



Substitute House Bill No. 5293

Public Act No. 24-122

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

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

Section 1. (NEW) (*Effective from passage*) (a) There shall be, within the Health and Clinical Services Division of the Department of Developmental Services, an Oral Health and Dental Services Unit. The unit shall: (1) Support persons with intellectual disability by assisting them with reaching and maintaining optimal oral health; (2) provide such persons access to oral and dental health care; (3) educate such persons, their families and support staff regarding oral disease prevention and early detection; (4) disseminate oral health and dental information to such persons, families and support staff; and (5) participate in oral health-related research and education.

(b) The Oral Health and Dental Services Unit may provide dental care services to persons with intellectual disability at designated dental offices in any service region of the Department of Developmental Services. Such services shall be specialized and individualized to meet the needs of such persons. Dental services provided pursuant to this subsection shall be provided under the scope of practice of a dentist licensed pursuant to chapter 379 of the general statutes or dental

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hygienist licensed pursuant to chapter 379a of the general statutes.

(c) The Commissioner of Developmental Services may contract with a dentist licensed pursuant to chapter 379 of the general statutes or a dentist granted a provisional license pursuant to the provisions of section 20-120 of the general statutes, as amended by this act, for the purpose of carrying out the duties of the Oral Health and Dental Services Unit pursuant to the provisions of this section.

Sec. 2. Section 20-120 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any graduate of a recognized dental college may practice dentistry in a clinic for a period not exceeding six months, provided [he shall obtain] such graduate obtains the written consent and approval of the Dental Commission.

(b) A full-time faculty member of a school of dentistry in this state who is licensed in another state or who has exceptional qualifications as approved by the Dental Commission may be granted a provisional license upon consent and approval of the Dental Commission which provisional license shall be in effect during such time as the licensee is in the full-time employment of a school of dentistry within the state. Such provisional license shall limit the licensee to the practice of dentistry (1) in the school of dentistry of which [he] such licensee is a member of the faculty, [or] (2) in any hospital affiliated with such school, or (3) as part of services offered by the Oral Health and Dental Services Unit of the Department of Developmental Services, established pursuant to section 1 of this act.

(c) Any graduate of a foreign dental school, who has exceptional qualifications, as approved by the Dental Commission, may practice dentistry in any state institution.

Sec. 3. Section 17a-249 of the 2024 supplement to the general statutes

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is repealed and the following is substituted in lieu thereof (*Effective October 1, 2024*):

(a) The Commissioner of Housing, in consultation with the Commissioner of Developmental Services, shall provide grants-in-aid or deferred loans to [private nonprofit organizations] an eligible developer, as defined in section 8-39, that has partnered with a Department of Developmental Services qualified provider or a provider approved to provide services that support persons receiving services under the Medicaid waiver program for autism spectrum disorder services, operated through the Department of Social Services, for supportive housing for persons with an intellectual disability or other developmental disabilities, including, but not limited to, autism spectrum disorder. The [commissioner] Commissioner of Housing shall give priority in disbursement of grants to [a nonprofit organization which] an eligible developer that reserves [fifty] not more than twenty-five per cent [or more] of the initial residential capacity of a housing site for individuals with such disabilities who are on a waiting list maintained by the Department of Developmental Services or the Department of Social Services for supportive housing or who wish to move from a more structured setting to supportive housing.

(b) The Commissioner of [Developmental Services] Housing shall expend not more than five million dollars on the [grant] program established pursuant to this section in any one service region of the Department of Developmental Services. The commissioner may expend not more than two per cent of the funds allocated to the [grant] program established by this section on administrative expenses directly related to the [grant] program.

(c) The Commissioner of [Developmental Services] Housing shall develop and publish guidelines for the award of grants and deferred loans under subsection (a) of this section and a uniform application form for such grants and deferred loans. The commissioner shall post such

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guidelines and application form on the Internet web site of the Department of [Developmental Services] Housing not later than [July 1, 2024] October 1, 2024.

(d) [Any] The recipient of a grant or deferred loan pursuant to subsection (a) of this section shall report annually to the Commissioner of [Developmental Services] Housing, on a form to be developed by the commissioner, [how] on the expenditure of such grant funds [have been expended] or deferred loans. The commissioner shall submit a report on January 1, 2025, and annually thereafter, in accordance with the provisions of section 11-4a, concerning the expenditure of grant funds and deferred loans awarded pursuant to subsection (a) of this section to the joint standing committees of the General Assembly having cognizance of matters relating to housing, human services and public health.

Sec. 4. Subsection (a) of section 5-247 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Each appointing authority shall grant, on account of illness or injury, to each full-time employee in a permanent position in the state service who has furnished satisfactory proof of such illness or injury, such sick leave with pay as has accrued to [his] such employee's credit at the rate of one and one-quarter working days for each completed calendar month of continuous full-time service which may be computed on an hourly basis. Hourly computation of sick leave shall not diminish benefit entitlement. On or before October 1, 1980, the Commissioner of Administrative Services shall adopt regulations, in accordance with chapter 54, concerning the accrual, prorating and granting of sick leave with pay to other employees in the state service and extending sick leave with pay or with part pay for longer periods to full-time permanent employees disabled through illness or injury. A general worker employed in a position by the Department of Developmental Services

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as a self-advocate [, not to exceed eleven such general workers,] shall be eligible for prorated sick leave, in accordance with regulations adopted pursuant to this section. Each such employee who retires under the provisions of chapter 66 shall be compensated, effective as of the date of [his] the employee's retirement, at the rate of one-fourth of such employee's salary for sick leave accrued to [his] the employee's credit as of [his] the employee's last day on the active payroll up to a maximum payment equivalent to sixty days' pay. Such payment for accumulated sick leave shall not be included in computing retirement income and shall be charged by the State Comptroller to the department, agency or institution in which the employee worked.

Sec. 5. Subsection (e) of section 5-250 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) Notwithstanding the provisions of this section, a general worker employed in a position by the Department of Developmental Services as a self-advocate [, not to exceed eleven such general workers,] shall be eligible for prorated vacation and personal leave.

Sec. 6. Subsection (a) of section 5-254 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Each full-time permanent employee in the state service shall be granted time off with pay for any legal holiday. A general worker employed in a position by the Department of Developmental Services as a self-advocate [, not to exceed eleven such general workers,] shall be granted time off with pay for any legal holiday that falls on a day that the general worker is regularly scheduled to work, [and] provided the pay shall be for the number of hours the general worker would have been scheduled to work. If a legal holiday falls on a Saturday, [employees] each such full-time permanent employee and general

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worker shall be granted equivalent time off on the Friday immediately preceding such Saturday or given another day off in lieu thereof. The Commissioner of Administrative Services may [issue] adopt regulations, in accordance with the provisions of chapter 54, governing the granting of holiday time to other employees in the state service. [which regulations shall be approved by the Secretary of the Office of Policy and Management.]

Sec. 7. Section 17a-210 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*):

(a) There shall be a Department of Developmental Services. The Department of Developmental Services, with the advice of a Council on Developmental Services, shall be responsible for the planning, development and administration of complete, comprehensive and integrated state-wide services for persons with intellectual disability and persons medically diagnosed as having Prader-Willi syndrome. The Department of Developmental Services shall be under the supervision of a Commissioner of Developmental Services, who shall be appointed by the Governor in accordance with the provisions of sections 4-5 to 4-8, inclusive. The Council on Developmental Services may advise the Governor on the appointment. The commissioner shall be a person who has background, training, education or experience in administering programs for the care, training, education, treatment and custody of persons with intellectual disability. The commissioner shall be responsible, with the advice of the council, for: (1) Planning and developing complete, comprehensive and integrated state-wide services for persons with intellectual disability; (2) the implementation and [where] when appropriate the funding of such services; and (3) the coordination of the efforts of the Department of Developmental Services with those of other state departments and agencies, municipal governments and private agencies concerned with and providing services for persons with intellectual disability. The commissioner shall

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be responsible for the administration and operation of the [state training school] Southbury Training School, state developmental services regions and all state-operated community-based residential facilities established for the diagnosis, care and training of persons with intellectual disability. The commissioner shall be responsible for establishing standards, providing technical assistance and exercising the requisite supervision of all state-supported residential, day and program support services for persons with intellectual disability and work activity programs operated pursuant to section 17a-226. The commissioner shall stimulate research by public and private agencies, institutions of higher education and hospitals, in the interest of the elimination and amelioration of intellectual disability and care and training of persons with intellectual disability. The commissioner shall conduct or monitor investigations into allegations of abuse and neglect and file reports as requested by state agencies having statutory responsibility for the conduct and oversight of such investigations. The commissioner shall receive and investigate complaints from persons with intellectual disabilities and persons receiving services from the Department of Social Services' Division of Autism Spectrum Disorder Services, [or] legal representatives of such persons or [from] any other interested person.

(b) In the event of the death of a person with intellectual disability for whom the department has direct or oversight responsibility for medical care, the commissioner shall ensure that a comprehensive and timely review of the events, overall care, quality of life issues and medical care preceding such death is conducted by the department and shall, as requested, provide information and assistance to the Independent Mortality Review Board established by Executive Order No. 57 of Governor Dannel P. Malloy. The commissioner shall report to the board and the board shall review any death: [(A)] (1) Involving an allegation of abuse or neglect; [(B)] (2) for which the Office of the Chief Medical Examiner or local medical examiner has accepted jurisdiction; [(C)] (3)

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in which an autopsy was performed; [(D)] (4) which was sudden and unexpected; or [(E)] (5) in which the commissioner's review raises questions about the appropriateness of care. The department's mortality review process and the Independent Mortality Review Board shall operate in accordance with the peer review provisions established under section 19a-17b for medical review teams and confidentiality of records provisions established under section 19a-25 for the Department of Public Health.

[(b)] (c) The commissioner shall be responsible for the development of criteria as to the eligibility of any person with intellectual disability for residential care in any public or state-supported private residential facility and [, after considering the recommendation of a properly designated diagnostic agency,] may assign such person to a public or state-supported private residential facility. [The commissioner may transfer such person from one such facility to another when necessary and desirable for their welfare, provided such person and such person's legal representative receive written notice of their right to object to such transfer at least ten days prior to the proposed transfer of such person from any such facility. Such prior notice shall not be required when transfers are made between residential units within the training school or a state developmental services region or when necessary to avoid a serious and immediate threat to the life or physical or mental health of such person or others residing in such facility. The notice required by this subsection shall notify such person and such person's legal representative of the person's right to object to such transfer, except in the case of an emergency transfer as provided in this subsection, and shall include the name, address and telephone number of the nonprofit entity designated by the Governor in accordance with section 46a-10b to serve as the Connecticut protection and advocacy system. In the event of an emergency transfer, the notice required by this subsection shall notify such person and such person's legal representative of the person's right to request a hearing in accordance with subsection (c) of this

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section and shall be given within ten days following the emergency transfer. In the event of an objection to the proposed transfer, the commissioner shall conduct a hearing in accordance with subsection (c) of this section and the transfer shall be stayed pending final disposition of the hearing, provided no such hearing shall be required if the commissioner withdraws such proposed transfer.

(c) Any person with intellectual disability who is eighteen years of age or older and who resides at any facility operated by the Department of Developmental Services, or the legal representative of any person with intellectual disability who resides at any such facility, may object to any transfer of such person from one facility to another for any reason other than a medical reason or an emergency, or may request such a transfer. In the event of any such objection or request, the commissioner shall conduct a hearing on such proposed transfer, provided no such hearing shall be required if the commissioner withdraws such proposed transfer. In any such transfer hearing, the proponent of a transfer shall have the burden of showing, by clear and convincing evidence, that the proposed transfer is in the best interest of the resident being considered for transfer and that the facility and programs to which transfer is proposed (1) are safe and effectively supervised and monitored, and (2) provide a greater opportunity for personal development than the resident's present setting. Such hearing shall be conducted in accordance with the provisions of chapter 54.]

(d) Any person with intellectual disability, or the legal representative of such person, may request a hearing for any final determination by the department that denies such person eligibility for programs and services of the department. A request for a hearing shall be made in writing to the commissioner. Such hearing shall be conducted in accordance with the provisions of chapter 54.

(e) Any person with intellectual disability, or the legal representative of such person, may request a hearing to contest the category

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assignment made by the department for persons seeking residential placement, residential services or residential support. A request for hearing shall be made, in writing, to the commissioner. Such hearing shall be conducted in accordance with the provisions of chapter 54.

(f) Any person with intellectual disability or the legal representative of such person, may object to (1) a proposed approval by the department of a program for such person that includes the use of behavior-modifying medications or aversive procedures, or (2) a proposed determination of the department that community placement is inappropriate for such person placed under the direction of the commissioner. The department shall provide written notice of any such proposed approval or determination to the person, or to the legal representative of such person, [at least] not less than ten days prior to making such approval or determination. In the event of an objection to such proposed approval or determination, the commissioner shall conduct a hearing in accordance with the provisions of chapter 54, provided no such hearing shall be required if the commissioner withdraws such proposed approval or determination.

Sec. 8. (NEW) (*Effective July 1, 2024*) (a) The Commissioner of Developmental Services may transfer a person with intellectual disability who receives residential care services from one public or state-supported private residential facility to another when necessary and desirable for such person's welfare, provided such person and such person's legal representative receive written notice of their right to object to such transfer not less than ten days prior to the proposed transfer of such person from any such residential facility. Such prior notice shall not be required when transfers are made between residential units within the Southbury Training School or a regional center. The notice required by this subsection shall provide such person and such person's legal representative with information regarding the person's right to object to such transfer, except in the case of an

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emergency transfer or a transfer for a medical reason as provided in this subsection, and shall include the name, address and telephone number of the nonprofit entity designated by the Governor in accordance with section 46a-10b of the general statutes to serve as the Connecticut protection and advocacy system. In the event of an objection to the proposed transfer, the commissioner shall conduct a hearing in accordance with subsection (b) of this section and the transfer shall be stayed pending final disposition of the hearing, provided no such hearing shall be required if the commissioner withdraws such proposed transfer. In the event of an emergency transfer or a transfer for a medical reason, notification to such person or such person's legal representative shall be given not later than ten days following the emergency transfer or the transfer for a medical reason. Such notification shall include information regarding the person's right to request a hearing in accordance with subsection (b) of this section.

(b) Any person with intellectual disability who is eighteen years of age or older and who resides at any residential facility operated by the Department of Developmental Services, or the legal representative of any person with intellectual disability who resides at any such residential facility, may object to any proposed transfer, emergency transfer or transfer for a medical reason of such person from one residential facility to another for any reason or may request such a transfer. In the event of any such objection or request, the commissioner shall conduct a hearing on such transfer, provided no such hearing shall be required if the commissioner withdraws such transfer proposal. In any such transfer hearing, the proponent of a transfer shall have the burden of showing, by clear and convincing evidence, that the transfer is in the best interest of the resident who is being considered for transfer or has been transferred and that the residential facility and programs to which transfer is proposed or has been made (1) are safe and effectively supervised and monitored, and (2) provide a greater opportunity for personal development than the setting in which the resident presently

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resides. Such hearing shall be conducted in accordance with the provisions of chapter 54 of the general statutes.

(c) The commissioner may temporarily transfer any person residing in a Department of Developmental Services public or state-supported private residential facility if the commissioner determines there is an emergency that exists in the residential facility that must be remedied immediately, including, but not limited to, the residential facility is rendered uninhabitable due to a natural disaster or utility malfunction or the existence of temporary concerns relating to the residential facility's staff's ability to meet the needs of the individual residing there. The temporary transfer shall remain in place for a period of not more than ninety days or until rescinded by the commissioner, whichever is earlier. The commissioner shall provide any person who is being temporarily transferred and such person's legal representative, if any, with written notice of the temporary transfer as soon as practicable, but not more than ten days after the date of the temporary transfer. A person's right to object to a temporary transfer and right to request a hearing pursuant to subsection (b) of this section shall be stayed until the thirtieth day of the temporary transfer. If a hearing is requested, such hearing shall be conducted in accordance with subsection (b) of this section.

(d) During a public health emergency declared pursuant to section 19a-131a of the general statutes, the commissioner may request the Governor to issue an executive order to allow the commissioner to temporarily transfer any person residing in a Department of Developmental Services public or state-supported private residential facility to protect that person's health or safety. If the Governor issues such executive order, the commissioner may make temporary transfers as deemed necessary. The temporary transfer shall remain in place until rescinded by the commissioner or until the expiration of the executive order, whichever is earlier. The commissioner shall provide any person

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who is being temporarily transferred and that person's legal representative, if any, with written notice of the temporary transfer as soon as practicable, but not more than ten days after the date of the temporary transfer. A person's right to object to a temporary transfer and right to request a hearing pursuant to subsection (b) of this section shall be stayed until the thirtieth day of the temporary transfer. If a hearing is requested, such hearing shall be conducted in accordance with subsection (b) of this section.

Sec. 9. (NEW) (*Effective from passage*) (a) As used in this section and sections 17a-210 of the general statutes, as amended by this act, and 17a-238 of the general statutes, as amended by this act, (1) "human rights committee" means a committee established pursuant to subsection (b) of this section, (2) "department" means the Department of Developmental Services, (3) "commissioner" means the Commissioner of Developmental Services, (4) "regional director" means the person appointed by the commissioner to be directly responsible for the management of a service region of the department, and (5) "training school director" means the person appointed by the commissioner to be directly responsible for the management of the Southbury Training School.

(b) There shall be, within each service region of the department and at the Southbury Training School, a human rights committee, with members appointed by the regional or training school director. The commissioner shall establish uniform responsibilities and procedures for each human rights committee in the state. Each human rights committee shall (1) advise and make recommendations to the regional and training school directors and the Commissioner of Developmental Services on best practices, and (2) address concerns and complaints on human rights issues involving persons receiving services from the department, including, but not limited to, those involving: (A) Aversive procedures, (B) restrictive interventions, (C) intrusive programs or

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devices, (D) restitution, and (E) premeditation medication.

(c) The commissioner may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement the provisions of this section.

Sec. 10. (NEW) (*Effective from passage*) (a) As used in this section and sections 17a-210 of the general statutes, as amended by this act, and 17a-238 of the general statutes, as amended by this act, (1) "program review committee" means a committee established pursuant to subsection (b) of this section, (2) "department" means the Department of Developmental Services, (3) "commissioner" means the Commissioner of Developmental Services, (4) "regional director" means the person appointed by the commissioner to be directly responsible for the management of a service region of the department, and (5) "training school director" means the person appointed by the commissioner to be directly responsible for the management of the Southbury Training School.

(b) There shall be, within each service region of the department and at the Southbury Training School, a program review committee, with members appointed by the regional or training school director. The commissioner shall establish uniform responsibilities and procedures for each program review committee in the state. Each program review committee shall advise the regional and training school directors and the Commissioner of Developmental Services on best practices for reviewing plans that include, but need not be limited to, behavior support strategies, use of psychotropic and behavior modifying medications and the use of restraints for each person who receives services from the department.

(c) The commissioner may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement the provisions of this section.

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Sec. 11. Subsection (b) of section 17a-238 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Each person placed or treated under the direction of the Commissioner of Developmental Services in any public or private facility shall be protected from harm and receive humane and dignified treatment which is adequate for such person's needs and for the development of such person's full potential at all times, with full respect for such person's personal dignity and right to privacy consistent with such person's treatment plan as determined by the commissioner. No treatment plan or course of treatment for any person placed or treated under the direction of the commissioner shall include the use of an aversive device which has not been tested for safety and efficacy and approved by the federal Food and Drug Administration, except [for] any treatment plan or course of treatment including the use of such devices [which] that was initiated prior to October 1, 1993. No treatment plan or course of treatment prescribed for any person placed or treated under the direction of the commissioner shall include the use of aversive procedures except in accordance with recommendations from a regional human rights committee and any procedures established by the Commissioner of Developmental Services. For purposes of this subsection, "aversive procedure" means the contingent use of an event which may be unpleasant, noxious or otherwise cause discomfort to alter the occurrence of a specific behavior or to protect an individual from injuring himself or herself or others and may include the use of physical isolation and mechanical and physical restraint. Nothing in this subsection shall prohibit persons who are not placed or treated under the direction of the Commissioner of Developmental Services from independently pursuing and obtaining any treatment plan or course of treatment as may otherwise be authorized by law. The commissioner shall adopt regulations, in accordance with chapter 54, to carry out the provisions of this subsection.

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Sec. 12. Subsection (c) of section 17a-247b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) The department shall make information in the registry available only to: (1) Authorized agencies, for the purpose of protective service determinations; (2) employers who employ employees to provide services to an individual who receives services or funding from the department; (3) the Departments of Children and Families, Mental Health and Addiction Services, Social Services and Administrative Services and the Office of Labor Relations, for the purpose of determining whether an applicant for employment with the Departments of Children and Families, Developmental Services, Mental Health and Addiction Services and Social Services appears on the registry; or (4) charitable organizations that recruit volunteers to support programs for persons with intellectual disability or autism spectrum disorder, upon application to and approval by the commissioner, for purposes of conducting background checks on such volunteers.

Sec. 13. Section 17a-210a of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There is established an independent [ombudsperson office] Office of the Developmental Services Ombudsperson within the Department of Developmental Services that is responsible for receiving and making recommendations to the commissioner for resolving complaints affecting individuals under the care or supervision of the department or of any public or private agency with which the department has contracted for the provision of services.

(b) The director of the [ombudsperson office] Office of the Developmental Services Ombudsperson shall be appointed by the

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Governor, with the approval of the General Assembly. Said director shall be an elector of the state with expertise and experience in the fields of developmental services and advocacy for the rights of the individuals specified in subsection (a) of this section and shall be exempt from the classified service.

(c) The Governor shall appoint the director of the [ombudsperson office] Office of the Developmental Services Ombudsperson from a list of candidates prepared and submitted to the Governor by the Council on Developmental Services, established by section 17a-270. The Governor shall notify the council of the pending expiration of the term of an incumbent ombudsperson not less than ninety days prior to the final day of the ombudsperson's term in office. If a vacancy occurs in the position of ombudsperson, the Governor shall notify the council immediately of the vacancy. The council shall meet to consider qualified candidates for the position of ombudsperson and shall submit a list of not more than five candidates to the Governor ranked in order of preference, not more than sixty days after receiving notice from the Governor of the pending expiration of the ombudsperson's term or the occurrence of a vacancy. The Governor shall designate, not more than sixty days after receipt of the list of candidates from the council, one candidate from the list for the position of ombudsperson. If, after the list is submitted to the Governor by the council, any candidate withdraws from consideration, the Governor shall designate a candidate from those remaining on the list. If the Governor fails to designate a candidate within sixty days of receipt of the list from the council, the council shall refer the candidate with the highest ranking on the list to the General Assembly for confirmation. If the General Assembly is not in session at the time of the Governor's or council's designation of a candidate, the candidate shall serve as the acting ombudsperson until the General Assembly meets and confirms the candidate as ombudsperson. A candidate serving as acting ombudsperson shall be entitled to compensation and have all the powers, duties and privileges of the

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ombudsperson. An ombudsperson shall serve a term of four years, not including any time served as acting ombudsperson, and may be reappointed by the Governor or shall remain in the position until a successor is appointed pursuant to this subsection. Although an incumbent ombudsperson may be reappointed, the Governor shall also consider additional candidates from a list submitted by the council as provided in this section.

(d) The director of the [ombudsperson office] Office of the Developmental Services Ombudsperson shall report monthly to the Council on Developmental Services and, in accordance with the provisions of section 11-4a, annually to the joint standing committee of the General Assembly having cognizance of matters relating to public health.

Sec. 14. Section 17b-352 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For the purposes of this section and section 17b-353, "facility" means a residential facility for persons with intellectual disability licensed pursuant to section 17a-277 and certified to participate in the Title XIX Medicaid program as an intermediate care facility for individuals with intellectual disabilities, a nursing home, rest home or residential care home, as defined in section 19a-490. "Facility" does not include a nursing home that does not participate in the Medicaid program and is associated with a continuing care facility as described in section 17b-520.

(b) Any facility which intends to (1) transfer all or part of its ownership or control prior to being initially licensed; (2) introduce any additional function or service into its program of care or expand an existing function or service; (3) terminate a service or decrease substantially its total licensed bed capacity; or (4) relocate all or a portion of such facility's licensed beds, to a new facility or replacement facility,

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shall submit a complete request for permission to implement such transfer, addition, expansion, increase, termination, decrease or relocation of facility beds to the Department of Social Services with such information as the department requires, provided no permission or request for permission to close a facility is required when a facility in receivership is closed by order of the Superior Court pursuant to section 19a-545. The Commissioner of Social Services shall consider the criteria in subdivisions (3) and (4) of subsection (a) of section 17b-354 when evaluating a certificate of need request to relocate licensed nursing facility beds from an existing facility to another licensed nursing facility or to a new facility or replacement facility. The Office of the Long-Term Care Ombudsman, [pursuant to section 17a-870] or, in the case of a residential facility for persons with intellectual disability licensed pursuant to section 17a-277, as described in subsection (a) of this section, the Office of the Developmental Services Ombudsperson shall be notified by the facility of any proposed actions pursuant to this subsection at the same time the request for permission is submitted to the department and when a facility in receivership is closed by order of the Superior Court pursuant to section 19a-545.

(c) A facility may submit a petition for closure to the Department of Social Services. The Department of Social Services may authorize the closure of a facility if the facility's management demonstrates to the satisfaction of the Commissioner of Social Services in the petition for closure that the facility (1) is not viable based on actual and projected operating losses; (2) has an occupancy rate of less than seventy per cent of the facility's licensed bed capacity; (3) closure is consistent with the strategic rebalancing plan developed in accordance with section 17b-369, including bed need by geographical region; (4) is in compliance with the requirements of Sections 1128I(h) and 1819(h)(4) of the Social Security Act and 42 CFR 483.75; and (5) is not providing special services that would go unmet if the facility closes. The department shall review a petition for closure to the extent it deems necessary and the facility

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shall submit information the department requests or deems necessary to substantiate that the facility closure is consistent with the provisions of this subsection. The facility shall submit information the department requests or deems necessary to allow the department to provide oversight during this process. The Office of the Long-Term Care Ombudsman, or, in the case of a residential facility for persons with intellectual disability licensed pursuant to section 17a-277, as described in subsection (a) of this section, the Office of the Developmental Services Ombudsperson shall be notified by the facility at the same time as a petition for closure is submitted to the department. Any facility acting pursuant to this subsection shall provide written notice, on the same date that the facility submits its petition for closure, to all patients, guardians or conservators, if any, or legally liable relatives or other responsible parties, if known, and shall post such notice in a conspicuous location at the facility. The facility's written notice shall be accompanied by an informational letter issued jointly from the Office of the Long-Term Care Ombudsman and the Department of [Rehabilitation Services] Aging and Disability Services, or, in the case of a residential facility for persons with intellectual disability licensed pursuant to section 17a-277, as described in subsection (a) of this section, the Office of the Developmental Services Ombudsperson and the Department of Aging and Disability Services on patients' rights and services available as they relate to the petition for closure. The informational letter shall also state the date and time that the Office of the Long-Term Care Ombudsman and the Department of Public Health, or, in the case of a residential facility for persons with intellectual disability licensed pursuant to section 17a-277, as described in subsection (a) of this section, the Office of the Developmental Services Ombudsperson and the Department of Public Health will hold an informational session at the facility for patients, guardians or conservators, if any, and legally liable relatives or other responsible parties, if known, about their rights and the process concerning a petition for closure. The notice shall state: (A) The date the facility

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submitted the petition for closure, (B) that only the Department of Social Services has the authority to either grant or deny the petition for closure, (C) that the Department of Social Services has up to thirty days to grant or deny the petition for closure, (D) a brief description of the reason or reasons for submitting the petition for closure, (E) that no patient shall be involuntarily transferred or discharged within or from a facility pursuant to state and federal law because of the filing of a petition for closure, (F) that all patients have a right to appeal any proposed transfer or discharge, and (G) the name, mailing address and telephone number of the Office of the Long-Term Care Ombudsman and local legal aid office, or, in the case of a residential facility for persons with intellectual disability licensed pursuant to section 17a-277, as described in subsection (a) of this section, the Office of the Developmental Services Ombudsperson and local legal aid office. The commissioner shall grant or deny a petition for closure within thirty days of receiving such request.

(d) An applicant, prior to submitting a certificate of need application, shall request, in writing, application forms and instructions from the department. The request shall include: (1) The name of the applicant or applicants; (2) a statement indicating whether the application is for (A) a new, additional, expanded or replacement facility, service or function or relocation of facility beds, (B) a termination or reduction in a presently authorized service or bed capacity, or (C) any new, additional or terminated beds and their type; (3) the estimated capital cost; (4) the town where the project is or will be located; and (5) a brief description of the proposed project. Such request shall be deemed a letter of intent. No certificate of need application shall be considered submitted to the department unless a current letter of intent, specific to the proposal and in accordance with the provisions of this subsection, has been on file with the department for not less than ten business days. For purposes of this subsection, "a current letter of intent" means a letter of intent on file with the department for not more than one hundred eighty days. A

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certificate of need application shall be deemed withdrawn by the department, if a department completeness letter is not responded to within one hundred eighty days. The Office of the Long-Term Care Ombudsman, or, in the case of a residential facility for persons with intellectual disability licensed pursuant to section 17a-277, as described in subsection (a) of this section, the Office of the Developmental Services Ombudsperson shall be notified by the facility at the same time as the letter of intent is submitted to the department.

(e) Any facility acting pursuant to subdivision (3) of subsection (b) of this section shall provide written notice, at the same time it submits its letter of intent, to all patients, guardians or conservators, if any, or legally liable relatives or other responsible parties, if known, and shall post such notice in a conspicuous location at the facility. The facility's written notice shall be accompanied by an informational letter issued jointly from the Office of the Long-Term Care Ombudsman and the Department of Aging and Disability Services, or, in the case of a residential facility for persons with intellectual disability licensed pursuant to section 17a-277, as described in subsection (a) of this section, the Office of the Developmental Services Ombudsperson and the Department of Aging and Disability Services on patients' rights and services available as they relate to the letter of intent. The notice shall state the following: (1) The projected date the facility will be submitting its certificate of need application, (2) that only the Department of Social Services has the authority to either grant, modify or deny the application, (3) that the Department of Social Services has up to ninety days to grant, modify or deny the certificate of need application, (4) a brief description of the reason or reasons for submitting a request for permission, (5) that no patient shall be involuntarily transferred or discharged within or from a facility pursuant to state and federal law because of the filing of the certificate of need application, (6) that all patients have a right to appeal any proposed transfer or discharge, and (7) the name, mailing address and telephone number of the Office of the

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Long-Term Care Ombudsman and local legal aid office, or, in the case of a residential facility for persons with intellectual disability licensed pursuant to section 17a-277, as described in subsection (a) of this section, the Office of the Developmental Services Ombudsperson and local legal aid office.

(f) The Department of Social Services shall review a request made pursuant to subsection (b) of this section to the extent it deems necessary, including, but not limited to, in the case of a proposed transfer of ownership or control prior to initial licensure, the financial responsibility and business interests of the transferee and the ability of the facility to continue to provide needed services, or in the case of the addition or expansion of a function or service, ascertaining the availability of the function or service at other facilities within the area to be served, the need for the service or function within the area and any other factors the department deems relevant to a determination of whether the facility is justified in adding or expanding the function or service. During the review, the department may hold an informal conference with the facility to discuss the certificate of need application. The Commissioner of Social Services shall grant, modify or deny the request within ninety days of receipt thereof, except as otherwise provided in this section. The commissioner may place conditions, as the commissioner deems necessary to address specified concerns, on any decision approving or modifying a request for a certificate of need filed pursuant to this section. Conditions may include, but are not limited to, project and Medicaid reimbursement details and applicant requirements for summary and audit purposes. If the commissioner modifies the request, the commissioner shall notify the facility of such modification prior to issuing the decision and provide the applicant with an opportunity for an informal conference to discuss the modifications. Upon the request of the applicant, the review period may be extended for an additional fifteen days if the department has requested additional information subsequent to the commencement of

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the commissioner's review period. The director of the office of certificate of need and rate setting may extend the review period for a maximum of thirty days if the applicant has not filed in a timely manner information deemed necessary by the department. The applicant may request and shall receive a hearing in accordance with section 4-177 if aggrieved by a decision of the commissioner.

(g) The Commissioner of Social Services shall not approve any requests for beds in residential facilities for persons with intellectual disability which are licensed pursuant to section 17a-227, as amended by this act, and are certified to participate in the Title XIX Medicaid Program as intermediate care facilities for individuals with intellectual disabilities, except those beds necessary to implement the residential placement goals of the Department of Developmental Services which are within available appropriations.

(h) The Commissioner of Social Services shall adopt regulations, in accordance with chapter 54, to implement the provisions of this section.

Sec. 15. Subsection (l) of section 17a-274 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(l) In the event that any person placed under the provisions of this section is recommended for transfer by the Department of Developmental Services, the department shall proceed as required by subsection [(c)] (b) of section [17a-210] 8 of this act and shall in addition notify the Probate Court which made the placement.

Sec. 16. Section 17a-227 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No person, firm or corporation shall operate within this state a community living arrangement or community companion home [which] that it owns, leases or rents for the lodging, care or treatment of

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persons with intellectual disability, Prader-Willi syndrome or autism spectrum disorder unless such person, firm or corporation, upon written application, has obtained a license issued by the Department of Developmental Services. An application for licensure under this section shall be verified by oath, but need not be notarized.

(b) The [commissioner] Commissioner of Developmental Services shall adopt regulations, in accordance with the provisions of chapter 54, to ensure the comfort, safety, adequate medical care and treatment of such persons at the residential facilities described in subsection (a) of this section. Such regulations shall include requirements that: (1) All residential facility staff be certified in cardiopulmonary resuscitation in a manner and time frame prescribed by the commissioner; (2) records of staffing schedules and actual staff hours worked, by residential facility, be available for inspection by the department upon advance notice; (3) each residential facility develop and implement emergency plans and staff training to address emergencies that may pose a threat to the health and safety of the residents of the facility; (4) department staff verify during quality service reviews and licensing inspections, that (A) staff is adequately trained to respond in an emergency, and (B) a summary of information on each resident is available to emergency medical personnel for use in an emergency; (5) all residential facilities serving persons with Down syndrome fifty years of age or older have at least one staff member trained in Alzheimer's disease and dementia symptoms and care; and (6) for community living arrangements, the commissioner shall determine a minimum number of licensure-related visits that are unannounced.

(c) After receiving an application and making such investigation as is deemed necessary and after finding the specified requirements to have been fulfilled, the department shall grant a license to such applicant to operate a facility of the character described in such application, which license shall specify the name of the person to have charge and the

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location of each facility operated under the license. Any person, firm or corporation aggrieved by any requirement of the regulations or by the refusal to grant any license may request an administrative hearing in accordance with the provisions of chapter 54. If the licensee of any such facility desires to place in charge thereof a person other than the one specified in the license, application shall be made to the Department of Developmental Services, in the same manner as provided for the original application, for permission to make such change. Such application shall be acted upon not later than ten calendar days [from] after the date of the filing of the application. Each such license shall be renewed annually upon such terms as may be established by regulations and may be revoked by the department upon proof that the facility for which such license was issued is being improperly operated, or for the violation of any of the provisions of this section or of the regulations adopted pursuant to this section, provided the licensee shall first be given a reasonable opportunity to be heard in reference to such proposed revocation. Any person, firm or corporation aggrieved by such revocation may request an administrative hearing in accordance with the provisions of chapter 54. Each person, firm or corporation, upon filing an application under the provisions of this section for a license for a community living arrangement, shall pay to the State Treasurer the sum of fifty dollars unless such fee is waived by the commissioner.

(d) The Department of Developmental Services may contract, within available appropriations, with any qualified provider for the operation of a community-based residential facility, provided the qualified provider is licensed by the department to operate such facilities. The department shall include in all contracts with such licensed qualified providers, provisions requiring the department to (1) conduct periodic reviews of contract performance, and (2) take progressive enforcement actions if the department finds poor performance or noncompliance with the contract, as follows: (A) The licensed qualified provider may be

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placed on a strict schedule of monitoring and oversight by the department; (B) the licensed qualified provider may be placed on a partial-year contract; and (C) payments due under the contract may be reduced by specific amounts on a monthly basis until the licensed qualified provider complies with the contract. If compliance cannot be achieved, the department shall terminate the contract.

(e) The department may contract with any person, firm or corporation to provide residential support services for persons with intellectual disability, Prader-Willi syndrome or autism spectrum disorder who reside in settings [which] that are not licensed by the department. The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to ensure the safety, adequate supervision and support of persons receiving such residential support services.

(f) Any person, firm or corporation who operates any facility contrary to the provisions of this section shall be fined not more than one thousand dollars or imprisoned not more than six months or both. Any person, firm or corporation who operates any facility contrary to the regulations adopted pursuant to subsection (b) of this section shall be fined not more than one thousand dollars.

(g) If the commissioner determines, after investigation of a report received pursuant to the provisions of section 46a-11b, that a person, firm or corporation licensed to operate a community living arrangement or community companion home committed abuse or neglect against a person receiving support or services from the department during a licensure period, and such determination resulted in the revocation or surrender of such person, firm or corporation's license, the commissioner may disclose (1) the name of such person, firm or corporation, (2) the date of such revocation or surrender, and (3) the type of abuse or neglect committed to (A) authorized agencies, as defined in section 17a-247a, for the purpose of protective service

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determinations, (B) employers whose employees provide services to persons who receive support or services from the department, and (C) the Departments of Children and Families, Mental Health and Addiction Services, Social Services and Administrative Services for the purpose of making a determination on an application for (i) employment with, or (ii) licensure or certification as a provider for the Departments of Children and Families, Mental Health and Addiction Services, Social Services and Developmental Services.

Approved June 5, 2024