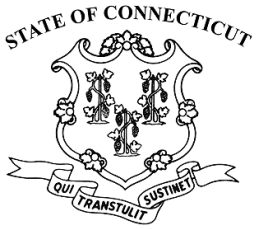

Substitute House Bill No. 7156

Public Act No. 25-79

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

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

Section 1. Subdivision (1) of section 20-14h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(1) "Administration" means the direct application of a medication by means other than injection to the body of a person but does not mean the administration of epinephrine or insulin by auto injector to a person residing in a facility licensed or certified by the Department of Developmental Services to treat an acute allergic reaction or diabetes.

Sec. 2. Section 20-14i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[Any provisions to the contrary notwithstanding,**]** Notwithstanding any provisions of chapter 378, said chapter shall not prohibit the administration of medication to persons (1) attending day programs, residing in residential facilities or receiving individual and family support, under the jurisdiction of the Departments of Children and Families, Correction, Developmental Services and Mental Health and

Addiction Services, (2) being detained in juvenile residential centers or residing in residential facilities dually licensed by the Department of Children and Families and the Department of Public Health, **[**or**]** (3) residing in substance abuse treatment facilities licensed by the Department of Children and Families pursuant to section 17a-145 when such medication is administered by trained persons, pursuant to the written order of a physician licensed under this chapter, a dentist licensed under chapter 379, an advanced practice registered nurse licensed to prescribe in accordance with section 20-94a or a physician assistant licensed to prescribe in accordance with section 20-12d, authorized to prescribe such medication, or (4) residing in facilities licensed or certified by the Department of Developmental Services, provided (A) such administration of medication is performed using an auto injector and limited to the administration of epinephrine or insulin to treat an acute allergic reaction or diabetes, and (B) such administration of medication is performed by a trained person who has received specialized training in the administration of medication by auto injector, as prescribed by the Commissioner of Developmental Services. The provisions of this section shall not apply to institutions, facilities or programs licensed pursuant to chapter 368v.

Sec. 3. Subsection (a) of section 45a-677a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) A plenary or limited guardian appointed under section 45a-676, a protected person or a protected person's legal representative, or the Commissioner of Developmental Services, or the commissioner's designee, may petition for a guardian to be granted authority to manage the finances of a protected person whose assets do not exceed ten thousand dollars. The petition shall be filed in the Probate Court that appointed the guardian. If a petition under this section is filed simultaneously with a guardianship petition under section 45a-670, the

court may conduct one hearing on both petitions.

Sec. 4. Section 17a-247a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

As used in this section and sections 17a-247b to 17a-247f, inclusive, as amended by this act:

(1) "Abuse" means (A) the wilful infliction by an employee of physical pain or injury, financial exploitation, psychological abuse or verbal abuse; (B) the wilful deprivation of services necessary to the physical and mental health and safety of an individual who receives services or funding from the department; or (C) sexual abuse.

(2) "Authorized agency" means any agency authorized in accordance with the general statutes to conduct abuse and neglect investigations and responsible for issuing or carrying out protective services for persons with intellectual disability.

(3) "Commissioner" means the Commissioner of Developmental Services, or his or her designee.

(4) "Community companion home licensee" means a person who (A) provides residential supports and services to not more than three individuals within such person's private residence, and (B) is licensed to operate a community companion home pursuant to section 17a-227, as amended by this act.

(5) "Community companion home designee" means any person who, at the direction of a community companion home licensee, provides support or services at a community companion home, licensed pursuant to section 17a-227, as amended by this act, when the community companion home licensee is absent from such community companion home.

[(4)**]** (6) "Department" means the Department of Developmental Services.

[(5)**]** (7) "Employee" means any person employed (A) by the department, or (B) by an agency, organization or person that is licensed or funded by the department.

[(6)**]** (8) "Employer" means (A) the department, or (B) an agency, organization or person that is licensed or funded by the department.

[(7)**]** (9) "Financial exploitation" means the theft, misappropriation or unauthorized or improper use of property, money or other resource that is intended to be used by or for an individual who receives services or funding from the department.

[(8)**]** (10) "Neglect" means the failure by an employee, through action or inaction, to provide an individual who receives services or funding from the department with the services necessary to maintain such individual's physical and mental health and safety.

[(9)**]** (11) "Protective services" has the same meaning as provided in section 46a-11a.

[(10)**]** (12) "Psychological abuse" means an act intended to (A) humiliate, intimidate, degrade or demean an individual who receives services or funding from the department, (B) inflict emotional harm or invoke fear in such individual, or (C) otherwise negatively impact the mental health of such individual.

[(11)**]** (13) "Registry" means a centralized data base containing information regarding substantiated abuse or neglect.

[(12)**]** (14) "Sexual abuse" means (A) any sexual contact between an individual who receives services or funding from the department, regardless of such individual's ability to consent, and an employee, or

(B) the encouragement by an employee of an individual who receives services or funding from the department to engage in sexual activity.

[(13)**]** (15) "Substantiated abuse or neglect" means a determination by an authorized agency, following an investigation conducted or monitored by such agency, that (A) abuse or neglect of an individual who receives services or funding from the department, or (B) there has been a criminal conviction of a felony or misdemeanor involving abuse or neglect.

[(14)**]** (16) "Verbal abuse" means the use of offensive or intimidating language that is intended to provoke or cause the distress of an individual who receives services or funding from the department.

Sec. 5. Section 17a-247b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(a) The Department of Developmental Services shall establish and maintain a registry of (1) former employees who have been terminated or separated from employment as a result of substantiated abuse or neglect, (2) community companion home licensees whose licenses have been revoked or who have surrendered their licenses as a result of substantiated abuse or neglect, and (3) community companion home designees against whom an authorized agency has made a finding substantiating abuse or neglect. The department shall, for the purposes of maintaining the registry, be capable of responding to inquiries in accordance with subsection (c) of this section as to whether a former employee has been terminated or separated from employment as a result of substantiated abuse or neglect, whether a community companion home licensee has had his or her license revoked or has surrendered his or her license as a result of substantiated abuse or neglect, and whether an authorized agency has made a finding substantiating abuse or neglect against a community companion home designee. Such capability may include response by telephone voice mail

or other automated response for initial inquiries.

(b) The registry shall include, but not be limited to, the following: (1) The names, addresses and Social Security numbers of **[**those**]** (A) former employees terminated or separated from employment as a result of substantiated abuse or neglect, (B) community companion home licensees whose licenses have been revoked or who have surrendered their licenses as a result of substantiated abuse or neglect, and (C) community companion home designees against whom an authorized agency has made a finding substantiating abuse or neglect; (2) the date of (A) termination or separation, (B) license revocation or surrender, as applicable, and (C) for community companion home designees, an authorized agency's finding substantiating abuse or neglect; (3) the type of abuse or neglect; and (4) the name of any employer or authorized agency requesting information from the registry, the reason for the request and the date of the request.

(c) The department shall make information in the registry available only to: (1) Authorized agencies, for the purpose of protective service determinations; (2) employers who employ employees to provide services to an individual who receives services or funding from the department; (3) the Departments of Children and Families, Mental Health and Addiction Services, Social Services and Administrative Services and the Office of Labor Relations, for the purpose of determining whether an applicant for employment with the Departments of Children and Families, Developmental Services, Mental Health and Addiction Services and Social Services appears on the registry; (4) the Office of the Probate Court Administrator, for the purpose of determining whether a person proposed for appointment as a guardian pursuant to part V of chapter 802h appears on the registry; or **[**(4)**]** (5) charitable organizations that recruit volunteers to support programs for persons with intellectual disability or autism spectrum disorder, upon application to and approval by the commissioner, for

purposes of conducting background checks on such volunteers.

(d) The department shall limit responses to requests for identifying information from the registry established under this section to (1) identification of (A) the former employee terminated or separated from employment for substantiated abuse or neglect, (B) the community companion home licensee whose license has been revoked or surrendered for substantiated abuse or neglect, or (C) the community companion home designee against whom an authorized agency has made a finding substantiating abuse or neglect, and (2) the type of abuse or neglect so substantiated.

(e) Not later than five business days **[**following**]** after receipt of written notification by an authorized agency of the substantiation of abuse or neglect by (1) a former employee who has been terminated or separated from employment for such abuse or neglect, (2) a community companion home licensee whose license has been revoked or surrendered as a result of such abuse or neglect, or (3) a community companion home designee, an employer or, in the case of a community companion home designee, a community companion home, shall submit to the department the name of such former employee or community companion home designee and such other information as the department may request. Upon receipt of any such notification, **[**of such termination or separation,**]** the department shall conduct a hearing in accordance with sections 4-177 to 4-181a, inclusive, governing contested cases. The department shall not place a former **[**employee's**]** employee, community companion home licensee or community companion home designee's name on the registry until the department has completed the hearing and the hearing has resulted in a decision to place the former **[**employee's**]** employee, community companion home licensee or community companion home designee's name on the registry.

(f) Upon completion of an investigation in which the department

determines that a community companion home licensee committed substantiated abuse and neglect, the department shall notify such community companion home licensee that his or her license may be revoked and his or her name is to be placed on the registry. Any such community companion home licensee may request an administrative hearing to contest such license revocation and registry placement. Such hearing shall be conducted in conjunction with a revocation hearing requested pursuant to section 17a-227, as amended by this act. If such community companion home licensee submits such a revocation hearing request, the department shall not place such community companion home licensee's name on the registry until the department has completed the hearing and the hearing has resulted in a decision to place the community companion home licensee's name on the registry.

[(f)**]** (g) The department shall remove a former **[**employee's**]** employee, community companion home licensee or community companion home designee's name from the registry (1) if an arbitration or a legal proceeding results in a finding that the former employee was unfairly terminated from employment, or (2) upon the submittal to the department of such employee, community companion home licensee or community companion home designee's death certificate.

[(g)**]** (h) No employer shall be liable in any civil action for damages brought by an employee, former employee or an applicant for employment whose name appears on the registry established by this section arising out of the conduct of the employer in (1) making any report in good faith pursuant to subsection (e) of this section, (2) testifying under oath in any administrative or judicial proceeding arising from such report, (3) refusing to hire or to retain any person whose name appears on the registry established under this section, or (4) taking any other action to conform to the requirements of this section. The immunity provided in this subsection shall not apply to gross negligence or to wilful or wanton misconduct.

Sec. 6. Subsection (g) of section 17a-227 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(g) If the commissioner determines, after investigation of a report received pursuant to the provisions of section 46a-11b, that a person, firm or corporation licensed to operate a community living arrangement or community companion home committed abuse or neglect against a person receiving support or services from the department during a licensure period, and such determination resulted in the revocation or surrender of such person, firm or corporation's license, the commissioner may disclose (1) the name of such person, firm or corporation, (2) the date of such revocation or surrender, and (3) the type of abuse or neglect committed to (A) authorized agencies, as defined in section 17a-247a, as amended by this act, for the purpose of protective service determinations, (B) employers whose employees provide services to persons who receive support or services from the department, **[**and**]** (C) the Departments of Children and Families, Mental Health and Addiction Services, Social Services and Administrative Services for the purpose of making a determination on an application for (i) employment with, or (ii) licensure or certification as a provider for the Departments of Children and Families, Mental Health and Addiction Services, Social Services and Developmental Services, and (D) the Office of the Probate Court Administrator for the purpose of making determinations on petitions for guardianship pursuant to part V of chapter 802h appears on the registry.

Sec. 7. Subdivision (13) of subsection (g) of section 17a-28 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(13) The Department of Developmental Services, to allow said department to determine eligibility, facilitate enrollment and plan for the provision of services to a child who is a client of said department

and who is applying to enroll in or is enrolled in said department's behavioral services program. At the time that a parent or guardian completes an application for enrollment of a child in the Department of Developmental Services' **[**behavioral**]** children's services program, or at the time that said department updates a child's annual individualized plan of care, said department shall notify such parent or guardian that the Department of Children and Families may provide records to the Department of Developmental Services for the purposes specified in this subdivision without the consent of such parent or guardian;

Sec. 8. Subsection (c) of section 17a-238a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(c) The Commissioner of Developmental Services shall report, in accordance with the provisions of section 11-4a, at least annually, to the joint standing committees of the General Assembly having cognizance of matters relating to public health and appropriations and the budgets of state agencies concerning the number of individuals determined by the department to be eligible for funding or services from the department and who (1) have unmet residential care needs, (2) have unmet employment opportunity and day service needs, or (3) are eligible for the department's **[**behavioral**]** children's services program and are waiting for a funding allocation. The commissioner shall post such report on the department's Internet web site.

Sec. 9. Subsection (i) of section 17b-261 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(i) Medical assistance shall be provided, in accordance with the provisions of subsection (e) of section 17a-6, to any child under the supervision of the Commissioner of Children and Families who is not receiving Medicaid benefits, has not yet qualified for Medicaid benefits

or is otherwise ineligible for such benefits. Medical assistance shall also be provided to any child in the **[**behavioral**]** children's services program operated by the Department of Developmental Services who is not receiving Medicaid benefits, has not yet qualified for Medicaid benefits or is otherwise ineligible for benefits. To the extent practicable, the Commissioner of Children and Families and the Commissioner of Developmental Services shall apply for, or assist such child in qualifying for, the Medicaid program.

Sec. 10. Subsection (b) of section 17a-210 of 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 shall ensure that 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 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; (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. 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.

Governor's Action:
Approved June 23, 2025