



House of Representatives

General Assembly

File No. 106

February Session, 2024

Substitute House Bill No. 5292

House of Representatives, March 25, 2024

The Committee on Public Health reported through REP. MCCARTHY VAHEY of the 133rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES' RECOMMENDATIONS REGARDING COMMUNITY COMPANION HOMES.

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

1 Section 1. Section 17a-227 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) No person, firm or corporation shall operate within this state a
4 community living arrangement or community companion home
5 [which] that it owns, leases or rents for the lodging, care or treatment of
6 persons with intellectual disability, Prader-Willi syndrome or autism
7 spectrum disorder unless such person, firm or corporation, upon
8 written application, has obtained a license issued by the Department of
9 Developmental Services. An application for licensure under this section
10 shall be verified by oath, but need not be notarized.

11 (b) The [commissioner] Commissioner of Developmental Services
12 shall adopt regulations, in accordance with the provisions of chapter 54,
13 to ensure the comfort, safety, adequate medical care and treatment of
14 such persons at the residential facilities described in subsection (a) of

15 this section. Such regulations shall include requirements that: (1) All
16 residential facility staff be certified in cardiopulmonary resuscitation in
17 a manner and time frame prescribed by the commissioner; (2) records of
18 staffing schedules and actual staff hours worked, by residential facility,
19 be available for inspection by the department upon advance notice; (3)
20 each residential facility develop and implement emergency plans and
21 staff training to address emergencies that may pose a threat to the health
22 and safety of the residents of the facility; (4) department staff verify
23 during quality service reviews and licensing inspections, that (A) staff
24 is adequately trained to respond in an emergency, and (B) a summary
25 of information on each resident is available to emergency medical
26 personnel for use in an emergency; (5) all residential facilities serving
27 persons with Down syndrome fifty years of age or older have at least
28 one staff member trained in Alzheimer's disease and dementia
29 symptoms and care; and (6) for community living arrangements, the
30 commissioner shall determine a minimum number of licensure-related
31 visits that are unannounced.

32 (c) After receiving an application and making such investigation as is
33 deemed necessary and after finding the specified requirements to have
34 been fulfilled, the department shall grant a license to such applicant to
35 operate a facility of the character described in such application, which
36 license shall specify the name of the person to have charge and the
37 location of each facility operated under the license. Any person, firm or
38 corporation aggrieved by any requirement of the regulations or by the
39 refusal to grant any license may request an administrative hearing in
40 accordance with the provisions of chapter 54. If the licensee of any such
41 facility desires to place in charge thereof a person other than the one
42 specified in the license, application shall be made to the Department of
43 Developmental Services, in the same manner as provided for the
44 original application, for permission to make such change. Such
45 application shall be acted upon not later than ten calendar days [from]
46 after the date of the filing of the application. Each such license shall be
47 renewed annually upon such terms as may be established by regulations
48 and may be revoked by the department upon proof that the facility for
49 which such license was issued is being improperly operated, or for the

50 violation of any of the provisions of this section or of the regulations
51 adopted pursuant to this section, provided the licensee shall first be
52 given a reasonable opportunity to be heard in reference to such
53 proposed revocation. Any person, firm or corporation aggrieved by
54 such revocation may request an administrative hearing in accordance
55 with the provisions of chapter 54. Each person, firm or corporation,
56 upon filing an application under the provisions of this section for a
57 license for a community living arrangement, shall pay to the State
58 Treasurer the sum of fifty dollars unless such fee is waived by the
59 commissioner.

60 (d) The Department of Developmental Services may contract, within
61 available appropriations, with any qualified provider for the operation
62 of a community-based residential facility, provided the qualified
63 provider is licensed by the department to operate such facilities. The
64 department shall include in all contracts with such licensed qualified
65 providers, provisions requiring the department to (1) conduct periodic
66 reviews of contract performance, and (2) take progressive enforcement
67 actions if the department finds poor performance or noncompliance
68 with the contract, as follows: (A) The licensed qualified provider may be
69 placed on a strict schedule of monitoring and oversight by the
70 department; (B) the licensed qualified provider may be placed on a
71 partial-year contract; and (C) payments due under the contract may be
72 reduced by specific amounts on a monthly basis until the licensed
73 qualified provider complies with the contract. If compliance cannot be
74 achieved, the department shall terminate the contract.

75 (e) The department may contract with any person, firm or
76 corporation to provide residential support services for persons with
77 intellectual disability, Prader-Willi syndrome or autism spectrum
78 disorder who reside in settings [which] that are not licensed by the
79 department. The commissioner shall adopt regulations, in accordance
80 with the provisions of chapter 54, to ensure the safety, adequate
81 supervision and support of persons receiving such residential support
82 services.

83 (f) Any person, firm or corporation who operates any facility contrary
 84 to the provisions of this section shall be fined not more than one
 85 thousand dollars or imprisoned not more than six months or both. Any
 86 person, firm or corporation who operates any facility contrary to the
 87 regulations adopted pursuant to subsection (b) of this section shall be
 88 fined not more than one thousand dollars.

89 (g) If the commissioner determines, after investigation of a report
 90 received pursuant to the provisions of section 46a-11b, that a person,
 91 firm or corporation licensed to operate a community living arrangement
 92 or community companion home committed abuse or neglect against a
 93 person receiving support or services from the department during a
 94 licensure period, and such determination resulted in the revocation or
 95 surrender of such person, firm or corporation's license, the
 96 commissioner may disclose (1) the name of such person, firm or
 97 corporation, (2) the date of such revocation or surrender, and (3) the
 98 type of abuse or neglect committed to (A) authorized agencies, as
 99 defined in section 17a-247a, for the purpose of protective service
 100 determinations, (B) employers whose employees provide services to
 101 persons who receive support or services from the department, and (C)
 102 the Departments of Children and Families, Mental Health and
 103 Addiction Services, Social Services and Administrative Services for the
 104 purpose of making a determination on an application for (i)
 105 employment with, or (ii) licensure or certification as a provider for the
 106 Departments of Children and Families, Mental Health and Addiction
 107 Services, Social Services and Developmental Services.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	17a-227

PH Joint Favorable Subst.

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: None

Municipal Impact: None

Explanation

The bill, which results in no fiscal impact, allows the Department of Developmental Services (DDS) to share specific information regarding license revocation of DDS-licensed community living arrangements and community companion homes because of a substantiated abuse or neglect claim.

The bill also makes technical changes that result in no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5292*****AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES' RECOMMENDATIONS REGARDING COMMUNITY COMPANION HOMES.*****SUMMARY**

This bill allows the Department of Developmental Services (DDS) to share information with certain entities if a DDS-licensed community living arrangement (i.e., group home) or community companion home's license was revoked or surrendered because of substantiated abuse or neglect during the licensure period. (Community companion homes offer a family-like setting for people with intellectual disability when circumstances make it difficult for the person to live with his or her family.)

Specifically, the bill allows the DDS commissioner to release the former licensee's name, license revocation or surrender date, and type of abuse or neglect to the following entities:

1. authorized agencies (i.e., agencies authorized to conduct abuse and neglect investigations and responsible for issuing or carrying out protective services for people with intellectual disability), to determine protective services;
2. employers of people providing services to those receiving DDS services or support; and
3. the departments of children and families (DCF), mental health and addiction services (DMHAS), social services (DSS), and administrative services (DAS), to make a determination on an employment application or provider licensure or certification with DCF, DMHAS, DSS, or DDS. (In practice, DAS generally

oversees human resources functions for executive branch agencies.)

The bill also makes technical changes.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 37 Nay 0 (03/11/2024)