglect reports when the legal representative is the alleged perpetrator of such abuse or neglect or is residing with the alleged perpetrator, and (4) encourage licensed residential facilities to adopt standards that promote energy efficiency and incorporate environmentally friendly building materials.

[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.]