

Public Health Committee JOINT FAVORABLE REPORT

Bill No.: HB-7156

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

Title: DEVELOPMENTAL SERVICES STATUTES.

Vote Date: 3/12/2025

Vote Action: Joint Favorable Substitute

PH Date: 3/10/2025

File No.:

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SPONSORS OF BILL:

The Public Health Committee.

REASONS FOR BILL:

Proposed by the Department of Developmental Services (DDS), this bill establishes several revisions to current statutes and policies, including:

- A language to change "behavioral services program" to "children's services program".
- Allow DDS to place a person licensed to provide services in a Community Companion Home, whose license has been revoked due to substantial abuse and or neglect, on the DDS Abuse and Neglect Registry.
- Amend the definition of "administration" of medication and allow for the use of auto injector pens by trained nurses and medication administration certified staff for residents in DDS-licensed facilities.
- Allow the DDS commissioner to file a limited petition for guardianship of a person who has a severe intellectual disability to manage the finances of said person whose assets are less than \$10,000.
- Allow the Office of the Probate Court Administrator access to the Department's Abuse neglect registry for purposes of making decisions regarding guardianship.

Substitute language clarifies that only the administration of epinephrine to treat an allergic reaction, or insulin to treat a diabetic event, are allowed in DDS facilities. It also changes language in Section 3 relating to the appointment of limited guardianship to be in the correct statute to avoid unintended consequences.

RESPONSE FROM ADMINISTRATION/AGENCY:

Commissioner Jordan A. Scheff, Department of Developmental Services (DDS):

Sections 1 and 2 allow DDS licensed programs to provide diabetes care and administer medications for individuals experiencing life-threatening allergic reactions in settings where trained but unlicensed persons administer medications. The language should be changed to ensure that accredited staff are administering medications to a vulnerable population. DDS appreciates the language around limited guardianship but asks that changes be made to reflect the suggested language of the Probate Court Administrator. DDS appreciates the changes to the Abuse and Neglect Registry that allows for people with revoked licenses for abuse and neglect to be placed on this registry. DDS has been in communication with the Connecticut Hospital Association (CHA) regarding the availability of medical records. The Department respectfully requests that specific language be added to this bill to provide clear authority for DDS to access the necessary records while maintaining the safety and confidentiality of patient information.

NATURE AND SOURCES OF SUPPORT:

The Connecticut Hospital Association (CHA):

CHA believes the intention of the bill is to allow trained personnel at DDS facilities to give patients medications that are typically self-administered. There should be an easy way to provide help to residents in this population without DDS needing to engage specific licensed personnel. This makes good sense for residents and is an effective deployment and use of DDS and healthcare resources.

CHA suggested specific language to address this issue as follows:

"the administration of epinephrine to treat an acute allergic reaction, or insulin to treat diabetes, for persons residing in facilities licensed or certified by the Department of Developmental Services when the administration is delivered through auto-injector by trained nurses or medication administration certified staff who have received specialized training in the administration of the autoinjector device."

Additionally, CHA met with DDS to streamline certain oversight processes that DDS performs pursuant to Section 17a-210 and specifically to ensure providers have clarity on what information they are allowed, or required, to share with DDS. The suggested language is as follows:

" Medical providers shall cooperate with the department in its investigation or review of events under this subsection (a), including by providing medical or other information as may be requested by the department to the extent permitted by federal law, including HIPAA. When making requests for protected health information, the department shall inform the provider of the provision or sections of HIPAA that permit the provider to disclose the information to the department."

NATURE AND SOURCES OF OPPOSITION:

Beverly K. Streit, Probate Court Administrator:

As currently drafted, our office opposes Section 3 of the bill and would like to offer a less intrusive alternative. One of the key intentions of the bill is to clarify the list of who may bring a petition or request for authority to manage finances under C.G.S § 45a-677a. In the current statutory framework, the authority to manage finances can be assigned concurrently with the first appointment of a guardian.

My office proposes language that suggests a targeted change, with perhaps less likelihood of unintended consequences:

"A plenary or limited guardian appointed under section 45a-676, a protected person or his or her legal representative, or the Commissioner of Developmental Services, or his or her designee may petition for a guardian to be granted authority to manage the finances of a protected person whose assets do not exceed ten thousand dollars."

It may be helpful to note that the Department of Developmental Services and the Office of the Probate Court Administrator meet and collaborate quarterly in efforts to continue to strengthen the statutory relationship and service we both provide to adults with intellectual disability.

Reported by: David Rackliffe, Asst Clerk

Date: March 13, 2025