



House of Representatives

General Assembly

File No. 509

January Session, 2021

Substitute House Bill No. 6637

House of Representatives, April 19, 2021

The Committee on Human Services reported through REP. ABERCROMBIE of the 83rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING A MENTAL HEALTH BILL OF RIGHTS FOR DEAF, DEAFBLIND AND HARD OF HEARING PERSONS.

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

1 Section 1. (NEW) (*Effective July 1, 2021*) As used in this section, section
2 2 of this act and sections 4-61aa, 46a-27, 46a-28 and 46a-29 of the general
3 statutes, as amended by this act:

4 (1) "Deaf person" means a person who has a hearing loss which is so
5 severe that the person has difficulty in processing linguistic information
6 through hearing, with or without amplification or other assistive
7 technology;

8 (2) "Deafblind person" means a person who has both a hearing loss
9 and a visual loss that present challenges in (A) processing linguistic
10 information through hearing and sight, and (B) functioning
11 independently as a sighted person without training;

12 (3) "Hard of hearing person" means a person who has a hearing loss,

13 whether permanent or fluctuating, which may be corrected by
14 amplification or other assistive technology or means but presents
15 challenges in processing linguistic information through hearing;

16 (4) "American Sign Language" or "ASL" means the visual language
17 used by deaf and hard of hearing persons in the United States and
18 Canada, with semantic, syntactic, morphological and phonological rules
19 distinct from the English language;

20 (5) "English-based manual or sign system" means a sign system that
21 uses manual signs in English language word order, sometimes with
22 added affixes that are not present in ASL;

23 (6) "Oral, aural or speech-based system" means a communication
24 system which uses a deaf or hard of hearing person's speech or residual
25 hearing abilities, with or without the assistance of technology or cues;

26 (7) "Language, communication mode or style" means one or more of
27 the following: (A) ASL, (B) English-based manual or sign systems, (C) a
28 minimal sign language system to communicate with persons who use
29 home-based signs, idiosyncratic signs or a sign system or language from
30 another country, (D) oral, aural or speech-based systems with or
31 without assistive technology, and (E) tactile method ASL or protactile
32 ASL as used by deaf-blind persons;

33 (8) "Primary language, communication mode or style" means the
34 language, communication mode or style which is preferred by and most
35 effective for a particular person, or as determined by an appropriate
36 language assessment undertaken by persons proficient in the language,
37 communication mode or style being assessed;

38 (9) "Culturally and linguistically affirmative mental health services"
39 means the provision of a full continuum of mental health services to a
40 deaf, deafblind or hard of hearing person through an appropriately
41 licensed mental health professional fluent in the primary language,
42 communication mode or style and cultural needs of the person requiring
43 such services; and

44 (10) "Accessible mental health services" means the provision of a full
45 continuum of mental health services with the use of auxiliary aids and
46 services necessary for a deaf, deafblind or hard of hearing person to
47 communicate with appropriately qualified mental health professionals
48 who are not fluent in the primary language, communication mode or
49 style of the person requiring such services, including, but not limited to,
50 qualified interpreters utilizing the language or communication mode
51 used by such person, written communications or assistive listening
52 devices.

53 Sec. 2. (NEW) (*Effective July 1, 2021*) (a) There is established a bill of
54 rights for deaf, deafblind and hard of hearing persons in need of mental
55 health services. The rights afforded such persons, pursuant to
56 subsection (b) of this section, shall be available to such persons only to
57 the extent that such rights are implemented in accordance with other
58 provisions of the general statutes, state policies, procedures and
59 regulations, federal law, the Constitution of the state and the
60 Constitution of the United States.

61 (b) A deaf, deafblind or hard of hearing person has a right to:

62 (1) Culturally and linguistically affirmative mental health services
63 that accommodate the unique needs of such person;

64 (2) Accessible mental health services delivered in such person's
65 primary language, communication mode or style;

66 (3) Specialized mental health services when necessary that provide
67 appropriate and fully accessible counseling and therapeutic options
68 using an appropriate oral, aural or speech-based system tailored to the
69 unique needs of such person;

70 (4) Express his or her opinion in determining the extent, content and
71 purpose of mental health treatment or services that accommodate the
72 unique needs of such person;

73 (5) Programs offering access to a full continuum of services,
74 including, but not limited to, all modes of therapy and evaluations;

75 (6) Programs informed by appropriate research, curricula, staff and
76 outreach; and

77 (7) Express his or her views concerning the development and
78 implementation of state and regional programs for the mental health
79 service needs of such person.

80 Sec. 3. Subsection (a) of section 4-61aa of the general statutes is
81 repealed and the following is substituted in lieu thereof (*Effective July 1,*
82 *2021*):

83 (a) For purposes of this section, "state Americans with Disabilities Act
84 coordinator" means the person appointed by the Governor to coordinate
85 state compliance with the federal Americans with Disabilities Act of
86 1990. There is established a committee to advise the state Americans
87 with Disabilities Act coordinator. The state Americans with Disabilities
88 Act coordinator shall appoint the members of the committee, which
89 shall be chaired by said coordinator, or his designee, and include at least
90 one representative of each of the following:

- 91 (1) The Board of Education and Services to the Blind;
- 92 (2) The Advisory Board for Persons Who are Deaf, [or] Hard of
93 Hearing or Deafblind;
- 94 (3) The Department of Aging and Disability Services;
- 95 (4) The Department of Mental Health and Addiction Services;
- 96 (5) The Department of Developmental Services;
- 97 (6) The Labor Department;
- 98 (7) The Department of Administrative Services; and
- 99 (8) The Commission on Human Rights and Opportunities.

100 Sec. 4. Section 46a-27 of the general statutes is repealed and the
101 following is substituted in lieu thereof (*Effective July 1, 2021*):

102 The Advisory Board for Persons Who are Deaf, [or] Hard of Hearing
103 or Deafblind is hereby created to advocate, strengthen and advise the
104 Governor and the General Assembly concerning state policies affecting
105 persons who are deaf, [or] hard of hearing or deafblind and their
106 relationship to the public, industry, health care and educational
107 opportunity. The board shall:

108 (1) Monitor services for persons who are deaf, [or] hard of hearing or
109 deafblind;

110 (2) Periodically meet with the Commissioners of Public Health, Social
111 Services, Mental Health and Addiction Services, Education,
112 Developmental Services, and Children and Families and the Labor
113 Commissioner, or the commissioners' designees, to discuss best
114 practices and gaps in services for persons who are deaf, [or] hard of
115 hearing or deafblind;

116 (3) Refer persons with complaints concerning the qualification and
117 registration of interpreters for persons who are deaf, [or] hard of hearing
118 or deafblind to the entity designated pursuant to section 46a-10b;

119 (4) Make recommendations for (A) technical assistance and resources
120 for state agencies in order to serve persons who are deaf, [or] hard of
121 hearing or deafblind; (B) public policy and legislative changes needed
122 to address gaps in services; and (C) the qualifications and registration of
123 interpreters pursuant to section 46a-33a. The board shall submit such
124 recommendations, in accordance with section 11-4a, to the Governor
125 and the joint standing committee of the General Assembly having
126 cognizance of matters relating to human services.

127 Sec. 5. Subsection (a) of section 46a-28 of the general statutes is
128 repealed and the following is substituted in lieu thereof (*Effective July 1,*
129 *2021*):

130 (a) The Advisory Board for Persons Who are Deaf, [or] Hard of
131 Hearing or Deafblind shall consist of the following sixteen members
132 appointed by the Governor: (1) The consultant appointed by the State

133 Board of Education in accordance with section 10-316a, or the
 134 consultant's designee; (2) the president of the Connecticut Council of
 135 Organizations Serving the Deaf, or the president's designee; (3) the
 136 president of the Connecticut Association of the Deaf, or the president's
 137 designee; (4) the president of the Connecticut Registry of Interpreters
 138 for the Deaf, or the president's designee; (5) the Commissioner of Aging
 139 and Disability Services, or the commissioner's designee; (6) the
 140 executive director of the American School for the Deaf, or the executive
 141 director's designee; (7) a parent of a student in a predominantly oral
 142 education program; (8) a parent of a student at the American School for
 143 the Deaf; (9) a person who is deaf; (10) a person who is hard of hearing;
 144 (11) a person who is [deaf and blind] deafblind; (12) an interpreting
 145 professional who serves deaf, [or] hard of hearing or deafblind persons;
 146 (13) a healthcare professional who works with persons who are deaf,
 147 [or] hard of hearing or deafblind; (14) the Governor's liaison to the
 148 disability community; (15) an educator who works with children who
 149 are deaf, [or] hard of hearing or deafblind; and (16) the director of the
 150 Connecticut Chapter of We the Deaf People. The Commissioner of
 151 Aging and Disability Services, the Governor's liaison to the disability
 152 community and a member chosen by the majority of the board shall be
 153 the chairpersons of the advisory board.

154 Sec. 6. Subsection (b) of section 46a-29 of the general statutes is
 155 repealed and the following is substituted in lieu thereof (*Effective July 1,*
 156 *2021*):

157 (b) The Commissioner of Education shall assign one vocational
 158 rehabilitation consultant to act as a liaison staff member of the Advisory
 159 Board for Persons Who are Deaf, [or] Hard of Hearing or Deafblind.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2021	New section
Sec. 2	July 1, 2021	New section
Sec. 3	July 1, 2021	4-61aa(a)
Sec. 4	July 1, 2021	46a-27

Sec. 5	<i>July 1, 2021</i>	46a-28(a)
Sec. 6	<i>July 1, 2021</i>	46a-29(b)

HS *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, which establishes a bill of rights for deaf, deafblind and hard of hearing persons in need of mental health services and renames the advisory board, has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6637*****AN ACT CONCERNING A MENTAL HEALTH BILL OF RIGHTS FOR DEAF, DEAFBLIND AND HARD OF HEARING PERSONS.*****SUMMARY**

This bill establishes a bill of rights for individuals in need of mental health services who are deaf, deafblind, or hard of hearing. It specifies that the rights afforded these individuals must be available to them only to the extent that they are implemented in accordance with the general statutes, state policies, procedures and regulations, federal law, and the state and U.S. constitutions.

The bill changes the name of the Advisory Board for Persons Who are Deaf or Hard of Hearing to the Advisory Board for Persons Who are Deaf, Hard of Hearing or Deafblind. It makes several minor and conforming changes in the statutes governing the advisory board to:

1. allow board representation by service providers who work with individuals who are deafblind and
2. expand the board's duties to include considering and advocating for their service needs (e.g., making legislative recommendations; monitoring services; and discussing best practices with agency heads).

The bill also defines several terms related to the bill of rights and the duties of the Advisory Board for Persons Who are Deaf, Hard of Hearing or Deafblind.

EFFECTIVE DATE: July 1, 2021

MENTAL HEALTH BILL OF RIGHTS

The bill establishes a bill of rights for persons in need of mental health

services who are deaf, deafblind, or hard of hearing under which a person has a right to:

1. culturally and linguistically affirmative mental health services that accommodate his or her unique needs;
2. accessible mental health services delivered in his or her primary language or communication mode or style;
3. specialized mental health services when necessary that provide appropriate and fully accessible counseling and therapeutic options using an appropriate oral, aural, or speech-based system tailored to his or her unique needs;
4. express his or her opinion in determining the extent, content, and purpose of mental health treatment or services that accommodate his or her unique needs;
5. programs offering access to a full continuum of services, including all modes of therapy and evaluations;
6. programs informed by appropriate research, curricula, staff, and outreach; and
7. express his or her views concerning the development and implementation of state and regional programs for his or her mental health service needs.

The bill defines “culturally and linguistically affirmative mental health services” as the provision of a full continuum of mental health services to a deaf, deafblind, or hard of hearing person through an appropriately licensed mental health professional fluent in the primary language, communication mode or style, and cultural needs of the person requiring these services.

“Accessible mental health services” is defined under the bill as the provision of a full continuum of mental health services with the use of auxiliary aids and services necessary for a deaf, deafblind, or hard of

hearing person to communicate with appropriately qualified mental health professionals who are not fluent in the primary language or communication mode or style of the person requiring such services, including qualified interpreters using the language or communication mode used by such person, written communications, or assistive listening devices.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute

Yea 19 Nay 0 (04/01/2021)