



Substitute House Bill No. 5485

Special Act No. 26-12

AN ACT CONCERNING SUPPORTED DECISION-MAKING STUDY.

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

Section 1. (*Effective from passage*) (a) As used in this section:

(1) "Adult" means a natural person who is eighteen years of age or older;

(2) "Decision-maker" means an adult who seeks to enter into, or has entered into, a supported decision-making agreement with one or more supporters pursuant to this section;

(3) "Supported decision-making" means a process utilized by a decision-maker to retain decision-making authority through assistance from one or more supporters of the decision-maker's choosing to help the decision-maker understand the nature and consequences of potential personal and financial decisions and communicate such decisions;

(4) "Supported decision-making agreement" means an agreement entered into by a decision-maker and one or more supporters that (A) is in writing, (B) is dated, (C) is entered into by the decision-maker voluntarily without undue influence or coercion and understanding the nature and effect of the agreement, (D) is signed by the decision-maker,

Substitute House Bill No. 5485

one or more supporters and two identified adult witnesses, and (E) describes the types of decisions that a supporter may help the decision-maker to make; and

(5) "Supporter" means a person who is named in a supported decision-making agreement to provide specified person-centered and direct assistance to a decision-maker to gather and access information, make informed decisions and communicate decisions.

(b) The House and Senate chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to human services shall appoint a working group to study and make recommendations concerning supported decision-making, including, but not limited to: (1) Documentation necessary for a decision-maker to conduct financial transactions with the help of a supporter; (2) how a supporter could best assist in conjunction with other legally recognized decision-making authorities who are commonly present in long-term care and other health-care settings; (3) how to protect health information under the Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, educational records under the Family Educational Rights and Privacy Act of 1974, 20 USC 1232g, and information protected by 42 USCA 290dd-2 or 42 CFR Part 2, as such federal laws or regulations are amended from time to time; (4) methods to protect a decision-maker against a supporter's financial or ethical conflicts of interest; and (5) how a supported decision-making agreement can be used as an alternative to a conservatorship or guardianship.

(c) The working group shall be comprised of state-based organizations and individuals, including, but not limited to: (1) Two representatives each from organizations representing the interests of financial institutions and hospitals; (2) one representing nursing homes; (3) one designee of the Probate Court Administrator; (4) one representing physicians in private practice; and (5) six representing

Substitute House Bill No. 5485

persons who may benefit from the use of supported decision-making agreements in making financial, health or other decisions, all of whom shall serve at the pleasure of the appointing authority. The House and Senate chairpersons of said committee shall appoint a chairperson of the working group from among its members and schedule the first meeting not later than thirty days after the effective date of this section.

(d) The working group shall file a report with its recommendations, in accordance with the provisions of section 11-4a of the general statutes, not later than December 31, 2026, with the joint standing committees of the General Assembly having cognizance of matters relating to human services, government oversight, banking, the judiciary and public health.