



General Assembly

February Session, 2024

Raised Bill No. 5293

LCO No. 1740



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES' RECOMMENDATIONS REGARDING VARIOUS REVISIONS TO DEVELOPMENTAL SERVICES STATUTES.

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

1 Section 1. (NEW) (*Effective from passage*) (a) There shall be, within the
2 Health and Clinical Services Division of the Department of
3 Developmental Services, an Oral Health and Dental Services Unit. The
4 unit shall: (1) Support persons with intellectual disability, by assisting
5 them with reaching and maintaining optimal oral health; (2) provide
6 such persons access to oral and dental health care; (3) educate such
7 persons, their families and support staff regarding oral disease
8 prevention and early detection; (4) disseminate oral health and dental
9 information to such persons, families and support staff; and (5)
10 participate in oral health-related research and education.

11 (b) The Oral Health and Dental Services Unit may provide dental care
12 services to persons with intellectual disability at designated dental
13 offices in any service region of the Department of Developmental
14 Services. Such services shall be specialized and individualized to meet

15 the needs of such persons. Dental services provided pursuant to this
16 subsection shall be provided under the scope of practice of a dentist
17 licensed pursuant to chapter 379 of the general statutes or dental
18 hygienist licensed pursuant to chapter 379a of the general statutes.

19 (c) The Commissioner of Developmental Services may contract with
20 a dentist licensed pursuant to chapter 379 of the general statutes or a
21 dentist granted a provisional license pursuant to the provisions of
22 section 20-120 of the general statutes, as amended by this act, for the
23 purpose of carrying out the duties of the Oral Health and Dental
24 Services Unit pursuant to the provisions of this section.

25 Sec. 2. Section 20-120 of the general statutes is repealed and the
26 following is substituted in lieu thereof (*Effective from passage*):

27 (a) Any graduate of a recognized dental college may practice
28 dentistry in a clinic for a period not exceeding six months, provided [he
29 shall obtain] such graduate obtains the written consent and approval of
30 the Dental Commission.

31 (b) A full-time faculty member of a school of dentistry in this state
32 who is licensed in another state or who has exceptional qualifications as
33 approved by the Dental Commission may be granted a provisional
34 license upon consent and approval of the Dental Commission which
35 provisional license shall be in effect during such time as the licensee is
36 in the full-time employment of a school of dentistry within the state.
37 Such provisional license shall limit the licensee to the practice of
38 dentistry (1) in the school of dentistry of which [he] such licensee is a
39 member of the faculty, [or] (2) in any hospital affiliated with such school,
40 or (3) as part of services offered by the Oral Health and Dental Services
41 Unit of the Department of Developmental Services, established
42 pursuant to section 1 of this act.

43 (c) Any graduate of a foreign dental school, who has exceptional
44 qualifications, as approved by the Dental Commission, may practice
45 dentistry in any state institution.

46 Sec. 3. Section 17a-249 of the 2024 supplement to the general statutes
47 is repealed and the following is substituted in lieu thereof (*Effective*
48 *October 1, 2024*):

49 (a) The Commissioner of Housing, in consultation with the
50 Commissioner of Developmental Services, shall provide grants-in-aid
51 or deferred loans to [private nonprofit organizations] an eligible
52 developer, as defined in section 8-39, for supportive housing for persons
53 with an intellectual disability or other developmental disabilities,
54 including, but not limited to, autism spectrum disorder, that has
55 partnered with a Department of Developmental Services qualified
56 provider or a provider approved to provide services that support
57 persons receiving services under the Medicaid waiver program for
58 autism spectrum disorder services, operated through the Department of
59 Social Services. The [commissioner] Commissioner of Housing shall
60 give priority in disbursement of grants to [a nonprofit organization
61 which] an eligible developer that reserves [fifty] not more than twenty-
62 five per cent [or more] of the initial residential capacity of a housing site
63 for individuals with such disabilities who are on a waiting list
64 maintained by the Department of Developmental Services or the
65 Department of Social Services for supportive housing or who wish to
66 move from a more structured setting to supportive housing.

67 (b) The Commissioner of [Developmental Services] Housing shall
68 expend not more than five million dollars on the [grant] program
69 established pursuant to this section in any one service region of the
70 Department of Developmental Services. The commissioner may expend
71 not more than two per cent of the funds allocated to the [grant] program
72 established by this section on administrative expenses directly related
73 to the [grant] program.

74 (c) The Commissioner of [Developmental Services] Housing shall
75 develop and publish guidelines for the award of grants and deferred
76 loans under subsection (a) of this section and a uniform application form
77 for such grants and deferred loans. The commissioner shall post such
78 guidelines and application form on the Internet web site of the

79 Department of [Developmental Services] Housing not later than [July 1,
80 2024] October 1, 2024.

81 (d) [Any] The recipient of a grant or deferred loan pursuant to
82 subsection (a) of this section shall report annually to the Commissioner
83 of [Developmental Services] Housing, on a form to be developed by the
84 commissioner, [how] on the expenditure of such grant funds. [have been
85 expended.] The commissioner shall submit a report on January 1, 2025,
86 and annually thereafter, in accordance with the provisions of section 11-
87 4a, concerning the expenditure of grant funds awarded pursuant to
88 subsection (a) of this section to the joint standing committees of the
89 General Assembly having cognizance of matters relating to housing,
90 human services and public health.

91 Sec. 4. Subsection (a) of section 5-247 of the general statutes is
92 repealed and the following is substituted in lieu thereof (*Effective from*
93 *passage*):

94 (a) Each appointing authority shall grant, on account of illness or
95 injury, to each full-time employee in a permanent position in the state
96 service who has furnished satisfactory proof of such illness or injury,
97 such sick leave with pay as has accrued to [his] such employee's credit
98 at the rate of one and one-quarter working days for each completed
99 calendar month of continuous full-time service which may be computed
100 on an hourly basis. Hourly computation of sick leave shall not diminish
101 benefit entitlement. On or before October 1, 1980, the Commissioner of
102 Administrative Services shall adopt regulations, in accordance with
103 chapter 54, concerning the accrual, prorating and granting of sick leave
104 with pay to other employees in the state service and extending sick leave
105 with pay or with part pay for longer periods to full-time permanent
106 employees disabled through illness or injury. A general worker
107 employed in a position by the Department of Developmental Services
108 as a self-advocate [, not to exceed eleven such general workers,] shall be
109 eligible for prorated sick leave, in accordance with regulations adopted
110 pursuant to this section. Each such employee who retires under the
111 provisions of chapter 66 shall be compensated, effective as of the date of

112 [his] the employee's retirement, at the rate of one-fourth of such
113 employee's salary for sick leave accrued to [his] the employee's credit as
114 of [his] the employee's last day on the active payroll up to a maximum
115 payment equivalent to sixty days' pay. Such payment for accumulated
116 sick leave shall not be included in computing retirement income and
117 shall be charged by the State Comptroller to the department, agency or
118 institution in which the employee worked.

119 Sec. 5. Subsection (e) of section 5-250 of the general statutes is
120 repealed and the following is substituted in lieu thereof (*Effective from*
121 *passage*):

122 (e) Notwithstanding the provisions of this section, a general worker
123 employed in a position by the Department of Developmental Services
124 as a self-advocate [, not to exceed eleven such general workers,] shall be
125 eligible for prorated vacation and personal leave.

126 Sec. 6. Subsection (a) of section 5-254 of the general statutes is
127 repealed and the following is substituted in lieu thereof (*Effective from*
128 *passage*):

129 (a) Each full-time permanent employee in the state service shall be
130 granted time off with pay for any legal holiday. A general worker
131 employed in a position by the Department of Developmental Services
132 as a self-advocate [, not to exceed eleven such general workers,] shall be
133 granted time off with pay for any legal holiday that falls on a day that
134 the general worker is regularly scheduled to work, [and] provided the
135 pay shall be for the number of hours the general worker would have
136 been scheduled to work. If a legal holiday falls on a Saturday,
137 [employees] each such full-time permanent employee and general
138 worker shall be granted equivalent time off on the Friday immediately
139 preceding such Saturday or given another day off in lieu thereof. The
140 Commissioner of Administrative Services may [issue] adopt
141 regulations, in accordance with the provisions of chapter 54, governing
142 the granting of holiday time to other employees in the state service, [,
143 which regulations shall be approved by the Secretary of the Office of

144 Policy and Management.]

145 Sec. 7. Section 17a-210 of the general statutes is repealed and the
146 following is substituted in lieu thereof (*Effective July 1, 2024*):

147 (a) There shall be a Department of Developmental Services. The
148 Department of Developmental Services, with the advice of a Council on
149 Developmental Services, shall be responsible for the planning,
150 development and administration of complete, comprehensive and
151 integrated state-wide services for persons with intellectual disability
152 and persons medically diagnosed as having Prader-Willi syndrome. The
153 Department of Developmental Services shall be under the supervision
154 of a Commissioner of Developmental Services, who shall be appointed
155 by the Governor in accordance with the provisions of sections 4-5 to 4-
156 8, inclusive. The Council on Developmental Services may advise the
157 Governor on the appointment. The commissioner shall be a person who
158 has background, training, education or experience in administering
159 programs for the care, training, education, treatment and custody of
160 persons with intellectual disability. The commissioner shall be
161 responsible, with the advice of the council, for: (1) Planning and
162 developing complete, comprehensive and integrated state-wide
163 services for persons with intellectual disability; (2) the implementation
164 and [where] when appropriate the funding of such services; and (3) the
165 coordination of the efforts of the Department of Developmental Services
166 with those of other state departments and agencies, municipal
167 governments and private agencies concerned with and providing
168 services for persons with intellectual disability. The commissioner shall
169 be responsible for the administration and operation of the [state training
170 school] Southbury Training School, state developmental services
171 regions and all state-operated community-based residential facilities
172 established for the diagnosis, care and training of persons with
173 intellectual disability. The commissioner shall be responsible for
174 establishing standards, providing technical assistance and exercising
175 the requisite supervision of all state-supported residential, day and
176 program support services for persons with intellectual disability and
177 work activity programs operated pursuant to section 17a-226. The

178 commissioner shall stimulate research by public and private agencies,
179 institutions of higher education and hospitals, in the interest of the
180 elimination and amelioration of intellectual disability and care and
181 training of persons with intellectual disability. The commissioner shall
182 conduct or monitor investigations into allegations of abuse and neglect
183 and file reports as requested by state agencies having statutory
184 responsibility for the conduct and oversight of such investigations. The
185 commissioner shall receive and investigate complaints from persons
186 with intellectual disabilities and persons receiving services from the
187 Department of Social Services' Division of Autism Spectrum Disorder
188 Services, [or] legal representatives of such persons or [from] any other
189 interested person.

190 **(b)** In the event of the death of a person with intellectual disability for
191 whom the department has direct or oversight responsibility for medical
192 care, the commissioner shall ensure that a comprehensive and timely
193 review of the events, overall care, quality of life issues and medical care
194 preceding such death is conducted by the department and shall, as
195 requested, provide information and assistance to the Independent
196 Mortality Review Board established by Executive Order No. 57 of
197 Governor Dannel P. Malloy. The commissioner shall report to the board
198 and the board shall review any death: **[(A)] (1)** Involving an allegation
199 of abuse or neglect; **[(B)] (2)** for which the Office of the Chief Medical
200 Examiner or local medical examiner has accepted jurisdiction; **[(C)] (3)**
201 in which an autopsy was performed; **[(D)] (4)** which was sudden and
202 unexpected; or **[(E)] (5)** in which the commissioner's review raises
203 questions about the appropriateness of care. The department's mortality
204 review process and the Independent Mortality Review Board shall
205 operate in accordance with the peer review provisions established
206 under section 19a-17b for medical review teams and confidentiality of
207 records provisions established under section 19a-25 for the Department
208 of Public Health.

209 **[(b)] (c)** The commissioner shall be responsible for the development
210 of criteria as to the eligibility of any person with intellectual disability
211 for residential care in any public or state-supported private residential

212 facility and [, after considering the recommendation of a properly
213 designated diagnostic agency,] may assign such person to a public or
214 state-supported private residential facility. [The commissioner may
215 transfer such person from one such facility to another when necessary
216 and desirable for their welfare, provided such person and such person's
217 legal representative receive written notice of their right to object to such
218 transfer at least ten days prior to the proposed transfer of such person
219 from any such facility. Such prior notice shall not be required when
220 transfers are made between residential units within the training school
221 or a state developmental services region or when necessary to avoid a
222 serious and immediate threat to the life or physical or mental health of
223 such person or others residing in such facility. The notice required by
224 this subsection shall notify such person and such person's legal
225 representative of the person's right to object to such transfer, except in
226 the case of an emergency transfer as provided in this subsection, and
227 shall include the name, address and telephone number of the nonprofit
228 entity designated by the Governor in accordance with section 46a-10b to
229 serve as the Connecticut protection and advocacy system. In the event
230 of an emergency transfer, the notice required by this subsection shall
231 notify such person and such person's legal representative of the person's
232 right to request a hearing in accordance with subsection (c) of this
233 section and shall be given within ten days following the emergency
234 transfer. In the event of an objection to the proposed transfer, the
235 commissioner shall conduct a hearing in accordance with subsection (c)
236 of this section and the transfer shall be stayed pending final disposition
237 of the hearing, provided no such hearing shall be required if the
238 commissioner withdraws such proposed transfer.

239 (c) Any person with intellectual disability who is eighteen years of
240 age or older and who resides at any facility operated by the Department
241 of Developmental Services, or the legal representative of any person
242 with intellectual disability who resides at any such facility, may object
243 to any transfer of such person from one facility to another for any reason
244 other than a medical reason or an emergency, or may request such a
245 transfer. In the event of any such objection or request, the commissioner

246 shall conduct a hearing on such proposed transfer, provided no such
247 hearing shall be required if the commissioner withdraws such proposed
248 transfer. In any such transfer hearing, the proponent of a transfer shall
249 have the burden of showing, by clear and convincing evidence, that the
250 proposed transfer is in the best interest of the resident being considered
251 for transfer and that the facility and programs to which transfer is
252 proposed (1) are safe and effectively supervised and monitored, and (2)
253 provide a greater opportunity for personal development than the
254 resident's present setting. Such hearing shall be conducted in
255 accordance with the provisions of chapter 54.]

256 (d) Any person with intellectual disability, or the legal representative
257 of such person, may request a hearing for any final determination by the
258 department that denies such person eligibility for programs and
259 services of the department. A request for a hearing shall be made in
260 writing to the commissioner. Such hearing shall be conducted in
261 accordance with the provisions of chapter 54.

262 (e) Any person with intellectual disability, or the legal representative
263 of such person, may request a hearing to contest the category
264 assignment made by the department for persons seeking residential
265 placement, residential services or residential support. A request for
266 hearing shall be made, in writing, to the commissioner. Such hearing
267 shall be conducted in accordance with the provisions of chapter 54.

268 (f) Any person with intellectual disability or the legal representative
269 of such person, may object to (1) a proposed approval by the department
270 of a program for such person that includes the use of behavior-
271 modifying medications or aversive procedures, or (2) a proposed
272 determination of the department that community placement is
273 inappropriate for such person placed under the direction of the
274 commissioner. The department shall provide written notice of any such
275 proposed approval or determination to the person, or to the legal
276 representative of such person, [at least] not less than ten days prior to
277 making such approval or determination. In the event of an objection to
278 such proposed approval or determination, the commissioner shall

279 conduct a hearing in accordance with the provisions of chapter 54,
280 provided no such hearing shall be required if the commissioner
281 withdraws such proposed approval or determination.

282 Sec. 8. (NEW) (*Effective July 1, 2024*) (a) The Commissioner of
283 Developmental Services may transfer a person with intellectual
284 disability who receives residential care services from one public or state-
285 supported private residential facility to another when necessary and
286 desirable for such person's welfare, provided such person and such
287 person's legal representative receive written notice of their right to
288 object to such transfer not less than ten days prior to the proposed
289 transfer of such person from any such residential facility. Such prior
290 notice shall not be required when transfers are made between
291 residential units within the Southbury Training School or a regional
292 center. The notice required by this subsection shall provide such person
293 and such person's legal representative with information regarding the
294 person's right to object to such transfer, except in the case of an
295 emergency transfer or a transfer for a medical reason as provided in this
296 subsection, and shall include the name, address and telephone number
297 of the nonprofit entity designated by the Governor in accordance with
298 section 46a-10b of the general statutes to serve as the Connecticut
299 protection and advocacy system. In the event of an objection to the
300 proposed transfer, the commissioner shall conduct a hearing in
301 accordance with subsection (b) of this section and the transfer shall be
302 stayed pending final disposition of the hearing, provided no such
303 hearing shall be required if the commissioner withdraws such proposed
304 transfer. In the event of an emergency transfer or a transfer for a medical
305 reason, notification to such person or such person's legal representative
306 shall be given not later than ten days following the emergency transfer
307 or the transfer for a medical reason. Such notification shall include
308 information regarding the person's right to request a hearing in
309 accordance with subsection (b) of this section.

310 (b) Any person with intellectual disability who is eighteen years of
311 age or older and who resides at any residential facility operated by the
312 Department of Developmental Services, or the legal representative of

313 any person with intellectual disability who resides at any such
314 residential facility, may object to any proposed transfer, emergency
315 transfer or transfer for a medical reason of such person from one
316 residential facility to another for any reason or may request such a
317 transfer. In the event of any such objection or request, the commissioner
318 shall conduct a hearing on such transfer, provided no such hearing shall
319 be required if the commissioner withdraws such transfer proposal. In
320 any such transfer hearing, the proponent of a transfer shall have the
321 burden of showing, by clear and convincing evidence, that the transfer
322 is in the best interest of the resident who is being considered for transfer
323 or has been transferred and that the residential facility and programs to
324 which transfer is proposed or has been made (1) are safe and effectively
325 supervised and monitored, and (2) provide a greater opportunity for
326 personal development than the setting in which the resident presently
327 resides. Such hearing shall be conducted in accordance with the
328 provisions of chapter 54 of the general statutes.

329 (c) The commissioner may temporarily transfer any person residing
330 in a Department of Developmental Services public or state-supported
331 private residential facility if the commissioner determines there is an
332 emergency that exists in the residential facility that must be remedied
333 immediately, including, but not limited to, the residential facility is
334 rendered uninhabitable due to a natural disaster or utility malfunction
335 or concerns with the residential facility's staff's ability to temporarily
336 meet the needs of the individual residing there. The temporary transfer
337 shall remain in place for a period of not more than ninety days or until
338 rescinded by the commissioner. The commissioner shall provide any
339 person who is being temporarily transferred and such person's legal
340 representative, if any, with written notice of the temporary transfer. A
341 person's right to object to a temporary transfer and right to request a
342 hearing shall be stayed until the ninety-first day of the temporary
343 transfer. If a hearing is requested, such hearing shall be conducted in
344 accordance with subsection (b) of this section.

345 (d) During a public health emergency declared pursuant to section
346 19a-131a of the general statutes, the commissioner may request the

347 Governor to issue an executive order to allow the commissioner to
348 temporarily transfer any person residing in a Department of
349 Developmental Services public or state-supported private residential
350 facility to protect that person's health or safety. If the Governor issues
351 such executive order, the commissioner may make temporary transfers
352 at the request of a regional director. The commissioner shall provide any
353 person who is being temporarily transferred and that person's legal
354 representative, if any, with written notice of the temporary transfer. A
355 person's right to object to a temporary transfer and right to request a
356 hearing shall be stayed until the ninety-first day of the temporary
357 transfer. If a hearing is requested, such hearing shall be conducted in
358 accordance with subsection (b) of this section.

359 Sec. 9. (NEW) (*Effective from passage*) (a) As used in this section and
360 sections 17a-210 of the general statutes, as amended by this act, and 17a-
361 238 of the general statutes, as amended by this act, (1) "human rights
362 committee" means the committee in each Department of Developmental
363 Services service region and at the Southbury Training School that (A)
364 advises and makes recommendations to the regional and training school
365 directors and the Commissioner of Developmental Services on best
366 practices, and (B) addresses concerns and complaints on human rights
367 issues involving persons receiving services from the department,
368 including, but not limited to, those involving: (i) Aversive procedures,
369 (ii) restrictive interventions, (iii) intrusive programs or devices, (iv)
370 restitution, and (v) pre-sedation medication, (2) "department" means the
371 Department of Developmental Services, (3) "commissioner" means the
372 Commissioner of Developmental Services, (4) "regional director" means
373 the person appointed by the commissioner to be directly responsible for
374 the management of a service region of the department, and (5) "training
375 school director" means the person appointed by the commissioner to be
376 directly responsible for the management of the Southbury Training
377 School.

378 (b) There shall be, within each service region of the department and
379 at the Southbury Training School, a human rights committee, with
380 members appointed by the regional or training school director. The

381 commissioner shall establish uniform responsibilities and procedures
382 for each human rights committee in the state.

383 (c) The commissioner may adopt regulations, in accordance with the
384 provisions of chapter 54 of the general statutes, to implement the
385 provisions of this section.

386 Sec. 10. (NEW) (*Effective from passage*) (a) As used in this section and
387 sections 17a-210 of the general statutes, as amended by this act, and 17a-
388 238 of the general statutes, as amended by this act, (1) "program review
389 committee" means the committee in each Department of Developmental
390 Services service region and at the Southbury Training School that
391 advises the regional and training school directors and the Commissioner
392 of Developmental Services on best practices for reviewing plans that
393 include behavior support strategies, use of psychotropic and behavior
394 modifying medications and the use of restraints for each person who
395 receives services from the department, (2) "department" means the
396 Department of Developmental Services, (3) "commissioner" means the
397 Commissioner of Developmental Services, (4) "regional director" means
398 the person appointed by the commissioner to be directly responsible for
399 the management of a service region of the department, and (5) "training
400 school director" means the person appointed by the commissioner to be
401 directly responsible for the management of the Southbury Training
402 School.

403 (b) There shall be, within each service region of the department and
404 at the Southbury Training School, a program review committee, with
405 members appointed by the regional or training school director. The
406 commissioner shall establish uniform responsibilities and procedures
407 for each program review committee in the state.

408 (c) The commissioner may adopt regulations, in accordance with the
409 provisions of chapter 54 of the general statutes, to implement the
410 provisions of this section.

411 Sec. 11. Subsection (b) of section 17a-238 of the general statutes is
412 repealed and the following is substituted in lieu thereof (*Effective from*

413 *passage*):

414 (b) Each person placed or treated under the direction of the
415 Commissioner of Developmental Services in any public or private
416 facility shall be protected from harm and receive humane and dignified
417 treatment which is adequate for such person's needs and for the
418 development of such person's full potential at all times, with full respect
419 for such person's personal dignity and right to privacy consistent with
420 such person's treatment plan as determined by the commissioner. No
421 treatment plan or course of treatment for any person placed or treated
422 under the direction of the commissioner shall include the use of an
423 aversive device which has not been tested for safety and efficacy and
424 approved by the federal Food and Drug Administration, except [for]
425 any treatment plan or course of treatment including the use of such
426 devices [which] that was initiated prior to October 1, 1993. No treatment
427 plan or course of treatment prescribed for any person placed or treated
428 under the direction of the commissioner shall include the use of aversive
429 procedures except in accordance with recommendations from a regional
430 human rights committee and any procedures established by the
431 Commissioner of Developmental Services. For purposes of this
432 subsection, "aversive procedure" means the contingent use of an event
433 which may be unpleasant, noxious or otherwise cause discomfort to
434 alter the occurrence of a specific behavior or to protect an individual
435 from injuring himself or herself or others and may include the use of
436 physical isolation and mechanical and physical restraint. Nothing in this
437 subsection shall prohibit persons who are not placed or treated under
438 the direction of the Commissioner of Developmental Services from
439 independently pursuing and obtaining any treatment plan or course of
440 treatment as may otherwise be authorized by law. The commissioner
441 shall adopt regulations, in accordance with chapter 54, to carry out the
442 provisions of this subsection.

443 Sec. 12. Subsection (c) of section 17a-247b of the general statutes is
444 repealed and the following is substituted in lieu thereof (*Effective from*
445 *passage*):

446 (c) The department shall make information in the registry available
447 only to: (1) Authorized agencies, for the purpose of protective service
448 determinations; (2) employers who employ employees to provide
449 services to an individual who receives services or funding from the
450 department; (3) the Departments of Children and Families, Mental
451 Health and Addiction Services, Social Services and Administrative
452 Services and the Office of Labor Relations, for the purpose of
453 determining whether an applicant for employment with the
454 Departments of Children and Families, Developmental Services, Mental
455 Health and Addiction Services and Social Services appears on the
456 registry; or (4) charitable organizations that recruit volunteers to
457 support programs for persons with intellectual disability or autism
458 spectrum disorder, upon application to and approval by the
459 commissioner, for purposes of conducting background checks on such
460 volunteers.

461 Sec. 13. Section 17a-210a of the 2024 supplement to the general
462 statutes is repealed and the following is substituted in lieu thereof
463 (*Effective from passage*):

464 (a) There is established an independent [ombudsperson office] Office
465 of the Developmental Services Ombudsperson within the Department
466 of Developmental Services that is responsible for receiving and making
467 recommendations to the commissioner for resolving complaints
468 affecting individuals under the care or supervision of the department or
469 of any public or private agency with which the department has
470 contracted for the provision of services.

471 (b) The director of the [ombudsperson office] Office of the
472 Developmental Services Ombudsperson shall be appointed by the
473 Governor, with the approval of the General Assembly. Said director
474 shall be an elector of the state with expertise and experience in the fields
475 of developmental services and advocacy for the rights of the individuals
476 specified in subsection (a) of this section and shall be exempt from the
477 classified service.

478 (c) The Governor shall appoint the director of the [ombudsperson
479 office] Office of the Developmental Services Ombudsperson from a list
480 of candidates prepared and submitted to the Governor by the Council
481 on Developmental Services, established by section 17a-270. The
482 Governor shall notify the council of the pending expiration of the term
483 of an incumbent ombudsperson not less than ninety days prior to the
484 final day of the ombudsperson's term in office. If a vacancy occurs in the
485 position of ombudsperson, the Governor shall notify the council
486 immediately of the vacancy. The council shall meet to consider qualified
487 candidates for the position of ombudsperson and shall submit a list of
488 not more than five candidates to the Governor ranked in order of
489 preference, not more than sixty days after receiving notice from the
490 Governor of the pending expiration of the ombudsperson's term or the
491 occurrence of a vacancy. The Governor shall designate, not more than
492 sixty days after receipt of the list of candidates from the council, one
493 candidate from the list for the position of ombudsperson. If, after the list
494 is submitted to the Governor by the council, any candidate withdraws
495 from consideration, the Governor shall designate a candidate from those
496 remaining on the list. If the Governor fails to designate a candidate
497 within sixty days of receipt of the list from the council, the council shall
498 refer the candidate with the highest ranking on the list to the General
499 Assembly for confirmation. If the General Assembly is not in session at
500 the time of the Governor's or council's designation of a candidate, the
501 candidate shall serve as the acting ombudsperson until the General
502 Assembly meets and confirms the candidate as ombudsperson. A
503 candidate serving as acting ombudsperson shall be entitled to
504 compensation and have all the powers, duties and privileges of the
505 ombudsperson. An ombudsperson shall serve a term of four years, not
506 including any time served as acting ombudsperson, and may be
507 reappointed by the Governor or shall remain in the position until a
508 successor is appointed pursuant to this subsection. Although an
509 incumbent ombudsperson may be reappointed, the Governor shall also
510 consider additional candidates from a list submitted by the council as
511 provided in this section.

512 (d) The director of the [ombudsperson office] Office of the
513 Developmental Services Ombudsperson shall report monthly to the
514 Council on Developmental Services and, in accordance with the
515 provisions of section 11-4a, annually to the joint standing committee of
516 the General Assembly having cognizance of matters relating to public
517 health.

518 Sec. 14. Section 17b-352 of the general statutes is repealed and the
519 following is substituted in lieu thereof (*Effective from passage*):

520 (a) For the purposes of this section and section 17b-353, "facility"
521 means a residential facility for persons with intellectual disability
522 licensed pursuant to section 17a-277 and certified to participate in the
523 Title XIX Medicaid program as an intermediate care facility for
524 individuals with intellectual disabilities, a nursing home, rest home or
525 residential care home, as defined in section 19a-490. "Facility" does not
526 include a nursing home that does not participate in the Medicaid
527 program and is associated with a continuing care facility as described in
528 section 17b-520.

529 (b) Any facility which intends to (1) transfer all or part of its
530 ownership or control prior to being initially licensed; (2) introduce any
531 additional function or service into its program of care or expand an
532 existing function or service; (3) terminate a service or decrease
533 substantially its total licensed bed capacity; or (4) relocate all or a portion
534 of such facility's licensed beds, to a new facility or replacement facility,
535 shall submit a complete request for permission to implement such
536 transfer, addition, expansion, increase, termination, decrease or
537 relocation of facility beds to the Department of Social Services with such
538 information as the department requires, provided no permission or
539 request for permission to close a facility is required when a facility in
540 receivership is closed by order of the Superior Court pursuant to section
541 19a-545. The Commissioner of Social Services shall consider the criteria
542 in subdivisions (3) and (4) of subsection (a) of section 17b-354 when
543 evaluating a certificate of need request to relocate licensed nursing
544 facility beds from an existing facility to another licensed nursing facility

545 or to a new facility or replacement facility. The Office of the Long-Term
546 Care Ombudsman, [pursuant to section 17a-870] or, in the case of a
547 residential facility for persons with intellectual disability licensed
548 pursuant to section 17a-277, as described in subsection (a) of this section,
549 the Office of the Developmental Services Ombudsperson shall be
550 notified by the facility of any proposed actions pursuant to this
551 subsection at the same time the request for permission is submitted to
552 the department and when a facility in receivership is closed by order of
553 the Superior Court pursuant to section 19a-545.

554 (c) A facility may submit a petition for closure to the Department of
555 Social Services. The Department of Social Services may authorize the
556 closure of a facility if the facility's management demonstrates to the
557 satisfaction of the Commissioner of Social Services in the petition for
558 closure that the facility (1) is not viable based on actual and projected
559 operating losses; (2) has an occupancy rate of less than seventy per cent
560 of the facility's licensed bed capacity; (3) closure is consistent with the
561 strategic rebalancing plan developed in accordance with section 17b-
562 369, including bed need by geographical region; (4) is in compliance
563 with the requirements of Sections 1128I(h) and 1819(h)(4) of the Social
564 Security Act and 42 CFR 483.75; and (5) is not providing special services
565 that would go unmet if the facility closes. The department shall review
566 a petition for closure to the extent it deems necessary and the facility
567 shall submit information the department requests or deems necessary
568 to substantiate that the facility closure is consistent with the provisions
569 of this subsection. The facility shall submit information the department
570 requests or deems necessary to allow the department to provide
571 oversight during this process. The Office of the Long-Term Care
572 Ombudsman, or, in the case of a residential facility for persons with
573 intellectual disability licensed pursuant to section 17a-277, as described
574 in subsection (a) of this section, the Office of the Developmental Services
575 Ombudsperson shall be notified by the facility at the same time as a
576 petition for closure is submitted to the department. Any facility acting
577 pursuant to this subsection shall provide written notice, on the same
578 date that the facility submits its petition for closure, to all patients,

579 guardians or conservators, if any, or legally liable relatives or other
580 responsible parties, if known, and shall post such notice in a
581 conspicuous location at the facility. The facility's written notice shall be
582 accompanied by an informational letter issued jointly from the Office of
583 the Long-Term Care Ombudsman and the Department of
584 [Rehabilitation Services] Aging and Disability Services, or, in the case of
585 a residential facility for persons with intellectual disability licensed
586 pursuant to section 17a-277, as described in subsection (a) of this section,
587 the Office of the Developmental Services Ombudsperson and the
588 Department of Aging and Disability Services on patients' rights and
589 services available as they relate to the petition for closure. The
590 informational letter shall also state the date and time that the Office of
591 the Long-Term Care Ombudsman and the Department of Public Health,
592 or, in the case of a residential facility for persons with intellectual
593 disability licensed pursuant to section 17a-277, as described in
594 subsection (a) of this section, the Office of the Developmental Services
595 Ombudsperson and the Department of Public Health will hold an
596 informational session at the facility for patients, guardians or
597 conservators, if any, and legally liable relatives or other responsible
598 parties, if known, about their rights and the process concerning a
599 petition for closure. The notice shall state: (A) The date the facility
600 submitted the petition for closure, (B) that only the Department of Social
601 Services has the authority to either grant or deny the petition for closure,
602 (C) that the Department of Social Services has up to thirty days to grant
603 or deny the petition for closure, (D) a brief description of the reason or
604 reasons for submitting the petition for closure, (E) that no patient shall
605 be involuntarily transferred or discharged within or from a facility
606 pursuant to state and federal law because of the filing of a petition for
607 closure, (F) that all patients have a right to appeal any proposed transfer
608 or discharge, and (G) the name, mailing address and telephone number
609 of the Office of the Long-Term Care Ombudsman and local legal aid
610 office, or, in the case of a residential facility for persons with intellectual
611 disability licensed pursuant to section 17a-277, as described in
612 subsection (a) of this section, the Office of the Developmental Services
613 Ombudsperson and local legal aid office. The commissioner shall grant

614 or deny a petition for closure within thirty days of receiving such
615 request.

616 (d) An applicant, prior to submitting a certificate of need application,
617 shall request, in writing, application forms and instructions from the
618 department. The request shall include: (1) The name of the applicant or
619 applicants; (2) a statement indicating whether the application is for (A)
620 a new, additional, expanded or replacement facility, service or function
621 or relocation of facility beds, (B) a termination or reduction in a
622 presently authorized service or bed capacity, or (C) any new, additional
623 or terminated beds and their type; (3) the estimated capital cost; (4) the
624 town where the project is or will be located; and (5) a brief description
625 of the proposed project. Such request shall be deemed a letter of intent.
626 No certificate of need application shall be considered submitted to the
627 department unless a current letter of intent, specific to the proposal and
628 in accordance with the provisions of this subsection, has been on file
629 with the department for not less than ten business days. For purposes of
630 this subsection, "a current letter of intent" means a letter of intent on file
631 with the department for not more than one hundred eighty days. A
632 certificate of need application shall be deemed withdrawn by the
633 department, if a department completeness letter is not responded to
634 within one hundred eighty days. The Office of the Long-Term Care
635 Ombudsman, or, in the case of a residential facility for persons with
636 intellectual disability licensed pursuant to section 17a-277, as described
637 in subsection (a) of this section, the Office of the Developmental Services
638 Ombudsperson shall be notified by the facility at the same time as the
639 letter of intent is submitted to the department.

640 (e) Any facility acting pursuant to subdivision (3) of subsection (b) of
641 this section shall provide written notice, at the same time it submits its
642 letter of intent, to all patients, guardians or conservators, if any, or
643 legally liable relatives or other responsible parties, if known, and shall
644 post such notice in a conspicuous location at the facility. The facility's
645 written notice shall be accompanied by an informational letter issued
646 jointly from the Office of the Long-Term Care Ombudsman and the
647 Department of Aging and Disability Services, or, in the case of a

648 residential facility for persons with intellectual disability licensed
649 pursuant to section 17a-277, as described in subsection (a) of this section,
650 the Office of the Developmental Services Ombudsperson and the
651 Department of Aging and Disability Services on patients' rights and
652 services available as they relate to the letter of intent. The notice shall
653 state the following: (1) The projected date the facility will be submitting
654 its certificate of need application, (2) that only the Department of Social
655 Services has the authority to either grant, modify or deny the
656 application, (3) that the Department of Social Services has up to ninety
657 days to grant, modify or deny the certificate of need application, (4) a
658 brief description of the reason or reasons for submitting a request for
659 permission, (5) that no patient shall be involuntarily transferred or
660 discharged within or from a facility pursuant to state and federal law
661 because of the filing of the certificate of need application, (6) that all
662 patients have a right to appeal any proposed transfer or discharge, and
663 (7) the name, mailing address and telephone number of the Office of the
664 Long-Term Care Ombudsman and local legal aid office, or, in the case
665 of a residential facility for persons with intellectual disability licensed
666 pursuant to section 17a-277, as described in subsection (a) of this section,
667 the Office of the Developmental Services Ombudsperson and local legal
668 aid office.

669 (f) The Department of Social Services shall review a request made
670 pursuant to subsection (b) of this section to the extent it deems
671 necessary, including, but not limited to, in the case of a proposed
672 transfer of ownership or control prior to initial licensure, the financial
673 responsibility and business interests of the transferee and the ability of
674 the facility to continue to provide needed services, or in the case of the
675 addition or expansion of a function or service, ascertaining the
676 availability of the function or service at other facilities within the area to
677 be served, the need for the service or function within the area and any
678 other factors the department deems relevant to a determination of
679 whether the facility is justified in adding or expanding the function or
680 service. During the review, the department may hold an informal
681 conference with the facility to discuss the certificate of need application.

682 The Commissioner of Social Services shall grant, modify or deny the
683 request within ninety days of receipt thereof, except as otherwise
684 provided in this section. The commissioner may place conditions, as the
685 commissioner deems necessary to address specified concerns, on any
686 decision approving or modifying a request for a certificate of need filed
687 pursuant to this section. Conditions may include, but are not limited to,
688 project and Medicaid reimbursement details and applicant
689 requirements for summary and audit purposes. If the commissioner
690 modifies the request, the commissioner shall notify the facility of such
691 modification prior to issuing the decision and provide the applicant
692 with an opportunity for an informal conference to discuss the
693 modifications. Upon the request of the applicant, the review period may
694 be extended for an additional fifteen days if the department has
695 requested additional information subsequent to the commencement of
696 the commissioner's review period. The director of the office of certificate
697 of need and rate setting may extend the review period for a maximum
698 of thirty days if the applicant has not filed in a timely manner
699 information deemed necessary by the department. The applicant may
700 request and shall receive a hearing in accordance with section 4-177 if
701 aggrieved by a decision of the commissioner.

702 (g) The Commissioner of Social Services shall not approve any
703 requests for beds in residential facilities for persons with intellectual
704 disability which are licensed pursuant to section 17a-227 and are
705 certified to participate in the Title XIX Medicaid Program as
706 intermediate care facilities for individuals with intellectual disabilities,
707 except those beds necessary to implement the residential placement
708 goals of the Department of Developmental Services which are within
709 available appropriations.

710 (h) The Commissioner of Social Services shall adopt regulations, in
711 accordance with chapter 54, to implement the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

Sec. 2	<i>from passage</i>	20-120
Sec. 3	<i>October 1, 2024</i>	17a-249
Sec. 4	<i>from passage</i>	5-247(a)
Sec. 5	<i>from passage</i>	5-250(e)
Sec. 6	<i>from passage</i>	5-254(a)
Sec. 7	<i>July 1, 2024</i>	17a-210
Sec. 8	<i>July 1, 2024</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	17a-238(b)
Sec. 12	<i>from passage</i>	17a-247b(c)
Sec. 13	<i>from passage</i>	17a-210a
Sec. 14	<i>from passage</i>	17b-352

Statement of Purpose:

To (1) establish an Oral Health and Dental Services Unit within the Department of Developmental Services and permit provisionally licensed dentists to provide services with such unit, (2) require the Commissioner of Housing to administer the existing program that provides grants-in-aid for supportive housing for persons with an intellectual disability or other developmental disability and allow said commissioner to provide deferred loans under such program, (3) allow the department to hire more general workers employed by the department as self-advocates, (4) make revisions regarding transfers of individuals within residential facilities, (5) establish human rights and program review committees in each of the department's service regions and the Southbury Training School, (6) allow the Office of Labor Relations to access the department's abuse and neglect registry, and (7) establish an Office of the Developmental Services Ombudsperson and make various revisions to notification requirements of intermediate care facilities for persons with intellectual disability.

[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.]