

Office of Legislative Research
Connecticut General Assembly



OLR ACTS AFFECTING

PEOPLE WITH DISABILITIES



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NOTICE TO READERS

This report summarizes new laws affecting people of all ages with disabilities passed during the 2013 regular session.

We encourage readers to obtain the full text of acts that interest them from the Connecticut State Library, the House Clerk's Office, or the General Assembly's website: <http://www.cga.ct.gov/>.

Table of Contents

ALCOHOL AND DRUG DEPENDENCE 4
Counselor Training 4
Pilot Program to Assist Alcohol-Dependent Individuals..... 4

CASH ASSISTANCE AND RESIDENTIAL CARE HOMES 4
State Supplement to Supplemental Security Income and Residential
Care Home Rates 4

CRIMINAL JUSTICE AND PROBATE..... 5
Sexual Assault of a Physically Helpless Person..... 5
Conservatorships..... 5

EDUCATION 5
Blind and Visually Impaired Children 5

EMPLOYMENT 5
Assistive Technology 5
Americans with Disabilities Act and State Employees..... 6

HEALTH CARE..... 6
Autism 6
Medicaid Coverage 7
Advisory Council on Pediatric Mental Disorders 7

PUBLIC SAFETY..... 8
Parking..... 8

VETERANS..... 8
Tax Credits 8

**ALCOHOL AND DRUG
DEPENDENCE
*Counselor Training***

A new law reinstates a requirement that alcohol and drug counselor licensure applicants complete 360 hours of education that the Department of Public Health (DPH) commissioner approves. This must include at least 240 hours on the knowledge and skills associated with the practice of such counseling. A 2012 law had eliminated this requirement. The new law also requires applicants to have a master's degree in one of several specified fields, instead of any field. It grandfatheres people already licensed ([PA 13-283](#), effective upon passage).

***Pilot Program to Assist
Alcohol-Dependent Individuals***

Another new law requires the commissioner of mental health and addiction services to establish a pilot program to assist alcohol-dependent individuals discharged from hospitals in the New Haven region. The program must help these individuals find outpatient treatment services and community supports, including housing. It can be administered by a contracting entity ([PA 13-247](#), effective October 1, 2013).

**CASH ASSISTANCE AND
RESIDENTIAL CARE HOMES
*State Supplement to
Supplemental Security Income
and Residential Care Home
Rates***

For the first time in several years, the legislature approved in the budget a cost-of-living increase for people receiving State Supplement benefits. By law, the Department of Social Services (DSS) commissioner must increase the "payment standard" in the State Supplement program by the percentage increase in the Consumer Price Index for Urban Consumers, provided the total increase is no more than 5%. But the legislature has frozen these rates since FY 10. The FYs 14 and 15 budget, [PA 13-184](#), contains a 2.1% increase.

Another 2013 law allows DSS to increase a residential care home's State Supplement rate up to a limit the commissioner determines if (1) there are available appropriations and (2) the calculated rate the home should be getting based on the statutory and regulatory rate setting formulas is higher than the rate in effect on June 30, 2013 ([PA 13-234](#), § 73, effective July 1, 2013).

CRIMINAL JUSTICE AND PROBATE

Sexual Assault of a Physically Helpless Person

A new law adds to and updates certain factors for determining guilt in cases of 2nd and 4th degree sexual assault involving someone with a physical or mental disability. Specifically, it expands the definition of “physically helpless” to include someone physically unable to resist an act of sexual intercourse or sexual contact. Existing law includes within the definition someone who is unconscious or otherwise physically unable to communicate unwillingness to engage in the act. The state Supreme Court recently ruled that physical incapacity does not necessarily render someone physically helpless under that provision of the law ([PA 13-47](#), effective October 1, 2013).

Conservatorships

A new law makes a number of changes in the probate statutes, including several changes affecting conservatorship. For example, it (1) extends to people under voluntary conservatorship the law’s protections for involuntary conservatorship regarding placement in long-term care institutions and (2) provides that the rules of evidence apply in all conservatorship proceedings, not just hearings on

applications for involuntary conservatorship ([PA 13-81](#), effective October 1, 2013).

EDUCATION

Blind and Visually Impaired Children

Under a new law, local school districts can no longer get state money from the Department of Rehabilitation Services (DORS) “education aid for blind and visually impaired children account” to hire teachers of the blind and visually impaired for their blind and visually impaired students. DORS continues to provide its teachers to school districts for children needing these services. Also under the new law, any remaining money in this account will no longer be distributed to school districts on a 2:1 credit ratio of Braille-learning to non-Braille-learning students ([PA 13-234](#), § 70, effective July 1, 2013).

EMPLOYMENT

Assistive Technology

A new law increases the amount that DORS, within its available budget, may spend to purchase (1) wheelchairs and placement equipment, (from \$3,500 to \$20,000 per unit), and (2) adaptive equipment, including equipment to modify vehicles, (from \$10,000 to \$120,000 per unit). ([PA 13-234](#) makes an identical change in the law.)

This same law expands statewide the DORS program that provides vocational and training services to public school students ([PA 13-7](#), effective July 1, 2013).

Americans with Disabilities Act (ADA) and State Employees

Another new law revises the charge of the committee that encourages the state to employ people with disabilities. Previously, the committee advised state agencies directly on issues, including adaptation of employment exams and reasonable accommodation. Under the new law, the committee advises the state ADA coordinator if the coordinator asks for its advice.

This same act increases the committee membership with specific additions, and potentially increases it further by allowing each represented entity to have more than one representative on the committee. It also makes the ADA coordinator, rather than the administrative services (DAS) commissioner, the appointing authority. The ADA coordinator is currently the DAS commissioner ([PA 13-225](#), effective July 1, 2013).

HEALTH CARE

Autism

A 2013 law creates a 23-member Autism Spectrum Disorder Advisory Council to advise the Department of Developmental Services on autism issues. This council is a successor to an independent council previously established.

This law also limits to two, the number of consecutive terms members of the State Interagency Birth-to-Three Coordinating Council may serve, except when a successor has not been appointed. It also increases the council's membership by one by adding the state coordinators of early childhood special education and education for homeless children and youth in place of an unspecified State Department of Education representative ([PA 13-20](#), with the advisory council effective July 1, 2013 and the other provisions effective October 1, 2013).

Another new law requires certain health insurance policies to at least maintain current benefit levels for insured people diagnosed with autism spectrum disorder before the release of the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM). (The DSM was released on May 18, 2013.)([PA 13-84](#), effective upon passage).

Medicaid Coverage

The legislature directed DSS, by July 1, 2014, to (1) conduct a cost analysis of providing home care versus institutional care for Medicaid and HUSKY B recipients under age 19 and (2) recommend to the Human Services Committee other Medicaid waiver programs or state plan options the state could use to provide home care to these children and youth (SA 13-22, effective July 1, 2013).

Another new law removes a requirement that DSS request assessments that are done to determine whether a Medicaid recipient needs a customized wheelchair ([PA 13-234](#), § 85, effective upon passage).

The budget act establishes a newly named Medicaid coverage group, in conformance with the federal Affordable Care Act's requirement that the state provide Medicaid coverage to childless adults under age 65 with incomes under 133% of the federal poverty level beginning January 1, 2014. This law is expected to enable certain individuals with disabilities currently enrolled in a Medicaid coverage group that has a lower income limit to be moved into the new coverage group ([PA 13-184](#), effective July 1, 2013).

Advisory Council on Pediatric Mental Disorders

A new law establishes an advisory council on Pediatric Autoimmune Neuropsychiatric Disorder Associated with Streptococcal Infections (PANDAS) and Pediatric Acute Neuropsychiatric Syndrome (PANS) to advise the DPH commissioner on research, diagnosis, treatment, and education relating to these conditions. PANDAS includes cases of children and adolescents with obsessive compulsive disorder (OCD) or tic disorders whose symptoms worsen following streptococcal infections. PANS includes all cases of children and adolescents with abrupt onset OCD, not just those associated with such infections ([PA 13-187](#), effective July 1, 2013 for the advisory council and upon passage for the PANDAS and PANS council provisions).

Prescription Drugs— Elimination of ConnPACE

Beginning January 1, 2014, a new law eliminates the ConnPACE program, which provides prescription drug assistance to elders and individuals with disabilities who do not qualify for Medicare (thus they are ineligible for Medicare Part D prescription drug coverage)([PA 13-184](#), [PA 13-234](#), effective January 1, 2014).

PUBLIC SAFETY

Parking

A new law requires a municipal police officer to issue a warning or summons when the officer sees a vehicle illegally parked in a handicapped space. By law, only a motor vehicle displaying a handicapped number plate or placard may park in a space designated for people who are blind or have a disability ([PA 13-282](#), effective October 1, 2013).

VETERANS

Tax Credits

Another new law allows municipalities to increase the additional property tax exemption for “100% disabled” veterans with limited income (i.e., those with \$18,000 annually if single and \$21,000 if part of a married couple). Previously, municipalities could exempt up to \$6,000 in property (two times the \$3,000 base exemption offered to all disabled veterans). The act raises the exemption limit to \$9,000 for these individuals ([PA 13-224](#), effective October 1, 2013 and applicable to assessment years on and after that date).

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