



PA 26-54—sHB 5239
Public Health Committee

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

SUMMARY: This act makes changes to the Department of Developmental Services (DDS) Independent Mortality Review Board (IMRB) by removing a statutory reference to Executive Order 57. This 2017 executive order established two boards that review and investigate certain deaths of people with intellectual disabilities under DDS care (IMRB and Fatality Review Board (FRB), see BACKGROUND). In doing so, the act appears to eliminate the FRB and merge its functions with the IMRB. (In practice, the responsibilities of the two boards overlap.)

The act specifically establishes the IMRB in statute and codifies, with changes, the board's membership. More specifically, it allows, rather than requires, specified people to serve as board members, depending on the case under review. It also allows the board's chairperson to add any members to the IMRB he or she deems beneficial, so long as the majority of the board's members are not DDS employees.

As under prior law, the act subjects DDS and IMRB mortality processes to existing law's confidentiality and peer review requirements.

The act also makes minor and technical changes, such as allowing the DDS commissioner's designee to perform board-related functions.

EFFECTIVE DATE: Upon passage

INDEPENDENT MORTALITY REVIEW BOARD

Membership

The act codifies the board's membership in a way that is similar to its prior membership under Executive Order 57. But it allows, rather than requires, the following people to serve as board members, depending on the case under review:

1. the DDS directors of quality and systems improvement and investigations, or their designees;
2. the chief medical examiner, or his designee;
3. a physician appointed by the DDS commissioner;
4. the public health commissioner, or her designee;
5. the Disability Rights CT executive director or her designee; and
6. a representative of private providers, appointed by the DDS commissioner.

Under the act, the board chairperson may also add any board members he or she deems beneficial, so long as the majority of board members are not DDS employees. The act designates the DDS commissioner or his designee as the

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chairperson, instead of requiring the commissioner to appoint the chairperson from among the board's members as under the executive order.

Responsibilities

By law, DDS must investigate the deaths of people for which it has direct or oversight responsibility for their medical care. Similar to prior law, the act requires the DDS commissioner to report to the IMRB any death in which (1) the department raises questions about the client's care, (2) abuse or neglect has been alleged, (3) the Office of Chief Medical Examiner or a local medical examiner has accepted jurisdiction, or (4) the death was unexpected and the commissioner or his designee determines that an independent investigation by the board is needed. The board must then investigate each report and may request necessary documentation and information to do so.

BACKGROUND

Fatality Review Board

Executive Order 57 (2017) established a DDS FRB to investigate unexpected deaths of people under DDS care that the commissioner believes warrant an independent investigation. The commissioner may refer a particular case to the FRB before the IMRB completes its review. The FRB is chaired by the DDS commissioner and includes the following members appointed by the governor:

1. one law enforcement professional with a background in forensic investigations,
2. one developmental services professional,
3. the chief state's attorney or his designee,
4. two medical professionals,
5. one expert in teaching forensic investigation techniques, and
6. the Disability Rights CT executive director.