



Senate

General Assembly

File No. 36

January Session, 2021

Senate Bill No. 763

Senate, March 9, 2021

The Committee on Human Services reported through SEN. MOORE of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT REQUIRING DRIVERS OF PARATRANSIT VEHICLES TO REPORT SUSPECTED ABUSE, NEGLIGENCE, EXPLOITATION OR ABANDONMENT OF ELDERLY PERSONS.

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

1 Section 1. Subsection (a) of section 17b-451 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2021*):

4 (a) A mandatory reporter [, as defined in this section,] who has
5 reasonable cause to suspect or believe that any elderly person has been
6 abused, neglected, exploited or abandoned, or is in a condition that is
7 the result of such abuse, neglect, exploitation or abandonment, or is in
8 need of protective services, shall, not later than seventy-two hours after
9 such suspicion or belief arose, report such information or cause a report
10 to be made in any reasonable manner to the Commissioner of Social
11 Services or to the person or persons designated by the commissioner to
12 receive such reports. [The term "mandatory reporter" means (1) any
13 physician or surgeon licensed under the provisions of chapter 370, (2)

14 any resident physician or intern in any hospital in this state, whether or
15 not so licensed, (3) any registered nurse, (4) any nursing home
16 administrator, nurse's aide or orderly in a nursing home facility or
17 residential care home, (5) any person paid for caring for a resident in a
18 nursing home facility or residential care home, (6) any staff person
19 employed by a nursing home facility or residential care home, (7) any
20 residents' advocate, other than a representative of the Office of the Long-
21 Term Care Ombudsman, as established under section 17a-405,
22 including the State Ombudsman, (8) any licensed practical nurse,
23 medical examiner, dentist, optometrist, chiropractor, podiatrist, social
24 worker, clergyman, police officer, pharmacist, psychologist or physical
25 therapist, (9) any person paid for caring for an elderly person by any
26 institution, organization, agency or facility, including without
27 limitation, any employee of a community-based services provider,
28 senior center, home care agency, homemaker and companion agency,
29 adult day care center, village-model community and congregate
30 housing facility, and (10) any person licensed or certified as an
31 emergency medical services provider pursuant to chapter 368d or
32 chapter 384d, including any such emergency medical services provider
33 who is a member of a municipal fire department.] Any mandatory
34 reporter who fails to make such report within the prescribed time
35 [period] shall be fined not more than five hundred dollars, except that,
36 if such person intentionally fails to make such report within the
37 prescribed time period, such person shall be guilty of a class C
38 misdemeanor for the first offense and a class A misdemeanor for any
39 subsequent offense. Any institution, organization, agency or facility
40 employing individuals to care for persons sixty years of age or older
41 shall provide mandatory training on detecting potential abuse, neglect,
42 exploitation and abandonment of such persons and inform such
43 employees of their obligations under this section. For purposes of this
44 subsection, ["person paid for caring for an elderly person by any
45 institution, organization, agency or facility" includes an employee of a
46 community-based services provider, senior center, home health care
47 agency, homemaker and companion agency, adult day care center,
48 village-model community and congregate housing facility] "mandatory

49 reporter" means any (1) physician or surgeon licensed under the
50 provisions of chapter 370, (2) resident physician or intern in any hospital
51 in this state, whether or not so licensed, (3) registered nurse, (4) nursing
52 home administrator, nurse's aide or orderly in a nursing home facility
53 or residential care home, (5) person paid for caring for a resident in a
54 nursing home facility or residential care home, (6) staff person
55 employed by a nursing home facility or residential care home, (7)
56 residents' advocate, other than a representative of the Office of the Long-
57 Term Care Ombudsman, as established under section 17a-405,
58 including the State Ombudsman, (8) licensed practical nurse, medical
59 examiner, dentist, optometrist, chiropractor, podiatrist, social worker,
60 clergyman, police officer, pharmacist, psychologist or physical
61 therapist, (9) person paid for caring for an elderly person by any
62 institution, organization, agency or facility, including but not limited to,
63 any employee of a community-based services provider, senior center,
64 home care agency, homemaker and companion agency, adult day care
65 center, village-model community and congregate housing facility, (10)
66 person licensed or certified as an emergency medical services provider
67 pursuant to chapter 368d or 384d, including any such emergency
68 medical services provider who is a member of a municipal fire
69 department, and (11) driver of a paratransit vehicle, as defined in section
70 13b-38k.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2021	17b-451(a)

HS *Joint Favorable*

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:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Judicial Dept.; Correction, Dept.	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill adds paratransit drivers to the list of mandated reporters of elderly abuse and results in a potential cost for incarceration or probation and a potential revenue gain from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,800¹ while the average marginal cost for supervision in the community is less than \$700² each year. The last incident of a charge against a mandated reporter of elderly abuse was in FY 18, which resulted in a fine of \$500.

The Out Years

¹ Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

² Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

OLR Bill Analysis**SB 763*****AN ACT REQUIRING DRIVERS OF PARATRANSIT VEHICLES TO REPORT SUSPECTED ABUSE, NEGLECT, EXPLOITATION OR ABANDONMENT OF ELDERLY PERSONS.*****SUMMARY**

This bill adds paratransit vehicle drivers to the list of mandated reporters who must report to the Department of Social Services when they have reasonable cause to suspect that an elderly person needs protective services or has been abused, neglected, exploited, or abandoned. A paratransit vehicle is a motor bus, taxicab, or other motor vehicle in livery service that is (1) operated under a Department of Transportation certificate or by a transit district and (2) on call or on demand or used to transport passengers for hire.

By law, mandated reporters who fail to report are subject to a fine of up to \$500. Intentional failure to report is a class C misdemeanor for the first offense, punishable by up to three months in prison, a fine of up to \$500, or both. Subsequent offenses are a class A misdemeanor punishable by up to one year in prison, a fine of up to \$2,000, or both.

The bill also makes technical changes.

EFFECTIVE DATE: July 1, 2021

COMMITTEE ACTION

Human Services Committee

Joint Favorable

Yea 19 Nay 0 (02/23/2021)