



General Assembly

Amendment

February Session, 2024

LCO No. 3853



Offered by:

REP. MCCARTHY VAHEY, 133rd Dist.

SEN. ANWAR, 3rd Dist.

SEN. SOMERS, 18th Dist.

To: Subst. House Bill No. 5293

File No. 147

Cal. No. 126

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

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 17a-227 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

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

13 (b) The [commissioner] Commissioner of Developmental Services
14 shall adopt regulations, in accordance with the provisions of chapter 54,
15 to ensure the comfort, safety, adequate medical care and treatment of
16 such persons at the residential facilities described in subsection (a) of
17 this section. Such regulations shall include requirements that: (1) All
18 residential facility staff be certified in cardiopulmonary resuscitation in
19 a manner and time frame prescribed by the commissioner; (2) records of
20 staffing schedules and actual staff hours worked, by residential facility,
21 be available for inspection by the department upon advance notice; (3)
22 each residential facility develop and implement emergency plans and
23 staff training to address emergencies that may pose a threat to the health
24 and safety of the residents of the facility; (4) department staff verify
25 during quality service reviews and licensing inspections, that (A) staff
26 is adequately trained to respond in an emergency, and (B) a summary
27 of information on each resident is available to emergency medical
28 personnel for use in an emergency; (5) all residential facilities serving
29 persons with Down syndrome fifty years of age or older have at least
30 one staff member trained in Alzheimer's disease and dementia
31 symptoms and care; and (6) for community living arrangements, the
32 commissioner shall determine a minimum number of licensure-related
33 visits that are unannounced.

34 (c) After receiving an application and making such investigation as is
35 deemed necessary and after finding the specified requirements to have
36 been fulfilled, the department shall grant a license to such applicant to
37 operate a facility of the character described in such application, which
38 license shall specify the name of the person to have charge and the
39 location of each facility operated under the license. Any person, firm or
40 corporation aggrieved by any requirement of the regulations or by the
41 refusal to grant any license may request an administrative hearing in
42 accordance with the provisions of chapter 54. If the licensee of any such
43 facility desires to place in charge thereof a person other than the one
44 specified in the license, application shall be made to the Department of
45 Developmental Services, in the same manner as provided for the
46 original application, for permission to make such change. Such

47 application shall be acted upon not later than ten calendar days [from]
48 after the date of the filing of the application. Each such license shall be
49 renewed annually upon such terms as may be established by regulations
50 and may be revoked by the department upon proof that the facility for
51 which such license was issued is being improperly operated, or for the
52 violation of any of the provisions of this section or of the regulations
53 adopted pursuant to this section, provided the licensee shall first be
54 given a reasonable opportunity to be heard in reference to such
55 proposed revocation. Any person, firm or corporation aggrieved by
56 such revocation may request an administrative hearing in accordance
57 with the provisions of chapter 54. Each person, firm or corporation,
58 upon filing an application under the provisions of this section for a
59 license for a community living arrangement, shall pay to the State
60 Treasurer the sum of fifty dollars unless such fee is waived by the
61 commissioner.

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

77 (e) The department may contract with any person, firm or
78 corporation to provide residential support services for persons with
79 intellectual disability, Prader-Willi syndrome or autism spectrum
80 disorder who reside in settings [which] that are not licensed by the

81 department. The commissioner shall adopt regulations, in accordance
82 with the provisions of chapter 54, to ensure the safety, adequate
83 supervision and support of persons receiving such residential support
84 services.

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

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

| | | |
|---|---------------------|---------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Sec. 501 | <i>from passage</i> | 17a-227 |