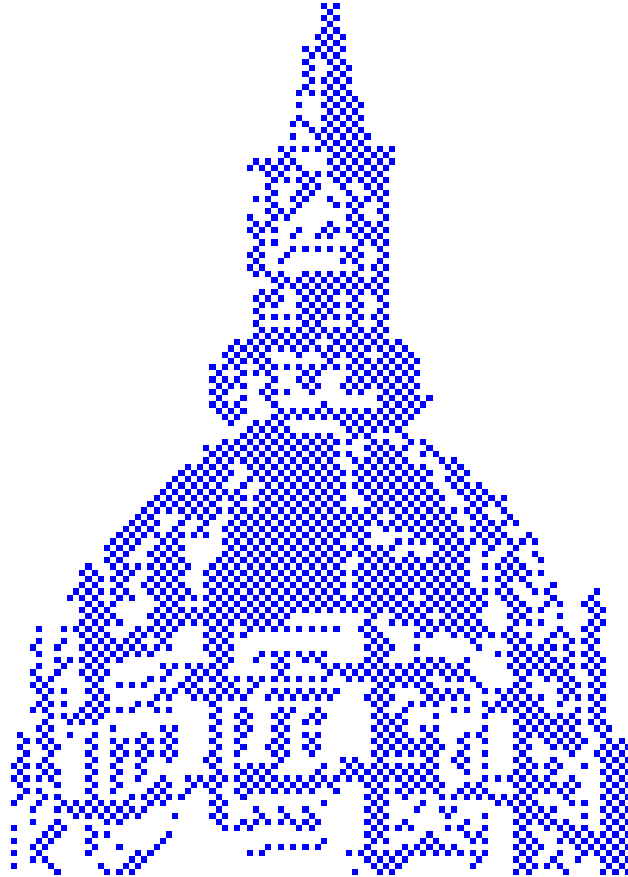




ACTS AFFECTING PEOPLE WITH DISABILITIES



2015-R-0173

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NOTICE TO READERS

This report summarizes new laws affecting people of all ages with disabilities passed during the 2015 regular and June special sessions. In each summary, we indicate the public act (PA) number.

Not all provisions of the acts are included. Complete summaries of all 2015 Public Acts will be available on OLR's webpage:
<http://www.cga.ct.gov/olr/www.cga.ct.gov/olr>.

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, the House Clerk's Office, or the General Assembly's website (<http://www.cga.ct.gov/default.aspwww.cga.ct.gov>).

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ABUSE AND NEGLECT

Inheritance Prohibition for Abuse Perpetrators

A new law prohibits someone convicted of 1st degree abuse of an elderly, blind, or disabled person or person with intellectual disabilities from inheriting, receiving insurance benefits, or receiving certain property from his or her deceased victim. It changes how certain types of jointly owned personal property is disposed of when one owner is convicted of one of these or certain other crimes against another owner ([PA 15-236](#), effective October 1, 2015).

Notice of Abuse, Neglect, Exploitation, or Abandonment

By law, people working in certain professions (mandated reporters) have to report to the Department of Social Services (DSS) if they have reasonable cause to suspect or believe a resident in a long-term care facility has been abused, neglected, exploited, or abandoned, and DSS must investigate the report.

A new law requires DSS to notify the resident's guardian or conservator, if any; legally liable relative; or other responsible party as soon as possible, but no later than 24 hours after DSS receives a report. No notice is required when the guardian, conservator, legally liable relative, or responsible party is the suspected perpetrator ([PA 15-150](#), effective October 1, 2015).

BEHAVIORAL HEALTH

Behavioral Health Utilization and Quality Measures

A new law requires the insurance commissioner, by October 1, 2015, to convene a working group to develop recommendations for uniformly collecting behavioral health utilization and quality measures data from:

1. state agencies that pay health care claims,
2. group hospitalization and medical and surgical plans established by the comptroller for state employees and certain other individuals,
3. the state medical assistance program, and
4. health insurance companies and HMOs that write health insurance policies and health care contracts in Connecticut.

The recommendations' purposes must include protecting behavioral health parity for youth and other populations ([PA 15-5, June Special Session, § 353](#), effective upon passage).

Behavioral Health Partnership Oversight Council

A new law adds two nonvoting, ex-officio members to this council: one each appointed by the public health commissioner and health care advocate. Previously, the council had eight

nonvoting members and approximately 30 voting members.

By law, the council advises the Department of Children and Families (DCF), DSS, and Department of Mental Health and Addiction Services (DMHAS) commissioners on the planning and implementation of the Behavioral Health Partnership (BHP), which these departments administer. BHP is an integrated behavioral health system for Medicaid patients ([PA 15-242 § 30](#), effective October 1, 2015).

Grant Program for Acute Care and Emergency Behavioral Health Services

A new law establishes a grant program in DMHAS to provide funds to organizations providing acute care and emergency behavioral health services.

The grants are for providing community-based behavioral health services, including (1) care coordination and (2) access to information on and referrals to available health care and social service programs. The commissioner must establish eligibility criteria and an application process.

The new law requires the DMHAS commissioner to study the adequacy of psychiatric services. She must do so in consultation with the DCF and DSS commissioners and behavioral health providers, including hospitals and advocacy agencies. The DMHAS commissioner must report on this study to the Appropriations, Human Services, and Public Health committees by January 1, 2017 ([PA 15-5, June Special](#)

[Session, §§ 355, 356](#), effective July 1, 2015).

EMPLOYMENT

Competitive Employment

A new law requires the Department of Rehabilitative Services (DORS) commissioner, in consultation with the Department of Developmental Services (DDS), State Department of Education (SDE), labor, and DMHAS commissioners, or their designees, to develop a proposed definition of “competitive employment” for each agency to use in relation to state matters. By February 1, 2016, the DORS commissioner must report on the proposed definition to the Education, Human Services, Labor, and Public Health committees ([PA 15-209](#), effective July 1, 2015).

Domestic Worker Protections

A new law brings domestic workers who work for employers with at least three employees under the employment-related anti-discrimination laws administered by the Commission on Human Rights and Opportunities. Among other things, this protects them against employment-related discrimination based on race, color, age, sex, gender identity, and mental or physical disability ([PA 15-249](#), effective January 1, 2016).

Food Service at State Parks

Under a new law, anyone who has a contract with DORS to operate a food service facility, vending machine, or

stand in a state park must report to the department annually, by December 1, the revenue generated under the contract. DORS must submit the reports to the energy and environmental protection commissioner, who must compile certain information about the generated revenue, including whether any must be paid to the state ([PA 15-106](#), effective upon passage).

DRUG DEPENDENCE

Data Collection

By law, the DMHAS commissioner must specify uniform methods for keeping statistical information for public and private agencies, including a client identifier system. A new law specifies that these methods apply to all public and private agencies that provide care or treatment for psychiatric disabilities or alcohol or drug abuse or dependence, including those agencies that are not state-operated or state-funded.

The new law also specifies that the agencies or others involved in such treatment, and not the commissioner, must collect relevant statistical information and make it available ([PA 15-120](#), effective October 1, 2015).

Drug Abuse Prevention

A new law makes various changes affecting prescription drugs, drug abuse prevention, and related topics. Among other things, it:

1. requires practitioners, before prescribing more than a 72-hour supply of any controlled

substance, to check the patient's record in the prescription drug monitoring program;

2. requires practitioners prescribing for prolonged treatment to review the patient's record at least every 90 days;
3. allows pharmacists to prescribe opioid antagonists, used to treat drug overdoses, if they receive special training and certification to do so, and expands the existing immunity for all prescribers when prescribing, dispensing, or administering opioid antagonists; and
4. requires physicians, advanced practice registered nurses (APRNs), dentists, and physician assistants to take continuing education in prescribing controlled substances and pain management.

([PA 15-198](#), various effective dates).

EDUCATION

Developmental Screenings for Children

A new law requires a health care provider, when completing the state's (1) early childhood health assessment record form ("yellow form") or (2) public school health assessment form ("blue form") for a child age five or younger, to indicate on the form whether he or she performed a

developmental screening during the related examination.

Under the act, a developmental screening is one that uses a method recommended by the American Academy of Pediatrics to identify concerns with a child's physical and mental development, including the child's sensory, behavioral, motor, language, social, perceptual, or emotional skills ([PA 15-157](#), effective July 1, 2015).

Services for Blind and Visually Impaired

Within available appropriations, DORS may employ certified teachers of the visually impaired to fulfill requests from school districts. Prior law explicitly allowed funds appropriated for this purpose to be used to employ rehabilitation teachers, rehabilitation technologists, and orientation and mobility teachers.

A new law instead allows DORS to use the funds to employ additional staff. The new law also removes a restriction on the proportion of funds that DORS may use to employ special assistants to the blind and other support staff needed to deliver services. By law, DORS must estimate the funding needed to pay the teachers' salaries, benefits, and related expenses. The new law removes benefits from this calculation ([PA 15-5, § 369](#), effective July 1, 2015).

Special Education and Autism Spectrum Disorder (ASD) Services

A new law requires the State Board of Education (SBE), by July 1, 2015, to draft a bill of rights for parents of children receiving special education services to guarantee that the rights of these students and their parents or guardians are protected when receiving these and related services. It requires SDE, starting with the 2015-16 school year, to annually distribute the bill of rights to local and regional boards of education. The bill of rights must be provided to the (1) student's parents or guardians; (2) surrogate parent, if one has been appointed; and (3) student, if he or she is emancipated or over age 18, at planning and placement team (PPT) meetings for special education students in grades six through 12.

By law, when a student is identified as requiring special education, and at each PPT meeting, school boards must provide the above-listed individuals with certain information. The new law requires this to include information on transition resources and services for high school students. It also requires SBE to ensure that school boards are providing all such information to these students ([PA 15-209](#), effective July 1, 2015).

HEALTH SERVICES

Designated Autism Spectrum Disorder (ASD) Services and Interventions

A new law requires the developmental services commissioner, in consultation with DDS' Autism Spectrum Disorder Advisory Council, to designate services and interventions that demonstrate, in accordance with medically established and research-based best practices, empirical effectiveness for treating ASD. The commissioner must update the designations periodically and whenever she deems it necessary to conform to changes recognized by the relevant medical community in evidence-based practices or research ([PA 15-5, June Special Session, § 351](#), effective upon passage).

Another new law requires DDS, beginning by February 1, 2016, to report annually to the Public Health Committee on the activities of the (1) department's Division of Autism Spectrum Disorder Services and (2) Autism Spectrum Disorder Advisory Council ([PA 15-209](#), effective July 1, 2015).

Ombudsman Pilot Program

The law requires the state long-term care ombudsman, personally or through representatives of her office, to implement and administer a pilot program serving home- and community-based care recipients in Hartford County. A new law limits the program to within available

appropriations ([PA 15-5, § 368](#), effective July 1, 2015).

Nursing Home Bed Moratorium

A new law extends for an indefinite period DSS' moratorium on accepting or approving requests for a certificate of need (CON) to add new nursing home beds. It also eliminates, modifies, and adds exemptions to the moratorium ([PA 15-5, § 391](#), effective July 1, 2015).

INSURANCE

Aging and Disability Resource Center (ADRC) Program

A new law renames the Community Choices program as the ADRC program and requires the Department on Aging to administer it as part of its CHOICES program.

The ADRC program provides seniors, caregivers, and people with disabilities with a single, coordinated information and access program for long-term support and institutional services. It is the state's designated ADRC program pursuant to the federal Older Americans Act (P. L. 109-365) ([PA 15-19](#), effective July 1, 2015).

Insurance Coverage for ASD

A new law:

1. expands certain individual and group health insurance policies' required coverage of ASD services and treatment,
2. expands existing law's group policy behavioral therapy

coverage requirements for people with ASD and also applies it to individual policies, and

3. eliminates maximum coverage limits on the Birth-To-Three program.

The coverage provisions apply to health insurance policies delivered, issued, renewed, amended, or continued in Connecticut that cover (1) basic hospital expenses, (2) basic medical-surgical expenses, (3) major medical expenses, or (4) hospital or medical services, including those provided through an HMO. Due to the federal Employee Retirement Income Security Act, state insurance benefit mandates do not apply to self-insured plans ([PA 15-5, June Special Session, §§ 347-350](#), effective January 1, 2016).

Insurance Coverage for Mental and Nervous Conditions

A new law expands the services certain health insurance policies must cover for mental and nervous conditions. By law, a policy must cover the diagnosis and treatment of mental or nervous conditions on the same basis as medical, surgical, or other physical conditions (i.e., parity).

The new law requires policies to cover, among other things:

1. medically necessary acute treatment and clinical stabilization services;

2. general inpatient hospitalization, including at state-operated facilities;

3. services provided by APRNs for mental or nervous conditions; and

4. programs to improve health outcomes for mothers, children, and families.

([PA 15-226](#), effective January 1, 2016).

MISCELLANEOUS

ABLE Program

A new law requires the state treasurer to (1) establish a qualified Achieving A Better Life Experience (ABLE) program, as permitted by federal law, and (2) administer individual ABLE accounts to encourage and help eligible individuals and families save private funds to pay for qualifying expenses for disability or blindness. It establishes the Connecticut ABLE Trust, administered by the state treasurer, to receive and hold funds intended for ABLE accounts. It exempts money in the trust and interest earnings on it from state and local taxation while in the trust and requires the treasurer to ensure that funds are kept exempt from federal taxation pursuant to federal law ([PA 15-80](#), effective October 1, 2015).

Conservators and Guardians

Under prior law, a person seeking a voluntary conservatorship had to apply in the probate court for the district where he or she resided or was

domiciled. A new law also allows the person to apply in the district where he or she is located when filing the petition. This corresponds with the law for involuntary conservatorships ([CGS § 45a-648](#)).

By law, probate courts must notify certain people of hearings to appoint a guardian of an adult with intellectual disability. Prior law required notice by first class mail to certain recipients and allowed the court to direct the form of notice to others. The new law specifies that notice to all such people must be made by first class mail and makes clarifying changes ([PA 15-217](#), effective January 1, 2016).

State Supplement and SAGA Rates

A new law freezes State Supplement to Supplemental Security Income program (SSP) and SAGA payment standards for the next two fiscal years.

Under SSP, DSS provides state cash assistance to supplement federal Supplemental Security Income (SSI) payments. (An individual not receiving SSI may still qualify for SSP if his or her monthly Social Security, private pension, or veterans' benefits are low.) Under SAGA, DSS provides cash assistance to certain individuals unable to work for medical or other prescribed reasons ([PA 15-5, §§ 375, 376](#), effective July 1, 2015).

Terminology

[PA 11-16](#) and [PA 13-139](#) substituted the term "intellectual disability" for "mental retardation" in several statutes to reflect changes in federal law and the developmental disabilities community. A new law makes several additional conforming changes ([PA 15-154](#), effective upon passage).

Another new law updates obsolete terminology used in various statutes to describe individuals with certain disabilities. Generally, it replaces the terms "crippled" and "defective eyesight" with "physical disabilities" and "visual impairments" respectively ([PA 15-109](#), effective October 1, 2015).

MOTOR VEHICLES AND DRIVING

Driver Training for Individuals with Medically Withdrawn Licenses

A new law allows the Department of Motor Vehicles (DMV) commissioner to permit anyone whose license was withdrawn because of a physical or mental disability to drive with an instructor for the DORS' driver training program. By law, a person with a disability that does not make him or her incapable of driving may receive training under the DORS program, including training with adaptive equipment. The DMV commissioner may waive the road test for a person who successfully completes the program and issue a driver's license with any restrictions DORS recommended ([PA 15-5, June Special Session, § 196](#), effective upon passage).

Parking Spaces

A new law prohibits a private parking area owner or lessee or his or her agent from dumping or placing, or allowing someone else to dump or place, accumulated snow in parking spots designated for people with disabilities. Violators face a \$150 fine for a first violation and a \$250 fine for each subsequent violation ([PA 15-5, June Special Session, § 224](#), effective October 1, 2015).

Refueling Assistance

The law requires gasoline retailers, upon request and for no additional cost, to help anyone with a disability whose license plate has an international symbol of access to refuel his or her vehicle at self-service pumps. (The symbol is a white image of a figure in a wheelchair, typically on a blue background.) A new law specifies that retailers must also provide this service to individuals with removable windshield placards that bear the same symbol ([PA 15-5, June Special Session, § 225](#), effective October 1, 2015).

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