



General Assembly

Substitute Bill No. 7156

January Session, 2025



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2 repealed and the following is substituted in lieu thereof (*Effective from*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 mean
6 the administration of epinephrine or insulin by auto injector to a person
7 residing in a facility licensed or certified by the Department of
8 Developmental Services to treat an acute allergic reaction or diabetes.

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 Section 20-14i of the general statutes is repealed and the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 (A) such administration of medication is performed using an
30 auto injector and limited to the administration of epinephrine or insulin
31 to treat an acute allergic reaction or diabetes, and (B) such
32 administration of medication is performed by a trained person who has
33 received specialized training in the administration of medication by
34 auto injector, as prescribed by the Commissioner of Developmental
35 Services. The provisions of this section shall not apply to institutions,
36 facilities or programs licensed pursuant to chapter 368v.

37 Sec. 3. Subsection (a) of section 45a-677a of the general statutes is
38 repealed and the following is substituted in lieu thereof (*Effective from*
39 *passage*):

40 (a) A plenary or limited guardian appointed under section 45a-676, a
41 protected person or a protected person's legal representative, or the
42 Commissioner of Developmental Services, or the commissioner's
43 designee, may petition for a guardian to be granted authority to manage
44 the finances of a protected person whose assets do not exceed ten
45 thousand dollars. The petition shall be filed in the Probate Court that
46 appointed the guardian. If a petition under this section is filed
47 simultaneously with a guardianship petition under section 45a-670, the
48 court may conduct one hearing on both petitions.

49 Sec. 4. Section 17a-247a of the general statutes is repealed and the

50 following is substituted in lieu thereof (*Effective October 1, 2025*):

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

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

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

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

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

69 (5) "Community companion home designee" means any person who,
70 at the direction of a community companion home licensee, provides
71 support or services at a community companion home, licensed pursuant
72 to section 17a-227, as amended by this act, when the community
73 companion home licensee is absent from such community companion
74 home.

75 ~~[(4)]~~ (6) "Department" means the Department of Developmental
76 Services.

77 ~~[(5)]~~ (7) "Employee" means any person employed (A) by the
78 department, or (B) by an agency, organization or person that is licensed
79 or funded by the department.

80 ~~[(6)]~~ (8) "Employer" means (A) the department, or (B) an agency,
81 organization or person that is licensed or funded by the department.

82 ~~[(7)]~~ (9) "Financial exploitation" means the theft, misappropriation or
83 unauthorized or improper use of property, money or other resource that
84 is intended to be used by or for an individual who receives services or
85 funding from the department.

86 ~~[(8)]~~ (10) "Neglect" means the failure by an employee, through action
87 or inaction, to provide an individual who receives services or funding
88 from the department with the services necessary to maintain such
89 individual's physical and mental health and safety.

90 ~~[(9)]~~ (11) "Protective services" has the same meaning as provided in
91 section 46a-11a.

92 ~~[(10)]~~ (12) "Psychological abuse" means an act intended to (A)
93 humiliate, intimidate, degrade or demean an individual who receives
94 services or funding from the department, (B) inflict emotional harm or
95 invoke fear in such individual, or (C) otherwise negatively impact the
96 mental health of such individual.

97 ~~[(11)]~~ (13) "Registry" means a centralized data base containing
98 information regarding substantiated abuse or neglect.

99 ~~[(12)]~~ (14) "Sexual abuse" means (A) any sexual contact between an
100 individual who receives services or funding from the department,
101 regardless of such individual's ability to consent, and an employee, or
102 (B) the encouragement by an employee of an individual who receives
103 services or funding from the department to engage in sexual activity.

104 ~~[(13)]~~ (15) "Substantiated abuse or neglect" means a determination by
105 an authorized agency, following an investigation conducted or
106 monitored by such agency, that (A) abuse or neglect of an individual
107 who receives services or funding from the department, or (B) there has
108 been a criminal conviction of a felony or misdemeanor involving abuse
109 or neglect.

110 [(14)] (16) "Verbal abuse" means the use of offensive or intimidating
111 language that is intended to provoke or cause the distress of an
112 individual who receives services or funding from the department.

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

115 (a) The Department of Developmental Services shall establish and
116 maintain a registry of (1) former employees who have been terminated
117 or separated from employment as a result of substantiated abuse or
118 neglect, (2) community companion home licensees whose licenses have
119 been revoked or who have surrendered their licenses as a result of
120 substantiated abuse or neglect, and (3) community companion home
121 designees against whom an authorized agency has made a finding
122 substantiating abuse or neglect. The department shall, for the purposes
123 of maintaining the registry, be capable of responding to inquiries in
124 accordance with subsection (c) of this section as to whether a former
125 employee has been terminated or separated from employment as a
126 result of substantiated abuse or neglect, whether a community
127 companion home licensee has had his or her license revoked or has
128 surrendered his or her license as a result of substantiated abuse or
129 neglect, and whether an authorized agency has made a finding
130 substantiating abuse or neglect against a community companion home
131 designee. Such capability may include response by telephone voice mail
132 or other automated response for initial inquiries.

133 (b) The registry shall include, but not be limited to, the following: (1)
134 The names, addresses and Social Security numbers of [those] (A) former
135 employees terminated or separated from employment as a result of
136 substantiated abuse or neglect, (B) community companion home
137 licensees whose licenses have been revoked or who have surrendered
138 their licenses as a result of substantiated abuse or neglect, and (C)
139 community companion home designees against whom an authorized
140 agency has made a finding substantiating abuse or neglect; (2) the date
141 of (A) termination or separation, (B) license revocation or surrender, as
142 applicable, and (C) for community companion home designees, an

143 authorized agency's finding substantiating abuse or neglect; (3) the type
144 of abuse or neglect; and (4) the name of any employer or authorized
145 agency requesting information from the registry, the reason for the
146 request and the date of the request.

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

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

173 (e) Not later than five business days [following] after receipt of
174 written notification by an authorized agency of the substantiation of
175 abuse or neglect by (1) a former employee who has been terminated or

176 separated from employment for such abuse or neglect, (2) a community
177 companion home licensee whose license has been revoked or
178 surrendered as a result of such abuse or neglect, or (3) a community
179 companion home designee, an employer or, in the case of a community
180 companion home designee, a community companion home, shall
181 submit to the department the name of such former employee or
182 community companion home designee and such other information as
183 the department may request. Upon receipt of any such notification, [of
184 such termination or separation,] the department shall conduct a hearing
185 in accordance with sections 4-177 to 4-181a, inclusive, governing
186 contested cases. The department shall not place a former [employee's]
187 employee, community companion home licensee or community
188 companion home designee's name on the registry until the department
189 has completed the hearing and the hearing has resulted in a decision to
190 place the former [employee's] employee, community companion home
191 licensee or community companion home designee's name on the
192 registry.

193 (f) Upon completion of an investigation in which the department
194 determines that a community companion home licensee committed
195 substantiated abuse and neglect, the department shall notify such
196 community companion home licensee that his or her license may be
197 revoked and his or her name is to be placed on the registry. Any such
198 community companion home licensee may request an administrative
199 hearing to contest such license revocation and registry placement. Such
200 hearing shall be conducted in conjunction with a revocation hearing
201 requested pursuant to section 17a-227, as amended by this act. If such
202 community companion home licensee submits such a revocation
203 hearing request, the department shall not place such community
204 companion home licensee's name on the registry until the department
205 has completed the hearing and the hearing has resulted in a decision to
206 place the community companion home licensee's name on the registry.

207 [(f)] (g) The department shall remove a former [employee's]
208 employee, community companion home licensee or community
209 companion home designee's name from the registry (1) if an arbitration

210 or a legal proceeding results in a finding that the former employee was
211 unfairly terminated from employment, or (2) upon the submittal to the
212 department of such employee, community companion home licensee or
213 community companion home designee's death certificate.

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

225 Sec. 6. Subsection (g) of section 17a-227 of the general statutes is
226 repealed and the following is substituted in lieu thereof (*Effective October*
227 *1, 2025*):

228 (g) If the commissioner determines, after investigation of a report
229 received pursuant to the provisions of section 46a-11b, that a person,
230 firm or corporation licensed to operate a community living arrangement
231 or community companion home committed abuse or neglect against a
232 person receiving support or services from the department during a
233 licensure period, and such determination resulted in the revocation or
234 surrender of such person, firm or corporation's license, the
235 commissioner may disclose (1) the name of such person, firm or
236 corporation, (2) the date of such revocation or surrender, and (3) the
237 type of abuse or neglect committed to (A) authorized agencies, as
238 defined in section 17a-247a, as amended by this act, for the purpose of
239 protective service determinations, (B) employers whose employees
240 provide services to persons who receive support or services from the
241 department, [and] (C) the Departments of Children and Families,
242 Mental Health and Addiction Services, Social Services and

243 Administrative Services for the purpose of making a determination on
244 an application for (i) employment with, or (ii) licensure or certification
245 as a provider for the Departments of Children and Families, Mental
246 Health and Addiction Services, Social Services and Developmental
247 Services, and (D) the Office of the Probate Court Administrator for the
248 purpose of making determinations on petitions for guardianship
249 pursuant to part V of chapter 802h appears on the registry.

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

253 (13) The Department of Developmental Services, to allow said
254 department to determine eligibility, facilitate enrollment and plan for
255 the provision of services to a child who is a client of said department
256 and who is applying to enroll in or is enrolled in said department's
257 behavioral services program. At the time that a parent or guardian
258 completes an application for enrollment of a child in the Department of
259 Developmental Services' [behavioral] children's services program, or at
260 the time that said department updates a child's annual individualized
261 plan of care, said department shall notify such parent or guardian that
262 the Department of Children and Families may provide records to the
263 Department of Developmental Services for the purposes specified in this
264 subdivision without the consent of such parent or guardian;

265 Sec. 8. Subsection (c) of section 17a-238a of the general statutes is
266 repealed and the following is substituted in lieu thereof (*Effective October*
267 *1, 2025*):

268 (c) The Commissioner of Developmental Services shall report, in
269 accordance with the provisions of section 11-4a, at least annually, to the
270 joint standing committees of the General Assembly having cognizance
271 of matters relating to public health and appropriations and the budgets
272 of state agencies concerning the number of individuals determined by
273 the department to be eligible for funding or services from the
274 department and who (1) have unmet residential care needs, (2) have

275 unmet employment opportunity and day service needs, or (3) are
276 eligible for the department's [behavioral] children's services program
277 and are waiting for a funding allocation. The commissioner shall post
278 such report on the department's Internet web site.

279 Sec. 9. Subsection (i) of section 17b-261 of the general statutes is
280 repealed and the following is substituted in lieu thereof (*Effective October*
281 *1, 2025*):

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

294 Sec. 10. Subsection (b) of section 17a-210 of the general statutes is
295 repealed and the following is substituted in lieu thereof (*Effective from*
296 *passage*):

297 (b) In the event of the death of a person with intellectual disability for
298 whom the department has direct or oversight responsibility for medical
299 care, the commissioner shall ensure that a comprehensive and timely
300 review of the events, overall care, quality of life issues and medical care
301 preceding such death is conducted by the department and shall, as
302 requested, provide information and assistance to the Independent
303 Mortality Review Board established by Executive Order No. 57 of
304 Governor Dannel P. Malloy. The commissioner shall report to the board
305 and the board shall review any death: (1) Involving an allegation of
306 abuse or neglect; (2) for which the Office of the Chief Medical Examiner

307 or local medical examiner has accepted jurisdiction; (3) in which an
 308 autopsy was performed; (4) which was sudden and unexpected; or (5)
 309 in which the commissioner's review raises questions about the
 310 appropriateness of care. The department's mortality review process and
 311 the Independent Mortality Review Board shall operate in accordance
 312 with the peer review provisions established under section 19a-17b for
 313 medical review teams and confidentiality of records provisions
 314 established under section 19a-25 for the Department of Public Health.
 315 Each health care provider, as defined in section 19a-17b, shall, at the
 316 request of the commissioner, and to the extent permissible under the
 317 Health Insurance Portability and Accountability Act of 1996, P.L. 104-
 318 191, as amended from time to time, and any other federal law, provide
 319 any information deemed necessary by the commissioner to complete a
 320 review pursuant to the provisions of this subsection, provided the
 321 commissioner, when making such a request, identifies any provision of
 322 said act that allows a health care provider to provide such information
 323 to the commissioner.

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-677a(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)
Sec. 10	<i>from passage</i>	17a-210(b)

Statement of Legislative Commissioners:

In Section 1, "but does not include" was changed to "but does not mean" for clarity.

PH *Joint Favorable Subst.*