



Substitute House Bill No. 6637

Public Act No. 21-72

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:

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

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

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

(3) "Hard of hearing person" means a person who has a hearing loss, whether permanent or fluctuating, which may be corrected by amplification or other assistive technology or means but presents challenges in processing linguistic information through hearing;

(4) "American Sign Language" or "ASL" means the visual language

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used by deaf and hard of hearing persons in the United States and Canada, with semantic, syntactic, morphological and phonological rules distinct from the English language;

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

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

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

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

(9) "Culturally and linguistically affirmative mental health services" means 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 such services; and

(10) "Accessible mental health services" means the provision of a full continuum of mental health services with the use of auxiliary aids and

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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, communication mode or style of the person requiring such services, including, but not limited to, qualified interpreters utilizing the language or communication mode used by such person, written communications or assistive listening devices.

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

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

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

(2) Accessible mental health services delivered in such person's primary language, 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 the unique needs of such person;

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

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

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(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 the mental health service needs of such person.

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

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

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

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

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

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

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

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

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

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

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2021):

(a) The Advisory Board for Persons Who are Deaf, [or] Hard of Hearing or Deafblind shall consist of the following [sixteen members appointed by the Governor] members: (1) The consultant appointed by the State Board of Education in accordance with section 10-316a, or the consultant's designee; (2) the president of the Connecticut Council of Organizations Serving the Deaf, or the president's designee; (3) the president of the Connecticut Association of the Deaf, or the president's designee; (4) the president of the Connecticut Registry of Interpreters for the Deaf, or the president's designee; (5) the Commissioner of Aging and Disability Services, or the commissioner's designee; (6) the executive director of the American School for the Deaf, or the executive director's designee; (7) [a parent of a student in a predominantly oral education program] the Governor's liaison to the disability community; (8) [a parent of a student at the American School for the Deaf; (9) a] the director of the Connecticut Chapter of We the Deaf People; and (9) eight members appointed by the Governor as follows: (A) A person who is deaf; [(10)] (B) a person who is hard of hearing; [(11)] (C) a person who is [deaf and blind] deafblind; [(12)] (D) an interpreting professional who serves deaf, [or] hard of hearing or deafblind persons; [(13)] (E) a healthcare professional who works with persons who are deaf, [or] hard of hearing or deafblind; [(14) the Governor's liaison to the disability community; (15)] (F) a parent of a student in a predominantly oral education program; (G) an educator who works with children who are deaf, [or] hard of hearing or deafblind; and [(16) the director of the Connecticut Chapter of We the Deaf People] (H) a parent of a student at the American School for the Deaf. The Commissioner of Aging and Disability Services, the Governor's liaison to the disability community and a member chosen by the majority of the board shall be the chairpersons of the advisory board.

Sec. 6. Subsection (b) of section 46a-29 of the general statutes is

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repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

Approved June 28, 2021