



General Assembly

January Session, 2023

Raised Bill No. 1065

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 Section 17a-210a of the general statutes is repealed and the
2 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 Services
5 that is responsible for receiving and making recommendations to the
6 commissioner for resolving complaints affecting individuals under the
7 care or supervision of the department or of any public or private agency
8 with which the department has contracted for the provision of services.

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

14 shall be exempt from the classified service.

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

48 including any time served as acting [ombudsman] ombudsperson, and
49 may be reappointed by the Governor or shall remain in the position
50 until a successor is appointed pursuant to this subsection. Although an
51 incumbent [ombudsman] ombudsperson may be reappointed, the
52 Governor shall also consider additional candidates from a list submitted
53 by the council as provided in this section.

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

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

61 (a) The Department of Developmental Services shall develop [day
62 care programs,] day camp programs and recreational programs for
63 children and adults with intellectual disability. Any nonprofit
64 organization [which] that establishes or maintains [day care programs,]
65 day camp programs or recreational programs for children or adults with
66 intellectual disability may apply to the Department of Developmental
67 Services for funds to be used to assist in establishing, maintaining or
68 expanding such programs. For the purposes of this section: (1) A [day
69 care program (A) may provide for the care and training of preschool age
70 children to enable them to achieve their maximum social, physical and
71 emotional potential; (B) may provide adolescents and adults with
72 intellectual disability with an activity program which includes training
73 in one or more of the following areas: (i) Self-care, (ii) activities of daily
74 living, (iii) personal and social adjustment, (iv) work habits, and (v)
75 skills, speech and language development; (2) a] day camp program may
76 provide children or adults with intellectual disability with a supervised
77 program of outdoor activities [which] that may be conducted during all
78 or part of the months of June, July, August and September; and [(3)] (2)
79 a recreational program may provide planned and supervised
80 recreational activities for children or adults with intellectual disability,

81 which activities may be of a social, athletic or purely diversionary nature
82 and which programs shall be considered separate and apart from the
83 day camp program described in subdivision [(2)] (1) of this subsection.

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

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

107 A regional or training school director may place any resident with
108 intellectual disability committed or admitted to such training school,
109 regional facility or other residential facility provided for the care and
110 training of persons with intellectual disability, under the provisions of
111 sections 17a-210 to 17a-247, inclusive, and 17a-273, in a community
112 companion home, community living arrangement, group home, other
113 residential facility or residential program to be cared for in accordance

114 with the following conditions:

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

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

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

134 (4) The Commissioner of Developmental Services shall, upon request,
135 be given access to the complete record of any resident placed in a
136 community companion home, community living arrangement, group
137 home, other residential facility or residential program pursuant to this
138 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

Statement of Purpose:

To make various technical revisions to developmental services statutes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]