House of Representatives

General Assembly

File No. 39

February Session, 2026

Substitute House Bill No. 5239

House of Representatives, March 17, 2026

The Committee on Public Health reported through REP. MCCARTHY VAHEY of the 133rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

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

Section 1. Subsection (b) of section 17a-210 of the 2026 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):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, or the commissioner's designee, shall **[**ensure that**]** conduct 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**]** The commissioner, or the commissioner's designee, shall, if required by section 2 of this act, refer the case 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**]** pursuant to section 2 of this act. 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.

Sec. 2. (NEW) (*Effective from passage*) (a) There is established, within the Department of Developmental Services, an Independent Mortality Review Board. The Commissioner of Developmental Services, or the commissioner's designee, shall report to the board and the board shall review any death of a person with intellectual disability for whom the department has direct or oversight responsibility for medical care: (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) that was sudden and unexpected and for which the commissioner, or the commissioner's designee, determines that an independent investigation by the board is necessary; or (4) for which the comprehensive and timely review conducted pursuant to section 17a-210 of the general statutes, as amended by this act, raises questions about the appropriateness of care.

(b) The Commissioner of Developmental Services, or the commissioner's designee, shall serve as chairperson of the Independent Mortality Review Board.

(c) The Independent Mortality Review Board shall be constituted by the Commissioner of Developmental Services and may include, but need not be limited to, any of the following members depending on the death of the person being reviewed:

(1) The Department of Developmental Services' director of quality and systems improvement, or the director's designee;

(2) The Department of Developmental Services' director of investigations, or the director's designee;

(3) The Chief Medical Examiner, or the Chief Medical Examiner's designee;

(4) A medical doctor appointed by the Commissioner of Developmental Services;

(5) The Commissioner of Public Health, or the commissioner's designee;

(6) The executive director of the nonprofit entity designated by the Governor in accordance with section 46a-10b of the general statutes to serve as the Connecticut protection and advocacy system, or the executive director's designee;

(7) A private provider representative appointed by the Commissioner of Developmental Services; and

(8) Any additional members the chairperson deems beneficial to serve as a member of the board, provided that a majority of members on the board are not employees of the Department of Developmental Services.

(d) The Independent Mortality Review Board may request documentation and information as may be necessary for their review

pursuant to section 17a-210 of the general statutes, as amended by this act. The department's mortality review process and the Independent Mortality Review Board shall operate in accordance with the peer review provisions for medical review teams established under section 19a-17b of the general statutes and confidentiality of records provisions established under section 19a-25 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*from passage*	17a-210(b)
Sec. 2	*from passage*	New section

Statement of Legislative Commissioners:

In the second sentence of Section 2(a), "of a person with intellectual disability for whom the department has direct or oversight responsibility for medical care" was added for clarity and consistency with Section 1, in Section 2(a)(3), "for which" was added before "the commissioner" for clarity, in Section 2(a)(4) "in which" was changed to "for which" for consistency, and in Section 2(c), "shall be constituted by the Commissioner of Developmental Services and" was added for clarity, and "individual" was changed to "person" for consistency.

PH *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill consolidates the Fatality Review Board into the Independent Mortality Review Board and makes other technical and clarifying changes which do not result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sHB 5239

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

SUMMARY

This bill 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 (i.e. Independent Mortality Review Board and Fatality Review Board (FRB), see BACKGROUND). In doing so, the bill appears to eliminate the FRB and merge its functions with the IMRB. (In practice, the responsibilities of the two boards overlap.)

The bill specifically establishes the IMRB in statute and codifies, with changes, the IMRB'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 current law, the bill subjects DDS and IMRB mortality processes to existing law's confidentiality and peer review requirements.

The bill 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 bill codifies the board's membership in a way that is similar to its current membership under Executive Order 57. But it allows, rather than requires, the following individuals 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 bill, 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 bill designates the DDS commissioner or his designee as the 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 current law, the bill 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.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute
Yea 31 Nay 0 (03/02/2026)