

**Act Number:** 09-142  
**Bill Number:** 789  
**Senate Pages:** 2453-2455, 2585-2588 7  
**House Pages:** 8124-8130 7  
**Committee:** Public Health: 47, 49-52, 207-210 9

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
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Seeing no objection, the item is placed on the  
Consent Calendar. Mr. Clerk.

THE CLERK:

Calendar Number 136, File Number 84, Senate Bill  
789, AN ACT CONCERNING THE SHARING OF INFORMATION  
BETWEEN THE DEPARTMENT OF CHILDREN AND FAMILIES AND  
THE DEPARTMENT OF DEVELOPMENTAL SERVICE, Favorably  
Reported, Committee on Public Health, Human Services  
and Government Administration and Elections.

THE CHAIR:

Senator Harris.

SENATOR HARRIS:

Thank you, Mr. President. I move adoption of the  
Joint Committee's Favorable Report and passage of the  
bill.

THE CHAIR:

Questions on passage? Senator Harris.

SENATOR HARRIS:

Thank you, Mr. President. Mr. President, this  
bill will allow the Department of Developmental  
Services to obtain certain information on clients from  
the Department of Children and Families. Mr.  
President, the Clerk is in the possession of an

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Amendment, LCO number 5931. I asked that it be called  
and I be given permission to summarize.

THE CHAIR:

Mr. Clerk, please call the Amendment.

THE CLERK:

LCO 5931, which is designated Senate Amendment,  
Schedule "A" and is offered by Senator Harris of the  
5th District.

THE CHAIR:

Senator Harris.

SENATOR HARRIS:

Thank you, Mr. President. I move adoption.

THE CHAIR:

Questions on adoption? Senator Harris.

SENATOR HARRIS:

Mr. President, this Amendment merely makes the  
bill effective on passage. I urge adoption of the  
Amendment.

THE CHAIR:

Any comment on the Amendment? Seeing none, all  
those in favor of the Amendment, please signify by  
saying Aye.

THE SENATORS:

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Aye.

THE CHAIR:

Let's try that again. All those in favor of the Amendment, please signify by saying Aye.

THE SENATORS:

Aye.

THE CHAIR:

Very good. All those opposed? Senator Harris.

The Amendment is adopted.

SENATOR HARRIS:

Thank you, Mr. President. First of all, I'd like to thank my friends in this Circle for their hearty Aye on that very complex Amendment. And, Mr. President, if there's no objection, I ask that this matter be placed on the Consent Calendar.

THE CHAIR:

Seeing no objection, the item is placed on the Consent Calendar. Mr. Clerk.

THE CLERK:

Calendar page 27, Calendar Number 213, File Number 253, substitute for Senate Bill 972, AN ACT CONCERNING CONNECTICUT INNOVATIONS, INCORPORATED, Favorably Reported, Committee on Commerce and Export,

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that it be placed on the Consent Calendar.

THE CHAIR:

Without objection, so ordered. Mr. Clerk, would you please return to the call of the Calendar. Mr. Majority Leader.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, if the Clerk might call the first Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

The roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber? An immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber? Mr. President, those items placed on the first Consent Calendar begin on Calendar page 5. Calendar Number 392, House Bill 6433.

Calendar 397, Substitute for House Bill 5915.

Calendar 405, House Bill 5536.

Calendar page 6, Calendar 406, House Bill 5873.

Calendar 457, substitute for House Bill 6264.

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Calendar page 12. Calendar Number 599,  
substitute for House Bill 6463.

Calendar page 13, Calendar 608, House Bill 6640.

Calendar page 14, Calendar 611, substitute for  
House Bill 6341.

Calendar 612, substitute for House Bill 6286.

Calendar 620, substitute for House Bill 5664.

Calendar page 15, Calendar 622, substitute for  
House Bill 6496.

Calendar page 16, Calendar 628, House Bill 5809.

Calendar 630, substitute for House Bill 5519.

Calendar page 23, Calendar Number 284, substitute  
for Senate Bill 290.

Calendar page 24, Calendar 103, Senate Bill 754.

Calendar 120, Senate Bill 818.

Calendar 136, Senate Bill 789.

Calendar page 26, Calendar 179, substitute for  
Senate Bill 951.

Calendar page 27, Calendar 207, substitute for  
Senate Bill 950.

Calendar page 29, Calendar 252, substitute for  
Senate Bill 1068.

Calendar page 34, Calendar Number 420, Senate

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Bill 325.

And Calendar page 40, Calendar Number 541, House  
Bill 6076.

Mr. President, that completes the items placed on  
the first Consent Calendar.

THE CHAIR:

On the first Consent Calendar, the machine is  
open.

THE CLERK:

The Senate is now voting by roll call on the  
Consent Calendar. Will all Senators please return to  
the Chamber? The Senate is now voting by roll call on  
the Consent Calendar. Will all Senators please return  
to the Chamber?

THE CHAIR:

Have all the Senators voted? Seeing that all  
Senators have voted, the machine will be closed.  
Clerk, please announce the tally.

THE CLERK:

Motions on adoption to the Consent Calendar,  
number 1.

Total Number Voting	36
Those voting Yea	36



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Those voting Nay 0

Those absent and not voting 0

THE CHAIR:

The Consent Calendar is adopted. Mr. Majority  
Leader.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, a few  
more items to be marked "go." First, Calendar page  
29, Calendar 249, House Bill 6185. Calendar page 35,  
Calendar 424, Senate Bill 1045. Calendar page 36,  
Calendar 429, Senate Bill 940. Thank you, Mr.  
President.

THE CHAIR:

Thank you, sir. Mr. Clerk.

THE CLERK:

Turning to Calendar page 29, Calendar Number 249,  
Files number 49 and 285, House Bill 6185, AN ACT  
CONCERNING PENALTIES FOR VIOLATIONS OF CERTAIN  
PERSONNEL FILE STATUTES as amended by House Amendment,  
Schedule "A". Favorably Reported, Committee on Labor  
and Judiciary.

THE CHAIR:

Senator Prague.

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And the Clerk will announce the tally.

THE CLERK:

Senate Bill Number 785 as amended by Senate "A"  
in concurrence with the Senate.

Total Number Voting	142
Necessary for Passage	72
Those voting Yea	142
Those voting Nay	0
Those absent and not voting	9

DEPUTY SPEAKER GODFREY:

The Bill as amended is passed in concurrence with  
the Senate.

The House will stand at ease.

(Chamber at ease.)

The House will come back to order.

Will the Clerk please call Calendar Number 645.

THE CLERK:

On Page 21, Calendar Number 645, Senate Bill  
Number 789 AN ACT CONCERNING THE SHARING OF  
INFORMATION BETWEEN THE DEPARTMENT OF CHILDREN AND  
FAMILIES AND THE DEPARTMENT OF DEVELOPMENTAL SERVICES.  
Favorable Report of the Committee on Government  
Administration and Elections.

DEPUTY SPEAKER GODFREY:

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The distinguished Chairwoman of the Public Health Committee, Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, I move for acceptance of the Joint Committee's Favorable Report and passage of the Bill as amended in concurrence with the Senate.

DEPUTY SPEAKER GODFREY:

The question is on acceptance and passage in concurrence. Will you explain the bill, please, Ma'am.

REP. RITTER (38th):

Yes, I will, Mr. Speaker. Mr. Speaker, before I explain the Bill I would first like to ask the Clerk to please call LCO Number 5931, an Amendment that was passed as Senate Amendment "A", and I would be granted leave of the Chamber to summarize.

DEPUTY SPEAKER GODFREY:

The Clerk is in possession of LCO Number 5931 previously designated Senate Amendment Schedule "A". Will the Clerk please call.

THE CLERK:

LCO Number 5931, Senate "A", offered by Senator Harris and Representative Winter, Ritter.

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DEPUTY SPEAKER GODFREY:

The gentle woman seeks leave of the Chamber to summarize. Is there any objection? Hearing none, Representative Ritter you have the floor, ma'am.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, this Amendment simply changes the effective date of the underlying Bill. The Bill as written asks that it be effective October 1, 2009. The Amendment changes that date to become effective upon passage. I would move adoption.

DEPUTY SPEAKER GODFREY:

The question is on adoption. Will you remark on Senate Amendment Schedule "A"? If not, let me try your minds. All those in favor signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed, Nay. The Ayes have it. The Amendment is adopted. Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, the Bill as amended allows the Department of Developmental

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Services to obtain information from the Department of Children and Families.

That information is limited to DCF investigation summaries that will be used to facilitate the eligibility, enrollment and planning of services in the DDS voluntary services program.

It requires, the Bill requires that the parents are notified at the time of application to the program that this information will be shared. These are the only people who will be privy to this information.

The information from DCF is necessary to ensure appropriate planning. These plans must address the needs of both the child and the family, with the goal of keeping the child at home supported with the appropriate behavioral and in-house family support.

By way of background, until about 2005, this voluntary services program was housed completely at DCF and it is now shared, and this particular application process was moved to DDS to serve these particular children with the developmental disabilities.

This would affect approximately 400 children. The Amendment was asked that it become effective upon passage in order to enable the Department to

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immediately begin to benefit the children that are participating in the programs, particularly at this time of year.

There is no fiscal note. I would move adoption.

DEPUTY SPEAKER GODFREY:

Thank you, madam. The distinguished Ranking Member of the Public Health Committee, Representative Giegler.

REP. GIEGLER (138th):

Thank you, Mr. Speaker. I, too, rise in support of this Bill as amended. However, I do have one question to the Chair of the Public Health Committee.

DEPUTY SPEAKER GODFREY:

Please proceed, madam.

REP. GIEGLER (138th):

Thank you, Mr. Speaker. I just have one question as it relates to the unsubstantiated DCF claims and whether this information would be passed on to DDS from DCF. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter, do you care to respond?

REP. RITTER (38th):

Mr. Speaker, it is my understanding that the DCF can, may disclose a written summary of any child abuse

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or recent investigation it concluded and that unsubstantiated claims would not be included in that information.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Giegler.

REP. GIEGLER (138th):

I thank you, Mr. Speaker, and I thank the Chair for her answer, and I urge my colleagues' support of this Bill. Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, madam. Are you ready for the question? If so, staff and guests please come to the Well of the House. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber.

The House is voting by Roll Call. Members to the Chamber, please.

DEPUTY SPEAKER GODFREY:

Have all the Members voted? Have all the Members voted? Representative Fawcett, did you vote, please? Thank you, ma'am.



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Representative Mikutel. Thank you.

Have all the Members voted? If so, the machine will be locked. Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I'd like to vote in the affirmative.

DEPUTY SPEAKER GODFREY:

Representative Aresimowicz in the affirmative.

And if the Clerk would announce the tally.

THE CLERK:

Senate Bill Number 789 as amended by Senate "A" in concurrence with the Senate.

Total Number Voting	138
Necessary for Passage	70
Those voting Yea	138
Those voting Nay	0
Those absent and not voting	13

DEPUTY SPEAKER GODFREY:

The Bill as amended is passed in concurrence.

The House will stand at ease.

(Chamber at ease.)

The House will come back to order, and return to the Call of the Calendar. Mr. Clerk, kindly call Calendar Number 526.

THE CLERK:

**JOINT  
STANDING  
COMMITTEE  
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simply a movement based upon account, it's not a reduction overall. So they were funded out of one account, they're being moved to the pretrial account. That's -- that's what was reflected there.

REP. RITTER: Thank you. And I thank you for being prepared on that issue.

I know that further on in our testimony day there's quite a few people that have testimony pertinent to this issue, and that very well may cause Legislators to have more questions. And I know, Commissioner, that you and your office have always been very open to us in the past at responding to that, and so I might just put you on notice that I would expect that you may be getting further questions down the road from committee members, as well as people following testimony that we'll be having later on today.

THOMAS A. KIRK, JR.: We would welcome those questions and responding to them.

REP. RITTER: Thank you very much.

Our next speaker will be Commissioner Peter O'Meara.

PETER O'MEARA: Good morning. Senator Harris, Representative Ritter, Representative Giegler, members of the Public Health Committee, I'm Peter O'Meara, Commissioner of Developmental Services. Thank you for raising our agency bills this session and for the opportunity to testify in support of DDS's agency proposals, House Bill 6309, Senate Bill 789 and Senate Bill 756. I have provided you with comments, written comments, in support of the bills, and I'll just attempt to summarize those comments for you.

Section 9 would permit designees to be appointed for certain members of the statutory family support council. We certainly want to encourage people to participate. And by allowing designees that make sure that different groups and organizations can be represented -- represented, and we also wanted to eliminate the two-term limitation for members of the council.

One that's critically important to the department, and to the people we serve and their families, is in Section 10 eliminates the sunset provision of the department's abuse and neglect registry. This registry is an important tool by the department, it's providers and other state agencies to make sure that individuals who have been terminated for substantiated abuse and neglect cannot find employment in other parts of our system. Without elimination of the sunset provision, the abuse and neglect registry would sunset in 2010.

Senate Bill 789, An Act Concerning the Sharing of Information Between the Department of Children and Families and the Department of Developmental Services. As you're aware, we have taken over responsibility for the voluntary services program, but we are not permitted to have access to DCF's investigation summaries, and we are requesting that we do have permission because it certainly assists our case managers in being able, not only to provide services for the individual child, but also to deal with some of the family dynamics and needs. And having that information, I think, would be vital to appropriate planning and treatment.

Senate Bill 756, An Act Concerning a Department of Children and Families Child

Abuse and Neglect Registry Check for Applicants of Employment with the Department. Again, we are asking for access to that registry so that as we hire or our private providers hire individuals, we would screen those applicants for employment to make sure that they were not a person who was on that DCF abuse registry. Again, I think something that provides comfort to our families that we are assuring that the people we hire are folks of integrity and that their children will be -- will be safe in our care.

So thank you for allowing me to testify today, and I would be happy to answer any questions. I would just add that there are many new members of the committee and, certainly, I would welcome any opportunity to meet with you or for you to visit the department. Certainly if you have any questions or issues, Christine or Rod are always available to support you, so feel free to -- to contact us if there are any issues that involve the department.

So thank you.

REP. RITTER: Thank you, Commissioner.

Are there any questions from committee members?

Representative Lyddy.

REP. LYDDY: Good morning, Commissioner.

PETER O'MEARA: Good morning, sir.

REP. LYDDY: I just have a few concerns about Senate Bill 789, regarding the Sharing of Information Between the Two Departments. Sharing of information this day and age is a very scary thing for a lot of people,

especially when it comes to family's information regarding DCF, DCF reports and the like. I'm just curious about what kind of information would be shared? Would this be a simple telephone call? Would there be actual reports? Would these be reports from the hot line? Can you just give me a little bit more information as to what this information would be and how it would be shared?

PETER O'MEARA: We can certainly provide the specific detail which our coordinator of the VSP program and works with a liaison at DCF, so we can provide that for you. In general, my sense is that it's clearly around the issues, we provide as the person is transferred from DCF, the child, to DDS, sometimes there are other dynamics not around the person's disability or their treatment plan, but around the family dynamics that clearly play a great role in how we would plan services and supports, and sometimes unfortunately that has to do with issues around abuse and protection that might involve a family member, and it's been very difficult for our case managers and for our regions to develop an appropriate plan of care because one of our mainstays, obviously, is we want to involve the family in the support system for their son or daughter, but if there's a protective service issue that somehow might impede the safety of that child, not having access to that presents a tremendous dilemma for our case management and our planning staff. So that's really the -- the crux of the issue.

My sense is that we do not need all of the information, but we need enough to know if planning to maintain a child in their own home is an appropriate way to go or maybe we should look for a respite opportunity or we should

look for another family member to provide support or we should add additional in-home supports because the parents are having significant stressors in their life that could present a risk to the child.

REP. LYDDY: If you could just get me that information, that would be great --

PETER O'MEARA: We'll do that.

REP. LYDDY: -- as to how that would play out.

PETER O'MEARA: Okay.

REP. LYDDY: I see it in the judicial branch in DCF and how those two agencies come into play a lot and I see how that information could be helpful, but I think there's a trust issue with me right now and I need to know that that information would be secured and appropriately driven.

PETER O'MEARA: Okay. We'll certainly do that, and we have a very stringent HIPPA policies and procedures about our records, communication, and discussion within the department.

REP. RITTER: Thank you.

Any other questions?

Senator Harris.

SENATOR HARRIS: Thank you, Madam Chair.

Good morning, Commissioner.

PETER O'MEARA: Good morning, sir.

SENATOR HARRIS: Commissioner, on House Bill 6309, you talked about the technical components and

REP. RITTER: Thank you very much for your time and your testimony.

Are there any questions from the committee?

I want to thank you very much for some good news.

SUSAN CASTONGUAY: Okay. Thank you.

REP. RITTER: Our next speaker will be Stan Soby. We're on our next bill, which is House Bill 6309, An Act Concerning Administration of Department of Developmental Services.

Is he here? And he will be followed by Lynn Warner. Maybe not. Is Stan Soby here? Is Lynn Warner here? Okay.

I think maybe we will go on to our next bill which is Senate Bill 754, An Act Concerning Technical Changes to the Statutes Regarding Persons with Psychiatric Disabilities and Persons with Substance Use Disorders.

Oh, great. No one to -- hold on. We're moving along.

Our next bill, Senate Bill 789, An Act Concerning the Sharing of Information Between the Department of Children and Families and the Department of Developmental Services. We have one speaker, that is Cheryl Martone. Is she present?

CHERYL MARTONE: Senator -- good afternoon, Senator Harris, and Representative Ritter, and Members of the panel. My name is Cheryl Martone. And I'm from Westbrook/Clinton area. And I'm a parent. And a parent investigator on this bill today. And I'm here today to advocate for my child that DCF has documentation of the

HB5730  
SB789  
HB6172



reports -- when they document reports most of them are pretty bizarre. I'd like to add that. Also, my mom just passed away on January 15th from chronic emphysema. And she was a State DOT worker, previously a toll worker, and a private investigator, which I learned how to do surveillance from her in many areas and write reports.

And I have a 13-year-old boy names Justin M. who had a life before DCF was involved. And the documentation of reports by DCF are mostly false. And they have pseudo evaluators that make false reports. And the Westbrook Middle School principal, the facility of the school that my child was from, did false reporting as well to DCF, and that's how my child was taken away.

Also, here -- I'm here to support Bill Number 5730, the Able Child Bill, where children are screened -- mentally health screened at school. And that's one of the reasons why they probably took my child away, because I did not want to sign any mental health screening at school.

Also, referring to Bill 789 is in the section, is not to allow either the Department to disclose records without an admission of an individual or of the parent of the child. It is a persons right to allow private disclosed information to others. A private person should be able to decide if it is their -- in their best interest. A personal choice. Not coerced or forced by the DCF. And also in Section 1 MDE reports that DCF is totally making up reports for contracts to DCF providers. This is a problem. And the state is spending taxpayers' money unnecessarily.

Falsifying information, DCF refers to Proposed

Bill Number 5320, to make DCF accountable and transparent. In transparency, we have a very serious problem in the state with DCF telling lies and making up false reports, and we should make them accountable and transparent -- transparent.

The Westbrook Middle School was responsible for my child's education in Section 4, I was very responsible parent for his care, emotionally, physically and his well-being and educationally. So I saw that the Westbrook Middle School was not responsible in advocating for him in his education.

If we looked into the documentation that DCF is doing that we would not have to be working so hard on other bills, like Bill 6172 of removal of a child.

Thank you.

REP. RITTER: Thank you very much for your testimony.

Are there any questions from the committee?

Representative Lyddy.

REP. LYDDY: Yeah. Just a quick question, so I could better understand where you're coming from.

CHERYL MARTONE: Thank you.

REP. LYDDY: Your issues with DCF and their inability or their misdiagnosis or treatment in documentation of what they've been finding and sharing that with the Department of Developmental Services; is that correct?

CHERYL MARTONE: Yes.

REP. LYDDY: Okay. Thank you.

CHERYL MARTONE: I understand that.

REP. LYDDY: Yes, okay.

CHERYL MARTONE: I just want to say that if the reports were investigated instead of just being written by DCF, then the information to the DDS would be in the -- when they would provide services for the child would be much better.

Thank you.

REP. RITTER: Okay. Are there any other questions from the committee?

Thank you very much for your testimony.

CHERYL MARTONE: Thank you.

REP. RITTER: We don't have any speakers on our next bill, and so we will go to House Bill 6310, An Act Concerning Direct Patient Access to Laboratory Test Results, and our speaker is Doctor Handelman. He will be followed by Margaret Smith.

WILLIAM HANDELMAN: Senator Harris, Representative Ritter and the Members of the Committee, my name is Dr. William Handelman. I'm currently the president -- the president of the Connecticut State Medical Society, and I'm a practicing physician in Torrington, Connecticut. I appreciate the opportunity to speak regarding this proposed legislation to the committee.

The Connecticut State Medical Society recognizes the right of every patient to have