

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 21-135—sSB 416
Public Health Committee

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

SUMMARY: This act makes various changes to Department of Developmental Services (DDS)-related statutes, including:

1. making information in DDS's abuse and neglect registry available to the Department of Administrative Services (DAS) to determine whether an applicant for employment with DDS or certain other state agencies appears on the registry;
2. allowing DDS regional or training school directors to consent to emergency medical treatment for an individual under their custody or control, under the same conditions and procedures that already apply to emergency surgery;
3. expanding the circumstances under which perpetrators of abuse or neglect, or individuals who live with them, are denied access to certain information about DDS's investigation;
4. updating appointments to the Camp Harkness Advisory Committee to reflect name changes for certain entities and making related changes; and
5. requiring DDS to submit an individual's eligibility denial letter, rather than a reassessment, to the probate court during guardianship reviews for adults determined ineligible for DDS services.

The act also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

§ 1 — DAS ACCESS TO DDS ABUSE AND NEGLECT REGISTRY

By law, DDS maintains a registry of certain former employees fired from their jobs because of a substantiated abuse or neglect complaint against them. These are individuals who were employed by DDS, or an agency, organization, or person who DDS licenses or funds. The information is available only to certain agencies and employers for specified purposes.

The act makes information in the registry available to DAS for determining whether an applicant for employment with certain state agencies appears on the registry. Specifically, this applies to applicants at DDS or the departments of Children and Families, Mental Health and Addiction Services, and Social Services. Existing law already grants these other agencies access to the registry to determine whether applicants appear on it.

In practice, pursuant to the governor's Executive Order 2, DAS generally oversees human resources functions for executive branch agencies.

OLR PUBLIC ACT SUMMARY

§ 2 — EMERGENCY MEDICAL TREATMENT

Under certain circumstances, existing law allows a DDS regional or training school director to consent to emergency surgery for an individual under their custody or control living in a residential facility. The act extends this authority to include other kinds of emergency medical treatment, under the same conditions and procedures that already apply to surgery.

Thus, this authority applies when (1) the individual’s attending physician determines that the treatment is of an emergency nature and (2) there is insufficient time to get the written consent otherwise required (i.e., from the individual, a parent of a minor, or the legal representative if the individual is adjudicated unable to make informed decisions about medical care).

Additionally, as is already the case for emergency surgery, the attending physician must prepare a report describing the nature of the emergency that made the treatment necessary and file a copy in the patient’s record.

§ 3 — ABUSE AND NEGLECT INVESTIGATIONS

By law, when DDS determines that reported abuse or neglect warrants an investigation the department must notify the victim’s legal representative, unless the representative is the alleged perpetrator or resides with the alleged perpetrator. The act extends this exception to cases where the representative is, or resides with, the substantiated perpetrator.

The act creates an exception to the existing requirement for DDS, upon request, to provide the legal representative with further information if the commissioner determined that the representative was entitled to it. The act eliminates this requirement in cases where the representative is, or resides with, the alleged or substantiated perpetrator.

The act also prohibits DDS from providing the original abuse report or the investigator’s evaluation report to a legal representative who is, or resides with, the alleged or substantiated perpetrator.

§ 4 — CAMP HARKNESS ADVISORY COMMITTEE

By law, a 12-member committee advises the DDS commissioner on issues concerning the health and safety of users of Camp Harkness facilities. As shown in the table below, the act updates the qualifications for four appointments to reflect a name change or closure of certain entities.

Updates to Camp Harkness Advisory Committee Appointments*

| <i>Appointing Authority</i> | <i>Prior Law</i> | <i>The Act</i> |
|------------------------------------|---|---|
| Governor | Representative of the Southeastern Connecticut Association for Developmental Disabilities | Representative of a mental health organization that uses the camp |

OLR PUBLIC ACT SUMMARY

| | | |
|------------------------|--|--|
| Governor | Representative of The Arc of New London County | Representative of The Arc of Eastern Connecticut |
| House speaker | Member of DDS's Family Support Council who represents day camp users | Special education director |
| Senate minority leader | Representative of the United Cerebral Palsy Association | Representative of Sunrise Northeast Inc. |

* Under existing law, there are eight additional committee members whose qualifications are unchanged by the act.

Camp Harkness, located in Waterford, is exclusively for use by individuals with disabilities and their accompanying family and friends.

§ 5 — GUARDIANSHIP REVIEWS

By law, the probate court must review an adult's guardianship at least every three years to determine whether to continue, modify, or terminate it. The act eliminates the requirement that the DDS professional or assessment team submit a written report or testimony to the court if DDS determined that the individual does not have an intellectual disability, and is therefore ineligible for DDS services. It instead (1) requires DDS to provide the court with a copy of the eligibility determination letter and (2) specifies that the team is not required to further evaluate the individual.

This change corresponds to existing law for the initial appointment of a guardian in cases where DDS determines that the individual does not have intellectual disability (CGS § 45a-674(b)).