



ACTS AFFECTING PEOPLE WITH DISABILITIES



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NOTICE TO READERS

This report summarizes laws passed during the 2016 regular and May special sessions affecting people with disabilities. In each summary, we indicate the public act (PA) number. Not all provisions of the acts are included.

Complete summaries of all 2016 Public Acts will be available on OLR's webpage: <http://www.cga.ct.gov/olr>.

Readers are encouraged 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/default.asp>).

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BEHAVIORAL HEALTH

Community-Based Services and School-Based Diversion Initiatives

By October 1, 2016, a new law requires the Court Support Services Division's (CSSD) executive director and the Department of Children and Families (DCF) commissioner to jointly develop a plan, for implementation by July 1, 2017, to provide community-based services to children diverted or released from juvenile detention.

The services may include assessment centers, intensive care coordination, and respite beds.

The new law also requires the State Department of Education, DCF, the Department of Mental Health and Addiction Services (DMHAS), and CSSD, by August 15, 2017, to develop a plan with cost options for school-based diversion initiatives to reduce juvenile justice involvement among children with mental health needs. The initiatives are for schools and districts with high rates of school-based arrests, disproportionate minority contact (i.e., a disproportionate number of minority group members coming into contact with the juvenile justice system), and a high number of juvenile justice referrals, as the SDE commissioner determines ([PA 16-147 §§ 5, 11](#), effective upon passage).

Council on Medical Assistance Program Oversight (MAPOC) Subcommittee on Children and Adults with Complex Health Needs

A new law establishes, within MAPOC, a standing subcommittee to (1) study and make recommendations on children and adults with complex health needs and (2) advise the council on the specific needs of these children and adults.

The subcommittee must also submit reports to the governor, MAPOC, and the Children's, Human Services, and Public Health committees on the efficacy of support systems for children and young adults age 21 or younger with developmental disabilities, with or without co-occurring mental health conditions ([PA 16-142](#), effective July 1, 2016).

Psychology Technicians

A new law allows psychology technicians with specified education and training to provide certain psychological testing services.

Under specified conditions, it allows these technicians to provide objective psychological and neuropsychological testing services under a psychologist's supervision and direction ([PA 16-66 § 27](#), effective October 1, 2016).

DRUG DEPENDENCE

HIV Laws

A new law changes certain laws related to HIV to conform to current public health practice and guidelines. For example, it requires the Department of Public Health (DPH) to establish needle and syringe exchange programs in any community impacted by HIV or hepatitis C, not just the three cities with the most HIV cases among injection drug users. It requires these programs only within available appropriations, and expands their service components ([PA 16-87](#), effective October 1, 2016).

Methadone Treatment in Nursing Homes

Previously, nursing home patients receiving methadone treatment for opioid addiction generally had to receive that treatment at a separate substance abuse treatment facility rather than in the nursing home. A new law allows these substance abuse treatment facilities to provide this treatment directly at nursing homes, subject to approval from the DPH commissioner. He may grant the request if he determines that it would not endanger the health, safety, or welfare of any patient ([PA 16-66, § 4](#), effective October 1, 2016).employment

Department of Rehabilitation Services (DORS) Employment Program

By law, DORS may receive state and federal funds to administer, within available appropriations, an

employment opportunities program for individuals with the most significant disabilities. Such individuals who do not meet the eligibility requirements for supported employment programs administered by DMHAS or the Department of Developmental Services (DDS) are already eligible for the program. A new law makes individuals who do not meet the eligibility requirements of supported employment programs administered by the Department of Social Services (DSS) also eligible for the DORS program. By law, "individuals with the most significant disabilities" include those who (1) have serious employment limitations in at least three functional areas or (2) require significant ongoing disability-related services on the job to maintain employment ([PA 16-3, May Special Session \(MSS\), § 60](#), effective July 1, 2016).

DORS Employment Workshops

A new law eliminates provisions allowing DORS, within available appropriations, to maintain and develop workshops to train and employ blind people to provide services and produce products used by state agencies and departments and municipalities. (According to DORS, the agency has not operated such workshops since 2003.) It also eliminates state employee health insurance eligibility for former workshop employees ([PA 16-118](#), effective October 1, 2016).

HEALTH SERVICES

Advanced Practice Registered Nurse (APRN) and Optometrist Certifications

Under a new law, APRNs may certify, sign, or otherwise document medical information in several situations that currently require a physician's documentation, including certifying a disability in several contexts. This new law also allows optometrists and APRNs to document vision-related information in a few situations that previously required a physician's documentation ([PA 16-39](#), most provisions effective October 1, 2016).

Autism Spectrum Disorder (ASD) Services

A new law makes DSS, rather than DDS, the lead agency for (1) coordinating functions of state agencies that are responsible for ASD services and (2) applying for funding associated with ASD responsibilities under federal law.

The law also moves the Division of ASD Services from DDS to DSS, but the DDS commissioner retains the authority to investigate reports alleging abuse or neglect of an individual receiving division services ([PA 16-3, MSS, §§ 47-59](#), effective July 1, 2016).

Firefighters Cancer Relief Program

A new law creates the firefighters cancer relief account and the firefighters cancer relief program to provide wage

replacement benefits to eligible paid and volunteer firefighters diagnosed with cancer. It establishes a new cancer relief subcommittee of the Connecticut State Firefighters Association to award benefits under the program.

The program provides wage replacement benefits for any condition of cancer affecting the brain, skin, skeletal system, digestive system, endocrine system, respiratory system, lymphatic system, reproductive system, urinary system or hematological system that results in death, or temporary or permanent total or partial disability if the firefighter meets certain conditions.

The new law specifically excludes firefighters who receive benefits from the account from concurrently receiving unemployment or workers' compensation benefits or any other municipal, state, or federal wage replacement benefits ([PA 16-10](#), effective February 1, 2017).

Medical Marijuana

This session, the legislature enacted several changes to the state's medical marijuana program. [PA 16-23](#) expands the program to include patients who are minors. To qualify, the minor must have a qualifying debilitating medical condition, such as severe epilepsy.

In addition to other requirements, a parent or other person with legal custody must consent and provide a letter from the child's primary care

provider and a physician confirming that palliative marijuana use is in the child's best interest.

The new law also (1) expands the list of qualifying debilitating conditions for adults and (2) allows the consumer protection commissioner to approve medical marijuana research programs.

Another new law ([PA 16-39](#)) allows APRNs, rather than just physicians, to certify patients for medical marijuana use ([PA 16-23](#), effective October 1, 2016; [PA 16-39](#), provisions concerning marijuana are effective January 1, 2017).

HOUSING

Renters' Rebate Program Grants

A new law requires the Office of Policy and Management to reduce Renters' Rebate Program grants, as necessary, to keep within available appropriations. Any such reductions must be implemented by a percentage reduction to all grants. The program provides grants to qualified low-income renters who are elderly or totally disabled, based on their income and rent and utility expenses ([PA 16-3](#), [MSS, § 82](#), effective July 1, 2016).

Security Deposits

A new law requires housing authorities, community housing development corporations, and other corporations providing state-assisted public housing to the elderly and individuals with disabilities to allow

these tenants to pay security deposits in installments, under a written agreement. It specifies that it does not prohibit a housing authority or corporation from waiving a security deposit requirement or extending installments beyond 12 months.

The new law also requires housing authorities and the corporations noted above to return security deposits to elders and individuals with disabilities when the tenancy terminates instead of after the tenant has lived in the housing for one year ([PA 16-74](#), effective October 1, 2016, and applicable to any tenant who first commenced occupancy on or after October 1, 2016).

Temporary Health Care Structures Zoning Task Force

A new law establishes a task force to study the zoning of temporary health care structures and develop a model zoning ordinance for them. A "temporary health care structure" is a transportable residential structure that (1) provides an environment in which a caregiver may provide care for a mentally or physically impaired person, (2) is primarily assembled at a location other than its installation site, (3) is limited to one occupant who is mentally or physically impaired, (4) is no larger than 300 gross square feet, and (5) complies with the building and fire safety codes.

The task force must submit its findings and recommendations by January 1, 2017 to the Aging

Committee, the Department on Aging, and the Connecticut Chapter of the American Planning Association ([SA 16-5](#), effective from passage).

MISCELLANEOUS

Achieving a Better Life Experience Accounts

By January 1, 2017, a new law requires the treasurer, within available appropriations and in consultation with the Department of Revenue Services, to report to the Banking Committee on:

1. a way to convert an education savings plan (such as a Connecticut Higher Education Trust (CHET) account) into an Achieving a Better Life Experience (ABLE) account and
2. any appropriations or statutory changes needed to ensure the successful operation of the ABLE program.

By law, the treasurer must establish a federally qualified ABLE program and administer individual ABLE accounts to encourage and help eligible individuals and families save private funds to pay for qualifying expenses related to disability or blindness. Funds saved through the program are generally exempt from local, state, and federal taxation ([PA 16-65, § 72](#), effective upon passage).

Educational Aid for Blind and Visually Impaired Children

A new law allows, rather than requires, DORS to use funds appropriated to its Educational Aid for the Blind and Visually Handicapped Children account to provide the following for blind or visually impaired children: (1) specialized books, materials, equipment, and supplies; (2) adaptive technology services and devices; (3) specialist examinations and aids; and (4) preschool programs and vision-related independent living services, excluding primary education placement. Prior law required DORS to spend funds appropriated to the account on these supplies, services, and programs first, before spending funds in other ways allowed by law (e.g., to pay for teaching services). The new law removes this requirement ([PA 16-3, MSS, § 80](#), effective July 1, 2016).

Information for Individuals with Intellectual or Developmental Disabilities

A new law allows an individual determined by DDS to be eligible for DDS funding or services, or his or her legal guardian or representative, to request from DDS a copy of (1) the individual's priority status for residential services, (2) the request for funding or services submitted to the regional planning and resource allocation team, and (3) any decision the team makes on the request.

Additionally, if the individual receives annual funding or services from DDS, he or she, or his or her guardian or representative, may request a copy of his or her individualized service plan and level of need assessment. DDS must furnish any copies requested under the new law.

By law, the DDS commissioner must appoint at least one regional advisory council for each state developmental services region it operates. The new law requires the DDS commissioner, at least annually, to provide to individuals who receive annual DDS funding or services or their guardians or representatives, information about (1) the respective regional advisory council's statutory responsibilities and (2) how to access information about the council's meetings. ([PA 16-60](#), effective upon passage).

Office of Protection and Advocacy for Persons with Disabilities

A recent federal report raised concerns about the Office of Protection and Advocacy for Persons with Disabilities (OPA) functioning as a state agency instead of an independent entity. To address these concerns, a new law eliminates OPA and the Board of Advocacy and Protection for Persons with Disabilities within the executive branch. It instead establishes the Connecticut protection and advocacy system, a nonprofit entity the governor must designate, by July 1, 2017, to

serve as the state's protection and advocacy system and client assistance program ([PA 16-66 §§ 47-50](#), effective upon passage, except that the provision eliminating OPA and the board takes effect July 1, 2017).

Symbol of Access for People with Disabilities

A new law requires the administrative services commissioner, by January 1, 2017, to promulgate a policy and adopt regulations designating a new symbol of access for people with disabilities. The symbol, which replaces the international access symbol, must (1) depict a logo with a dynamic character leaning forward with a sense of movement, be readily identifiable, and be simply designed with no secondary meaning and (2) provide for the equivalent facilitation and accessibility as the international access symbol.

Among other things, the law also replaces the international access symbol with the new symbol (1) in the state building code; (2) in all buildings and structures constructed, substantially renovated, or expanded on or after January 1, 2017; (3) on special license plates and temporary windshield placards for people with disabilities; and (4) on parking space signs for such individuals that are repaired, replaced, or erected on and after January 1, 2017

([PA 16-78](#), effective upon passage, except that provisions concerning license plates, placards, and parking spaces are effective January 1, 2017).

PROBATE COURT

Conservator Laws

A new law expands the types of entities that may serve as a conservator of an estate or person by allowing for-profit or nonprofit limited liability companies, partnerships, or other entities recognized under state law to serve in these roles.

The new law also makes other changes affecting persons under conservatorship or voluntary representation. For example, under existing law, a person under conservatorship may waive the right to certain required hearings if his or her attorney consults with the person and files with the court a record of the waiver. The waiver must represent the person's wishes. The new law similarly allows such a waiver for a person under voluntary representation who does not have an attorney. The court must hold a hearing to determine whether the waiver represents the person's wishes ([PA 16-7](#), effective October 1, 2016).

Guardian Appointments

A new law expands the types of entities that the probate court may appoint as guardians for adults with intellectual disabilities to include, in addition to private, nonprofit corporations authorized under current

law, (1) for-profit corporations, (2) limited liability companies, (3) partnerships, and (4) other state-recognized nonprofit or for-profit entities. The new law also makes several changes regarding the confidentiality of documents in guardianship cases ([PA 16-49](#), effective October 1, 2016).

Inheritance Rights of Certain Defendants Found Not Guilty by "Mental Disease or Defect"

Existing law prohibits defendants found guilty of certain crimes from inheriting or receiving part of the victim's estate or receiving life insurance or annuity benefits from the victim. A new law extends these prohibitions to defendants found not guilty "by reason of mental disease or defect." It also adds two crimes to those covered by the prohibitions: 2nd degree manslaughter and 2nd degree manslaughter with a firearm ([PA 16-168](#), effective October 1, 2016).

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