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## OLR Bill Analysis

### sHB 7108

#### ***AN ACT CONCERNING AUTISM AND INTELLECTUAL DISABILITY SERVICES AND ABUSE AND NEGLECT INVESTIGATIONS.***

#### **SUMMARY**

This bill expands reporting requirements related to programs and services for people with intellectual disabilities, autism spectrum disorder, and other disabilities. It requires the Department of Developmental Services (DDS) to report annually on abuse and neglect complaints against former employees and other abuse and neglect complaints concerning people with intellectual disabilities and people served by the Department of Social Services' (DSS) Division of Autism Spectrum Disorder Services.

The bill also requires the DDS commissioner, beginning by September 30, 2025, to report quarterly to the Human Services and Public Health committees on the following topics:

1. progress spending funds appropriated for DDS programs and what services these funds were spent on;
2. whether lapsed funds are anticipated at the end of the fiscal year;
3. reasons appropriated funds were not spent, if applicable; and
4. waiting lists for DDS services for people with intellectual or developmental disabilities.

The bill requires the commissioner to publish the report on the department's website.

Lastly, the bill requires the Appropriations, Human Services, and Public Health committees to hold annual joint informational hearings to review DDS and DSS efforts to ensure the safety and quality of care for people with intellectual disabilities, autism spectrum disorder, or other

developmental disabilities who receive federal Medicaid waiver program services. Under the bill, the hearings must address how the agencies are addressing state and federal audit findings on prevention, timely reporting, and corrective action on abuse and neglect complaints.

EFFECTIVE DATE: July 1, 2025

## **DDS ABUSE AND NEGLECT REPORTS**

### ***Complaints Against Former DDS Employees***

Existing law requires DDS to maintain a registry of certain former employees who were fired from or left their jobs due to substantiated abuse or neglect, and make the registry available to specified agencies and employers. The bill additionally requires DDS, starting by January 15, 2026, to annually report the following information to the Human Services and Public Health committees:

1. the number and disposition of abuse and neglect complaints against former employees received in the previous calendar year and
2. any backlog of investigations related to these complaints.

### ***People Who Receive Services From DSS Division and People With Intellectual Disabilities***

Existing law authorizes the DDS commissioner, or his designee, to investigate alleged abuse or neglect of someone who receives services from DSS's Division of Autism Spectrum Disorder Services and prepare written findings on his determination of whether abuse or neglect occurred.

For any report alleging the abuse or neglect of someone with an intellectual disability, existing law also requires the DDS commissioner to make an initial determination of whether the (1) person has an intellectual disability and (2) report warrants investigation. If warranted, the commissioner must cause a prompt, thorough evaluation to be made to determine whether the person has an intellectual disability and was abused or neglected.

The bill requires the DDS commissioner, starting by January 15, 2026, to report annually to the Human Services and Public Health committees on the following information for both complaints concerning people served by DSS's division and those concerning people with intellectual disabilities:

1. the number of complaints received and investigated in the previous calendar year;
2. the number of complaints investigated by a contracted provider and by DDS, and the dispositions of complaints in each category;
3. the median length of time to complete investigations;
4. the number of programmatic neglect findings (the bill does not define this term) arising from these investigations;
5. the number of investigations that led to a directive for corrective action;
6. the steps DDS took to address programmatic neglect findings and ensure corrective actions were implemented;
7. the percentage of cases in which a directive for corrective action was issued and DDS revisited the provider to review its implementation, sorted by response times (30 days or less, 60 days or less, or more than 60 days after the directive was issued);
8. the processes and timelines by which guardians and parents of people with disabilities were informed about investigation results and directives for corrective action; and
9. any backlog of investigations.

Investigations in the reports above include any DDS investigation of cases in which someone with an intellectual disability dies. By law, if there is reasonable cause to believe that the person's death may have been due to abuse or neglect, the DDS commissioner must conduct an investigation unless a court order requires otherwise.

The bill requires the DDS commissioner to post the annual reports described above on the department's website. Under existing law, unchanged by the bill, reports of alleged abuse or neglect and subsequent evaluations or investigations are not public records under the state's Freedom of Information Act.

## **BACKGROUND**

### ***Legislative History***

The House referred the bill (File 470) to the Appropriations Committee, which reported out a substitute that eliminates provisions requiring (1) the Office of Policy and Management (OPM) to revisit the "intellectual disability" statutory definition and related eligibility criteria and report on people who are denied services, (2) DDS to evaluate and report on services for certain people with autism spectrum disorder, and (3) OPM's statewide autism services coordinator to serve as a liaison to hospitals.

## **COMMITTEE ACTION**

### Human Services Committee

Joint Favorable Substitute

Yea 22      Nay 0      (03/18/2025)

### Appropriations Committee

Joint Favorable Substitute

Yea 50      Nay 0      (05/05/2025)