

# Public Health Committee JOINT FAVORABLE REPORT

**Bill No.:** SB-369

AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES' RECOMMENDATIONS REGARDING VARIOUS REVISIONS TO

**Title:** DEVELOPMENTAL SERVICES STATUTES.

**Vote Date:** 3/25/2022

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/14/2022

**File No.:**

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## **SPONSORS OF BILL:**

The Public Health Committee

## **REASONS FOR BILL:**

This bill allows the Department of Developmental Services (DDS) to require applicants seeking employment with an individual funded by DDS for self-directed services to submit to a check for complaints on the Department of Children and Families (DCF) child abuse and neglect registry. The bill also specifies that a licensed medical professional be appointed to the Council on Developmental Services.

Substitute language specifies that the licensed medical professional be a physician licensed to practice medicine in the State of CT. The intent of the bill is to tighten up requirements for work within the DDS and bring self-directed services into alignment with pre-employment practices already in use in DDS.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

### **Peter Mason, Deputy Commissioner, Department of Developmental Services**

Aligning pre-employment practices currently in place with statute is an important outcome of this bill. Also, in Section 2, the requirement for one of the governor's selections to the Council of Developmental Services is changed from Doctor of Medicine to licensed medical professional to reflect the changing modes by which people with intellectual disabilities get their health services. Finally, Section 3 requires that DDS determine that a person has an

intellectual disability before assigning responsibility to DDS. This aligns with the requirements of Centers for Medicare and Medicaid Services (CMS).

**Beverly Streit-Kefalas, Probate Court Administrator, Office of the Probate Court Administrator**

Section 3(a) seeks to introduce language that is not a clarification but changes the judicial authority established by statute. Probate Courts typically become involved with persons with intellectual disability when they are unable to care for themselves. Adoption of 3 (a) proposes to replace the Probate Court's responsibility in safeguarding the constitutional rights of people with intellectual disability. For this reason, the Office of Probate Administrator is opposed to this legislation.

**NATURE AND SOURCES OF SUPPORT:**

No testimony in support was provided for this bill

**NATURE AND SOURCES OF OPPOSITION:**

**Lisa Wexler, Judge, Westport Probate Court**

Judge Wexler has concerns and opposes the proposed changes in this bill. Line 16 changes the requirement from Doctor of Medicine to licensed medical professional. The problem is there is no definition of licensed medical professional. There are any number of licensed medical professionals that fit this definition so what is the intent? Lines 49 and 58 substitute DDS for Probate Court and these changes are problematic. The statute was originally intended to permit a Probate Judge, as a member of the judiciary, to render decisions on civil rights. In the new language, a potential conflict of interest may arise where a placement decision may be made, or not, based on economic considerations. There could be historical considerations known only to DDS that could affect the placement decision. The Probate Judge currently makes these decisions according to the constitutional protections afforded these citizens. For these reasons, Judge Wexler opposes these changes.

**Reported by: David Rackliffe**

**Date: April 5 2022**