PA 11-016

HB6279

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GENERAL ASSEMBLY
HOUSE

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you stand?

REP. OLSON (46th):

Thank you, Mr. Speaker. Mr. Speaker, I move that this item be passed temporarily. Thank you.

SPEAKER DONOVAN:

Motion is that this item be passed temporarily. Any objection? Hearing none, the item is passed temporarily.

Will the Clerk please call Calendar 281.

THE CLERK:

On page 47, Calendar 281, Substitute for House Bill Number 6279, AN ACT CONCERNING REVISIONS TO STATUTES RELATING TO THE DEPARTMENT OF DEVELOPMENTAL SERVICES INCLUDING THE UTILIZATION OF RESPECTFUL LANGUAGE WHEN REFERRING TO PERSONS WITH INTELLECTUAL DISABILITY, Favorable report of the Committee on Judiciary.

SPEAKER DONOVAN:

Chair of Public Health Committee, Representative Ritter, you have the floor, madam.

REP. RITTER (38th):

Thank you, Mr. Speaker. I move for acceptance of the Joint Committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

The question is on acceptance of the Joint

Committee's favorable report and passage of the bill.

Will you remark?

REP. RITTER (38th):

Yes, thank you, Mr. Speaker. Mr. Speaker, there was a recently enacted federal law known as Rose's Law changing references in federal law from "mental retardation" to "intellectual disability" and from "mentally retarded individual" to an "individual with intellectual disabilities". This bill essentially takes those changes into our state statutes, updating the statutes' terminology used by both the Department of Developmental Services and the Office of Protection and Advocacy for Persons of -- With Disabilities in their provision of their service. It makes those substitutions; I urge adoption. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

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

Representative Perillo.

REP. PERILLO (113th):

Mr. Speaker, thank you very much. I also voice support for the bill before us today, and one of the concerns that we did have when the bill was before us in committee was whether or not it would -- it would increase

costs by increasing eligibility. And it certainly does not do that. This is -- this is cost-neutral and it is a good bill and something we should be moving forward. And I thank you very much.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further on the bill? Care to remark further on the bill? If not, staff and guests, please come to the well of the House. Members take their seats. The machine will be open.

THE CLERK:

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:

Representative Clemons. Yes, Representative.

REP. CLEMONS (124th):

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

SPEAKER DONOVAN:

Representative Clemons, in the affirmative.

REP. CLEMONS (124th):

Thank you.

SPEAKER DONOVAN:

Representative Dillon.

REP. DILLON (92nd):

Thank you, Mr. Speaker. In the affirmative.

SPEAKER DONOVAN:

Representative Dillon, in the affirmative.

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Mr. Speaker, in the affirmative.

SPEAKER DONOVAN:

Representative Fleischmann, in the affirmative. All right. That looks like it. If the Clerk could please announce the tally.

THE CLERK:

House Bill 6279.

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

SPEAKER DONOVAN:

Bill is passed.

Are there any announcements or introductions? Any announcements or introductions? Showing none, Representative Hewett. Representative Hewett, you have the floor, sir.

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 2
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2011

Dannel P Malloy
Governor

State of Connecticut
Department of Developmental Services

Peter H O'Meara
Commissioner

Kathryn du Pree
Deputy Commissioner

TESTIMONY OF THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
TO THE
JUDICIARY COMMITTEE

February 28, 2011

Senator Coleman, Representative Fox and members of the Judiciary Committee. I am Peter O'Meara, Commissioner of Developmental Services. Thank you for the opportunity to submit testimony in support of H.B. No. 6440 - **An Act Concerning Applications for Guardianship of an Adult with Intellectual Disabilities and Statutory Changes Related to Intellectual Disabilities**. I would also like to testify to certain areas of concern our department has with H.B. No. 6438 - **An Act Concerning Probate Court Operations** and S.B. No. 1058 - **An Act Concerning the Applicability of Probate Court Orders to State Agencies.**

The department supports the change in the timing of the guardianship application process proposed in Section 1 of H.B. No. 6440. The bill would allow a parent or guardian of a person under the age of 18 to apply for guardianship of that child 180 days prior to that child turning 18. This change would address a problem that parents and guardians of individuals with intellectual disability have faced in continuing to be their child's guardian as they become adults. Currently a child with intellectual disability and his parents must wait until the child turns 18 and then his parents may apply to become guardian of their adult child. This has left a gap in guardianship for some vulnerable adults with intellectual disability.

I would also like to acknowledge the proponents of H.B. No. 6440 efforts to use both respectful language and person first language in reference to individuals with intellectual disability and autism spectrum disorder in their statutes. Our department would suggest that this bill be amended to conform with the terminology DDS has proposed in our agency bills *H.B. No. 6278 AN Act Concerning The Department Of Developmental Services Division Of Autism Spectrum Disorder Services* and *H.B. No. 6279 An Act Concerning Revisions To Statutes Relating To The Department Of Developmental Services Including The Utilization Of Respectful Language When Referring To Persons With Intellectual Disability*, which have been heard in the Public Health Committee. In these bills, we have amended the Department of Developmental Services' statutes that H B. No. 6440 is also attempting to amend.

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JOINT
STANDING
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HEARINGS

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be more worried about the Department of Revenue Services coming to my building.

But when a person comes to a building, you're saying -- so this is more of an outpatient treatment is it -- is what you're concerned about?

COMMISSIONER PATRICIA A. REHMER: Yes.

SENATOR KANE: Okay. So not necessarily inpatient but outpatient when people are out in the community?

COMMISSIONER PATRICIA A. REHMER: Right. A lot of our providers go into people's homes to provide services. We're doing more and more of that and so I think that's why this has become an issue for us.

SENATOR KANE: And right now they go without a badge?

COMMISSIONER PATRICIA A. REHMER: We don't require them to wear a badge. This legislation would require them to wear a badge.

SENATOR KANE: Thank you.

Thank you, Madam Chair.

REP. RITTER: Questions from the committee?

Hearing none, Commissioner, thank you very much for your testimony.

Next I'd like to call Commissioner Peter O'Meara from the Department of Developmental Services.

COMMISSIONER PETER O'MEARA: Senator Stillman, Senator Welsh, Representatives Ritter and HB6278 HB6279 HB5045 SB885

Perillo and members of the Public Health Committee. I am Commissioner Peter O'Meara, the Department of Developmental Services and we certainly want to thank you for raising our agency bills today.

We've submitted written testimony, and I'll just try and summarize some of the main point of each of the bills.

First bill that I'd like to comment on would be House Bill 6278, and this is really just a technical change, as you know when the Autism pilot was created by statute the pilot had a -- an end date of June 2009 and that is still in statute. That program is up and running very successfully and actually is currently serving 71 individuals. So we think that it would be appropriate at this time to end the pilot status as it was in the -- in the statute.

Also we're in the process of submitting waivers for the Autism Services that are in play in both DDS. DHMAS and the Department of Children and Families. And one of the good things about that is that we will actually expand openings in the program beyond the original Greater New Haven and Greater Hartford area. So we'll actually be opening the program up to serve the entire state as vacancies and opportunities present themselves.

The other thing that we would just mention in that bill as we're trying to do in one of the other bills that we're going to discuss today is to really just update the language and the terminology to be reflective of respective language as well as Rosa's Lawat the federal level and begin to drop the term mental retardation where it appears mostly in our

statutes and insert intellectual disability And that's certainly something that I think is shared by all of our advocacy groups and will bring us into current language status.

I'd like to comment on 6279, concerning Revisions To Statutes Relating To The Department and Including The Utilization Of Respectful Language When Referring To Persons With Intellectual Disabilities. And again just making sure that wherever possible within our statutes we become a constant with the appropriate and respectful language of that the individuals we serve expect us to use.

The other thing that I might point out in House Bill 6279, and there is a long list of revisions to statutes just to make sure that those language changes conform to all of those statutes. And I will spare you from going through them. Certainly if there are any particular issues or questions about those but we think many of them are no longer relevant or required and actually would streamline our administrative ability to -- to respond to issues and concerns -- especially around information.

We think we have a fairly sophisticated information system that would present and provide all of the data that would be require of us by the legislature or by other organizations with that.

I'd like to comment on Senate Bill 885, Permitting Inquiry Access To The Department Of Developmental Services Abuse And Neglect Registry For Charitable Organizations Which Recruit Volunteers To Work With Persons With Intellectual Disabilities.

And what we're asking here is the opportunity

support system and they're care givers and it's much more like a family setting than it would be someone coming in to provide some type of acute or intermittent kind of service into someone's -- someone's home.

REP. SRINIVASAN: Thank you.

And also if I can ask you to comment on your House Bill 6279. I'm kind of shocked that un-respectful language could ever be even used -- you know, that of course comes as a shock. But if -- do you have a list of suggested -- well you know, language that can be used so that you can explain to people that intellectual disability in the appropriate way and obviously never disrespectfully.

COMMISSIONER PETER O'MEARA: I -- I think the -- the term of moving away from mental retardation --

REP. SRINIVASAN: Right.

COMMISSIONER PETER O'MEARA: -- which has been perceived by our individuals as derogatory and demeaning is a huge step in terms of just kind of trying to re-define the terminology. So that clearly is the intent here. And clearly when -- in a clinical sense when we're discussing people we always try to use people first language that it's a person who happens to have an issue but the most important piece is that the person is first. So --

REP. SRINIVASAN: Thank you.

REP. RITTER: Thank you.

Are there any other questions from the committee?

Senator Welsh.

SENATOR WELSH: Thank you, Madam Chair.

Thank you, Commissioner, for your testimony, couple of questions.

One, with respect to the change I believe you said it was from mental retardation to intellectual disability, did I get that correct?

COMMISSIONER PETER O'MEARA: Correct, sir.

SENATOR WELSH: Are those defined terms within the industry or within your statutes?

COMMISSIONER PETER O'MEARA: It -- there are actually a couple of things that are happening.

One, at the federal level there is Rose's Law which has really begun to redefine in a lot of the federal statutes, moving away from mental retardation to intellectual disabilities. The American Association of Intellectual Disabilities is in the process of redefining that -- the term intellectual disability and the diagnostic tool and manual is in the process of being revised to match up the language with the clinical terminology and definition. I believe that is scheduled to come out in 2013.

So all of these things are kind of converging to make sure that the clinical definitions are consistent with the language. The other thing is that our statutory eligibility requirements in Connecticut -- in terms of receiving services, we are still sticking with the statutory definition of mental retardation as it existed but that will be changed as we move

into the new terminology.

So yes, I think they're being consistent.

SENATOR WELSH: Okay, so -- so there are two terms, they are tied into various industry and federal definitions but they are not necessarily exactly the same.

So it sounds like intellectual disabilities is a much broader term as it were?

COMMISSIONER PETER O'MEARA: Correct.

SENATOR WELSH: Okay. And the -- so what would then be -- is there an impact then to your agency as far as scope and reach by this change or is it exactly the same?

COMMISSIONER PETER O'MEARA: No, it remains the same because our eligibility definition is going to remain the same as it is now.

SENATOR WELSH: Okay. Thank you.

SB 885

Then a different question on a different bill which has to do with the Charitable Organization Access, do you have any thoughts at this point in time as to how we control that information once it's released outside the state to these organizations?

COMMISSIONER PETER O'MEARA: There is a process that we go through in terms of determining an organizations access to that information and the requirement that they treat that information with confidentiality. They have to sign a -- basically a kind of a user agreement in terms of the protocols and procedures.

Jim Welsh, our legal and government affairs

JAMES MCGAUGHY: Good morning or good afternoon I guess.

Senator Stillman, Representative Ritter, Members of the Committee, my name is Jim McGaughy, I'm the Executive Director of the Office of Protection and Advocacy for Persons with Disabilities.

I have submitted written testimony of three of the bills that are on your agenda today. I don't intend to read them. Our office generally supports Bill Number 885, which is a bill that Mr. O'Meara just talked about allowing volunteer agencies access to the -- to the registry and Raised Bill 852, CONCERNING SUPPORTIVE HOUSING INITIATIVES.

But what I really wanted to talk about was Raised Bill 6279 which is -- which is the bill that revises many of the DDS statutes and changes the language that -- particularly the references to the term mental retardation substituting the term instead intellectual disability.

And I can only echo the Commissioner's comments on that, that resentment over what, in the advocacy community has come to be called the R-word, retarded is really building and has been for some time. I think it reflects the personal experiences of many people who have been taunted or who have experienced put-downs and who have been given that label by -- clinically.

But it also reflects awareness that the vernacular has adopted that term as a general pejorative that is fairly frequently heard in the halls of high schools around the state and so forth. And so the adoption of the term intellectual disability is generally speaking

the preferred language.

Having said that, I would say that the DDS statutes are not the only location where the term mental retardation appears and needs to be changed. Connecticut's system for protecting people with intellectual disabilities from abuse and neglect assigns responsibility -- statutory responsibility to both DDS and to our office, the Office of Protection and Advocacy. And it directs us to work together to ensure that reporting responsibilities are clear and that suspected abuse and neglect is investigated and when needed protective services are provided.

Generally speaking the reports come to our office, the reports of suspected abuse and neglect come to the Office of Protection and Advocacy and the protective services are provided by the Department of Developmental Services. But there's a need to align the language in our statute with the language that's in the DDS statute to make sure that legally everything works, and by the way, we would like to update the language in our statute as well.

So we have -- it's a long-winded way of saying we have an amendment that we have suggested. It is attached to my testimony and we've worked with DDS and they are fine with it.

So we would like you to consider that -- and it goes through -- and just in the sections of our statute that refer to the abuse and neglect investigation process it changes the term from mental retardation to intellectual disability.

And that's really all I have to say, but if there any questions I'll be happy to try and

answer them.

REP. RITTER: Thank you.

Are there questions from the Committee?

Senator Stillman.

SENATOR STILLMAN: Thank you, Madam Chair. Good afternoon, sir.

I noticed in your -- your list of recommended -- of the amendment, that you are also suggesting changing -- in Section 6, which is on page 4 of your testimony, under facility to change from community training home to community companion home, could you explain that to us please because I don't know whether this language exists in other statutes other than this particular section.

JAMES MCGAUGHY: Well I would first say that that change was actually recommended by the Department of Developmental Services, not by our office, and they would have the authoritative answer on it. But generally they are changing the name of a particular formant of service that they have licenses for a long time from the term Community Training Home to Community Companion Home and I think it's just sort of a truth in labeling move they're making here.

There's no training really going on in most of these homes it is -- it's a situation where an individual has -- has people from -- has clients of the department living in their home as -- just as being there in their home.

And you can have up to three people and it's a license, you get a license to do it and you are paid a certain amount to do it. It's a

particular form of service, and they just decided to change the name. But the definitive answer you really should check with the Department of Developmental Services. Our agency has no problem with that change.

SENATOR STILLMAN: Just as a -- thank you, just as a follow up though, so the amendment that you're suggesting are also in -- could be the suggestions from the Department as well, they're not just from your agency. Correct? I mean there's a -- this amendment is quite lengthy.

JAMES MCGAUGHY: Yes. Because there are -- in each place in our statute where the term mental retardation is -- is -- appears, the amendment strikes that term and substitutes the term intellectual disability

SENATOR STILLMAN: All right.

JAMES MCGAUGHY: That's it. The -- and so it's lengthy because there's a lot of references in many sections where that occurs. The -- the basis definition for eligibility purposes does not change in either our amendment or the bill that was drafted and that you raised, that is -- that is defined in Section 1-1g of the general statutes -- the term mental retardation will remain in that section by the way, because there's a whole lot of other references elsewhere in the general statutes to that section of the statutes.

But it's simply -- the bill states basically that the term intellectual disability will mean the same thing as the term mental retardation as defined in 1-1g.

And then in the following areas of the DDS statutes the term is changed to intellectual

disability and (inaudible) it's also in the Office of Protection and Advocacy statutes.

I would point out, the Commissioner alluded to the fact that the definition changes over time, that there is a professional body that periodically revises the criteria and so forth and that eventually gets adopted into statute. So there's a process that's evolving -- and in fact there's some advocates that are unhappy with the current definition and are seeking -- I think in fact they may be seeking meetings with you now to try and -- try and change that. That's fine. That's a separate process that has nothing to do with this particular bill.

So -- and if you -- if you raise another bill and -- to -- to deal with that you'll probably hear from me again in my opinion on that. But I don't -- I don't to confuse the two issues. This does not change the basic eligibility criteria.

SENATOR STILLMAN: Thank you, sir. I appreciate that.

And if there are -- if there's a way we can do this comprehensively I'm all for it, so I have no problem with the change obviously but I just want to make sure we weren't confusing the statutes. Thank you.

Thank you, Madam Chair.

REP. RITTER: Thank you.

And I also want to say thank you also particularly in that last part of your discussion for making that clear, helping us to try not to be thinking at cross purposes.

JAMES MCGAUGHY: Okay.

REP. RITTER: Are there any questions or comments from anyone else on the Committee?

Senator Welsh.

SENATOR WELSH: Thank you, Madam Chair.

I think this is kind of the same question and so if it is I apologize but let me just it more directly. And that is, by changing intellectual -- by changing mental retardation to intellectual disability are you -- and if we do that tomorrow, are you picking up any other disabilities under your jurisdiction once that change is made that you already have -- right now, under mental retardation?

JAMES MCGAUGHY: The answer is no.

SENATOR WELSH: Okay. Thank you. I got it now.

JAMES MCGAUGHY: Okay.

REP. RITTER: Thank you.

Any other questions from the Committee?

Thank you very much for your testimony.

JAMES MCGAUGHY: Thank you.

REP. RITTER: Next we'll be hearing from Representative Michelle Cook.

REP. COOK: Good afternoon. It's kind of weird to be on this side of this.

HB5045

Senator Stillman, Representative Ritter and members of the Public Health Committee, I'm Representative Michelle Cook from Torrington

You -- you already went down the road of money follows the person, I -- I believe the governor has announced yesterday that he is expanding the way the Medicaid delivery system is handled to increase money follows the person so that more people who are able to be served within the community can do so and benefit from that. That's going to be a big savings on the Medicaid side of the budget. And people like it too; they want to be in their own homes if they can be.

SENATOR STILLMAN: Thank you, sir.

Anyone else have any questions for Domenique?

DOMINEQUE THORNTON: Thank you.

SENATOR STILLMAN: Thank you so much.

Is there -- we don't have anyone else signed up under Senate Bill 852. Is there anyone else who would like to speak to this particular bill? Very good, you got your chance.

okay. Moving on to House Bill Number 6278, we have one person signed up; Lynn Warner.

A reminder you have three minutes, the bill goes off but you will not fall through the floor. We'll -- but we might --

LYNN WARNER: I appreciate that, thank you.

SENATOR STILLMAN: Thank you very much and welcome.

LYNN WARNER: Thank you, Senator Stillman, members of the Public Health Committee; I am Lynn Warner the Executive Director of The ARC of Connecticut, a 59-year-old statewide advocacy

HB 6278
HB 6279
SB 885

organization for individuals with intellectual disabilities and their families. We have 23 local chapters throughout the State that provide supports, services, and advocacies for individuals with intellectual disabilities.

I'm testifying today in support of House Bill 6278, Concerning The Department Of Development Services Division Of Autism Spectrum Disorder Services.

House Bill 6278 will not only clean up outdated statutes information but more importantly will aid the Connecticut statutes that direct the Department of Developmental Services to become more in line with the current respectful language and terminology for people they support and serve.

The ARC of Connecticut is also in strong support of House Bill 6279, Concerning Revisions To The Statutes To The Department Of Developmental Services Including Utilization Of Respectful Language When Referring To Persons With Intellectual Disabilities. These changes also mirror the initiatives set forth by the Federal Government.

In the fall of 2010 Congress voted to change wording in health, education and labor laws related to people with disabilities thereby eliminating disrespectful language and terminology.

On October 5, 2010, President Obama signed this legislation aptly named Rosa's Law, for the 9-year-old girl with Down syndrome who initiated the lobbying efforts that made respectful language in Federal legislation a reality. Rosa's Law made parallel the respectful language used in the Federal Government with that language used by the

Centers for Disease Control and Prevention as well as the heath are of the United Nations and the White House.

Clearly Connecticut will be in very good company if it were to follow these examples. By changing how we talk or refer to people with disabilities we acknowledge that they are in fact people first as well as equal members of society.

Finally, I am testifying in support of Senate Bill 885, Permitting Inquiry To The Department Of Developmental Services, Abuse And Neglect Registry For Charitable Organizations Which Recruit Volunteers To Work With Persons With Intellectual Disabilities. Because it works towards keeping people with intellectual disabilities in Connecticut safer and better protected from individual's intent to do them harm. It is just common sense to keep those persons with substantiated abuse neglect allegations as far away as possible from potential victims.

On behalf of The ARC of Connecticut, the people we advocate for and their families, I urge you to vote favorably on House Bill 6278 and 6279 and well as Senate Bill 885.

Thank you.

SENATOR STILLMAN: You are a master at that.

LYNN WARNER: I'm trying.

SENATOR STILLMAN: Three bills, very good. In reality I would have let you complete your thought.

Is there anyone -- are there any members of the Committee who have questions?

Yes, Dr. Srinivasan.

REP. SRINIVASAN: Thank you, Madam Chair.

Thank you very much.

LYNN WARNER: Thank you.

REP. SRINIVASAN: Looking at these three bills that you are advocating that we support, is there a cost factor, is there a dollar amount involved that it would cost the State to do any of this or is it just a technicality in terms of language and things like that?

HB6278
HB6279
SB885

LYNN WARNER: It's just language, as far as I know, now printing the statute books, I don't know how much that will cost the State --

REP. SRINIVASAN: We are going paperless.

LYNN WARNER: Well then, it's just a simple change of language.

REP. SRINIVASAN: Okay.

LYNN WARNER: It does not change eligibility and it costs nothing except for the person's time who is inputting the changes.

REP. SRINIVASAN: Correct. Thank you.

Thank you.

LYNN WARNER: You're welcome.

REP. SRINIVASAN: Thank you, Madam.

SENATOR STILLMAN: You're welcome, sir.

Anyone else have any questions?

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Written Testimony of Attorney Sandra Trionfini

Regarding HB 6279, A AC REVISIONS TO STATUTES RELATING TO THE DEPARTMENT OF DEVELOPMENTAL SERVICES INCLUDING THE UTILIZATION OF RESPECTFUL LANGUAGE WHEN REFERRING TO PERSONS WITH INTELLECTUAL DISABILITY.

February 9, 2011

I am an attorney working in the Waterbury office of Connecticut Legal Services. Over the years, my primary responsibility has been a statewide program of legal representation and advocacy services on behalf of individuals with intellectual disabilities. We have provided representation for **C.A.R.C. vs. Thorne** class members as well as others living in community and supported living arrangements and those on their own with minimal staff support. Recently, we've also undertaken an advocacy program for residents of Southbury Training School.

I am supportive of respectful language being substituted throughout our statutes. In this regard, I support that portion of HB 6279 which substitutes the term "intellectual disability" for "mental retardation". Although I support the major part of this bill, I find the deletion of Section 19(h) problematic in that it appears to be taking away significant notice rights to consumers, parents and guardians. I cannot support the bill with this language.

Thank you for the opportunity to speak on this pending legislation.

Sandra Trionfini

STATE OF CONNECTICUT

OFFICE OF PROTECTION AND ADVOCACY FOR
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JAMES D. McGAUGHEY
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Testimony of the Office of Protection and Advocacy for Persons with Disabilities

Before the Public Health Committee

Presented by: James D. McGaughey

Executive Director

February 9, 2011

Good morning and thank you for this opportunity to comment on several of the bills on your agenda today.

Our Office is also pleased to support Raised Bill No. 6279, AN ACT CONCERNING REVISIONS TO STATUTES RELATING TO THE DEPARTMENT OF DEVELOPMENTAL SERVICES INCLUDING THE UTILIZATION OF RESPECTFUL LANGUAGE WHEN REFERRING TO PERSONS WITH INTELLECTUAL DISABILITY. As many of you are already aware, the term "mental retardation" is viewed with growing resentment by many of those who have grown up being called "retarded". Resentment over the "R" word is tied not only to the hurtful taunts and put-downs that people have personally experienced, but also to its increasing vernacular use as a term signifying generally deficient, defective or unsatisfactory conditions. Several years ago, the name of the Department of Developmental Services was changed in response to those concerns. So removing references to the term "mental retardation" in the Department's authorizing legislation, and substituting the generally accepted term "intellectual disability" also makes sense.

However, the DDS statutes do not, by themselves, contain all the statutory references that need to be changed. Connecticut's system for protecting people with intellectual disabilities from Abuse and Neglect assigns responsibilities to both our Office and to DDS, and directs us to work together to ensure that reporting responsibilities are clear, that suspected abuse and neglect are investigated, and that when needed, protective services are initiated. Because it was thought important that an independent watchdog agency receive reports of suspected abuse and neglect

and oversee investigation activity, most of the statutory framework defining this joint system is described in our Office's enabling legislation. So, for the sake of uniformity and clarity, as well as for all the values issues referred to above, as this bill amending the DDS statutes goes forward, we need to make a parallel amendment to language in the legislation governing our abuse investigation responsibilities (Sections 46a-11a through 46a-11g). We have, therefore, prepared an amendment for your consideration which would delete references to "mental retardation" in the statute authorizing our abuse investigation program, substituting instead the term "intellectual disability". We have been working with DDS about this, and they are supportive of this amendment.

There is one other feature of this bill that I would call to your attention. Section 13 (beginning at line 451) subtly, but significantly redefines the licensing authority of DDS. Whereas current law prohibits operation of a "residential facility" that serves people with mental retardation or autism without a license from DDS, the bill would only require operators of "community living arrangements" (CLAs) and "community companion homes" (CCHs) to obtain a license. (Community companion homes were formerly known as community training homes.) In practice, these are the only types of facilities for which DDS currently issues licenses. However, things in the developmental services world are ever evolving, and new models are developing. For instance, under the Medicaid waiver program, up to three individuals who receive waiver services can pool their funds, secure housing, hire round-the-clock staff, and have what is known as Continuous Residential Support. The flexibility afforded through this mechanism is to be applauded. But, the distinction between the CRS model and a traditional three-person CLA (e.g. small group home), which has to obtain a license and submit to periodic inspections, seems to be related more to funding mechanisms than the substance of what is being delivered.

Our Office has no objection to this change at this time. However, as program models evolve the question of which types of residential programs warrant licensing should be re-examined periodically.

Thank you for your attention. If you have any questions, I will try to answer them.

The Office of Protection and Advocacy for Persons with Disabilities requests the following amendment:

HB 6279 HB 6279 AN ACT CONCERNING REVISIONS TO STATUTES RELATING TO THE DEPARTMENT OF DEVELOPMENTAL SERVICES INCLUDING THE UTILIZATION OF RESPECTFUL LANGUAGE WHEN REFERRING TO PERSONS WITH INTELLECTUAL DISABILITY.

TO AMEND SECTION 1 OF HB 6279:

Section 1. Section 1-1g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

ADD "46a-11a through 46a-11g, inclusive," to the list of statutes in Section 1, subsection (b) for which "intellectual disability" shall have the same meaning as "mental retardation".

TO BE ADDED TO HB 6279:

Section 501. Section 46a-11a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

For the purposes of sections 46a-11a to 46a-11g, inclusive:

(1) "Abuse" means the wilful infliction of physical pain or injury or the wilful deprivation by a caretaker of services which are necessary to the person's health or safety;

(2) "Neglect" means a situation where a person with [mental retardation] an intellectual disability either is living alone and is not able to provide for himself the services which are necessary to maintain his physical and mental health or is not receiving such necessary services from the caretaker;

(3) "Caretaker" means a person who has the responsibility for the care of a person with [mental retardation] an intellectual disability as a result of a family relationship or who has assumed the responsibility for the care of the person with mental retardation voluntarily, by contract or by order of a court of competent jurisdiction. Neither a guardian nor a conservator need be a caretaker;

(4) "Conservator" means a conservator of the person or of the estate appointed pursuant to

section 45a-644 to 45a-662, inclusive;

(5) "Director" means the director of the Office of Protection and Advocacy for Persons with Disabilities;

(6) "Facility" means any public or private hospital, nursing home facility, training school, regional facility, group home, community [training] companion home, school or other program serving persons with[mental retardation] intellectual disabilities;

(7) "Guardian" means the guardian or limited guardian of a person with [mental retardation] an intellectual disability appointed pursuant to sections 45a-669 to 45a-684, inclusive;

(8) "Person with [mental retardation] an intellectual disability " means a person who: (A) Has [mental retardation] an intellectual disability, as defined in section 1-1g, (B) is at least the age of eighteen and under the age of sixty, except for purposes of subsection (b) of section 46a-11c, is eighteen years of age or older, and (C) is substantially unable to protect himself from abuse and includes all such persons living in residential facilities under the jurisdiction of the Department of Developmental Services;

(9) "Protective services" means services provided by the state or any other governmental or private organization or individual which are necessary to prevent abuse or neglect. Such services may include the provision of medical care for physical and mental health needs; the provision of support services in the facility, including the time limited placement of department staff in such facility; the relocation of a person with [mental retardation] an intellectual disability to a facility able to offer such care pursuant to section 17a-210, 17a-274 or 17a-277, as applicable; assistance in personal hygiene; food; clothing; adequately heated and ventilated shelter; protection from health and safety hazards; protection from maltreatment, the result of which includes, but is not limited to, malnutrition, deprivation of necessities or physical punishment; and transportation necessary to secure any of the above-stated services, except that this term shall not include taking such person into custody without consent; and

(10) "Commissioner" means the Commissioner of Developmental Services.

Section 502. Section 46a-11b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any physician or surgeon licensed under the provisions of chapter 370, any resident physician or intern in any hospital in this state, whether or not so licensed, any registered nurse, any person paid for caring for persons in any facility and any licensed practical nurse, medical

examiner, dental hygienist, dentist, occupational therapist, optometrist, chiropractor, psychologist, podiatrist, social worker, school teacher, school principal, school guidance counselor, school paraprofessional, mental health professional, physician assistant, licensed or certified substance abuse counselor, licensed marital and family therapist, speech and language pathologist, clergyman, police officer, pharmacist, physical therapist, licensed professional counselor or sexual assault counselor or battered women's counselor, as defined in section 52-146k, who has reasonable cause to suspect or believe that any person with [mental retardation] an intellectual disability has been abused or neglected shall, as soon as practicable but not later than seventy-two hours after such person has reasonable cause to suspect or believe that a person with [mental retardation] an intellectual disability has been abused or neglected, report such information or cause a report to be made in any reasonable manner to the director or persons the director designates to receive such reports. Such initial report shall be followed up by a written report not later than five calendar days after the initial report was made. Any person required to report under this subsection who fails to make such report shall be fined not more than five hundred dollars.

(b) Such report shall contain the name and address of the allegedly abused or neglected person, a statement from the person making the report indicating his belief that such person [is mentally retarded] has an intellectual disability, information supporting the supposition that such person is substantially unable to protect himself from abuse or neglect, information regarding the nature and extent of the abuse or neglect and any other information which the person making such report believes might be helpful in an investigation of the case and the protection of such person with [mental retardation] an intellectual disability.

(c) Each facility, as defined in section 46a-11a, shall inform residents of their rights and the staff of their responsibility to report abuse or neglect and shall establish appropriate policies and procedures to facilitate such reporting.

(d) Any other person having reasonable cause to believe that a person with [mental retardation] an intellectual disability is being or has been abused or neglected may report such information, in any reasonable manner, to the director or to his designee.

(e) Any person who makes any report pursuant to sections 46a-11a to 46a-11g, inclusive, or who testifies in any administrative or judicial proceeding arising from such report shall be immune from any civil or criminal liability on account of such report or testimony, except for liability for perjury, unless such person acted in bad faith or with malicious purpose. Any person who obstructs, hinders or endangers any person reporting or investigating abuse or neglect or providing protective services or who makes a report in bad faith or with malicious purpose and who is not subject to any other penalty shall be fined not more than five hundred dollars. No resident or employee of a facility, as defined in section 46a-11a, shall be subject to reprisal or

discharge because of his actions in reporting pursuant to sections 46a-11a to 46a-11g, inclusive.

(f) For purposes of said sections, the treatment of any person with [mental retardation] an intellectual disability by a Christian Science practitioner, in lieu of treatment by a licensed practitioner of the healing arts, shall not of itself constitute grounds for the implementation of protective services.

(g) When the director of the Office of Protection and Advocacy for Persons with Disabilities or persons designated by such director are required to investigate or monitor abuse or neglect reports that are referred to the Office of Protection and Advocacy for Persons with Disabilities from another agency, all provisions of this section shall apply to any investigation or monitoring of such case or report.

Section 503. Section 46a-11c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The director, upon receiving a report that a person with [mental retardation] an intellectual disability allegedly is being or has been abused or neglected, shall make an initial determination whether such person has [mental retardation] an intellectual disability, shall determine if the report warrants investigation and shall cause, in cases that so warrant, a prompt, thorough evaluation to be made to determine whether the person has [mental retardation] an intellectual disability and has been abused or neglected. For the purposes of sections 46a-11a to 46a-11g, inclusive, the determination of[mental retardation] an intellectual disability may be made by means of a review of records and shall not require the director to conduct a full psychological examination of the person. Any delay in making such determination of [mental retardation] an intellectual disability shall not delay the investigation of abuse or neglect or recommendation of provision of protective services. The evaluation shall include a visit to the named person with [mental retardation] an intellectual disability and consultation with those individuals having knowledge of the facts of the particular case. All state, local and private agencies shall have a duty to cooperate with any investigation conducted by the Office of Protection and Advocacy for Persons with Disabilities under this section, including the release of complete client records for review, inspection and copying, except where the person with [mental retardation] an intellectual disability refuses to permit his or her record to be released. The director shall have subpoena powers to compel any information related to such investigation. All client records shall be kept confidential by said office. Upon completion of the evaluation of each case, written findings shall be prepared which shall include a determination of whether abuse or neglect has occurred and recommendations as to whether protective services are needed. The director, except in cases where the parent or guardian is the alleged perpetrator of abuse or is residing with the alleged perpetrator, shall notify the parents or guardian, if any, of

the person with [mental retardation] an intellectual disability if a report of abuse or neglect is made which the director determines warrants investigation. The director shall provide the parents or guardians who the director determines are entitled to such information with further information upon request. The person filing the report of abuse or neglect shall be notified of the findings upon request.

(b) In cases where there is a death of a person with [mental retardation] an intellectual disability for whom the Department of Developmental Services has direct or oversight responsibility for medical care, and there is reasonable cause to suspect or believe that such death may be due to abuse or neglect, the Commissioner of Developmental Services shall notify the director or the director's designee not later than twenty-four hours after the commissioner determines that there is reasonable cause to suspect or believe that such death may be due to abuse or neglect and the director shall conduct an investigation to determine whether abuse or neglect occurred, except as may be otherwise required by court order. The director, in consultation with the Commissioner of Developmental Services, shall establish protocols for conducting such investigations.

(c) The director shall maintain a state-wide registry of the reports received, the evaluation and findings and actions recommended.

(d) Neither the original report nor the evaluation report of the investigator which includes findings and recommendations shall be deemed a public record for purposes of section 1-210. The name of the person making the original report shall not be disclosed to any person unless the person making the original report consents to such disclosure or unless a judicial proceeding results therefrom.

Section 504. Section 46a-11d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) If it is determined that a person with [mental retardation] an intellectual disability has been abused or neglected, the director shall refer the case to the Department of Developmental Services for the development and implementation of a plan of protective services. Said referral shall be accompanied by a copy of the evaluation report. The name of the person making the report of abuse or neglect shall not be disclosed without his consent.

(b) If the caretaker of a person with [mental retardation] an intellectual disability who has consented to the receipt of protective services refuses to allow the provision of such services to such person, the commissioner may petition the Superior Court for an order enjoining the caretaker from interfering with the provision of protective services to the person with [mental retardation] an intellectual disability. The petition shall allege specific facts sufficient to

show that the person with [mental retardation] an intellectual disability is in need of protective services and consents to their provision and that the caretaker refuses to allow the provision of such services. If the court finds that the person with [mental retardation] an intellectual disability is in need of such services and has been prevented by the caretaker from receiving the same, the court may issue an order enjoining the caretaker from interfering with the provision of protective services to the person with mental retardation.

Section 505. Section 46a-11e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) If a person with [mental retardation] an intellectual disability does not consent to the receipt of protective services, or if such person withdraws his consent, such services shall not be provided or continued, except that if the commissioner has reason to believe that such person with [mental retardation] an intellectual disability lacks capacity to consent to or refuse such services, he may petition the Probate Court for the appointment of a guardian. If any guardian, appointed pursuant to the provisions of this section, does not consent to the provision of such services, the commissioner may petition the Probate Court for the removal and replacement of said guardian.

(b) The commissioner, within fifteen calendar days of the referral of any case for the provision of protective services, shall furnish the director with a written plan of services. The director may comment on the proposed plan and recommend modifications. The commissioner shall cooperate with the director in resolving disagreements concerning the plan. Any comments made by the director shall be placed on file with the commissioner and the director.

(c) If the director commences an investigation and finds that the person with [mental retardation] an intellectual disability is seriously in need of immediate protective services, he shall report the facts of the case to the commissioner and the commissioner shall not delay the commencement of protective services pending the full evaluation report. If the commissioner's proposed action involves the removal from his home of a person with [mental retardation] an intellectual disability under guardianship or of a person with [mental retardation] an intellectual disability who is competent and does not voluntarily consent to his removal, the commissioner shall follow the procedures mandated in section 17a-274.

Section 506. Section 46a-11f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Concurrent with the implementation of any protective services for which payment is required, an evaluation shall be undertaken by the commissioner regarding the ability of the person with [mental retardation] an intellectual disability to pay for the protective services. If the person is so able, procedures for reimbursement for the cost of providing the services shall be initiated. If it is determined that the person is not capable of paying for such services, the services shall be provided in accordance with policies and procedures established by the Commissioner of Developmental Services.

(b) Subsequent to the initial provision of protective services, the Department of Developmental Services shall review each case, including meeting with the person with [mental retardation] an intellectual disability at least once every six months, to determine whether continuation or modification of the services is warranted. Said department shall advise the director relative to the continuation of protective services for each such person with [mental retardation] an intellectual disability. The commissioner may terminate protective services upon the request of the person with [mental retardation] an intellectual disability or his guardian, pursuant to section 46a-11e, or upon agreement by the commissioner and the director that such services are no longer required.

(c) In performing the duties set forth in sections 46a-11c to 46a-11g, inclusive, the director may request the assistance of the staffs and resources of all appropriate state departments, agencies, commissions and local health directors, and may utilize any other public or private agencies, groups or individuals who are appropriate and may be available.

Section 507. Section 46a-11g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

If, as a result of any investigation initiated under the provisions of sections 46a-11a to 46a-11f, inclusive, a determination is made that a caretaker or other person has abused a person with [mental retardation] an intellectual disability, the director shall refer such information in writing to the appropriate office of the state's attorney, which shall conduct such further investigation as may be deemed necessary and shall determine whether criminal proceedings should be initiated against such caretaker or other person, in accordance with applicable state law. If any initial investigation by the director discloses evidence of an immediate and serious threat to the health or life of a person with [mental retardation] an intellectual disability, said office shall immediately refer the matter to state or local police, as appropriate, who shall immediately investigate the matter.

State of Connecticut
Department of Developmental Services

Dannel P. Malloy
Governor

Peter H. O'Meara
Commissioner

Kathryn du Pree
Deputy Commissioner

TESTIMONY OF THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
TO THE
PUBLIC HEALTH COMMITTEE

H.B. 6279- An Act Concerning Revisions to Statutes Relating to the Department of Developmental Services Including the Utilization of Respectful Language When Referring to Persons with Intellectual Disability
February 9, 2011

Senators Stillman and Welch, Representatives Ritter and Perillo and members of the Public Health Committee. I am Commissioner Peter O'Meara of the Department of Developmental Services (DDS). Thank you for raising House Bill 6279, An Act Concerning Revisions to Statutes Relating to the Department of Developmental Services Including the Utilization of Respectful Language When Referring to Persons with Intellectual Disability.

This bill defines "intellectual disability" to mean the same as "mental retardation" in state statutes related to the Department of Developmental Services. The Department has proposed this change both from a respectful language perspective and to conform with the recently passed federal legislation "Rosa's Law" which changed the term "mental retardation" to "intellectual disability" in many instances. This change at the federal level, coupled with the proposed changes to the Diagnostic and Statistical Manual of Mental Disorders (DSM-V) by the American Psychiatric Association that are scheduled to take effect in May 2013, made changing the department's statutes to more appropriate and up-to-date terminology necessary.

As mentioned, the bill changes terminology to person first, respectful language (i.e. "person with intellectual disability" rather than "mental retardation"). Although there are other references in state statutes to the term "mental retardation", the Department made the decision to begin with changes specific to DDS statutes. DDS did not want to unintentionally impact any legal requirements or rights of individuals with intellectual disability by making sweeping statutory changes. (ex: probate statutes, the state penal code, non-discrimination provisions in areas of state government such as human rights and contracting).

We encourage other agencies and entities throughout the state to review their statutory language and make changes as appropriate going forward. We also respectfully request that state legislators consider using respectful and person first language when referring to individuals who receive services from DDS.

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If any legislators have questions regarding what constitutes respectful language, our staff would be happy to talk with them. "Rosa's Law" changed the terminology to intellectual disability in many significant federal acts, but not all of them. For this reason, we have not changed any references to an "intermediate care facility for the mentally retarded" (ICF/MR) at this time in the DDS statutes. We will wait for a federal change and consult with the Department of Social Services as the lead Medicaid agency before making the change in state statute so as not to impact any federal reimbursement or Medicaid waiver provisions. Additionally, the bill assures that DDS statutes accurately reflect the department's responsibilities for licensing community companion homes and community living arrangements.

House Bill 6279 also streamlines or eliminates specific obsolete reporting requirements and statutes. Our intent is not to stop providing information to the legislature that it may find useful in its deliberations regarding DDS. However, we do want to eliminate many old requirements to produce information or reports that are no longer useful or pertinent. Additionally, DDS produces various reports and sets of data on a regular basis that is either available on our agency website or in electronic form upon request. We pride ourselves on being responsive to requests for data and specific information that would be useful to legislators. In a time of limited resources and when employees are juggling multiple responsibilities, it makes sense that we not produce reports that have no usefulness or relevance to current issues. Thank you for your consideration of this request.

Below is a summary of each section of the bill:

Sec 1 (1-1g) defines intellectual disability to mean the same as mental retardation in DDS statutes.
Sec 2 (17a-210) change in terminology from "mental retardation" (mr) to "intellectual disability" (id) to be more respectful and in conformance with recent federal legislation (Rosa's Law- S.2781).
Sec 3 (17a-210b) mr to id
Sec 4 (17a-210c) technical
Sec 5 (17a-215) respectful person first language related to Autism Spectrum Disorder (ASD)
Sec 6 (17a-217) mr to id
Sec 7 (17a-217a) repeals a reporting requirement related to Camp Harkness. This report has not been done in several years and we are not aware of anyone requesting it.
Sec 8 (17a-218) changes the reference from community training homes (CTH) to community companion homes (CCH) to reflect the new name which will be reflected in agency regulations that are in the process of being amended. Also "mr" to "id"
Sec 9 (17a-218a) mr to id; also the deletion of subsection (c) because requirement relates to a specific period of time that has passed
Sec 10 (17a-220) mr to id and autism to ASD
Sec 11 (17a-224) person first language: "disabled persons" to "persons with disabilities"
Sec 12 (17a-226) mr to id; deletion of definition and specific list of "employment opportunities and day services" as the list is out of date and ever-changing
Sec 13 (17a-227) technical changes to conform with DDS licensing process and regulations; mr to id
Sec 14 (17a-227a) mr to id
Sec 15 (17a-228) mr to id
Sec 16 (17a-231) mr to id
Sec 17 (17a-232) mr to id
Sec 18 (17a-233) mr to id
Sec 19 (17a-238) repeal of sub sec (h). rights are spelled out in sub sec (e) of this statute
Sec 20 (17a-246) deletion in sub sec (a) definition and specific list of "employment opportunities and day services" as list is out of date and ever-changing. Deletion in sub sec (b) statute's requirements relate to a specific period of time that has passed. Renames sub (c) to sub (b)

Sec 21 (17a-247) mr to id
Sec 22 (subdivision (2) of 17a-247a) mr to id
Sec 23 (17a-270) mr to id
Sec 24 (17a-272) mr to id
Sec 25 (17a-273) mr to id
Sec 26 (17a-274) mr to id; also CTH to CCH in sub sec (n)
Sec 27 (17a-275) change in terminology to better describe and reflect intent of statute
Sec 28 (17a-276) mr to id, "patient" to "person" to conform with other DDS statutes
Sec 29 (17a-277) mr to id and CTH to CCH
Sec 30 (17a-281) mr to id
Sec 31 (17a-282) mr to id
Sec 32 (17a-451d) deletes a reference to a statute that is being proposed for deletion because effective time period has passed
Sec 33 (subsection (b) of 17b-229) deletes a reference to an outdated statute that is being proposed for deletion
Sec 34 (subsection (a) of 17b-243) deletes reference to a defined term to conform with proposed language change
Sec 35 (17b-245) respectful language
Sec 36 (45a-676) CTH to CCH
Sec 37 (subdivision (6) of 46a-11a) CTH to CCH
Sec 38 multiple repealed sections:
(17a-211) repeals requirement to do a 5-year plan. No other state agencies have 5 year plans required in statute. DDS has multiple internal business planning documents and processes. Less staff and resources to do required reports.
(17a-213) repeals a regional comparison report. DDS produces several non-mandated reports that tend to meet the informational request needs of the legislature.
(17a-216) repeals outdated statute that doesn't get used related to the purchase of equipment.
Also mr to id. Repeal of sub sec (b) as the language is not needed due to the overhaul of the entire state procurement process.
(17a-278) repeals outdated statute that doesn't get used related to "recalls" and boarding homes
(17a-279) repeals outdated statute that doesn't get used related to "escaped persons"
(17a-280) repeals outdated statute that doesn't get used related to recommitment and transfers. This language is very outdated and probably illegal
(17a-283a) repeals entire section as statute's requirements relate to a specific period of time that has passed (ended June 30, 2009).

Thank you again for the opportunity to testify before you today on our agency proposal, House Bill 6279. I would be happy to answer any questions that you might have, or you may contact Christine Pollio Cooney, DDS Director of Legislative Affairs at (860) 418-6066.

February 9, 2011

Testimony before Committee on Public Health
Re: H.B #6279 (Raised), "An Act Concerning Revisions to Statutes to the Department of Developmental Services including Utilization of Respectful Language when Referring to Persons with Intellectual Disability"

by
Lynn Warner, Executive Director, The Arc of Connecticut

Senator Stillman, Representative Ritter, and Members of the Public Health Committee:

I am Lynn Warner, the Executive Director of The Arc of Connecticut, a 59-year-old statewide advocacy organization for individuals with intellectual disabilities and their families. We have 23 local chapters throughout the State that provide supports, services, and advocacy for individuals with intellectual disabilities.

I am testifying today in strong support of **H.B 6279, "An Act Concerning Revisions to Statutes to the Department of Developmental Services including Utilization of Respectful Language when Referring to Persons with Intellectual Disability"**

The changes outlined in H.B. 6279 will aid the Connecticut statutes that direct the Department of Developmental Services to become more aligned with current respectful language and terminology for the people they support and serve. These changes also mirror the initiatives set forth by the Federal Government. In the fall of 2010, Congress voted to change the wording in health, education, and labor laws related to people with disabilities thereby eliminating disrespectful language and terminology.

On October 5, 2011, President Obama signed this legislation, aptly named Rosa's Law, for the 9-year old girl with Down syndrome who initiated the lobbying to make respectful language in legislation a reality. Rosa's Law made parallel respectful language used in the Federal Government with that used by the Centers for Disease Control and Prevention, as well as the health arm of the United Nations and the White House.

Connecticut will be in very good company if it were to follow these examples. By changing the how we talk about or refer to people with disabilities; we acknowledge that they are in fact people first and equal members of society. They have the right to be treated as such.

On behalf of The Arc of Connecticut, the people we advocate for and their families, I urge you to vote favorably on H.B. 6279.

Thank you for the opportunity to speak with you today.

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CONNECTICUT
GENERAL ASSEMBLY
SENATE

PROCEEDINGS
2011

VOL. 54
PART 5
1390 – 1734

SENATOR LOONEY:

Thank you, Madame President.

Continuing, Calendar page 17, Calendar 418, House Bill 6276, move to place this item on the Consent Calendar.

THE CHAIR:

Seeing no objections, so ordered.

SENATOR LOONEY:

Thank you, Madame President.

Calendar page 18, Calendar 424, House Bill 6270, Madame President move to place this item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Madame President.

Moving to Calendar page 21, Calendar 453, House Bill 6279, Madame President move to place this item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Madame President.

Madame President moving to Calendar page 28,

before doing that and before voting on that Consent Calendar, we have one additional item to add which is Calendar page 40, Calendar 327, House Bill 6330.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Madame President. Now if the Clerk might call all of the items on the Consent Calendar before calling for a vote on that Consent Calendar.

THE CHAIR:

Mr. Clerk will you please call the bills?

THE CLERK:

From Calendar page 1, Calendar 489, Senate Joint Resolution 47; Calendar page 8, Calendar 226 substitute for Senate Bill 1153; Calendar page 9, Calendar 233, substitute for Senate Bill 1064; Calendar page 9, Calendar 248, Senate Bill 1150; Calendar page 11, Calendar 301, substitute of Senate Bill 518; Calendar page 12, Calendar 332, House Bill 6444; Calendar page 15, Calendar 407, substitute of Senate Bill 1209; Calendar page 16, Calendar 411, House Bill 6370; Calendar page 17, Calendar 415, House Bill 6275; Calendar page 17, Calendar 418, House Bill 6276; Calendar page 18, Calendar 424, House Bill 6270;

Calendar page 21, Calendar 453, substitute for House Bill 6279; Calendar page 28, Calendar 49, substitute for Senate Bill 480; Calendar page 34, Calendar 173, Senate Bill 1047; Calendar page 36, Calendar 232, Senate Bill 835; Calendar page 37, Calendar 238, substitute for Senate Bill 1062; Calendar page 39, Calendar 302, Senate Bill 737; Calendar page 42, Calendar 384, substitute for Senate Bill 377.

That completes the items previously placed on the Consent Calendar.

Madame President, I am told that there is one more item to place. Page 40, Calendar 327. HB6330

And, one other correction, Madame President. On page 39, Calendar 302, that was voted on previously, SB737 so we take that off the Consent Calendar.

That should complete the first Consent Calendar.

THE CHAIR:

Thank you. At this time I would ask you to call for a roll call vote and I will open the machine.

THE CLERK:

The Senate is voting on the first Consent Calendar. Would all Senators please return to the Chamber? The Senate is voting on the first Consent Calendar. Will all Senators please return to the

Chamber?

THE CHAIR:

Have all members voted? Have all members voted? If all members have voted the machine will be locked and Mr. Clerk, will you tell the tally?

THE CLERK:

Madame President

Total Number voting	36
Necessary for adoption	19
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

The Consent Calendar 1 has passed, is adopted.

The Senate will stand at ease for a moment, please.

(Chamber at ease)

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Madame President, if we might stand at ease for just a moment.