



Senate Bill No. 1065

Public Act No. 23-111

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:

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 Section 17a-210a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

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

(c) [Upon the vacancy of the director of the ombudsman office by the

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person serving in such position on July 1, 2004, and whenever thereafter the term of such position expires or there is a vacancy in such position, the] The Governor shall appoint the director of the [ombudsman] ombudsperson office from a list of candidates prepared and submitted to the Governor by the Council on Developmental Services, established by section 17a-270. The Governor shall notify the council of the pending expiration of the term of an incumbent [ombudsman] ombudsperson not less than ninety days prior to the final day of the [ombudsman's] ombudsperson's term in office. If a vacancy occurs in the position of [ombudsman] ombudsperson, the Governor shall notify the council immediately of the vacancy. The council shall meet to consider qualified candidates for the position of [ombudsman] ombudsperson and shall submit a list of not more than five candidates to the Governor ranked in order of preference, not more than sixty days after receiving notice from the Governor of the pending expiration of the [ombudsman's] ombudsperson's term or the occurrence of a vacancy. The Governor shall designate, not more than sixty days after receipt of the list of candidates from the council, one candidate from the list for the position of [ombudsman] ombudsperson. If, after the list is submitted to the Governor by the council, any candidate withdraws from consideration, the Governor shall designate a candidate from those remaining on the list. If the Governor fails to designate a candidate within sixty days of receipt of the list from the council, the council shall refer the candidate with the highest ranking on the list to the General Assembly for confirmation. If the General Assembly is not in session at the time of the Governor's or council's designation of a candidate, the candidate shall serve as the acting [ombudsman] ombudsperson until the General Assembly meets and confirms the candidate as [ombudsman] ombudsperson. A candidate serving as acting [ombudsman] ombudsperson shall be entitled to compensation and have all the powers, duties and privileges of the [ombudsman] ombudsperson. An [ombudsman] ombudsperson shall serve a term of four years, not including any time served as acting [ombudsman] ombudsperson, and

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may be reappointed by the Governor or shall remain in the position until a successor is appointed pursuant to this subsection. Although an incumbent [ombudsman] ombudsperson may be reappointed, the Governor shall also consider additional candidates from a list submitted by the council as provided in this section.

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

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

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

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recreational activities for children or adults with intellectual disability, which activities may be of a social, athletic or purely diversionary nature and which programs shall be considered separate and apart from the day camp program described in subdivision [(2)] (1) of this subsection.

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

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

A regional or training school director may place any resident with intellectual disability committed or admitted to such training school, regional facility or other residential facility provided for the care and training of persons with intellectual disability, under the provisions of

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sections 17a-210 to 17a-247, inclusive, and 17a-273, in a community companion home, community living arrangement, group home, other residential facility or residential program to be cared for in accordance with the following conditions:

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

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

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

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