

Public Health Committee JOINT FAVORABLE REPORT

Bill No.: SB-416

AN ACT CONCERNING VARIOUS REVISIONS TO THE DEPARTMENT OF

Title: DEVELOPMENTAL SERVICES STATUTES.

Vote Date: 2/22/2021

Vote Action: JOINT FAVORABLE Substitute

PH Date: 2/8/2021

File No.: 34

***Disclaimer:** The following JOINT FAVORABLE Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.*

SPONSORS OF BILL:

Public Health Committee

REASONS FOR BILL:

This legislation makes information in DDS's abuse and neglect registry available to the Department of Administrative Services to determine whether an applicant for employment with DDS, DCF, DMHAS, or DSS appears on the registry.

The bill allows a DDS regional or training school director to consent to emergency medical treatment for an individual under their custody or control, under the same conditions that already apply to emergency surgery.

Additionally, it removes the requirement for DDS to notify the person's legal representative if the representative has been found to be the substantiated perpetrator or is residing with the substantiated perpetrator.

This legislation updates appointments to the Camp Harkness Advisory Committee to reflect name changes for certain entities and makes related changes.

Furthermore, this bill eliminates the requirement that the DDS assessment team submit a written report or testimony, if DDS determined that the individual does not have an intellectual disability and thus is ineligible for DDS services.

RESPONSE FROM ADMINISTRATION/AGENCY:

Jordan Scheff, Commissioner, Department of Developmental Services: Commissioner Jordan Scheff and the Department of Developmental Services (DDS) are generally in support of this legislation. The testimony provides a background of the five separate department proposals and contains recommendations on technical changes to the bill. As stated in the testimony, DDS asks that the brackets around language in lines 8 and 9 within Section 1 to be removed and the current language allowing DCF, DMHAS and DSS access to the registry be left in the statute and adding the DAS provision. DDS proposes specific language for this change in its testimony.

DDS believes Section 2 allows individuals with intellectual disability to have access to appropriate medical care while remaining independent in the community. Additional safeguards are provided which requires that the designation of what constitutes "emergency treatment" is determined by the individual's attending physician. Additionally, the testimony outlines that Section 3 expands the statute to prohibit DDS from sharing the original report of abuse or neglect and the evaluation report with a legal representative who has been found to be the substantiated perpetrator of abuse or neglect or who is residing with the substantiated perpetrator. This provision would not restrict a court from allowing a substantiated perpetrator to have access to the report for purposes of a legal action.

Lastly, Sections 5-6 would allow DDS to submit a person's DDS denial of eligibility letter, in lieu of a reassessment for appointment of a guardian through Probate Court. Statute currently allows for DDS to submit a person's DDS denial of eligibility letter as part of the original appointment of a guardian through Probate Court, but this process was not extended to the reassessment process. This section simply extends this option to the reassessment for appointment of a guardian through Probate Court.

Beverly K. Streit-Kefalas, Probate Court Administrator: Probate Court Administrator, Beverly K. Streit-Kefalas offers no opposition to section 5 Section 5 of R.B. 416 and takes no position with respect to section 6 of this legislation. This proposed language for Section 5 offers consistency in the statutes. It is Probate Court's view that section 6 of SB. 416 is not necessary as the current statutory language in Conn. Gen. Stat. section 45a-674 already provides that "no further assessment by the department shall be required."

NATURE AND SOURCES OF SUPPORT:

Win Evarts, Executive Director, The ARC of Connecticut: Mr. Evarts and the ARC of Connecticut offer support for this legislation with recommendations. The testimony offers a change to broaden the existing array of health responses that a DDS Director of a Regional Center or Southbury Training School could consent to so that an individual living in their care could be appropriately treated expeditiously. Additionally, the testimony offers a change to prohibit the disclosure by DDS of both the original and final abuse and neglect report to a legal representative who has been determined to be the alleged perpetrator of abuse or neglect or who resides with the alleged perpetrator. Access to these reports would have to be gained by a legal action in court.

NATURE AND SOURCES OF OPPOSITION:

None

Reported by: Dave Rackliffe, Assistant Clerk

Date: March 16, 2021