



Acts Affecting People with Disabilities

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Notice to Readers

This report summarizes laws passed during the 2017 regular session 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 2017 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>).

For purposes of brevity, this report uses the following acronyms for state agencies:

- DCF (Department of Children and Families)
- DDS (Department of Developmental Services)
- DOH (Department of Housing)
- DPH (Department of Public Health)
- DMHAS (Department of Mental Health and Addiction Services)
- DSS (Department of Social Services)
- OPA (Office of Protection and Advocacy)

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Abuse and Neglect

DDS Abuse and Neglect Registry

By law, DDS maintains a registry of the names of any person fired from his or her job because of a substantiated abuse complaint against him or her. These are people who were employed by DDS, or an agency, organization, or individual who DDS licenses or funds. By law, the information is available only to certain agencies and employers for purposes specified in law. Previously, the information was available to DSS' Division of Autism Spectrum Disorder Services for protective services determinations. A new law instead makes the information available to DSS for purposes of determining whether a job applicant appears on the registry ([PA 17-96, \(§ 12\)](#), effective upon passage).

DDS Investigations

By law, the DDS commissioner may investigate reports of abuse or neglect of adults, ages 18 to 60, with autism spectrum disorder receiving services from DSS' Division of Autism Spectrum Disorder Services. A new law authorizes the DDS commissioner to designate someone to conduct these investigations.

Upon completing the investigation, existing law requires the DDS commissioner to prepare written findings, including a determination whether abuse or neglect occurred. The new law permits, instead of requires, the report to also include recommendations on whether protective services are needed. Additionally, it requires DDS to provide the DSS commissioner with an evaluation of any investigation involving a person who receives division services ([PA 17-96, \(§§ 11-13\)](#), effective July 1, 2017).

Harassment of a Guide or Assistance Dog or Handler

A new law makes it a class C misdemeanor, punishable by up to three months in prison, up to a \$500 fine, or both, to intentionally interfere with a blind, deaf, or mobility impaired person's use of a guide or assistance dog. The punishable actions include intentionally harassing or annoying a (1) blind, deaf, or mobility impaired person; (2) guide or assistance dog that accompanies such person; or (3) person training a dog as a guide or assistance dog ([PA 17-102](#), effective October 1, 2017).

Accessibility

Designated Parking Spots

By law, parking spaces designated for passenger cars and vans for people who are blind or living with a disability must be as near as possible to building entrances or walkways. Spaces for passenger cars must be 15 feet wide, including five feet of cross hatch; spaces for passenger vans must be 16 feet wide, including eight feet of cross hatch.

Starting October 1, 2017, a new law reinstates a requirement that, alternatively, these parking spaces may be parallel to sidewalks on public highways, as the law required for these spaces before October 1, 2004. As under existing law, these spaces must be designated by signs with specific wording and symbols ([PA 17-230, \(§ 4\)](#), effective October 1, 2017).

Parking Placards for Veterans with Post-Traumatic Stress Disorder (PTSD)

Under a new law, veterans with PTSD have an additional option to receive authorization for a removable windshield placard for people with disabilities. It allows an applicant to provide certification from a U.S. Department of Veterans Affairs (VA) psychiatrist that he or she (1) is a veteran who has service-connected PTSD and (2) meets the federal definition of a person with a disability that limits or impairs the ability to walk. As under existing law, an applicant for a placard may also submit a certification from a licensed physician, physician's assistant, or nurse practitioner that the applicant meets that federal definition ([PA 17-79, \(§ 23\)](#), effective upon passage).

Polling Places

By law, a town's registrar of voters or legislative body must select polling places that are accessible to people with physical disabilities. If no such site is available that can reasonably be made accessible, the registrar or legislative body may file a waiver application with the secretary of the state (SOTS).

A new law requires the town's building official, instead of OPA, to approve the waiver application and file a copy of the approval with SOTS. Under prior law, the secretary of the state had to refer the application to OPA for review within seven days of receiving it. OPA was required to inform her of its approval or disapproval within 30 days after receiving it. The new law instead requires the secretary, within 30 days after the application is filed, to file a written objection to the waiver if she has reason to believe it should not be granted ([PA 17-96, \(§ 4\)](#), effective July 1, 2017).

Advocacy and Language

Office of Protection and Advocacy

[PA 16-66](#) eliminated OPA and the Board of Advocacy and Protection for Persons with Disabilities. It instead established a nonprofit entity (Disability Rights Connecticut, Inc. (DRC)) to serve as the state's protection and advocacy system and client assistance program for people with disabilities starting July 1, 2017. It also transferred OPA's investigatory responsibilities to the Department of Rehabilitation Services.

A new law effectuates OPA's elimination by removing numerous statutory references to the office and transferring various responsibilities from OPA to DRC. Among other things, the law requires (1) OPA to transfer closed case files to the Office of Policy and Management for retention and destruction and notify former clients affected by the file transfers and (2) DRC to annually report to the governor on the status of services for persons with disabilities, its operation, and administrative and legislative recommendations ([PA 17-96](#), various effective dates).

“Person First” Language

A new law generally updates terminology to use “person first” language in various statutes relating to older adults and individuals with disabilities. Among other things, it substitutes the terms “persons with disabilities” for “handicapped persons,” “deaf and hard of hearing” for “hearing impaired,” and “older person” for “elderly person.”

Additionally, the new law (1) designates the month, instead of the first week, of each October as “Disability Employment Awareness Month” and (2) renames the “Board of Education and Services for the Blind (BESB)” the “Advisory Board for Persons Who are Blind or Visually Impaired” ([PA 17-202](#), effective October 1, 2017).

Employment

Extended Work Hours for Older Adults and Persons with Disabilities

A new law removes certain limitations on employees working extended hours in manufacturing, mechanical, or mercantile establishments; restaurants; and various other settings if they are (1) age 66 or older, (2) designated by a medical or government authority as handicapped, or (3) a disabled veteran. Previously, disabled veterans and those individuals designated as handicapped could only work hours that exceeded state limits with their consent and written certification from a licensed physician or advanced practice registered nurse that doing so would not injure their health. The new law eliminates these requirements.

The new law retains the extended work hour limits for individuals under age 18 who are not enrolled in and graduated from a secondary education institution (e.g., high school). Existing law generally applies stricter limits to individuals under age 18 who are enrolled in such an institution ([PA 17-202, \(§ 81\)](#), effective October 1, 2017).

Housing and Home Care

Home Health Care Registries

A new law requires, absent an emergency, homemaker-companion service registries to give consumers a written, legal liability notice before commencing services, rather than within four days after supplying, referring, or placing an individual homemaker or companion with a consumer. In an emergency, prior law's four-day deadline applies, but the registry must detail the emergency on a form and have it signed by the consumer or his or her representative ([PA 17-53](#), effective October 1, 2017).

Renters' Rebate Program

The renters' rebate program provides a reimbursement for Connecticut renters who are elderly or living with a disability and meet income qualifications. A new law adjusts the program's payment schedule by delaying, by 15 days, the date by which the Office of Policy and Management (OPM) must approve applications, and eliminating the requirement that OPM approve payments within 120 days of receiving applications ([PA 17-222](#), effective July 1, 2017).

Social Work In-Home Support Program

A new law renames DSS' community-based services program as the "Social Work In-Home Support" program. The program, which is funded through a federal block grant, provides non-medical home care services to adults, ages 18 through 64, who have physical and mental disabilities. The new law makes anyone participating in a Medicaid home- and community-based services program ineligible for the Social Work In-Home Support program unless a particular service is not otherwise available under the Medicaid program ([PA 17-20](#), effective July 1, 2017).

Study of Projects Serving Individuals with Disabilities

A new law requires DOH, together with other relevant agencies, to study three state-funded housing projects serving both elderly individuals and nonelderly individuals with disabilities and report its findings by March 1, 2018 to the legislature. The study must look at several issues related to

co-housing these populations, including the difference in rent paid by each population, incidents involving both populations that led to evictions, and available and needed support services ([SA 17-19](#), effective upon passage).

Temporary Health Care Structures

A new law seeks to provide families and caregivers with the option of installing temporary health care structures on residential property as a way to keep seniors and people with disabilities in their communities while receiving care. It does so by establishing conditions under which property owners may place these structures on residential property to care for qualifying individuals. It prohibits municipal zoning regulations from barring such structures unless the municipality follows a specified process to opt out of the requirements ([PA 17-155](#), effective October 1, 2017).

Facilities

Residential Waiting List for Individuals with Intellectual Disabilities

A new law makes various changes affecting DDS and individuals with intellectual disability. For example, the act requires the DDS commissioner to (1) maintain one statewide, comprehensive residential waiting list for individuals with intellectual disability and update the list at least quarterly (conforming to existing practice); (2) starting by August 1, 2018, and in consultation with the individual and his or her legal representative if applicable, annually assess the future residential funding or service needs for certain individuals with intellectual disability; and (3) starting by December 1, 2018, annually review the residential waiting list with the DDS regional advisory and planning councils and the Council on Developmental Services.

Among other things, the act also specifically allows the DDS commissioner, in collaboration with the Office of Policy and Management secretary and social services commissioner, to organize and participate in an Intellectual Disability Partnership ([PA 17-61](#), effective July 1, 2018, except provisions on the partnership are effective upon passage).

Transferring Patients under Psychiatric Security Review Board Jurisdiction for Medical Treatment

A new law codifies existing practice by allowing DMHAS to transfer an “acquittee” (i.e., a person found not guilty of a crime by reason of mental disease or defect) from maximum security confinement to another facility (e.g., hospital or emergency department) for medical treatment. DMHAS may do this only if the acquittee requires medical treatment that either is unavailable in the maximum security setting or would pose a safety hazard due to the use of certain medical equipment or materials ([PA 17-179](#), effective October 1, 2017).

Infants, Children, and Youth

DPH Equipment Purchases for Children With Disabilities

A new law allows DPH, or the department's contractor, to purchase medically necessary and appropriate durable medical equipment and other DPH-approved goods and services for children with disabilities. Services must be identical to those goods and services covered under the state's Medicaid and HUSKY programs and payment cannot exceed the Medicaid payment rate for these goods and services.

Prior law allowed DPH to purchase, within available appropriations, wheelchairs and placement equipment for children with disabilities without going through the Department of Administrative Services' normal purchasing procedures, provided (1) the cost of an individual item did not exceed \$6,500 and (2) purchases were made on the open market and, when possible, through competitive bidding ([PA 17-202, \(§ 73\)](#), effective October 1, 2017 and [PA 17-146, \(§ 12\)](#), effective October 1, 2017).

High Risk Newborns

A new law requires the DCF commissioner to implement policies and procedures in accordance with federal law to secure the health, safety, and well-being of infants identified at birth as being affected by drug abuse, withdrawal symptoms related to prenatal drug or alcohol exposure, or fetal alcohol spectrum disorder.

The policies and procedures must advance these infants' best interests and include (1) securing substance use treatment for the infants, their mothers, and other caregivers and (2) ensuring that the infants grow up in substance-use-free homes ([PA 17-210](#), effective upon passage).

Police Training on Juveniles with Autism Spectrum Disorder

Beginning January 1, 2018, a new law requires police training to include techniques for handling incidents, such as wandering, that involve juveniles with autism spectrum disorder or nonverbal learning disorder, provided the curriculum for such techniques is available at no cost to the State Police from (1) higher education institutions, health care professionals, or advocacy organizations concerned with juveniles who have these disorders or (2) a collaboration of such institutions, professionals, or organizations ([PA 17-166](#), effective October 1, 2017).

Student Transportation Vehicle (STV) Signs and Community-Based Transition Programs

Prior law required all STVs to display a sign that reads “Carrying School Children” while transporting students to or from school or school activities. The act exempts from this requirement any STV that transports students who are (1) between ages 18 and 21 and (2) participating in community-based transition services as part of an individualized education program. STVs are any vehicle, other than a school bus, that is used to transport students (i.e., anyone under age 21 who is attending school) to or from school, school programs, or school-sponsored events ([PA 17-79, \(§ 16\)](#), effective July 1, 2017).

Medical Orders and Other Documents

Decision-Making Documents and Power of Attorney

A new law establishes the "Connecticut Uniform Recognition of Substitute Decision-Making Documents Act" and makes it applicable to any substitute decision-making document created before, on, or after October 1, 2017. Under the act, a “substitute decision-making document” is a record created by an individual to authorize a decision maker to act for the individual with respect to property, health, or personal care.

The new law also revises the Uniform Power of Attorney Act by, among other things, broadening the list of activities that require a power of attorney's specific grant of authority ([PA 17-91](#), effective July 1, 2017 for the power of attorney provisions; October 1, 2017 for the substitute decision-making provisions).

Do Not Resuscitate (DNR) Orders

A new law adds a statutory definition of “do not resuscitate” or “DNR” orders, specifying in statute what treatment may be withheld under a DNR order. Existing law requires DPH to adopt regulations for the recognition and transfer of DNR orders. The new law defines a DNR order as an order written by a licensed physician or advanced practice registered nurse for a particular patient to withhold (1) cardiopulmonary resuscitation (CPR), including chest compressions, defibrillation, or breathing, or (2) ventilation by any assistive or mechanical means, such as mouth-to-mouth, bag-valve mask, endotracheal tube, or ventilator ([PA 17-146, \(§ 6\)](#), effective October 1, 2017).

Medical Orders for Life-Sustaining Treatment (MOLST) Program

By law, DPH is currently operating a MOLST pilot program, scheduled to end in October 2017. A new law requires DPH to establish a statewide MOLST program. As under the pilot program, patient participation must be voluntary. The act also (1) requires the DPH commissioner to adopt regulations to implement the statewide program and (2) establishes, within available appropriations, a MOLST advisory council consisting of health care providers, public health professionals, and consumer advocates.

Under the act, a MOLST is a medical order written by a physician, advanced practice registered nurse (APRN), or physician assistant to effectuate a patient's request for life-sustaining treatment when a physician or APRN has determined the patient is approaching the end stage of a serious, life-limiting illness or is in a condition of advanced, chronic progressive frailty ([PA 17-70](#), effective October 1, 2017).

Mental and Behavioral Health

Elimination of Notification Requirement for Certain Health Professionals

A new law eliminates the requirement for a health care professional to notify DPH if he or she is diagnosed with a mental illness or behavioral or emotional disorder ([PA 17-178](#), effective October 1, 2017).

Income Tax Refund Contributions to Mental Health Programs and Services

A new law allows taxpayers to support mental health programs and services by contributing a portion of their income tax returns to a separate General Fund account dedicated exclusively for that purpose (i.e., "Mental Health Community Investment Account). The mental health and addiction services commissioner allocates funds in the account for these programs in consultation with nonprofit mental health organizations ([PA 17-147, \(§§ 42 & 43\)](#), effective July 1, 2017).

Miscellaneous

ABLE Accounts

A new law allows the state treasurer to contract with another state to provide Connecticut residents with access to federally qualified Achieving a Better Life Experience (ABLE) accounts. The act also removes certain residency requirements for designated beneficiaries of ABLE accounts ([PA 17-124](#), effective October 1, 2017, except changes regarding designated beneficiaries and certain minor and technical changes take effect upon passage).

Assault of a Health Care Employee

Under existing law, there is a specific crime of assault of a health care employee. A defendant may claim as a defense that he or she has a mental, physical, or intellectual disability and the conduct was a clear and direct manifestation of the disability.

A new law made two changes to this defense. First, it provides that the defense is an affirmative defense (and thus, a defendant has the burden to establish the defense by a preponderance of the evidence). Second, the act provides that an abnormality manifested only by repeated criminal or antisocial conduct is not a qualifying mental disability for purposes of this defense ([PA 17-216 \(§ 3\)](#), effective October 1, 2017).

DDS-Related Statutes

A new law makes minor changes to DDS-related statutes, including replacing the Council on Developmental Services member who has autism spectrum disorder with a relative or guardian of a person with an intellectual disability ([PA 17-9](#), effective October 1, 2017).

HIV Laws

A new law makes various changes to HIV-related laws, including (1) changing the time frames for testing pregnant women for syphilis and HIV; (2) renaming needle and syringe exchange programs as “syringe services programs” to conform to existing practice, and making various changes to such programs; (3) narrowing the list of topics that must be addressed in counseling that providers ordering HIV tests must offer to patients as needed; and (4) repealing a provision that allowed patients to refuse to receive an HIV test result ([PA 17-6](#), effective July 1, 2017, except a conforming change is effective October 1, 2017).

Innovation Incentive Program for Nonprofit Providers

A new law allows the Office of Policy and Management (OPM) secretary to establish an incentive program for human services providers that (1) have state contracts of no more than \$1 million and (2) provide direct services to no more than 150 people enrolled in state-funded assistance programs in specific geographic regions of the state. Under the new law, such programs include those that provide services to individuals with intellectual, physical, or mental disabilities, or autism spectrum disorder. The incentive program may allow providers to keep a portion of any savings they realize from the contracted cost of services under certain circumstances ([PA 17-122](#), effective July 1, 2017).

Probate Court

Asset Management by Guardians

A new law allows a guardian of a person with intellectual disability (i.e., a protected person) to manage the protected person's assets if the value does not exceed \$10,000. Under prior law, guardians were not allowed to assist a protected person with his or her finances. The new law creates a process by which a guardian may seek authority to manage a protected person's finances ([PA 17-136, \(§§ 18-20\)](#), effective January 1, 2018).

Conservator Accountability

By law, a “conservator of the estate” is generally a person appointed by the probate court to supervise the financial affairs of someone (1) found to be incapable of managing his or her own affairs or (2) who voluntarily asks the court to make such an appointment, including temporary conservators.

A new law (1) authorizes the probate court administrator to audit an account of a conservator of the estate, (2) establishes processes for the probate court, probate court administrator, and court-appointed conservator related to such audits, and (3) requires the probate court administrator, in consultation with the Connecticut Probate Assembly, to adopt standards of practice to guide all court-appointed conservators in performing their duties ([PA 17-7](#), various effective dates).

Court Ordered DDS Placements

By law, any interested party may file a petition with the probate court to place a person with intellectual disability with DDS for placement in the least restrictive, appropriate setting. Under prior law, the petition and related probate court records, except for the name of the respondent's guardian, were sealed and only available to the respondent, his or her counsel or guardian, and

DDS. A new law additionally makes the records available to the Office of the Probate Court Administrator and other parties to the case and their counsel. Under the new law, if the court appoints a legal representative, the names of the representative and the protected person are public. The new law also makes minor changes affecting notice requirements for related hearings and the process for finding such residential placements ([PA 17-96, \(§§ 15 & 16\)](#), effective July 1, 2017).

Larceny of Conserved Person

By law, there are six degrees of larceny. The penalties vary from a class C misdemeanor to a class B felony, generally based on the value of the property taken illegally. Under a new law, it is 2nd degree larceny (a class C felony, punishable by up to 10 years in prison, up to a \$10,000 fine, or both) to take property by embezzlement, false pretenses, or false promise from a conserved person (i.e., someone for whom a probate court has appointed a conservator of the estate or conservator of the person) ([PA 17-87, \(§ 5\)](#), effective October 1, 2017).

Structured Settlement Liquidation

A new law gives the probate court jurisdiction over proceedings to liquidate structured settlements (i.e., a lawsuit settlement that is paid out in periodic payments rather than a lump sum) in cases that involve people under conservatorship or guardianship. A recipient of a structured settlement, or such person's guardian or conservator, may transfer the right to receive periodic payments to a third party (transferee) in return for a lump sum cash payment. Under the new law, a transferee seeking to have a court-appointed conservator or guardian transfer structured settlement payment rights in return for a lump sum cash payment must apply for approval in the probate court with jurisdiction over the conservator or guardian ([PA 17-136, \(§ 16\)](#), effective January 1, 2018).

Substance Use

Alcohol and Drug Counselors

A new law specifies that a licensed alcohol and drug counselor may provide counseling services to a person diagnosed with a co-occurring mental health conditions other than alcohol and drug dependency if such counseling is within the licensee's scope of practice ([PA 17-146, \(§ 22\)](#), effective upon passage).

Insurance Coverage for Substance Use Disorder

A new law requires certain individual and group health insurance policies to cover medically necessary (1) medically monitored inpatient detoxification services and (2) medically managed intensive inpatient detoxification services for insureds or enrollees who have been diagnosed with a substance use disorder.

Under the law, “medical monitored inpatient detoxification” and “medically managed intensive inpatient detoxification” are defined in the same way as in the most recent edition of the American Society of Addiction Medicine Treatment Criteria for Addictive, Substance-Related and Co-Occurring Conditions ([PA 17-131, \(§§ 8 & 9\)](#), effective January 1, 2018).

Substance Abuse Treatment Facility Admissions

A new law requires an alcohol or drug treatment facility to use admissions criteria developed by the American Society of Addiction Medicine to assess whether to admit a person to the facility based on the services the facility is licensed to provide and the appropriate services required to treat the person ([PA 17-131, \(§ 10\)](#), effective July 1, 2017).

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