



House of Representatives

File No. 712

General Assembly

January Session, 2021 **(Reprint of File No. 509)**

Substitute House Bill No. 6637
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 21, 2021

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, federal law, the Constitution of the
59 state and the Constitution of the United States.

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

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

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

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

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

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

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

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

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80 repealed and the following is substituted in lieu thereof (*Effective July 1,*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

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

90 (1) The Board of Education and Services to the Blind;

91 (2) The Advisory Board for Persons Who are Deaf, [or] Hard of
92 Hearing or Deafblind;

93 (3) The Department of Aging and Disability Services;

94 (4) The Department of Mental Health and Addiction Services;

95 (5) The Department of Developmental Services;

96 (6) The Labor Department;

97 (7) The Department of Administrative Services; and

98 (8) The Commission on Human Rights and Opportunities.

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

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

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

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

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

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

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

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

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

158 Sec. 6. Subsection (b) of section 46a-29 of the general statutes is
159 repealed and the following is substituted in lieu thereof (*Effective July 1,*
160 *2021*):

161 (b) The Commissioner of Education shall assign one vocational
162 rehabilitation consultant to act as a liaison staff member of the Advisory
163 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	<i>July 1, 2021</i>	New section
Sec. 2	<i>July 1, 2021</i>	New section
Sec. 3	<i>July 1, 2021</i>	4-61aa(a)
Sec. 4	<i>July 1, 2021</i>	46a-27
Sec. 5	<i>July 1, 2021</i>	46a-28(a)
Sec. 6	<i>July 1, 2021</i>	46a-29(b)

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.

House "A" makes changes to the membership of the advisory board and has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6637 (as amended by House "A")******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, 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;
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); and
3. eliminate the requirement that the governor appoint the eight ex-officio members, thus enabling their immediate board participation upon assuming their outside positions.

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.

*House Amendment "A" eliminates (1) the underlying bill's requirement that the bill of rights be implemented in accordance with state policies, procedures, and regulations and (2) current law's requirement that the governor appoint the advisory board's eight ex-officio members.

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)