

Public Health Committee JOINT FAVORABLE REPORT

Bill No.: SB-328

AN ACT CONCERNING THE PROVISION OF DEVELOPMENTAL AND SOCIAL
Title: SERVICES IN THE STATE.

Vote Date: 3/31/2021

Vote Action: Joint Favorable

PH Date: 3/8/2021

File No.: 554

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SPONSORS OF BILL:

The Public Health Committee

REASONS FOR BILL:

This bill makes various changes related to the provision of services to individuals with intellectual disability. Principally, it:

1. Requires the DDS commissioner to develop a strategic plan to reduce the wait time for DDS services and report the plan to the Public Health Committee by January 1, 2022.
2. Requires the OPM secretary, starting October 1, 2021, to consult with relevant stakeholders before implementing any plan to close a DDS facility.
3. Requires the DDS commissioner to provide notice to each person with intellectual disability, or his or her legal representative, before the person's eligibility for state services ends.
4. Authorizes the DSS commissioner to contract with hospitals and nonprofit organizations to provide social services and referrals for these services to frequent users of hospital services (e.g., emergency department services).
5. Establishes a nine-member task force to study DDS's level of need assessment system and requires the task force to report its findings and recommendations to the Public Health Committee by January 1, 2022.

RESPONSE FROM ADMINISTRATION/AGENCY:

Jordan A. Scheff, Commissioner, Department of Developmental Services (DDS):

While the provisions of SB 328 and SB 329 appear to be well-intended, DDS is concerned with the lack of specificity in their language and possible duplication of provisions that DDS is already implementing.

Over the last two decades, DDS has accomplished moving more individuals into the community with appropriate, lower-cost services via the advancement of new residential models. These lower-cost models allowed the department to stretch residential funding and provide services for more people on the residential waiting list.

If the intent of these bills is to require DDS to reduce the waiting list by a substantial amount, additional funding allocation would be needed in the budget and annualized over the next several years. Previous waiting list funding initiatives have allowed DDS to move more than 100 individuals each time from the residential waiting list into residential services. While these initiatives did reduce the numbers on the waiting list, they only reduced the waiting list numbers for a while and did not come close to eliminating the waiting list. The Governor's proposed budget for FY 2022 & FY 2023 does not include funding for the waiting list initiative.

The requirement for the Office of Policy and Management (OPM) and DDS to consult with stakeholders when DDS is in the process of closing a state-run facility is already an established DDS policy. Stakeholder input has proven vital in ensuring that individuals relocated due to facility closure would find comparable, appropriate residential services.

Additionally, this bill refers to the end of "eligibility" for an individual with intellectual disabilities. The department is unsure what type of "eligibility" is of concern. If services are at risk of a waiver services termination because the individual or their legal representative has not yet reapplied for Medicaid, DDS already has a remedy in place. The DDS Medicaid Operations Unit notifies these individuals and any applicable legal representative through the individual's case manager.

The third provision, which we understand to mean that an individual's services are ending as that person has been redetermined not to have an intellectual disability, DDS can assure you that this type of decision is rare. Once a person is determined to have an intellectual disability as defined in Section 1-1g of the general statutes, substantive evidence is required to prove that the person did not have an intellectual disability before the age of 18.

A redetermination of such magnitude would require that some substantive information that was not available at the time of initial determination had come to light. In the unlikely event of the DDS Eligibility Unit receiving this new information, the individual is notified of a redetermination hearing. The individual could present evidence refuting the claims. The individual can also exercise their Uniform Administrative Procedures Act (UAPA) hearing rights up to and including the right to challenge any redetermination decision in Superior Court.

DDS believes we currently have the resources and the necessary systems to comply with its general provisions and have been meeting the proposed bill's requirements as a matter of state agency best practices for the last several years. With that, the department shares that

neither of the proposed bills is necessary. Due to their requirements' vagueness, it leads to confusion rather than to clarify the department's responsibilities.

NATURE AND SOURCES OF SUPPORT:

None

NATURE AND SOURCES OF OPPOSITION:

None

Reported by: Beverley Henry

Date: May 7, 2021