



General Assembly

Raised Bill No. 1065

January Session, 2023

LCO No. 3495



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES' RECOMMENDATIONS REGARDING VARIOUS TECHNICAL REVISIONS TO DEVELOPMENTAL SERVICES STATUTES.

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

1 Section 1. Section 17a-210a of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective from passage*):

3 (a) There is established an independent [ombudsman]
4 ombudsperson office within the Department of Developmental
5 Services that is responsible for receiving and making
6 recommendations to the commissioner for resolving complaints
7 affecting individuals under the care or supervision of the department
8 or of any public or private agency with which the department has
9 contracted for the provision of services.

10 (b) The director of the [ombudsman] ombudsperson office shall be
11 appointed by the Governor, with the approval of the General
12 Assembly. Said director shall be an elector of the state with expertise
13 and experience in the fields of developmental services and advocacy

14 for the rights of the individuals specified in subsection (a) of this
15 section and shall be exempt from the classified service.

16 (c) [Upon the vacancy of the director of the ombudsman office by
17 the person serving in such position on July 1, 2004, and whenever
18 thereafter the term of such position expires or there is a vacancy in
19 such position, the] The Governor shall appoint the director of the
20 [ombudsman] ombudsperson office from a list of candidates prepared
21 and submitted to the Governor by the Council on Developmental
22 Services, established by section 17a-270. The Governor shall notify the
23 council of the pending expiration of the term of an incumbent
24 [ombudsman] ombudsperson not less than ninety days prior to the
25 final day of the [ombudsman's] ombudsperson's term in office. If a
26 vacancy occurs in the position of [ombudsman] ombudsperson, the
27 Governor shall notify the council immediately of the vacancy. The
28 council shall meet to consider qualified candidates for the position of
29 [ombudsman] ombudsperson and shall submit a list of not more than
30 five candidates to the Governor ranked in order of preference, not
31 more than sixty days after receiving notice from the Governor of the
32 pending expiration of the [ombudsman's] ombudsperson's term or the
33 occurrence of a vacancy. The Governor shall designate, not more than
34 sixty days after receipt of the list of candidates from the council, one
35 candidate from the list for the position of [ombudsman]
36 ombudsperson. If, after the list is submitted to the Governor by the
37 council, any candidate withdraws from consideration, the Governor
38 shall designate a candidate from those remaining on the list. If the
39 Governor fails to designate a candidate within sixty days of receipt of
40 the list from the council, the council shall refer the candidate with the
41 highest ranking on the list to the General Assembly for confirmation. If
42 the General Assembly is not in session at the time of the Governor's or
43 council's designation of a candidate, the candidate shall serve as the
44 acting [ombudsman] ombudsperson until the General Assembly meets
45 and confirms the candidate as [ombudsman] ombudsperson. A
46 candidate serving as acting [ombudsman] ombudsperson shall be
47 entitled to compensation and have all the powers, duties and

48 privileges of the [ombudsman] ombudsperson. An [ombudsman]
49 ombudsperson shall serve a term of four years, not including any time
50 served as acting [ombudsman] ombudsperson, and may be
51 reappointed by the Governor or shall remain in the position until a
52 successor is appointed pursuant to this subsection. Although an
53 incumbent [ombudsman] ombudsperson may be reappointed, the
54 Governor shall also consider additional candidates from a list
55 submitted by the council as provided in this section.

56 (d) The director of the [ombudsman] ombudsperson office shall
57 report monthly to the Council on Developmental Services and, in
58 accordance with the provisions of section 11-4a, annually to the joint
59 standing committee of the General Assembly having cognizance of
60 matters relating to public health.

61 Sec. 2. Section 17a-217 of the general statutes is repealed and the
62 following is substituted in lieu thereof (*Effective from passage*):

63 (a) The Department of Developmental Services shall develop [day
64 care programs,] day camp programs and recreational programs for
65 children and adults with intellectual disability. Any nonprofit
66 organization [which] that establishes or maintains [day care
67 programs,] day camp programs or recreational programs for children
68 or adults with intellectual disability may apply to the Department of
69 Developmental Services for funds to be used to assist in establishing,
70 maintaining or expanding such programs. For the purposes of this
71 section: (1) A [day care program (A) may provide for the care and
72 training of preschool age children to enable them to achieve their
73 maximum social, physical and emotional potential; (B) may provide
74 adolescents and adults with intellectual disability with an activity
75 program which includes training in one or more of the following areas:
76 (i) Self-care, (ii) activities of daily living, (iii) personal and social
77 adjustment, (iv) work habits, and (v) skills, speech and language
78 development; (2) a] day camp program may provide children or adults
79 with intellectual disability with a supervised program of outdoor
80 activities [which] that may be conducted during all or part of the

81 months of June, July, August and September; and ~~[(3)]~~ (2) a
82 recreational program may provide planned and supervised
83 recreational activities for children or adults with intellectual disability,
84 which activities may be of a social, athletic or purely diversionary
85 nature and which programs shall be considered separate and apart
86 from the day camp program described in subdivision ~~[(2)]~~ (1) of this
87 subsection.

88 (b) No grant made under this section to assist in establishing,
89 maintaining or expanding any program set forth in subsection (a) of
90 this section shall exceed the ordinary and recurring annual operating
91 expenses of such program, nor shall any grant be made to pay for all or
92 any part of capital expenditures. The Department of Developmental
93 Services shall: (1) Define minimum requirements to be met by each
94 program in order to be eligible to receive funds as provided for by this
95 section in regard to qualification and number of staff members and
96 program operation, including, but not limited to, physical plant and
97 record keeping; (2) establish procedures to be used in making
98 application for such funds; and (3) adopt regulations, in accordance
99 with chapter 54, governing the granting of funds to assist in the
100 establishment of ~~[day care programs,]~~ day camp programs and
101 recreational programs for persons with intellectual disability. Upon
102 receipt of proper application, the Department of Developmental
103 Services, within available appropriations, may grant such funds,
104 provided the plans for financing and the standards of operation of
105 such programs shall be approved by the department in accordance
106 with the provisions of this section. For the purpose of developing such
107 programs, the department may accept grants from the federal
108 government, a municipality or any other source.

109 Sec. 3. Section 17a-277 of the general statutes is repealed and the
110 following is substituted in lieu thereof (*Effective from passage*):

111 A regional or training school director may place any resident with
112 intellectual disability committed or admitted to such training school,
113 regional facility or other residential facility provided for the care and

114 training of persons with intellectual disability, under the provisions of
115 sections 17a-210 to 17a-247, inclusive, and 17a-273, in a community
116 companion home, community living arrangement, group home, other
117 residential facility or residential program to be cared for in accordance
118 with the following conditions:

119 (1) Such resident shall, despite such transfer, remain subject to the
120 control of the regional or training school director and the director may,
121 at any time, order and provide for the return of any such resident to
122 such training school, regional facility or other residential facility
123 provided for the care and training of persons with intellectual
124 disability;

125 (2) When the transfer of any such resident has been authorized or
126 when, having been transferred to a community companion home,
127 community living arrangement, group home, other residential facility
128 or residential program for persons with intellectual disability, such
129 resident has returned to the training school, regional facility or other
130 residential facility, the regional or training school director shall
131 forthwith so notify the Commissioner of Developmental Services;

132 (3) Such community companion home, community living
133 arrangement, group home, other residential facility or residential
134 program shall be licensed or certified by the Department of
135 Developmental Services, licensed by the Department of Children and
136 Families or certified by the Department of Public Health under such
137 regulations as the departments adopt, in accordance with chapter 54;
138 and

139 (4) The Commissioner of Developmental Services shall, upon
140 request, be given access to the complete record of any resident placed
141 in a community companion home, community living arrangement,
142 group home, other residential facility or residential program pursuant
143 to this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	17a-210a
Sec. 2	<i>from passage</i>	17a-217
Sec. 3	<i>from passage</i>	17a-277

PH *Joint Favorable*