



General Assembly

January Session, 2025

Raised Bill No. 7156

LCO No. 5190



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (1) of section 20-14h of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (1) "Administration" means the direct application of a medication by
5 means other than injection to the body of a person but does not include
6 the application of medication by auto injector to a person residing in a
7 facility licensed or certified by the Department of Developmental
8 Services.

9 Sec. 2. Section 20-14i of the general statutes is repealed and the
10 following is substituted in lieu thereof (*Effective from passage*):

11 [Any provisions to the contrary notwithstanding,] Notwithstanding
12 any provisions of chapter 378, said chapter shall not prohibit the
13 administration of medication to persons (1) attending day programs,

14 residing in residential facilities or receiving individual and family
 15 support, under the jurisdiction of the Departments of Children and
 16 Families, Correction, Developmental Services and Mental Health and
 17 Addiction Services, (2) being detained in juvenile residential centers or
 18 residing in residential facilities dually licensed by the Department of
 19 Children and Families and the Department of Public Health, [or] (3)
 20 residing in substance abuse treatment facilities licensed by the
 21 Department of Children and Families pursuant to section 17a-145 when
 22 such medication is administered by trained persons, pursuant to the
 23 written order of a physician licensed under this chapter, a dentist
 24 licensed under chapter 379, an advanced practice registered nurse
 25 licensed to prescribe in accordance with section 20-94a or a physician
 26 assistant licensed to prescribe in accordance with section 20-12d,
 27 authorized to prescribe such medication, or (4) residing in facilities
 28 licensed or certified by the Department of Developmental Services,
 29 provided such administration of medication is performed using an auto
 30 injector by a trained person who has received specialized training in the
 31 administration of medication by auto injector, as prescribed by the
 32 Commissioner of Developmental Services. The provisions of this section
 33 shall not apply to institutions, facilities or programs licensed pursuant
 34 to chapter 368v.

35 Sec. 3. Subsection (a) of section 45a-670 of the general statutes is
 36 repealed and the following is substituted in lieu thereof (*Effective from*
 37 *passage*):

38 (a) A petition for guardianship may be filed by (1) any adult person,
 39 or (2) the Commissioner of Developmental Services, or the
 40 commissioner's designee, for the sole purpose of simultaneously filing
 41 a petition pursuant to the provisions of section 45a-677a. Any petition
 42 filed shall allege that a respondent, by reason of the severity of the
 43 respondent's intellectual disability, is unable to meet essential
 44 requirements for the respondent's physical health and safety and unable
 45 to make informed decisions about matters relating to the respondent's
 46 care. Such petition shall be filed in Probate Court in the district in which

47 the respondent resides, is domiciled or is located at the time of the filing
48 of the petition. Such petition shall state: (1) Whether there is, in any
49 jurisdiction, a guardian, limited guardian, or conservator for the
50 respondent; (2) the extent of the respondent's inability to meet essential
51 requirements for the respondent's physical health or safety, and the
52 extent of the respondent's inability to make informed decisions about
53 matters related to the respondent's care; (3) any other facts upon which
54 guardianship is sought; and (4) in the case of a limited guardianship, the
55 specific areas of protection and assistance required for the respondent.

56 Sec. 4. Section 17a-247a of the general statutes is repealed and the
57 following is substituted in lieu thereof (*Effective October 1, 2025*):

58 As used in this section and sections 17a-247b to 17a-247f, inclusive, as
59 amended by this act:

60 (1) "Abuse" means (A) the wilful infliction by an employee of physical
61 pain or injury, financial exploitation, psychological abuse or verbal
62 abuse; (B) the wilful deprivation of services necessary to the physical
63 and mental health and safety of an individual who receives services or
64 funding from the department; or (C) sexual abuse.

65 (2) "Authorized agency" means any agency authorized in accordance
66 with the general statutes to conduct abuse and neglect investigations
67 and responsible for issuing or carrying out protective services for
68 persons with intellectual disability.

69 (3) "Commissioner" means the Commissioner of Developmental
70 Services, or his or her designee.

71 (4) "Community companion home licensee" means a person who (A)
72 provides residential supports and services to not more than three
73 individuals within such person's private residence, and (B) is licensed
74 to operate a community companion home pursuant to section 17a-227,
75 as amended by this act.

76 (5) "Community companion home designee" means any person who,
77 at the direction of a community companion home licensee, provides
78 support or services at a community companion home, licensed pursuant
79 to section 17a-227, as amended by this act, when the community
80 companion home licensee is absent from such community companion
81 home.

82 [(4)] (6) "Department" means the Department of Developmental
83 Services.

84 [(5)] (7) "Employee" means any person employed (A) by the
85 department, or (B) by an agency, organization or person that is licensed
86 or funded by the department.

87 [(6)] (8) "Employer" means (A) the department, or (B) an agency,
88 organization or person that is licensed or funded by the department.

89 [(7)] (9) "Financial exploitation" means the theft, misappropriation or
90 unauthorized or improper use of property, money or other resource that
91 is intended to be used by or for an individual who receives services or
92 funding from the department.

93 [(8)] (10) "Neglect" means the failure by an employee, through action
94 or inaction, to provide an individual who receives services or funding
95 from the department with the services necessary to maintain such
96 individual's physical and mental health and safety.

97 [(9)] (11) "Protective services" has the same meaning as provided in
98 section 46a-11a.

99 [(10)] (12) "Psychological abuse" means an act intended to (A)
100 humiliate, intimidate, degrade or demean an individual who receives
101 services or funding from the department, (B) inflict emotional harm or
102 invoke fear in such individual, or (C) otherwise negatively impact the
103 mental health of such individual.

104 [(11)] (13) "Registry" means a centralized data base containing

105 information regarding substantiated abuse or neglect.

106 [(12)] (14) "Sexual abuse" means (A) any sexual contact between an
107 individual who receives services or funding from the department,
108 regardless of such individual's ability to consent, and an employee, or
109 (B) the encouragement by an employee of an individual who receives
110 services or funding from the department to engage in sexual activity.

111 [(13)] (15) "Substantiated abuse or neglect" means a determination by
112 an authorized agency, following an investigation conducted or
113 monitored by such agency, that (A) abuse or neglect of an individual
114 who receives services or funding from the department, or (B) there has
115 been a criminal conviction of a felony or misdemeanor involving abuse
116 or neglect.

117 [(14)] (16) "Verbal abuse" means the use of offensive or intimidating
118 language that is intended to provoke or cause the distress of an
119 individual who receives services or funding from the department.

120 Sec. 5. Section 17a-247b of the general statutes is repealed and the
121 following is substituted in lieu thereof (*Effective October 1, 2025*):

122 (a) The Department of Developmental Services shall establish and
123 maintain a registry of (1) former employees who have been terminated
124 or separated from employment as a result of substantiated abuse or
125 neglect, (2) community companion home licensees whose licenses have
126 been revoked or who have surrendered their licenses as a result of
127 substantiated abuse or neglect, and (3) community companion home
128 designees against whom an authorized agency has made a finding
129 substantiating abuse or neglect. The department shall, for the purposes
130 of maintaining the registry, be capable of responding to inquiries in
131 accordance with subsection (c) of this section as to whether a former
132 employee has been terminated or separated from employment as a
133 result of substantiated abuse or neglect, whether a community
134 companion home licensee has had his or her license revoked or has
135 surrendered his or her license as a result of substantiated abuse or

136 neglect, and whether an authorized agency has made a finding
137 substantiating abuse or neglect against a community companion home
138 designee. Such capability may include response by telephone voice mail
139 or other automated response for initial inquiries.

140 (b) The registry shall include, but not be limited to, the following: (1)
141 The names, addresses and Social Security numbers of [those] (A) former
142 employees terminated or separated from employment as a result of
143 substantiated abuse or neglect, (B) community companion home
144 licensees whose licenses have been revoked or who have surrendered
145 their licenses as a result of substantiated abuse or neglect, and (C)
146 community companion home designees against whom an authorized
147 agency has made a finding substantiating abuse or neglect; (2) the date
148 of (A) termination or separation, (B) license revocation or surrender, as
149 applicable, and (C) for community companion home designees, an
150 authorized agency's finding substantiating abuse or neglect; (3) the type
151 of abuse or neglect; and (4) the name of any employer or authorized
152 agency requesting information from the registry, the reason for the
153 request and the date of the request.

154 (c) The department shall make information in the registry available
155 only to: (1) Authorized agencies, for the purpose of protective service
156 determinations; (2) employers who employ employees to provide
157 services to an individual who receives services or funding from the
158 department; (3) the Departments of Children and Families, Mental
159 Health and Addiction Services, Social Services and Administrative
160 Services and the Office of Labor Relations, for the purpose of
161 determining whether an applicant for employment with the
162 Departments of Children and Families, Developmental Services, Mental
163 Health and Addiction Services and Social Services appears on the
164 registry; (4) the Office of the Probate Court Administrator, for the
165 purpose of determining whether a person proposed for appointment as
166 a guardian pursuant to part V of chapter 802h appears on the registry;
167 or [(4)] (5) charitable organizations that recruit volunteers to support
168 programs for persons with intellectual disability or autism spectrum

169 disorder, upon application to and approval by the commissioner, for
170 purposes of conducting background checks on such volunteers.

171 (d) The department shall limit responses to requests for identifying
172 information from the registry established under this section to (1)
173 identification of (A) the former employee terminated or separated from
174 employment for substantiated abuse or neglect, (B) the community
175 companion home licensee whose license has been revoked or
176 surrendered for substantiated abuse or neglect, or (C) the community
177 companion home designee against whom an authorized agency has
178 made a finding substantiating abuse or neglect, and (2) the type of abuse
179 or neglect so substantiated.

180 (e) Not later than five business days [following] after receipt of
181 written notification by an authorized agency of the substantiation of
182 abuse or neglect by (1) a former employee who has been terminated or
183 separated from employment for such abuse or neglect, (2) a community
184 companion home licensee whose license has been revoked or
185 surrendered as a result of such abuse or neglect, or (3) a community
186 companion home designee, an employer or, in the case of a community
187 companion home designee, a community companion home, shall
188 submit to the department the name of such former employee or
189 community companion home designee and such other information as
190 the department may request. Upon receipt of any such notification, [of
191 such termination or separation,] the department shall conduct a hearing
192 in accordance with sections 4-177 to 4-181a, inclusive, governing
193 contested cases. The department shall not place a former [employee's]
194 employee, community companion home licensee or community
195 companion home designee's name on the registry until the department
196 has completed the hearing and the hearing has resulted in a decision to
197 place the former [employee's] employee, community companion home
198 licensee or community companion home designee's name on the
199 registry.

200 (f) Upon completion of an investigation in which the department

201 determines that a community companion home licensee committed
202 substantiated abuse and neglect, the department shall notify such
203 community companion home licensee that his or her license may be
204 revoked and his or her name is to be placed on the registry. Any such
205 community companion home licensee may request an administrative
206 hearing to contest such license revocation and registry placement. Such
207 hearing shall be conducted in conjunction with a revocation hearing
208 requested pursuant to section 17a-227, as amended by this act. If such
209 community companion home licensee submits such a revocation
210 hearing request, the department shall not place such community
211 companion home licensee's name on the registry until the department
212 has completed the hearing and the hearing has resulted in a decision to
213 place the community companion home licensee's name on the registry.

214 [(f)] (g) The department shall remove a former [employee's]
215 employee, community companion home licensee or community
216 companion home designee's name from the registry (1) if an arbitration
217 or a legal proceeding results in a finding that the former employee was
218 unfairly terminated from employment, or (2) upon the submittal to the
219 department of such employee, community companion home licensee or
220 community companion home designee's death certificate.

221 [(g)] (h) No employer shall be liable in any civil action for damages
222 brought by an employee, former employee or an applicant for
223 employment whose name appears on the registry established by this
224 section arising out of the conduct of the employer in (1) making any
225 report in good faith pursuant to subsection (e) of this section, (2)
226 testifying under oath in any administrative or judicial proceeding
227 arising from such report, (3) refusing to hire or to retain any person
228 whose name appears on the registry established under this section, or
229 (4) taking any other action to conform to the requirements of this section.
230 The immunity provided in this subsection shall not apply to gross
231 negligence or to wilful or wanton misconduct.

232 Sec. 6. Subsection (g) of section 17a-227 of the general statutes is

233 repealed and the following is substituted in lieu thereof (*Effective October*
234 *1, 2025*):

235 (g) If the commissioner determines, after investigation of a report
236 received pursuant to the provisions of section 46a-11b, that a person,
237 firm or corporation licensed to operate a community living arrangement
238 or community companion home committed abuse or neglect against a
239 person receiving support or services from the department during a
240 licensure period, and such determination resulted in the revocation or
241 surrender of such person, firm or corporation's license, the
242 commissioner may disclose (1) the name of such person, firm or
243 corporation, (2) the date of such revocation or surrender, and (3) the
244 type of abuse or neglect committed to (A) authorized agencies, as
245 defined in section 17a-247a, as amended by this act, for the purpose of
246 protective service determinations, (B) employers whose employees
247 provide services to persons who receive support or services from the
248 department, [and] (C) the Departments of Children and Families,
249 Mental Health and Addiction Services, Social Services and
250 Administrative Services for the purpose of making a determination on
251 an application for (i) employment with, or (ii) licensure or certification
252 as a provider for the Departments of Children and Families, Mental
253 Health and Addiction Services, Social Services and Developmental
254 Services, and (D) the Office of the Probate Court Administrator for the
255 purpose of making determinations on petitions for guardianship
256 pursuant to part V of chapter 802h appears on the registry.

257 Sec. 7. Subdivision (13) of subsection (g) of section 17a-28 of the
258 general statutes is repealed and the following is substituted in lieu
259 thereof (*Effective October 1, 2025*):

260 (13) The Department of Developmental Services, to allow said
261 department to determine eligibility, facilitate enrollment and plan for
262 the provision of services to a child who is a client of said department
263 and who is applying to enroll in or is enrolled in said department's
264 behavioral services program. At the time that a parent or guardian

265 completes an application for enrollment of a child in the Department of
266 Developmental Services' [behavioral] children's services program, or at
267 the time that said department updates a child's annual individualized
268 plan of care, said department shall notify such parent or guardian that
269 the Department of Children and Families may provide records to the
270 Department of Developmental Services for the purposes specified in this
271 subdivision without the consent of such parent or guardian;

272 Sec. 8. Subsection (c) of section 17a-238a of the general statutes is
273 repealed and the following is substituted in lieu thereof (*Effective October*
274 *1, 2025*):

275 (c) The Commissioner of Developmental Services shall report, in
276 accordance with the provisions of section 11-4a, at least annually, to the
277 joint standing committees of the General Assembly having cognizance
278 of matters relating to public health and appropriations and the budgets
279 of state agencies concerning the number of individuals determined by
280 the department to be eligible for funding or services from the
281 department and who (1) have unmet residential care needs, (2) have
282 unmet employment opportunity and day service needs, or (3) are
283 eligible for the department's [behavioral] children's services program
284 and are waiting for a funding allocation. The commissioner shall post
285 such report on the department's Internet web site.

286 Sec. 9. Subsection (i) of section 17b-261 of the general statutes is
287 repealed and the following is substituted in lieu thereof (*Effective October*
288 *1, 2025*):

289 (i) Medical assistance shall be provided, in accordance with the
290 provisions of subsection (e) of section 17a-6, to any child under the
291 supervision of the Commissioner of Children and Families who is not
292 receiving Medicaid benefits, has not yet qualified for Medicaid benefits
293 or is otherwise ineligible for such benefits. Medical assistance shall also
294 be provided to any child in the [behavioral] children's services program
295 operated by the Department of Developmental Services who is not

296 receiving Medicaid benefits, has not yet qualified for Medicaid benefits
 297 or is otherwise ineligible for benefits. To the extent practicable, the
 298 Commissioner of Children and Families and the Commissioner of
 299 Developmental Services shall apply for, or assist such child in qualifying
 300 for, the Medicaid program.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	20-14h(1)
Sec. 2	<i>from passage</i>	20-14i
Sec. 3	<i>from passage</i>	45a-670(a)
Sec. 4	<i>October 1, 2025</i>	17a-247a
Sec. 5	<i>October 1, 2025</i>	17a-247b
Sec. 6	<i>October 1, 2025</i>	17a-227(g)
Sec. 7	<i>October 1, 2025</i>	17a-28(g)(13)
Sec. 8	<i>October 1, 2025</i>	17a-238a(c)
Sec. 9	<i>October 1, 2025</i>	17b-261(i)

Statement of Purpose:

To implement various revisions to developmental services statutes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]