

Act Number:	09-085	
Bill Number:	756	
Senate Pages:	1223-1224, 1479-1481	5
House Pages:	4703-4719	17
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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

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SENATE

22
April 22, 2009

Appropriations Committee.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 177 marked
go.

Calendar 178, Senate Bill Number 873, Mr.
President, I move to place this item on the Consent
Calendar.

THE CHAIR:

Motion is on consent. Without objection, so
ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 180, Senate
Bill 953, I move to place this item on the foot of the
calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 181 is marked
go.

Calendar 188 is PR.

Calendar 190, PR.

Calendar 194 is Senate Bill Number 756, Mr.

President, I move to place this item on the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 195, PR.

Calendar page 8, Calendar 196, Senate Bill Number 988, Mr. President, I move to refer this item to the Appropriations Committee.

THE CHAIR:

Seeing no objections, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 200, PR.

Calendar 201 is marked go.

Calendar 205, Senate Bill Number 948, Mr.

President, I move to refer this item to the Appropriations Committee.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 208, PR.

Calendar 211, Senate Bill Number 884, Mr.

President, I move to place this item on the foot of the calendar.

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SENATE**

**PROCEEDINGS
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Agenda Number 3, Emergency Certified Bill 6716 and
House Bill -- correction, 6379.

Turning to the calendar, calendar page 2,
Calendar Number 475, Senate Resolution Number 19;
Calendar 476, Senate Resolution Number 20; Calendar
477, Senate Joint Resolution Number 74.

Calendar page 4, Calendar Number 139, Senate Bill
854.

Calendar page 6, Calendar 178, Senate Bill 873.

Calendar page 7, Calendar 194, Substitute for
Senate Bill 756.

Calendar page 8, Calendar 223, Substitute for
Senate Bill 46.

Calendar page 10, Calendar Number 240, House Bill
Number 6401.

Calendar page 12, Calendar Number 264, Substitute
for Senate Bill 1023.

Calendar page 14, Calendar 328, Substitute for
Senate Bill 814.

Calendar page 19, Calendar Number 400, House Bill
6351.

Calendar page 20, Calendar Number 402, Substitute
for House Bill 6193.

Calendar page 21, Calendar 408, House Bill 6322;

Calendar 409, Senate Bill 1013.

Calendar page 23, Calendar 423, Substitute for
Senate Bill 1010.

Calendar page 27, Calendar 443, Substitute Senate
Bill 1149; Calendar 447, Senate Bill 673; Calendar
448, Senate Bill 1029.

Calendar page 30, Calendar 459, House Bill 5138;
Calendar 461, House Bill 6406; Calendar 462,
Substitute for House Bill 6537.

Calendar page 39, Calendar Number 81, Substitute
for Senate Bill 760; Calendar 83, Senate Bill 762;
Calendar 99, Senate Bill 787.

Calendar page 40, Calendar 119, Substitute for
Senate Bill 778.

Calendar page 43, Calendar 171, Senate Bill 251.

Calendar page 46, Calendar Number 266, Senate
Bill Number 382.

Calendar page 51, Calendar Number 356.

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Mr. President, I believe that completes those
items previously placed on the first Consent Calendar.

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:

The machine is open.

Members, please check the board to see if your vote is properly cast and properly recorded. If all members have voted, the machine will be locked.

Would the Clerk please take a tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number 1. Total number voting, 35; those voting yea, 35; those voting nay, 0; those absent/not voting, 1.

THE CHAIR:

Consent Calendar 1 is passed.

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Mr. President, the two items that appeared on Senate Agenda Number 3, have just been passed on the Consent Calendar. I would move that the first item from Senate Agenda Number 3, House Bill 6716, the emergency certified bill, I move for immediate transmittal of that item to the Governor.

THE CHAIR:

Motion is for immediate transmittal to the

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Will the Clerk please call Calendar 537.

THE CLERK:

On page 17, Calendar 537, Substitute for Senate Bill Number 756, AN ACT CONCERNING A DEPARTMENT OF CHILDREN AND FAMILIES CHILD ABUSE AND NEGLECT REGISTRY CHECK FOR APPLICANTS OF EMPLOYMENT WITH THE DEPARTMENT OF DEVELOPMENTAL SERVICES OR THE DEPARTMENT'S PROVIDERS, favorable report of the Committee on Human Services.

SPEAKER DONOVAN:

Representative Linda Gentile.

REP. GENTILE (104th):

Good afternoon, Mr. Speaker.

SPEAKER DONOVAN:

Good afternoon, madam.

REP. GENTILE (104th):

Mr. Speaker, I move for acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the Senate.

SPEAKER DONOVAN:

Question is accepted of the Joint Committee's favorable report and passage of the bill in concurrence with the Senate.

Will you remark, madam?

REP. GENTILE (104th):

Thank you, Mr. Speaker.

This bill will allow the Department of Developmental Services to require applicants for employment with either the Department or with DDS funded or licensed provider to submit to a check of the Department of Children and Families Child Abuse and Neglect Registry.

The bill will allow the two state agencies to develop a data-sharing methodology that minimizes DCF's workload increase so as to preclude the need for the hiring of additional staff. It received bipartisan support of both the Public Health Committee and the Human Services Committee and I move adoption, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Will you remark further on this bill? Remark further on the bill?

Representative Gibbons.

REP. GIBBONS (150th):

Thank you, Mr. Speaker.

Good morning -- or maybe it's good afternoon now.

SPEAKER DONOVAN:

Good afternoon, madam.

REP. GIBBONS (150th):

I concur with what the former -- previous representative just said. This is a move in the right direction to get these two agencies to work together. This is something that the agencies have been trying to get passed for the past couple of years so I urge support of the bill.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Williams.

REP. WILLIAMS (68th):

Thank you, Mr. Speaker, and good afternoon.

Through you, a few questions to the proponent of the bill.

SPEAKER DONOVAN:

Please proceed, sir.

REP. WILLIAMS (68th):

Thank you, Mr. Speaker.

I think that certainly the concept makes sense. I know that this had some bipartisan support so I just have a few generic questions, I think.

Through you to Representative Gentile. Is there any such process now or are we creating a new process through this proposal, through you, Mr. Speaker?

speaker Donovan:

Representative Gentile.

REP. GENTILE (104th):

Thank you, Mr. Speaker.

Currently, checks are required, but this is a new process that will allow the two departments to share information and work more efficiently.

SPEAKER DONOVAN:

Representative Williams.

REP. WILLIAMS (68th):

Thank you, Mr. Speaker. And, through you to Representative Gentile, is this the -- is this check that is being contemplated in this bill the same as the check that is done before -- or that is done now and the only difference that we're sharing this between the two departments? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Thank you, Mr. Speaker. Through you, yes, it is the same check. It just allows the two departments to communicate with each other.

SPEAKER DONOVAN:

Representative Williams.

REP. WILLIAMS (68th):

Thank you, Mr. Speaker. And could Representative Gentile elaborate, through you, on what the Child Abuse and Neglect Registry tells us. What information does that specifically gather? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Thank you, Mr. Speaker. One moment please.

Mr. Speaker, through you, the only information I have available to me is that currently when the check is conducted, the law prohibits DDS or a private provider from hiring anyone before the results are available. The law -- the existing law also prohibits employers from hiring someone listed on the DDS Abuse and Neglect Registry for a position involving service to a DDS client for obvious reasons.

SPEAKER DONOVAN:

Representative Williams.

REP. WILLIAMS (68th):

Thank you, Mr. Speaker. And I thank the gentlelady for her answer. Lastly, through you, Mr. Speaker, to Representative Gentile. Does this apply to all employees of a nonprofit and their potential subcontractors or does this apply solely to the

employees of the Department? Through you, Mr.

Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Thank you, Mr. Speaker. Right now, it applies to anyone applying for a job in a DDS program that provides direct services to clients.

SPEAKER DONOVAN:

Representative Williams.

REP. WILLIAMS (68th):

Thank you, Mr. Speaker. And if an organization is doing business with DDS hired a subcontractor or contemplated hiring a subcontractor, someone who's not an employee, or maybe a 1099, would that person be subject to this under current law or under the new proposal? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Thank you, Mr. Speaker. According to the explanation from the Office of Fiscal Analysis, they would be required if they're receiving funds from DDS.

SPEAKER DONOVAN:

Representative Williams.

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REP. WILLIAMS (68th):

Thank you, Mr. Speaker. And I thank the gentlelady for her answers.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker. If I may direct a question or two to the proponent.

SPEAKER DONOVAN:

Please proceed, sir.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker, how does one get on the registry, the Family's Child Abuse and Neglect Registry? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Thank you, Mr. Speaker. That I do not know. I would defer to DC -- someone from DCF? Representative Walker maybe?

SPEAKER DONOVAN:

Representative Hetherington, would you like to direct your question to Representative Walker?

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Walker, maybe you would like to have the question repeated by Representative Hetherington?

REP. HETHERINGTON (125th):

The question, through you, Mr. Speaker, is how does one become listed on the registry of Family's Abuse and Neglect?

SPEAKER DONOVAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, that is -- your name is put on through the agency, through the social workers or the people that are working through the agency. Once they have -- you have been substantiated either through abuse or neglect with a child, through you.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. Through you, Mr. Speaker, does that require a criminal conviction? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, I do not know. I believe that the people that are on the Abuse and Neglect Registry can be -- their names can be put on there through the substantiation in the DCF case.

It does not require that it has to go through court.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. Through you, Mr. Speaker, is there any opportunity before one's name goes on the registry to have a hearing to dispute any of the facts or conclusions? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Hetherington -- oh, yes, I'm sorry. Okay.

REP. HETHERINGTON (125th):

To Representative Walker, through you, Mr. Speaker. The question was, is there is any opportunity for someone to have a hearing or review before one's name goes on this registry?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Walker.

REP. WALKER (93RD):

Through you, Mr. Speaker.

That is correct. You are entitled to a hearing and to discuss the actual matters of the case with the person who is being accused and the agency itself.

That is correct.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, through you, Mr. Speaker, is there any opportunity to have one's name removed by petition for review or by review in the ordinary course?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Walker.

REP. WALKER (93RD):

Through you, Mr. Speaker, yes, you are. You're allowed to petition Department of Children Families to have your -- the -- a review after seven years, through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank -- thank you, Mr. Speaker. I thank the gentlelady for her responses.

Thank you.

SPEAKER DONOVAN:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Mr. Speaker. Through you, a question to the proponent of the legislation?

SPEAKER DONOVAN:

Please proceed, madam.

REP. HOVEY (112th):

Thank you, sir. Through you, Mr. Speaker, I want to inquire about the interagency collaboration and the availability of records and, specifically, with regards to this very same record being available to the Department of Social Services.

Through you, Mr. Speaker, is the DCF registry available also to the Department of Social Services?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

One moment please, Mr. Speaker.

Through you, Mr. Speaker, currently, it is not available, but it will be in the future with this new legislation. It will -- they're developing the methodology.

REP. HOVEY (112th):

Thank you, Mr. Speaker.

So the outcome of this piece of legislation is that it will open up the records not just for DHMAS but through other social service agencies across the State. The ultimate goal is to have access by all state entities that would have an interest in that information; is that correct?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Thank you, Mr. Speaker, through you, that is not the intention of this bill.

SPEAKER DONOVAN:

Representative Hovey.

REP. HOVEY (112th):

Okay, so I guess I misunderstood the gentlelady. So this bill is specifically with regards to the Department Developmental Services and opening up the DHMAS, then accessing the information that the other entities in the DHMAS agency have, the DCF records, but the ultimate goal and maybe not through this legislation but an ultimate for the agencies and for the State is to have interagency collaboration across to DSS; is that correct?

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Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, right now, the intention of this bill is just for employment purposes between the two agencies, communication between the two agencies just for employment purposes.

SPEAKER DONOVAN:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Mr. Speaker.

And I guess what I'm trying to get at is that we have another very large agency, the Department of Social Services that also employs a number of people who may have similar interest or would also -- we would want to, as a state, be very careful to make sure that if they were also included on this list that they would be screened also. So I'm hoping that, in the future, we would also be inclusive of the DSS application process, too.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Giegler.

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REP. GIEGLER (138th):

Thank you, Mr. Speaker.

I rise in support of the legislation before us. It allows two state agencies to develop some data sharing in regard to employment, which, I think, is really important in light of those that are serving individuals within the community, and I urge my colleagues for it.

Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. Good afternoon, Mr. Speaker.

SPEAKER DONOVAN:

Good afternoon, sir.

REP. NOUJAIM (74th):

Mr. Speaker, for legislative intent if I may, I would like to pose a question to the proponent of the bill?

SPEAKER DONOVAN:

Please proceed.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker.

To Representative Gentile and, perhaps, you can request Representative Berger's help with this if he's in the chamber.

It seems to me that two years ago, we proposed a similar bill that Representative Jeffrey Berger introduced and that bill passed. And, basically, that bill requires, also, a background check and screening of potential employees, and it seems to me that we are duplicating the same bill in here, through you, Mr. Speaker; am I correct?

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Thank you, Mr. Speaker.

My understanding of this bill is that this is specific to the Abuse and Neglect Registry.

SPEAKER DONOVAN:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker.

And, for legislative intent, it seems to me that the other bill that we introduced two years ago was basically the same thing. And it dictated that potential employees or employees to be hired must be also on the registry. Just to make sure that we are

not duplicating apples or if the bill is introduced,
do we need another law?

Through you, Mr. Speaker, perhaps, Representative
Walker came shed some light on it.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Thank you, Mr. Speaker.

I believe that this registry is maintained
through the agency, and it's specific to neglect and
abuse. What you may speaking -- what the gentleman
may be speaking of is just a general background check.

SPEAKER DONOVAN:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker.

For now, I appreciate the answer.

SPEAKER DONOVAN:

Thank you, Representative.

Remark further on the bill? Remark further on
the bill?

If not, 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.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Will the members please check the board to determine whether your vote is properly cast.

If all the members have voted, the machine will locked, and the Clerk will please take a tally.

Will the Clerk please announce that tally?

THE CLERK:

Senate Bill 756 in concurrence with Senate

Total Number of Voting	140
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Necessary for Passage	71
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Those voting Yea	140
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Those voting Nay	0
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Those absent and not voting	11
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SPEAKER DONOVAN:

Bill passes in concurrence with the Senate.

Will the Clerk please call Calendar Number 635 --
excuse me -- please stand at ease.

(Chamber at ease)

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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