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:

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 Subsection (c) of section 17a-247b of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(c) The department shall make information in the registry available only to: (1) Authorized agencies, for the purpose of protective service determinations; (2) employers who employ employees to provide services to an individual who receives services or funding from the department; (3) [the Departments of Children and Families, Mental Health and Addiction Services, and Social Services, for the purpose of determining whether an applicant for employment appears on the registry] the Department of Administrative Services, for the purpose of determining whether an applicant for employment with the Departments of Children and Families, Developmental Services, Mental Health and Addiction Services and Social Services appears on the registry; or (4) charitable organizations that recruit volunteers to
support programs for persons with intellectual disability or autism spectrum disorder, upon application to and approval by the commissioner, for purposes of conducting background checks on such volunteers.

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 Subsection (f) of section 17a-238 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(f) The Commissioner of Developmental Services shall require the attending physician of any person placed or treated in a residential facility under the direction of the commissioner to obtain informed written consent from the following persons prior to authorizing any [surgical procedure or any] medical treatment or surgical procedure, excluding routine medical treatment which is necessary to maintain the general health of the person or to prevent the spread of any communicable disease: (1) The person if such person is eighteen years of age or over or is legally emancipated and competent to give such consent; (2) the parent of a person under eighteen years of age who is not legally emancipated; or (3) the legal representative of a person of any age who is adjudicated unable to make informed decisions about matters relating to such person's medical care. The person whose consent is required shall be informed of the nature and consequences of the particular medical treatment or surgical procedure, the reasonable risks, benefits and purpose of such treatment or [surgical] procedure and any alternative treatment or surgical [procedures] procedure which [are] is available. The consent of any person or of any parent or legal representative of any person may be withdrawn at any time prior to the commencement of the medical treatment or surgical procedure. The regional or training school director having custody and control of a person living in a residential facility may authorize necessary [surgery] medical treatment or surgical procedure for such person where, in the opinion of the person's attending physician, the [surgery] medical treatment or surgical procedure is of an emergency nature and there is insufficient time to obtain the required written consent provided for in this section. The attending physician shall prepare a report describing
the nature of the emergency which necessitated such [surgery] medical
treatment or surgical procedure and shall file a copy of such report in
the patient’s record.

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

(a) The commissioner, upon receiving a report that a person with
intellectual disability allegedly is being or has been abused or neglected,
shall make an initial determination whether such person has intellectual
disability, shall determine if the report warrants investigation and shall
cause, in cases that so warrant, a prompt, thorough evaluation to be
made to determine whether the person has intellectual disability and
has been abused or neglected. For the purposes of sections 46a-11a to
46a-11g, inclusive, the determination of intellectual disability may be
made by means of a review of records and shall not require the
commissioner to conduct a full psychological examination of the person.
Any delay in making such determination of intellectual disability shall
not delay the investigation of abuse or neglect or recommendation of
provision of protective services. The evaluation shall include a visit to
the named person with intellectual disability and consultation with
those individuals having knowledge of the facts of the particular case.
All state, local and private agencies shall have a duty to cooperate with
any investigation conducted by the Department of Developmental
Services under this section, including the release of complete records of
the named person for review, inspection and copying, except where the
person with intellectual disability refuses to permit such records to be
released. The commissioner shall have subpoena powers to compel any
information related to such investigation. All records of the named
person shall be kept confidential by said department. Upon completion
of the evaluation of each case, written findings shall be prepared which
shall include a determination of whether abuse or neglect has occurred
and recommendations as to whether protective services are needed. The
commissioner, except in cases where the legal representative is the
alleged or substantiated perpetrator of abuse or neglect or is residing
with the alleged or substantiated perpetrator, shall notify the legal
representative, if any, of the person with intellectual disability if a report of abuse or neglect is made which the commissioner determines warrants investigation. The commissioner, except in cases where the legal representative is the alleged or substantiated perpetrator of abuse or neglect or is residing with the alleged or substantiated perpetrator, shall provide the legal representative who the commissioner determines is entitled to such information with further information upon request. The person filing the report of abuse or neglect shall be notified of the findings upon such person's request.

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

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

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

(e) Neither the original report of alleged abuse or neglect nor the evaluation report of the investigator which includes findings and recommendations shall be deemed a public record for purposes of section 1-210. The original report of alleged abuse or neglect or the
evaluation report of the investigator shall not be provided to a legal representative who is the alleged or substantiated perpetrator of abuse or neglect or is residing with the alleged or substantiated perpetrator. The name of the person making the original report shall not be disclosed to any person unless the person making the original report consents to such disclosure or unless a judicial proceeding results therefrom.

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

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

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

This act shall take effect as follows and shall amend the following sections:

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<th>Section</th>
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LCO No. 1637
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.]