

PA 11-026

SB0885

House	3333-3347	15
Public Health	32-33, 34-35, 36-37, 41-44, 74, 76, 77, 244-246	16
<u>Senate</u>	<u>848-854, 889-891</u>	<u>10</u>
		41

H - 1101

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2011**

**VOL.54
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3113 - 3437**

On page 49, Calendar 400, Senate Bill Number 885,
AN ACT 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.

Favorable report of the Committee on Public Safety.

DEPUTY SPEAKER GODFREY:

The distinguished Chair of the Public Health
Committee, Representative Betsy 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 in concurrence with the
Senate.

DEPUTY SPEAKER GODFREY:

Question is on acceptance and passage and
concurrence. Will you explain the bill, please madam?

REP. RITTER (38th):

Yes, thank you very much, Mr. Speaker. Mr.
Speaker, this bill permits charitable organizations
that recruit volunteers to support programs for people
with *intellectual* disabilities to access the
Department of Developmental Services' Abuse and
Neglect Registry for the purpose of conducting

background checks on volunteers only. It requires those organizations to apply for and get approval from the Department of Developmental Services' commissioner in advance, and I urge adoption.

A VOICE:

Did I do something wrong already?

DEPUTY SPEAKER GODFREY:

Thank you, Representative. The distinguished ranking member of the Public Health Committee, Representative Perillo.

REP. PERILLO (113th):

Mr. Speaker, thank you very much. If I may, through you, a few questions for the proponent.

DEPUTY SPEAKER GODFREY:

Please proceed, sir.

REP. PERILLO (113th):

Thank you, Mr. Speaker. I -- I think, in general, this is going to be very, very good for our nonprofit community, specifically as they serve some of our most needy population, but a question. How would one of these nonprofits access the system within DDS, or DSS rather?

DEPUTY SPEAKER GODFREY:

Representative Ritter, do you care to respond?

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, the organization would first have to --

A VOICE: Thank you.

REP. RITTER (38th):

-- receive the approval of the Department of Developmental Services through the commissioner's office in order to do this. They would then be, as I understand it, given a password, and by using the password, would be able to gain access to the registry.

This is exactly the same way this registry is now accessed by private providers under current law when they get information about prospective employees. As I understand it, Mr. Speaker, the answer would simply be confined to a yes or a no, are they listed on the registry or not. Thank you.

DEPUTY SPEAKER GODFREY:

Representative Perillo.

REP. PERILLO (113th):

I thank the -- the kind lady for her answer. A follow-up question. If -- so I'm assuming that if the answer is yes or no, they are on the registry or not, there would be no ability for anyone participating and

who has access to the system to see the details of the file to see why any specific individual would be on the registry. Is that correct?

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker. Yes, that is correct.

DEPUTY SPEAKER GODFREY:

Representative Perillo.

REP. PERILLO (113th):

Thank you, Mr. Speaker. Another question if I may, through you. Is -- what is the risk, and what controls are in place to ensure that individuals who are not supposed to have access to the system do not indeed have access? Through you, sir.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, it's a two-step process. The organization first specifically applies to the agency for the ability to do this, and secondly, receives a restricted use password for this purpose.

DEPUTY SPEAKER GODFREY:

Representative Perillo.

REP. PERILLO (113th):

Thank you, Mr. Speaker, and again, through you. Are these passwords unique in that different agencies would have different passwords with different log-ins? Through you, sir.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker, and Mr. Speaker, it is my understanding that that is what generally happens with a password. A specific password would be issued in each instance.

DEPUTY SPEAKER GODFREY:

Representative Perillo.

REP. PERILLO (113th):

Thank you, Mr. Speaker, and just one final question if I may. Is there any sort of tracking, given that there are different log-ins and different passwords, to determine who does or does -- well, in this case, who does access the system, in the event you wanted to find out if someone had accessed it improperly, or had accessed it excessively, whatever. Typically in many cases there might be some sort of

lxe/law/gbr
HOUSE OF REPRESENTATIVES

72
May 18, 2011

tracking to determine who accessed the system. Is that something that is present in this case? Through you, sir.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Mr. Speaker, I do not specifically know the answer to that question.

DEPUTY SPEAKER GODFREY:

Representative Perillo.

REP. PERILLO (113th):

I -- I thank the kind lady for her honest answer. This -- given all that information, and given what we've heard in testimony, is a very common sense bill. It will enable organizations like Special Olympics, other agencies like that, to access information to make sure that individuals who are interacting with their clients are not an excessive risk and I would urge support for the bill before us. Thank you, sir.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Gentleman from Glastonbury, Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Mr. Speaker. I rise in support of this bill which, as our ranking member just now said, is very much needed given the -- the depth and the gravity of what all these people do for our people who are intellectually challenged. Through you, however, Mr. Speaker, one question to the proponent of the bill if that's possible.

DEPUTY SPEAKER GODFREY:

Please proceed.

REP. SRINIVASAN (31st):

Thank you, Mr. Speaker. Could -- are the people who come as volunteers for this particular program, the safety guard in terms of HIPAA guidelines and being aware of what HIPAA is all about? Is that something that you think, it's necessary, A. And B, will it be done to these people so confidentiality will never be leaked? Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

I think the first part of that was an opinion which is not allowed, only -- only facts. But the second part of the question was a factual question. Representative Ritter, do you care to respond?

REP. RITTER (38th):

Thank you, Mr. Speaker. I would ask the

Representative then to please rephrase the second part of the question.

DEPUTY SPEAKER GODFREY:

Representative Srinivasan, if you would please rephrase the question.

REP. SRINIVASAN (31st):

I will definitely do that. Thank you very much, Mr. Speaker. Sorry for that ambiguity of the question. I apologize.

DEPUTY SPEAKER GODFREY:

It happens every day.

REP. SRINIVASAN (31st):

I apologize for that.

DEPUTY SPEAKER GODFREY:

Of course.

REP. SRINIVASAN (31st):

For the opinion. My -- my question is, through you to the proponent that the -- the information that is there in the folders, is it -- are we sure that it will be kept that way and because of the HIPAA and HIPAA guidelines, there will not be misuse, number one.

A VOICE:

Irrelevant.

lxe/law/gbr
HOUSE OF REPRESENTATIVES

75
May 18, 2011

REP. SRINIVASAN (31st):

And also, these volunteers may not be even aware of the seriousness of HIPAA and how are we going to educate them with regards to the HIPAA guidelines? Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. I -- Mr. Speaker, I'm not aware of any instance in which information that is covered under the HIPAA federal law is relevant to this bill or this discussion. Thank you, Mr. Speaker.

REP. SRINIVASAN (31st):

Thank you very much. Then that makes it very clear for me and I will definitely be a strong supporter of the bill. Thank you.

DEPUTY SPEAKER GODFREY:

Thank you. Thank you, sir.

Gentleman from -- Representative from Coventry, Representative Ackert.

REP. ACKERT (8th):

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

DEPUTY SPEAKER GODFREY:

Please proceed.

REP. ACKERT (8th):

The -- so often the American Legion is called to help with the Special Olympics program and we are given a time and a date to show up and anybody that can and will show up, please show up because they always need volunteers. Would they -- how long would it take to get these names? Or would they need to provide a list of names prior to attending the event? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. It would seem to me that that would be an -- that that would be an instance that could be worked out between the American Legion and the agency prior to their participation in the event.

DEPUTY SPEAKER GODFREY:

Representative Ackert.

REP. ACKERT (8th):

Thank you, Mr. Speaker. My concern is that, I guess the process, it seems -- because you never know who's going to show up. You just plead with people to

come sometimes and give their time, and given the fact that I'd hate that there be an instance in which they'd be turned away because there wasn't some vetting of the individuals, and that would be my only concern. Thank you, Mr. Speaker.

REP. RITTER (38th):

Mr. Speaker, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Was there a question in there? Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. And the Representative brings up a good instance. I would like to point out that this bill does not place a requirement that this happen in every instance from every organization about people that show up. Rather, it allows the information to be accessed by organizations that provide these services. So it would not, in a case such as the Representative suggested, necessarily impede any activities or participation from that group.

DEPUTY SPEAKER GODFREY:

Representative Ackert.

REP. ACKERT (8th):

Thank you, Mr. Speaker. And thank you to the -- answers from the good lady. Thank you so much.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Gentleman from Stanford, Representative Molgano.

REP. MOLGANO (144th):

Thank you, Mister -- is this on? Thank you, Mr. Speaker, and good afternoon to you, sir.

DEPUTY SPEAKER GODFREY:

Good afternoon.

REP. MOLGANO (144th):

I do rise in support of this bill, but if I may, through you, Mr. Speaker, have one question for -- to the proponent of the bill.

DEPUTY SPEAKER GODFREY:

Please proceed.

REP. MOLGANO (144th):

Following up with Representative Perillo's questions on security, access to the database. Can you please tell me whether or not the passwords will expire over duration so that they have to renew them on occasion?

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. I do not have that information, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Molgano.

REP. MOLGANO (144th):

Thank you, Mr. Speaker. Is that something we can find out? Or I -- could work offline with the Representative? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

I apologize, Mr. Speaker. It was a little difficult to hear that question. If the Representative could repeat it.

DEPUTY SPEAKER GODFREY:

Representative Molgano.

REP. MOLGANO (144th):

Through you, Mr. Speaker, I was just wondering if we could work offline just to verify that question, whether or not passwords can be made to expire. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. And I think that's a very good suggestion, is duly noted by the Chamber. I know the agency is present and will take that under advisement.

DEPUTY SPEAKER GODFREY:

Representative Molgano.

REP. MOLGANO (144th):

I think the good Representative, and I thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

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

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.

DEPUTY SPEAKER GODFREY:

Have all the members voted? Have all the members voted? If so, the machine will be locked. The Clerk will take a tally. And the Clerk, will announce the

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HOUSE OF REPRESENTATIVES

81
May 18, 2011

tally.

THE CLERK:

Senate Bill 885, in concurrence with the Senate.

Total Number voting	139
Necessary for passage	79
Those voting Yea	139
Those voting Nay	0
Those absent and not voting	12

DEPUTY SPEAKER GODFREY:

Bill is amended as passed in concurrence with the
Senate.

We're going to do today's referrals now. Will
the Clerk please call Calendar 229.

THE CLERK:

On page 11, Calendar 229, substitute for House
Bill Number 5816, AN ACT ESTABLISHING A WORKING GROUP
ON YOUTH VIOLENCE. Favorable report of the Committee
on Human Services.

DEPUTY SPEAKER GODFREY:

The distinguished Deputy Majority Leader,
Representative Tallarita.

REP. TALLARITA (58th):

Thank you, Mr. Speaker. Through you, I move to
refer this to the Government Administrations and

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PUBLIC
HEALTH
PART 1
1 – 331**

**2011
INDEX**

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, HB 6278
Senator Welsh, Representatives Ritter and HB 6279 HB 5045
SB 885

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 Law at 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

charitable organizations such as Special Olympics and Best Buddies to have access to the abuse and neglect registry so that they might screen volunteers to make sure that they have not found their way on to our abuse registry. Which means that there has been a substantiated case of abuse against that person, certainly a volunteer organization would not want to have that individual interacting with the individuals that they support. It is a web-based web access system so from our perspective administratively it would not create any additional burden and we think would provide actually a very good service to a lot of the charitable organizations that could use that information.

Finally, just a comment on House Bill 5045, and to really just mirror Commissioner Rehmer's comments. Certainly I think in today's age it's important that employees are able to be identified and certainly the individuals that are receiving services or supports from them are clearly able to identify who the person is but we do have some concerns that in some of our settings -- many of our settings are very homelike and individuals go out shopping and go out to a dinner and recreational events with their staff and certainly it could be seen as somewhat stigmatizing if a person were to be wearing it.

So if there -- you know, we could take a look and -- and maybe make some type of adjustment for those kinds of things. The other thing is just a cost implication that if we were to follow -- we have a set format for the department's employees but many of our private providers have their own way of identification. If we had a standardized form there could be some considerable cost

associated with revamping and -- and reformatting and we just wanted to point that out.

So with that I will conclude my testimony and be available for any questions that you might have.

REP. RITTER: Thank you, Commissioner.

Are there questions from the committee?

Representative Betts.

REP. BETTS: Thank you, Madam Chair.

Commissioner, I just have two questions; one dealing with House Bill 6278 and I also am new to this so maybe this has already been taken care of I get a little nervous when I see a pilot program ending in June 2009 and then we want to make it permanent. I'm wondering if there's any kind of fiscal impact or has that already been incorporated in the budget?

COMMISSIONER PETER O'MEARA: That's already been incorporated in the budget so we do have an appropriation for those services, sir.

REP. BETTS: Okay. And then the last question is on Senate Bill 885, is that more of a preventative request or is that based on actual incident or a series of incidents in which somebody has -- had a history and been matched up with a person with developmental disabilities?

COMMISSIONER PETER O'MEARA: I think the whole purpose behind the registry and its -- we were actually the first state in the country that instituted an abuse registry specifically for employees that interact with individuals with

developmental disabilities.

So yes, there has to be a specific incident, there are a set of standards that would find a person to be placed on the registry. They would have to have abused an individual in our service system. It would have to be substantiated by either us or the Office of Protection Advocacy then that person's name goes on that list and essentially they are not permitted to work with anyone in our provided system.

I think the concern is that many of the charitable organizations -- and example being Special Olympics, are not necessarily a provided of service, they certainly engage across Connecticut thousands of volunteers who interact with the people that we support and serve.

It's quite possible that some of those individuals that were in our employ or are in our private provider sector might find their way and they possibly could be perpetrators of additional abuse.

So this is really a safety screen for those organizations to try and limit those people of having access to victims.

REP. BETTS: Very good idea. Thank you.

REP. RITTER: Thank you. Representative Srinivasan.

REP. SRINIVASAN: Thank you, Madam Chair.

Two questions for you sir, on -- on your Bill 5045, the House Bill that you commented on, when these people go out as you said, to shopping and to dinners and all of those kind

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.

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?

SB 885

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

director is here and maybe Jim might want to add to that.

SENATOR WELSH: Yeah, that great. And Jim, as you answer the question, if you can fold this into your answer, and that is, is there -- is there recourse for a breach of use of this information?

JAMES WELSH: I believe the statute itself, which is 1782-47 the statute gets into both the fact that those the information is confidential and basically our providers and people that have access, the recourse for us -- for new -- an organization -- a charitable organization that had access could be closed from access if they abuse the process. They're not looking -- they are looking very careful it's a password based thing. Then name of the individuals aren't given out, it's simply whether they are or are not on the registry.

So they don't -- they don't actually -- they'll have that information but they're -- we're not publishing the name to them, they're just finding out yes or no. The -- the statute was very clear when it was enacted, that this information is limited information, it's not all the information that we have in our files.

The folks who go on the registry have had the opportunity for hearing, the opportunity for appeal to the Superior Court and have done so but in the end if they're found to be on that registry we believe it's a good process to have -- you know, bona fide charitable organizations that recruit volunteers that -- subject to our rules, to be able to access that for -- for background check purposes.

SENATOR WELSH: Okay. Just -- just so I'm clear on

the -- on the answer, let me kind of modify the question. And that is, hypothetically say, one of these charitable institutions were to breach a release of information. Is there a process in place by which your agency now says, that's it, no more information or is it discretionary?

JAMES WELSH: At this time there is no process.

SENATOR WELSH: There's no process.

JAMES WELSH: We have not had the issue come up in the 12 years we've had the registry and we have lots of providers on -- all providers must access the registry.

SENATOR WELSH: Okay.

JAMES WELSH: So I haven't seen it but there's not specific process.

SENATOR WELSH: All right. Thank you.

REP. RITTER: Thank you, Senator.

Are there any further questions for the Commissioner?

Commissioner, I'd like to also invite you to submit that those requested changes to us in writing as I did to Commissioner Rehmer, possibly as quickly as you can. Thank you.

Anything else from the Committee?

Thank you very much, Commissioner O'Meara.

Our next speaker will be Executive Director James McGaughey, from Protection and Advocacy. Thank you.

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

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 Dominique?

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

Centers for Disease Control and Prevention as well as the health care 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?



Dannel P. Malloy
Governor

State of Connecticut
Department of Developmental Services

DDS

Peter H. O'Meara
Commissioner

Kathryn du Pree
Deputy Commissioner

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

S.B. 885- An Act 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

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 Senate Bill 885, An Act 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.

This bill would allow certain charitable organizations, such as Special Olympics, to check their volunteers against the DDS Abuse and Neglect Registry upon application to and approval by the Commissioner of DDS. The reason for this proposal is to make sure that persons with substantiated abuse or neglect allegations against DDS consumers would not be able to volunteer for these charitable organizations. The process would allow approved entities which rely on volunteers, a database resource for their background checks.

Thank you again for the opportunity to testify before you today on our agency proposal, Senate Bill 885. 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: S.B. #885 (Raised), "An Act 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."

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 **S.B. 885, "An Act 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 individuals intent to do them harm. It is just common sense to keep those persons with substantiated abuse and neglect allegations against these individuals as far away as possible from potential victims.

Additionally, as **S.B. 885** is written, safeguards have been established from allowing organizations to misuse the registry, including a necessary approval process from the Commissioner of the Department. This added layer of protection only increases the safety and security of the people with intellectual disabilities, the charitable organizations, and of DDS.

On behalf of The Arc of Connecticut, the people we advocate for and their families, I urge you to vote favorably on **S.B. 885**.

Thank you for the opportunity to speak with you today.



STATE OF CONNECTICUT

OFFICE OF PROTECTION AND ADVOCACY FOR
PERSONS WITH DISABILITIES
60B WESTON STREET, HARTFORD, CT 06120-1551

JAMES D. McGAUGHEY
Executive Director

Phone. 1/860-297-4307
Confidential Fax 1/860-297-4305

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 supports Raised Bill No. 885, AN ACT 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. The registry lists the names of individuals who have been separated from employment with agencies that support people with intellectual disabilities due to substantiated allegations of abuse and serious neglect. While some people who are fired for abuse are also arrested and prosecuted, others are not. So the DDS registry is a valuable tool for screening candidates for employment because it lists individuals who do not have criminal records, but who have demonstrated by virtue of their conduct that they should not be working with people who could be readily victimized. It would be an equally valuable safeguard for programs that recruit volunteers who will be associated with people who have intellectual disabilities. This bill would allow those organizations to screen the names of potential volunteers against the names listed on the registry.

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

Phone 1/860-297-4300, 1/800-842 7303, TTY 1/860-297-4380, FAX. 1/860-566-8714

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**CONNECTICUT
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mb/rgd/gbr
SENATE

71
April 27, 2011

INSURANCE BENEFITS DENIALS, favorable report of the
Insurance Committee.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. I would ask that this
item be passed temporarily.

THE CHAIR:

So ordered, seeing no objection.

Mr. Clerk.

THE CLERK:

Madam President, on the top page 8, Calendar
Number 118, Senate Bill Number 885, AN ACT 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, favorable
report of the Public Health Committee.

THE CHAIR:

Senator Gerratana.

SENATOR GERRATANA:

Thank you, Madam President.

Madam President, I move acceptance of the joint
committee's favorable report and passage of the bill.

mb/rgd/gbr
SENATE

72
April 27, 2011

THE CHAIR:

Acting on approval of the bill, will you remark further?

SENATOR GERRATANA:

Thank you.

This bill permits charitable organizations that recruit volunteers to support programs for people with intellectual disabilities to access the Department of Developmental Services Abuse and Neglect Registry to conduct background checks on volunteers.

It requires these organizations to apply to get approval from the DDS commissioner before accessing the registry. Charitable organizations in this case could be a variety of volunteer organizations that help people with developmental disabilities in our community, also entities such as the Special Olympics. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark? Will you remark?

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

Madam President, to the good Senator, the question

mb/rgd/gbr
SENATE

73
April 27, 2011

I would have is in permitting these charitable organizations the access to this computer, how would that access be limited in terms of -- how is that process actually done? If someone has access to the computer, could they look up other people or how do they know that they're only looking for those volunteers that they're concerned about? What would be the restrictions? Through you, Madam President.

THE CHAIR:

Senator.

SENATOR GERRATANA:

Madam President, through you.

Yes. There is a procedure. As I understand it, the process includes an application to have access to the registry, which is scrutinized. The person would then receive permission from DDS and it would only be specific to that registry and not access to other information. Through you.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Through you, Madam President, again.

So if I were part of a charitable organization and I want to check on ten volunteers, would I get the pass

mb/rgd/gbr
SENATE

74
April 27, 2011

code from DDS to get in there and would that pass code be left to my discretion to look up the ten volunteers or would I give DDS the ten volunteers and they look it up? How would that go, if I can, through you, Madam President.

THE CHAIR:

Senator, please proceed.

SENATOR FASANO:

I spellbound you with that question, didn't I?

SENATOR GERRATANA:

Through you, Madam President. I understand. As I said, it's an application process, how they allow access to the registry specifically. Through the computer, I would assume that it would be a process that would be similar to what you are explaining. Through you, Madam President.

THE CHAIR:

And I was fascinated by what you were saying, sir.

SENATOR FASANO:

Thank you, Madam President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. Through you.

So and maybe you don't know the answer to this and I'm not trying to pin to the wall, but I'm just trying to understand what that access is. I want to make sure that -- and my concern is the potential abuse of allowing someone the privilege, if you would, to go on this very restrictive computer and throw in a whole bunch of names to determine a whole bunch of information that is otherwise kept, for whatever reason on this computer, and apparently confidential. So I guess the question is the operator of the computer, would that be the DDS delegated person? Or would that be the person from the charitable organization that would log into the computer with the appropriate password and left to his or her own volition to check the names? Through you, Madam President.

THE CHAIR:

Senator.

SENATOR GERRATANA:

Thank you, Madam President.

Through you, my understanding is this would be closely scrutinized and this is a screening process. So even before you would have access to that registry you have to be a known entity. From there, how the department manages this information, which of course

mb/rgd/gbr
SENATE

76
April 27, 2011

is very sensitive in many cases, is up to the department. But I would think that with the screening process, going through that whole application system that they would certainly have safeguards in place so that just anyone wouldn't have access to this information. Through you.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President and I thank the good Senator for answers to my questions. Madam President, my concern is the ability of -- once logged onto this computer without any safeguards in place -- and I'm not suggesting there are not -- but without the appropriate safeguards in place, the element of abuse certainly rises high. We are dealing with very sensitive information so I'm probably going to support this bill and I know the good Senator being chair of Public Health, apparently, is concerned as I am over the sensitivity of this information, and I would ask the good Senator if this bill makes its way through, could doublecheck with DDS and maybe perhaps ensure that they put their own regulations in place or house procedures in place that ensure that the quality of this

mb/rgd/gbr
SENATE

77
April 27, 2011

information is safeguarded and the ability that people have to access, which makes sense, is done on a very limited basis and with some form of scrutiny.

So with that, Mr. President, I know the good Senator would be careful and take those comments, I think, to heart and with that I will support the bill. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Fasano. Any further? Any further remarks?

Senator.

SENATOR GERRATANA:

Thank you, Madam President. If there's no further objection, I request that this item be placed on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered.

Mr. Clerk.

THE CLERK:

Madam President, returning to the calendar, on page 9, Calendar Number 131, Senate Bill Number 861, AN ACT MAKING TECHNICAL REVISIONS TO PLANNING AND DEVELOPMENT STATUTES, favorable report of the Planning and Development Committee.

mb/rgd/gbr
SENATE

112
April 27, 2011

Madam President, according to the Clerk's record on page 2, on the second consent calendar, Calendar Number 43, Senate Bill Number 851; on page 3, Calendar Number 46, Senate Bill -- Substitute for Senate Bill Number 849; on page 4, Calendar Number 65, Senate Bill Number 889; on page 7, Calendar Number 106, Senate Bill Number 933; on page 8, top of the page, Calendar 118, Senate Bill Number 885; on page 9, Calendar 131, Senate Bill Number 861; on page 10, Calendar Number 153; and also on page 10, Calendar Number 160, Substitute for Senate Bill Number 1109. SB 911

That completes the items placed on the second consent calendar according to my record.

THE CHAIR:

Thank you, sir. We have one more --

THE CLERK:

Madam President, on the top page 11, Calendar Number 162, Substitute for Senate Bill Number 1076.

THE CHAIR:

Thank you, sir.

Would you please call -- announce a roll call vote and the machine will be open.

THE CLERK:

An immediate roll call vote has been ordered in

mb/rgd/gbr
SENATE

113
April 27, 2011

the Senate on the second consent calendar. Will all Senators please return to the chamber.. An immediate roll call vote has been ordered in the Senate on the second consent calendar. Will all Senators please return to the chamber.

THE CHAIR:

Mr. Clerk, could you announce it one more time please?

THE CLERK:

The Senate is voting on the second consent calendar. Will all Senators please return to the Chamber. The Senate is voting on the second consent calendar. Will all Senators please return to the Chamber.

THE CHAIR:

Everybody has voted. All members have voted. The machine will be locked. Will the Clerk please announce the tally.

THE CLERK:

Madam President, the result of the vote on the second consent under is:

Total Number voting	34
Necessary for adoption	18
Those voting Yea	34

mb/rgd/gbr
SENATE

114
April 27, 2011

Those voting Nay 0

Those absent and not voting 2

THE CHAIR:

The consent calendar is adopted.

Senator Looney, please.

SENATOR LOONEY:

Thank you, Madam President. For purposes of a clarification.

Madam President, on calendar page 11, Calendar 162, Senate Bill 1076 was not an item that I had announced for the consent calendar. I'm told that it may have been listed on the consent calendar, but it should not have been. So I just want to make sure that is deleted.

THE CHAIR:

Yes, sir, and it was not listed on the machine, sir. Thank you.

At this time, Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, the Clerk is now in possession of Senate Agenda Number 4.

THE CHAIR:

Mr. Clerk.