



Substitute House Bill No. 5239

Public Act No. 26-54

AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES' RECOMMENDATIONS REGARDING THE INDEPENDENT MORTALITY REVIEW BOARD AND FATALITY REVIEW BOARD.

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

Section 1. Subsection (b) of section 17a-210 of the 2026 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) In the event of the death of a person with intellectual disability for whom the department has direct or oversight responsibility for medical care, the commissioner, or the commissioner's designee, shall [ensure that] conduct a comprehensive and timely review of the events, overall care, quality of life issues and medical care preceding such death, [is conducted by the department and shall, as requested, provide information and assistance] The commissioner, or the commissioner's designee, shall, if required by section 2 of this act, refer the case to the Independent Mortality Review Board established [by Executive Order No. 57 of Governor Dannel P. Malloy. The commissioner shall report to the board and the board shall review any death: (1) Involving an allegation of abuse or neglect; (2) for which the Office of the Chief Medical Examiner or local medical examiner has accepted jurisdiction;

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(3) in which an autopsy was performed; (4) which was sudden and unexpected; or (5) in which the commissioner's review raises questions about the appropriateness of care. The department's mortality review process and the Independent Mortality Review Board shall operate in accordance with the peer review provisions established under section 19a-17b for medical review teams and confidentiality of records provisions established under section 19a-25 for the Department of Public Health] pursuant to section 2 of this act. Each health care provider, as defined in section 19a-17b, shall, at the request of the commissioner, and to the extent permissible under the Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, as amended from time to time, and any other federal law, provide any information deemed necessary by the commissioner to complete a review pursuant to the provisions of this subsection, provided the commissioner, when making such a request, identifies any provision of said act that allows a health care provider to provide such information to the commissioner.

Sec. 2. (NEW) (*Effective from passage*) (a) There is established, within the Department of Developmental Services, an Independent Mortality Review Board. The Commissioner of Developmental Services, or the commissioner's designee, shall report to the board and the board shall review any death of a person with intellectual disability for whom the department has direct or oversight responsibility for medical care: (1) Involving an allegation of abuse or neglect; (2) for which the Office of the Chief Medical Examiner or local medical examiner has accepted jurisdiction; (3) that was sudden and unexpected and for which the commissioner, or the commissioner's designee, determines that an independent investigation by the board is necessary; or (4) for which the comprehensive and timely review conducted pursuant to section 17a-210 of the general statutes, as amended by this act, raises questions about the appropriateness of care.

(b) The Commissioner of Developmental Services, or the

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commissioner's designee, shall serve as chairperson of the Independent Mortality Review Board.

(c) The Independent Mortality Review Board shall be constituted by the Commissioner of Developmental Services and may include, but need not be limited to, any of the following members depending on the death of the person being reviewed:

(1) The Department of Developmental Services' director of quality and systems improvement, or the director's designee;

(2) The Department of Developmental Services' director of investigations, or the director's designee;

(3) The Chief Medical Examiner, or the Chief Medical Examiner's designee;

(4) A medical doctor appointed by the Commissioner of Developmental Services;

(5) The Commissioner of Public Health, or the commissioner's designee;

(6) The executive director of the nonprofit entity designated by the Governor in accordance with section 46a-10b of the general statutes to serve as the Connecticut protection and advocacy system, or the executive director's designee;

(7) A private provider representative appointed by the Commissioner of Developmental Services; and

(8) Any additional members the chairperson deems beneficial to serve as a member of the board, provided that a majority of members on the board are not employees of the Department of Developmental Services.

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(d) The Independent Mortality Review Board may request documentation and information as may be necessary for their review pursuant to section 17a-210 of the general statutes, as amended by this act. The department's mortality review process and the Independent Mortality Review Board shall operate in accordance with the peer review provisions for medical review teams established under section 19a-17b of the general statutes and confidentiality of records provisions established under section 19a-25 of the general statutes.