

Legislative History for Connecticut Act

**PA 14-165**

HB5456

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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2014**

**VOL.57  
PART 12  
3746 – 4097**

Thank you, sir.

And congratulations to all of you; you guys are doing a great job. And good luck in, good luck in the competition in California next week. Have a safe trip. Tell -- come back and tell us how it all went, when it's done; all right? Thank you.

Are there any other announcements or introductions?

If not, the Chamber will stand at ease, for just a moment.

(Chamber at ease.)

SPEAKER SHARKEY:

Will the Chamber come, please come back to order.

We'll return to our Calendar and the business of the day.

Mr. Clerk, if you are ready to go, I'd like to call Calendar Number 338.

THE CLERK:

On today's Calendar, on page 18, Calendar 338, Favorable Report of the joint standing Committee on Public Health, substitute House Bill 5456, AN ACT CONCERNING MANDATORY REPORTING OF ABUSE AND NEGLECT OF

INDIVIDUALS WITH -- WITH AUTISM SPECTRUM DISORDER, THE  
DEFINITION OF ABUSE, AND THE DEPARTMENT OF  
DEVELOPMENTAL SERVICES ABUSE AND NEGLECT REGISTRY.

SPEAKER SHARKEY:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Good morning, Mr. Speaker.

SPEAKER SHARKEY:

I believe it's afternoon, but good afternoon,  
madam.

REP. ABERCROMBIE (83rd):

Oh now, do we have to be so technical?

SPEAKER SHARKEY:

I'm sorry. I'm sorry.

REP. ABERCROMBIE (83rd):

Sorry. I move for the acceptance of the joint  
committee's Favorable Report and passage of the bill.

SPEAKER SHARKEY:

The question is on acceptance of the joint  
committee's Favorable Report and passage of the bill.  
Will you remark, madam?

REP. ABERCROMBIE (83rd):

Yes, sir.

Mr. Speaker, this closes a mandatory reporting

gap for alleged abuse and neglect of individuals served by the autism division. These are for individuals that do not have intellectual disabilities and who are between the age of 18 and 60.

It also expands the definition of abuse to include verbal abuse, sexual abuse, psychological abuse, and financial exploitation, only for the purposes of putting someone on the DDS Abuse and Neglect Registry.

With that, Mr. Speaker, I move adoption.

(Deputy Speaker Orange in the Chair.)

DEPUTY SPEAKER ORANGE:

Question before the Chamber is on adoption.

Would you care to remark further on the bill before us? Would you care to remark further on the bill before us?

Representative Srinivasan.

REP. SRINIVASAN (31st):

Good morning, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Good morning, sir.

REP. SRINIVASAN (31st):

Let me be technically --

DEPUTY SPEAKER ORANGE:

Good afternoon.

REP. SRINIVASAN (31st):

I know. I was going to say uh-oh before I -- I got corrected too. Good afternoon, Madam Speaker; good to see you there.

And I want to thank the good Chair for her performance yesterday, which I know was a very tough one, and I hope you had some rest because here we go again, starting another day and another bill.

Through you, Madam Speaker --

DEPUTY SPEAKER ORANGE:

Is this going to be two-for-two?

REP. SRINIVASAN (31st):

I don't know. We will see; we will see, through you, Madam Speaker.

Through you, Madam Speaker, a few questions for clarification purposes to the good Chairwoman.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, in your opening

remarks you talked about bridging this gap that presently exists. So could we know what services or what is currently being covered and so that we are aware what is it that we're trying to bridge through this piece of legislation?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Thank you, Madam Speaker.

Through you, currently for abuse and neglect, it has to go through the Office of Protective Advocacy. The autism division has only been in existence for about five years, and because these individuals are through that office, we thought it was important for them to have their own registry, especially because of the fact that when providers are looking to employ people, they should have the opportunity to see if someone is on that registry.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, if somebody has both

autism and intellectual disability, would this piece of legislation apply to them?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, my understanding is they would still go through the Office of Protection and Advocacy.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, if somebody is below the age of 18 or above the 60, would this piece of legislation apply to them?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, no. They would go through DCF.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, for those ages which go through DCF or other agencies, do we currently have similar statutes as far as abuse and as far as a registry?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, yes. The good Representative is exactly correct.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

So through you, Madam Speaker, what we're trying to do is mirror what we have for other situations, and since this age group of autism disorder between 18 and 60 is not covered is what we're trying to do in this piece of legislation?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, the Representative is absolutely correct.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, we are trying here to come up with a list where mandatory reporters will have to report on the list of occurrences. What would those occurrences be which will require a mandatory reporter to report?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, we actually in the bill have a list of what the abuse is. And if you could point to the section that you're referring to, that would help me a lot.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, I'm in Section 1, Lines 6 and 7, where we talk about financial exploitation, psychological abuse or verbal abuse.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Thank you, Madam Speaker.

I think that the good Representative has just mentioned all of the areas of abuse that would be added to this abuse and neglect, abuse and neglect -- sorry -- website.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

So through you, Madam Speaker, for willful inflection of physical pain or injury, which I know is old language, but if it were to occur in this autism group of patients between -- in the autism, people with autism disorder between the ages of 18 and 60, would this piece of legislation apply to them as well?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, yes.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, between what -- what already exists and what we are trying to accomplish here, will the process be the same regardless whether it's pain, a pain, physical pain or injury or it be sexual abuse?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, yes.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, if a mandatory reporter observes any of these occurrences, am I to understand, through you, Madam Speaker, that those occurrences beyond physical pain and injury, the list that we just came up with, would have to be reported as well?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, yes.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, in terms of who -- who decides in term of this reporting process if financial exploitation occurred or not? Is that the impression of the mandatory reporter or how is that decided before the reporting occurs?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, there would be an investigation, just like we do under any other agency.

Through you.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

So through you, Madam Speaker, as I understand it, a mandatory reporter feels or observes that financial exploitation has occurred and hence he or she is mandated to report to his or her supervisor,

and then the process starts. Is that -- is that the process that we envision?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, that is correct.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, once that a charge or a report has been made, if the good Chairwoman could then go through the process of what happens then before it gets onto the registry.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, there would be an investigation, and if they are able to confirm that the allegation is true, then this employee under this particular section would be fired and put on the registry.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, that firing that we just heard about, is that the very first time that such an incident happens; it depends on the gravity or it depends on a series of such occurrences? Let us say, for example, let's take with financial exploitation.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, I would assume that because you're doing an investigation, if the allegations are able to be confirmed, then yes, at that point the individual would be fired and that's how they would get on this registry.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, so this firing of the mandated -- of the person who has committed this

financial exploitation, would that occur the very first time or is there a warning process before the, before the firing occurs?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, as long as the investigation is done and it is confirmed that this person has committed that allegation, yes, they would be fired.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, this firing of the employee, regardless of the amount of money that has been taken away, embezzled or whatever choice of words we may use from these people, does -- does the amount matter at all?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, not to my knowledge.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

So through you, Madam Speaker, somebody is seen taking away, let's say \$10, \$15 from a person with autism disorder, obviously exploiting them to that extent; that has been observed, reported.

Investigation confirms that the person did take away \$10 or \$15 from the wallet or under the pillow, that 10, \$15 that were taken away by that employee, would that because investigation confirms that the person did take the money, would then the person be fired?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, I would assume that as they're doing the investigation, a theft is a theft.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, it was my understanding that the firing obviously is an option but it is not the first time around. And I just want to make sure that I'm -- I'm corrected in my understanding that it depends on the gravity of what occurred; it depends on how many times the occurrences are before they take this big step, major step of firing the employee.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, if the good Representative could point to where he sees that in the legislation, that would be helpful.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, it is not in the legislation, but I just want to understand this firing process when such an occurrence happens. I just want to know how the employee will be fired for the exploitation, financial exploitation. And I was just

giving an example of somebody who had taken away 10, \$15 dollars. And I want to know what the consequences would be compared to obviously a larger sum that has been, that has been exploited.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, I think it would be through the investigation process.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, who conducts this investigation process?

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Currently it's done through the Office of Protection and Advocacy, but under this legislation, they would be the first step and then they would turn it over to the office, to the autism DDS office.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

So the -- the office of D -- DDS -- let me get that straight -- DDS will get the, will get the, this particular piece of information. And then that office will then investigate and then make the appropriate recommendations. Is that clear

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, that's my understanding.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Madam Speaker, financial exploitation is clear, cut and dry; I mean, you're caught taking away \$10, you're caught taking away \$20. There's no question about that at all; you have no right. The employee has no right to go there and take that money from the, from the person.

But some of the other, the other abuses are a

little bit vague and a little more difficult to be put down as black and white; they're in different shades of gray. So through you, Madam Speaker, I would like to know what would constitute psychological abuse.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, I think it's in the -- the definition is in the legislation. I would think that it would be, border on bullying.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, psychological abuse borders on bullying. Is that what I heard? I just want to be clear.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Yes.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, expanding on that, if the good Chairwoman can talk about what would constitute verbal abuse. I know it's -- it's there in the language, but I just want to clear what is the range where it would constitute verbal abuse.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, if the good Representative could point to the section that talks about the verbal, I don't see it in the definitions that I'm looking through.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan, can you find the place?

REP. SRINIVASAN (31st):

Through you, Madam Speaker, if you look at lines 57 to 59, it talks about verbal abuse.

Through you, Madam Speaker.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, yes. Thank you to good Representative for pointing that out.

The definition that we will be using is the means to the use of offensive and terminating language that is intended to provoke or cause the distress of an individual who receives services or funding from the department.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, I notice -- and I read this -- offensive or intimidating language; I get that. But sometimes it may not be the language; it may be just the tone and the tone in which the person is addressed. And obviously there's a range in that.

Would the person with verbal abuse be thought about or considered if just a person was talking loudly, the employee was talking in a harsh way in terms of getting them to move, to go forward or do some chore which they're supposed to be doing, where it is not intimidating but it is just the tone of the voice is not coaxing; the tone of the voice is not soft, but because things need to be done, things need

to be accomplished?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, I think that that is kind of a hard issue to be able to determine if that's abuse. Personally, you know, I think that when you talk to people kindly, that's the way it should be anyways, but I'm not sure that you can validate that being abuse.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker.

And I want to thank the good Chairwoman for that very human answer, because that's where I'm having difficulty too. Because at times we do not -- there's no intention of being harsh, there's no intention of being abusive, but it is just the situation, you know, and that -- that you talk in a louder voice, you talk in a more commanding voice, and my concern is that voice of an employee could be construed by a mandatory

reporter as abuse, as verbal abuse and then start the entire process.

Obviously, as the good Chairwoman said, that is a gray zone and it is not, nobody here would be able to quantify where, you know, whether abuse occurs, just because you spoke to the person in a, in a louder, harsher voice, unless of course it is repetitive. I mean, if that's the person's style every time the person speaks, there never is softness, there never is kindness, it is always authoritative, demanding, do-as-I-say-or-the-highway kind of in a voice, then of course it's a different story, altogether.

So I do understand that gray zone when it comes to verbal abuse, and I'm sure when and if -- if that -- that verbal abuse in the gray zone goes through the investigation process, they might come out and say abuse did not occur; the person does not need to be fired, and obviously the process stops right there.

Through you, Madam Speaker, another area which is obviously clear in one sense and not clear at times is sexual abuse. And the reason I say that is obviously we all know when sexual abuse occurs, unfortunately, and the reporting is very clear-cut; the mandatory reporter has to. But at times sexual abuse in terms

of a touch, in terms of an inappropriate touching in the process of helping the person move along or do something, that is, once again, in my opinion sometimes a gray zone.

And I want to ask, through you, Madam Speaker, if sexual abuse is clearly defined for the mandatory reporter, this constitutes sexual abuse and this situations where there is physical touch, it could be construed as inappropriate, would that be clear to the mandatory reporters?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Thank you, Madam Speaker.

The good Representative makes a good point, but I think in the definition, if you read the definition, it says any sexual contact between an individual who receives services or funding from the department. And then in the next paragraph it also says the encouragement by an employee of an individual or who receives services and funding from the department to engage in sexual activity. I personally feel that it's very comfortable with the definition that's

before us.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, having read the language -- and I want to thank you for bringing that to our, to the attention of the assembly here -- so in that case, sexual -- sexual abuse is very obvious, is very clear, and the -- the gray zones would not be considered, as I understand it, as part and parcel of sexual abuse.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, the Representative said it exactly the way I would.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, this occurrence unfortunately happens, whether it be psychological,

verbal, sexual, whatever, and the mandatory reporter then reports. What if, through you, Madam Speaker, the mandatory reporter does not report; what then happens?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, if I can have a moment; I'm not sure where I saw that in the legislation. If I could have a moment, please?

DEPUTY SPEAKER ORANGE:

The Chamber will stand at ease.

(Chamber at ease.)

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker; thank you for the --

DEPUTY SPEAKER ORANGE:

The Chamber --

REP. ABERCROMBIE (83rd):

-- opportunity to --

DEPUTY SPEAKER ORANGE:

-- will come back to order.

mhr/gbr  
HOUSE OF REPRESENTATIVES

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April 30, 2014

REP. ABERCROMBIE (83rd):

-- check into this question.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Thank you, Madam Speaker; sorry about that.

If it is reported by someone else that's within the area that the mandatory reporter did not report it, then there would be investigation into that allegation that the mandatory reporter did not do his or her job.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, for the purpose of clarification; an unfortunate incident happened, observed by a mandatory reporter, but that mandatory reporter does not do his or her job and report it to the proper authorities.

But as I understand the answer by the good Chairwoman, somebody else, Person B -- if you can call that Person B -- observes this, that A has not reported. And will the second person, Person B, will

he or she be the one reporting the abuse?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, the way I'm reading the legislation, there isn't a provision for that in here.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, I just want to be clear on what part of -- of the -- of my question there is no piece in this legislation. Because we, I talked about two scenarios, and I wanted to be clear about that.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Would you want to do one-by-one here?

REP. SRINIVASAN (31st):

I definitely will that, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you.

REP. SRINIVASAN (31st):

So I as I understand it, through you, Madam Speaker, if a mandatory reporter does not report what he or she sees, in this piece of legislation, there's nothing to say what is going to be done to that mandatory reporter.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, I do not see that in this legislation.

Through you.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, and coming to my second part of that question -- and I'm glad you -- you suggested that I break it down into these parts; I appreciate that -- in the second part, if Person A is a mandatory reporter who fails in his or her duty, Person B happens to observe that as well or hears about that, or hears about that, as typically it happens -- doesn't see it, because if he or she saw

it, she would be a mandatory reporter too -- but hears about that in the cafeteria, hears about that in, as they walk in and out from the parking lot, would the second person have any responsibility through this bill?

Through you, Madam Speaker.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, that I don't see that --

DEPUTY SPEAKER ORANGE:

Representative Abercrombie, would you care to remark on hearsay?

REP. ABERCROMBIE (83rd):

I'm sorry, Madam Speaker. I'm trying to read at the same time.

I do not see that covered in this current legislation.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

And on this piece of the legislation, my final question before we go to the registry part, is that if this, if this reporting does not occur, if the

reporting were not to be done at all by Person A or Person B, as I see this abuse will continue, unfortunately, until somebody sees that abuse and then reports that, since we do not have any penalties in this piece of legislation for somebody who does not do the appropriate reporting.

Is that right, through you, Madam Speaker?

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, the good Representative is correct. Sometimes it's difficult to make people do the right thing.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, if I'm employed by them, what is the training as a worker that I get or everybody gets so that we are clear, everybody is clear of what their responsibilities are; what are the various issues here, and what is abuse and how it needs to be reported? Is there a process in place?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, there is a process in place for the reporting part of it.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, it is not the reporting park that I'm requesting some information about, Madam Speaker. I was talking about when an employee joins or on an, at the first time around or an annual basis; is there some kind of an in-service program, an education of what the rules and regulations are so that they're aware, the mandatory worker is aware of what to look for and what his or her responsibilities are?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, there is no training in this current legislation.

Through you.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, if there is no training for this, how do we expect them, the -- the reporter, the mandatory reporter to know that these have to be reported?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, I would as an employee of someone that works with disability, individuals with disabilities, especially on the autism spectrum, I would think that as an employee you would educate yourself on what abuse looks like and what the different types of abuses are that are covered under this legislation. I know for myself, I would want to make sure that the individuals that I'm serving are safe.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, that is definitely laudable that you and every one of us will want to make sure we do the right thing for the people we serve, here in the Chamber, our constituents, and in our lives outside the Chamber, for those whom we come in contact with, whatever our profession is. I definitely agree with that.

But my question is that every -- every place that you go to does have a training program, even simple, as simple as coming here. You know, in my first term here, now almost four years ago, there was a program that I went through for both sides of the aisle that kind of gave me an inclination what is expected of me, what is my responsibility, so on and so forth. So training is essential for any job that we take, whether it be here in the Chambers or it be outside in the real world.

So I'm a little bit concerned on two aspects of this legislation. And I'm sure moving on we would be able to fix that -- not necessarily today -- but this is, this is a very good start because we are covering an age group that is not covered and should be covered, so there's no question about that at all.

But my concerns are that the training is not there for these, for these employees, which is critical, not only the first time around; but things change, criterias change. We have now added a longer list to what abuse is all about.

Say if I was just the old hat, I would only think that physical pain is the only thing that I need to report, and I do not need to report the other list that we have today. So I think we need to look at training -- very critical -- number one; ongoing training, number two, so that any change and every change is communicated clearly, both verbally and perhaps even in writing to these employees whom we hold responsible.

And then the other part is I think the mandatory reporter needs to be held accountable if he or she does not do that component of the job, just like they be accountable for other components. If they came in every day a half an hour late, if they took, decided to take a longer lunch break, did not fulfill their responsibilities, they know loud and clear what could happen to them. And similarly here, if you're required -- because remember, we are taking care of people that have disability in one form or another,

and we owe it to them that they are protected, they are protected adequately and all the time, and for that reason, you know, an appropriate kind of a punishment or some kind of a requirement that this is what will happen to you if as a mandatory reporter you do not report. Those are the two parts of the, of this piece of legislation which I find wanting. And I hope as we move forward, we will be able to take care of those issues as well.

Through you, Madam Speaker if I can have a few questions about this registry?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

You may; please proceed.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, how does an employee unfortunately land up on this registry list?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Mr. -- Madam Speaker -- I apologize -- through you, Madam Speaker, an allegation is alleged; there an investigation is done. If they are

terminated, which is the point that we need to make clear in this legislation, then they are put on the Abuse and Neglect Registry through DDS, Department of Developmental Services.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, if an allegation is there and the allegation is being investigated but no action taken because the decision has not been made, during that process, two things; (a) the employee will still be employed?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, yes; until the allegation is confirmed, yes.

REP. SRINIVASAN (31st):

And through you, Madam Speaker --

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

I'm sorry, Madam Speaker; I apologize.

Through you, Madam Speaker, as long as they are not terminated, they will not make this registry, the, they will not make it on the list of the registry?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, the Representative is absolutely correct.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, when an allegation is made and the decision has not yet been made as to whether, you know, the allegation is true, the allegation is false, through that process, will there be privacy; will that information be public to the other employees or will it be confidential?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

If I understood the Representative's question, is

it before they have confirmed the allegation or is it while it's being investigated?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, while it is being investigated.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

I think if part of the investigation is that you have to talk to other employees, then it can't be confidential. I guess it depends on what the abuse is that they are being alleged accused of doing.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, I definitely understand that, and I thank you for the clarification, because here I was saying nobody should know that an allegation occurred until you confirmed that allegation. But the good Chairwoman makes a very

good point that to confirm the allegation in -- to confirm the -- the investigation process it will definitely require a lot of questioning of a lot of people, and obviously the information cannot be as private and as confidential.

Through you, Madam Speaker, this registry, is this a common registry for all offenders or will it be only for this group of people?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, if the good Representative is asking if this is registry just for DDS, then the answer is yes.

Through --

DEPUTY SPEAKER ORANGE:

Representative --

REP. ABERCROMBIE (83rd):

-- you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

-- Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, so this registry

that, of the people getting onto the registry after they're fired will be held only by DDS?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Yes but other agencies will have the ability to look at this registry.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, when abuse occurs in other age groups, whether it be DCF or it be in -- in the people above the age of 60, that registry is different from this one, and where are those registries maintained?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, my understanding is every -- every department has a registry, so whether it's DCF, DMHAS, DDS, DSS, and that is information

that anyone can get on the website and take a look at. It's for, and this already one has to do with employees that are terminated.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker, for making that very clear that this will be maintained, this registry will remain maintained within the offices.

Through you, Madam Speaker, if somebody gets onto the registry through the process, through due process, is there is a way after time, certain amount of time that the person can get off the registry?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

I apologize. It's getting a little loud with kids coming in -- no, it's not down here, ma'am, it's with the kids coming in. I couldn't hear the question. Could you repeat it? I apologize.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker; I definitely will.

My question was: Once somebody gets onto the registry, is there a process, whether it be months, whether it be years, by which he or she can get off the registry as well?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, there is an appeals process that can take place if someone is accused of an allegation.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, maybe that I did not phrase the question. My question is: The person is already on the registry. The person did commit; the investigation process was done. The person was found guilty. The -- the mandated reporter was found guilty, he or she, of whatever charge it was -- let us take, for example, financial exploitation -- is fired,

and hence gets onto the registry. That is due process, to get onto the registry.

But after being on that registry the person no longer is employed there, but a year later, two years later, is there is a process by which the person can now appeal or try to get off that registry or is that registry the person's name for life?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, I'm not sure on that.

Through you.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, that is a component, I think, moving forward, we need to be working on as well. One can be guilty, unfortunately yes. But if there is a process and you have paid your price, whatever that price is, like it is in any other system, is there a time frame after which one can say -- whatever the process is -- you will be observed; you will monitored; you cannot work in this particular

environment anymore, but ultimately if all of those requirements are met, to get off the registry is also something, I think, we need to consider.

Through you, Madam Speaker, this registry, who will have access to the registry?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, anyone will because this has to go to an -- this has to do with employment, so if a group home wants to employ someone, they will be able to get on the website and take a look at this registry.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, is it only if you're involved, if a, if it is a group home or whatever if it is a charitable event? If there is a volunteer kind of an event that you need, would they have to look at this list before they hire these people for those events or have them come in as volunteers?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, this is a tool for employment, but I would assume that if I was a volunteer program and I had someone coming in to work for me that are working with children on the spectrum -- well, these are adults, 18 to 20 -- 18 to 60 -- if I wanted to look at that register, I would have every opportunity.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

So -- so this registry then, this information on the registry, as I understand it, is public information.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, the way I read the registration -- the way I read the legislation, it

says management information report which is posted on the DDS website. So as -- as I'm reading this, I would say yes.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, if one -- if a, if a person is on that list, on the registry and then goes in for an employment totally unrelated, nothing to do with Autism Spectrum Disorder at all, just the thought, the fact that a person is on a registry may sometimes hold the employer back in giving that employment, especially if the employer has a couple of choices. And in this day and age, you know, as we all know, for one opening there are minimum of anywhere from 20 to 30, if not more, applicants.

Through you, Madam Speaker, being on this registry, would it impede that person from getting an employment in any other field, not to do, nothing to do with autism disorder?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, if I could just make a quick clarification in the last question that the Representative had. The way I had read it was that this was posted on the DDS website. What's posted on the DDS website is the amount, the number of people that are on the registry but their names are not there. This information will be in reach of other agencies, like DCF, DDS -- I mean DSS, DMHAS, but it will also go out to contractors that contract with DDS.

Through you, Madam Speaker -- oh, and I'm sorry. Could you repeat the last question? I was still focused on that. I apologize.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker, but let us, let us work on the, that'd be on the component that you brought out, which is important, very critical for all of us to know, and then I will ask my question at that point in time. So am I to understand when -- when you, when you just, when the good Chairwoman just mentioned that this on the website would be in 2014, at the end of

2014, as we get into November, December, there are 20 people that are on the registry but the 20 names will not, will not appear on the registry?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, that is my understanding.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, who then will have access to those 20 names not just a number? You know, the number is important, obviously, for us to know as to what is happening in our state but more important is the individual's name so that they are not hired in the, in situations which are relatively, we all see as inappropriate. So who has access to those 20 names?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, the registry will be

held by DDS and it will be available to other agencies and employers that contract with DDS.

Through you, Madam Speaker.

REP. ABERCROMBIE (83rd):

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, how about voluntary organizations?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Please repeat.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, what about the various voluntary organizations?

DEPUTY SPEAKER ORANGE:

One more time, sir.

REP. ABERCROMBIE (83rd):

I'm sorry; I didn't understand the question.

DEPUTY SPEAKER ORANGE:

Would you repeat the question one more time,

please?

REP. SRINIVASAN (31st):

Through you, Madam Speaker, we heard that agencies will -- will have a list or will have the names of the 20 people who contract; I understand that. But what if there is a voluntary organization and -- and will they have access to the 20 names as well?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

My understanding is they would not have access to it.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

So we have this registry which is available to the various contractors only, but when there is an event, Special Olympics, there are such similar events, would those people have access to this list of people, not just the number but the names or the people on the list?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, voluntary programs like Special Olympics can request -- is my understanding -- through DDS to get a listing of the names, and then it's up to the discretion of DDS to release that or not.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, if such an organization makes a question, that information is not released for whatever be the reason, it was good, it is with a, the decision of the, of the agency not to release those names and then some unfortunate event happens in -- in that event, in the Special Olympics because the wrong person was brought in, the wrong person volunteered, the wrong person was hired -- would anybody with the agency be liable?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

I don't see that listed in this legislation.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Madam Speaker, if there is a private organization and that private organization is employing someone -- obviously that organization is working with people in this age group -- and concerned that something, you know, during that interview, something is not right -- you know, you have the gut feeling when you're interviewing somebody; I can't place my fingers on what's wrong; I do not know what is wrong, but my gut me tells me that I need to investigate this further. And in that case can they reach out to the agency and get the names of those people on the list?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, anyone can request

the list; it's up to the discretion of DDS to release it or not.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker, for clarifying that; that makes it very clear that whether the list is given out or not is depending on the discretion of the agency.

Through you, Madam Speaker, if the agencies that are required to go through this list and make sure the person is not hired do not go through that process, do not look at this list, do not look at the 20 names and hire somebody who should not be hired, what would be the consequences of that?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Thank you, Madam Speaker.

That isn't covered in this legislation.

Through you, ma'am.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker.

I'm glad you're able to get a glass of water. I -- I saw that and I just, I'm glad you're a little bit of nourishment and support; you might need that.

REP. ABERCROMBIE (83rd):

Not seven hours again, I hope.

REP. SRINIVASAN (31st):

And through you, Madam Speaker, my final question -- and of course I've been listening to this debate very closely -- you know, this piece of legislation is a good piece of legislation, and as we listen to the debate to find out what other parts of the legislation which need to be worked on, it is not the intent to say this legislation is not good.

The legislation is good. It's a great first step, I think, but as we talked about in our debate, there are certain components that need clarification, moving forward.

And obviously that is the work, as we move on in 2014, to see what are those areas in terms of the mandated reporter not reporting, now what is, what is the process by which a person can get off the

registry. So those are some concerns we have. And, of course, I'm sure they will be addressed in due course of time.

But as a piece of legislation, it definitely is important to -- to bridge this gap, to bridge this gap of the people that are not adequately covered, unfortunately susceptible to all of these atrocities that happen to them, hopefully not day in and day out but does happen. We know that; we hear of that, and this piece of legislation definitely tries to bridge that.

Thank you, Madam Speaker. And I will be looking forward to listening to this debate as this moves on. And I want to thank the good Chairwoman for her answers.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further on the bill before us? Will you care to remark further on the bill before us?

If not -- oops, Representative Carter, you have the floor, sir.

REP. CARTER (2nd):

Good afternoon, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Good afternoon.

REP. CARTER (2nd):

Madam Speaker, just a through question -- few questions through you to the proponent of the bill, please.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. CARTER (2nd):

Thank you. And first I'll say good morning to the illustrious member of the 83rd District. And I appreciate all your answers, so far.

I'm still trying to get my head around just a couple of things that are pretty simple about the bill. You know, first off, looking at the bill, the scope, I understand this registry exists within DSS and it seemed to be geared towards only DSS employees who have been fired or terminated because of abuse and neglect, such as that. Does this, by adding on, you know, folks who have had individuals receiving funding from the Department of -- Division of Autism Spectrum Disorders, isn't that kind of like redundant in a sense because either -- either they've -- they've done

something against a person with an intellectual disability or they've done something against somebody with Autism Spectrum Disorder. Are those the same thing? I mean, I kind of need to understand autism a little more.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, no, they aren't one in the same. People that are on the spectrum that have autism can have intellectual disabilities but not all of them do. And because DDS is a new, the Autism division is new, we thought it was important for them to have their own registry.

And if I could just for clarification -- I just wanted to make sure -- I thought you had said "DSS" at the beginning but it's, we're talking about DDS; I know this alphabet soup can get a little crazy here.

But through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Carter.

REP. CARTER (2nd):

Thank you, very much. And I do stand corrected;

I think I said DSS. It is alphabet soup sometimes.

So -- so the way I understand it then, autism is its own, it's really its own disorder, in a sense, in that -- and this make a lot of sense, I think, adding this in there.

Again, this -- this only seems to go towards people who were previously discharged or were in some way terminated from DDS.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, the Representative is absolutely correct.

DEPUTY SPEAKER ORANGE:

Representative Carter.

REP. CARTER (2nd):

Thank you, Madam Speaker.

So I guess one of the questions I have, are -- are there, is there any mechanism or are there any people out there we should be looking for who were in some sort of private institution who were ever convicted of neglect or something like this, that we could also include in this kind of registry?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, could the good Representative just repeat that last portion? I apologize.

DEPUTY SPEAKER ORANGE:

Representative Carter, would you please repeat?

REP. CARTER (2nd):

Yes, Madam Speaker. And I guess what I'm trying to understand is if -- if we're looking at this registry as being something that we use only for former employees of DDS that were terminated or have been in some way found to have harmed or neglect of -- of a person with an intellectual disability, then I guess my next question is: Is there a way that we can encompass people from private jobs who would also be somebody who we should put an a registry like this, who shouldn't be dealing with those kinds of folks; if that makes sense?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

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REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, the Representative makes a good point, but this particular legislation only covers former employees, currently, but I would be more than happy to work with him on that next session.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Carter.

REP. CARTER (2nd):

Thank you, very much, Madam Speaker.

And through you, Madam Speaker, I'm looking at lines 28 to 31. There was some -- some questions by our illustrious Ranking Member of the Public Health Committee, talking about financial exploitation. And I wanted to make sure I understood that because when they're talking about financial -- financial exploitation in the bill, it's talking about money or resources that is intended to be used for an individual who gives or receives service from the funding from the department. So when it says "intended to be used," I'm getting some sort of implication there that it's -- it's just the financial services or the -- or the resources that we've

provided that if they were stolen or misappropriated, you know, in some other way, those would constitute a financial exploitation.

I'm curious if -- if personal property or personal monies of somebody who is -- is under care of this group, would that also be covered as abuse.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, the way I read it, I think the Representative is correct; that would be included.

DEPUTY SPEAKER ORANGE:

Representative Carter.

REP. CARTER (2nd):

Excellent; thank you, very much, Madam Speaker.

So earlier we were talking about private firms or I mentioned private firms being covered. Would it be reasonable to assume that some of those private firms would receive funding from the department in some way and those would be, if anything happens in a private firm, they've received funding, and they've done anything to be a willful neglect, they would also be

added to the registry?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, if they are contracted with DDS and they are found to be abused, you know, under any of these definitions, they are found criminal in that, then yes, they would qualify to be on this registry.

Through you.

DEPUTY SPEAKER ORANGE:

Representative Carter.

REP. CARTER (2nd):

Thank you, very much.

And through you, Madam Speaker, there was some talk earlier about who the mandatory reporters were, and it gives a list in Section 6. And at the end of that list -- that, you know, we were talking about the possibility of penalties -- at the end of the list it does talk about in current statute that any person required to report in a subsection and fails to make report shall be fined not more than \$500.

I'm curious now with adding, with adding

everything in, in this current bill, was any consideration given to putting a criminal penalty in for somebody who did not report the neglect?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, I do not remember the testimony on that, so I cannot answer that question.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Carter.

REP. CARTER (2nd):

Thank you, very much, Madam Speaker.

And I asked that question because, yeah, it doesn't say anything about criminal penalty. It -- it certainly would be a good idea to consider that in the future. It wouldn't be anything I would hold up this legislation, however, you know, to achieve right now.

Looking -- looking at lines 20 -- excuse me -- 283 to 288, this is a point where any other person who has reasonable cause to believe somebody has been abused and in some form may report such information to a director. Through you, Madam Speaker, if it's, if

it's any other person having reasonable cause to believe, wouldn't those any other people be already employees of DDS in some way or employee of a home; so wouldn't they already be covered and mandatorily responsible for reporting that?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, the way I am reading this particular section, Section D, I would agree with the Representative on his reading of this.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Carter.

REP. CARTER (2nd):

Thank you, very much, Madam Speaker.

And the reason I asked that question -- and -- and it's certainly not to hold up this legislation, but I think in the future, if we are talking about any other person, the -- the chances are they're somebody who's already an employee. Maybe we should consider changing that may report to a shall report in the future.

I would understand, though, if -- if just an average person out there in the street finds out there's abuse or neglect, that we probably could not put a statute in place telling them they have to report. But in this case, if it's somebody who's, could possibly be an employee of -- of any of the state agencies, I think that's something we need to take a look at.

Madam Speaker, I'd like to thank the Chairman of the Human Services Committee for her answers, and her representation of the 83rd District.

You know, ladies and gentlemen, as I've heard the debate on this bill, it really does sound like a very common-sense thing to support. You know, I've even learned through this debate that, you know, the mental or the intellectual disability is far different than autism.

I think this week there's been a lot of talk about autism; I think it's something that I need to learn more about. And I -- I hope the -- the folks in the Chamber feel the same way, because it's an important thing to our constituents, and it's really an important thing in our, in our state as a whole. So I think this bill really does start to address some

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of that, and I'm going to be very glad to support it  
at the end of this debate.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further on the bill  
before us? Will you care to remark?

Representative Case.

REP. CASE (63rd):

Good afternoon, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Good afternoon --

REP. CASE (63rd):

How are --

DEPUTY SPEAKER ORANGE:

-- sir.

REP. CASE (63rd):

-- you today?

DEPUTY SPEAKER ORANGE:

Fine. How you are?

REP. CASE (63rd):

How's your family doing?

DEPUTY SPEAKER ORANGE:

My family is fine. And yours?

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REP. CASE (63rd):

Good; thank you, very much.

DEPUTY SPEAKER ORANGE:

Good.

REP. CASE (63rd):

I have a few questions to the proponent of the bill, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. CASE (63rd):

Madam Speaker, does this autism spectrum fall under DDS laws as they current exist, as far as abuse and neglect?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

I'm not exactly sure what the Representative is asking. If he's asking if this legislation is directed toward DDS, then yes, that is the answer.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Case.

REP. CASE (63rd):

We do have some strict laws on the books on DDS, as regards to abuse to our -- our great population that's out there, and I just was curious if they're under the umbrella and if we're just adding legislation or if there's something not in the current legislation that would cover this population.

Through you, Madam Chair -- Madam Speaker; excuse me.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

So I could be a little tired today, Representative, so I'm just going to rephrase that to see if I'm understanding your question. Currently, abuse and neglect has to go through the Office of Protective Advocacy. Since the autism division is new, they have not had a registry under their division. This legislation gives them the authority to have a registry, especially for providers that come in and want to contract with DDS. This will be another tool for them to use to make sure that people that they are hiring have not been fired due to abuse or neglect.

I hope that answers, the question.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Case.

REP. CASE (63rd):

Yes, it does and I will move on. I'm having a little deja vu; I think -- think I'm here from yesterday, but the good Madam Chair, if she has a, can hold up for a few more questions from myself.

How long if a person is convicted will they be on this registry?

Through you, Madam --

DEPUTY SPEAKER ORANGE:

Representative --

REP. CASE (63rd):

-- Speaker.

DEPUTY SPEAKER ORANGE:

-- Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, my understanding is there is also a process for them to come off the registry. I'm not sure if there's a time limit that they have to be on. I would assume it's like any other appeal process.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Case.

REP. CASE (63rd):

Thank you, Madam Speaker.

I'm concerned. In reading through the bill, I just want to make sure; it says that any person receiving monies through the Office of the Autism Spectrum Disorder services. What if there is a parent that brings forward the possible abuse to the agency that might have happened elsewhere? Does this bill only allow it to be effective if it was an employee of someone receiving monies from the Office of -- of Autism Spectrum Disorder?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

So through you, Madam Speaker, I would assume if -- let's use a scenario -- say a parent is at a volunteer program and they see that their child is abused, I would assume that they would call the Office of Protection and Advocacy first. I don't think that this current legislation would put them on the DDS registry. But we do have a process in the state for

individuals to be -- be able to report abuse and neglect.

Through you, Madam Speaker; I hope that answers the question.

DEPUTY SPEAKER ORANGE:

Representative Case.

REP. CASE (63rd):

It does. And, thank you, Madam Speaker.

And through you, so what if the actual victim comes through and is able to verbalize the possibility of abuse; can that go through to the agency and be investigated?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

So Representative Case is trying to play stump the Legislator today.

I would assume it would be the normal process that we have, that it would go through the Office of Protection and Advocacy.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Case.

REP. CASE (63rd):

Thank you, Madam Speaker.

And in no way am I trying to stump the good Chairperson; it's -- of Human Services -- it's very personable for me, because my brother came to me and reported abuse. And it actually came to a court case to where action was taken place by DDS, and that's why I asked the question.

Through you, Madam Chair, on the financial end of it, does this autism spectrum follow the same regulations through the legislation of DDS to where a caseworker or a worker that's working with this individual can withdraw \$10 a day out of their account without reporting?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, that isn't covered in this legislation, so I'm not sure what current practice is.

Through you.

DEPUTY SPEAKER ORANGE:

Representative Case.

REP. CASE (63rd):

Okay; maybe at a later date we can talk about that, because that has happened and it is not against the law to do that for somebody who's under the care of somebody in the DDS field. So we should really look into that.

Through you, Madam Chair, I know the -- the good doctor here, Srinivasan, brought up a question regarding agencies as far as he's named, Special Olympics. As some people know, I worked for them for a few years, and they require background checks for any, for all of their volunteers at their games, because they are liable for the people that they put on the fields with their -- their good athletes. Does this bill allow them free access to this registry or do they actually have to require?

Through you, Madam Chair.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, they would have to request to look at the registry.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Case.

REP. CASE (63rd):

I know this is a far reach, Madam Speaker, but can that request be denied or are we intended through legislative intent to grant them that view of the registry so that we make sure everybody is safe in those situations?

Through you, Madam Chair.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Chair, the Representative is actually very correct in that. We want to make sure that everyone is safe.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Case.

REP. CASE (63rd):

Okay; another question, through you, Madam Chair.

Does this bill cover all schools and universities?

Through you, Madam Chair.

DEPUTY SPEAKER ORANGE:

Speaker.

Representative --

REP. CASE (63rd):

Oh, Speaker.

DEPUTY SPEAKER ORANGE:

-- Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, in what respect?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Case.

REP. CASE (63rd):

Let's say, as we all know in the autism spectrum, you know, you can have very high functioning that attend our good community colleges or universities, and say there's somebody who's in the age of, let's say 45 or 50, and they're attending this university and they're verbally abused by somebody within the university because they don't get it, is what I say. Is that cause for an investigation if that's reported?

Through you, Madam Chair.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. CASE (63rd):

Madam Speaker, sorry.

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REP. ABERCROMBIE (83rd):

Through -- through you, Madam Speaker -- we'll get it right by the end of the day. Under this current legislation, I, the way I read it, they would have to go through the Office of Protection and Advocacy; that's where they would do that reporting to do an investigation.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Case.

REP. CASE (63rd):

Thank you, Madam Speaker.

Real quickly, with the definition, page 50 -- or lines 57 through 58, on verbal abuse, it's very broad to me. And could the good Chair explain any more definition of the verbal abuse?

And through you, Madam Chair -- Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Is the good Representative asking for a broader definition? I'm -- I apologize -- I'm not sure what he's asking.

Through you, ma'am.

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DEPUTY SPEAKER ORANGE:

Representative Case.

REP. CASE (63rd):

That would be correct, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

So in line 57 through 59, it says verbal abuse means the use of offensive or intimidating language that is intended to provoke or cause the distress of an individual who receives services or funding from the department.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Case.

REP. CASE (63rd):

Okay; through you, Madam Chair, I'll make a few comments and I'll give the -- the good Chairman of Human Services a rest too. I think she'll have a few other speakers talking to her.

This is a good bill and I, and I applaud the good Chairman of Human Services in her -- her duties with the autism spectrum and what she does. I'm very passionate about this, myself, not only for autism but

people with disabilities because they are our people in the state of Connecticut. And we need to do everything we can to protect the people who don't have the voice, because we are their voice.

This type of legislation is very important, but I also feel through the good efforts of the Chairman -- Chairwoman of Human Services and others, the biggest part of this is education. Us as Legislators here in Hartford need to be educated about our special population out there so that they are safe wherever they go.

And one second here -- so I just don't want people to be afraid this legislation doesn't say anything, but as the -- the good Chairperson of the Human Services -- I think she would agree with me -- a lot of these special needs people are -- are huggers, that I call them, so I don't want the sexual abuse and all that to be brought onto people and people to be afraid to go and speak and talk, because I know there's a lot of them here today in the Capitol.

And with that, I'll reserve the rest for questions later on or comments, but through you, Madam Speaker, I just really want to thank the -- the Chairwoman of Human Services for the job that she does

and for this bill that she's brought forward to us today.

Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, Representative Case; very well said.

Will you care to remark further on the bill before us?

Representative LeGeyt, of the 17th, good afternoon. You have the floor, sir.

REP. LeGEYT (17th):

Good afternoon, Madam Speaker. It's a pleasure to rise and speak today, especially through you.

I have some questions for the proponent of the bill, if I may.

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. LeGEYT (17th):

Thank you.

Clearly someone who suffers from the symptoms of the Autism Spectrum Disorder is a disadvantaged person with regard to their ability to relate, communicate, and interact with other members of the public, be it simply for purposes of communicating through a friendly relationship or through situations of

employment. And I am pleased that this bill is before us. I'm pleased that these details are being put into statute, but I have some questions regarding that.

With regards to the bill, in lines 5 through 10, talking about abuse, Section B there, on line 7, talks about willful deprivation of services. I'm -- I'm sure that there are shades of gray with regard to willful, and in the interaction between some caregiver and a person who suffers from the Autism Spectrum Disorder, who's going to determine whether or not the deprivation of services is willful?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, if someone is accused of this particular definition, then there will be an investigation through the department.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you, Madam Speaker, and thank you for that answer.

With regard to the investigation, however, when it comes to deciding whether or not the deprivation of services was willful, it could be in the caretaker's realm of judgment to deprive a person suffering from the Autism Spectrum Disorder of services for a number of reasons that would be beneficial to that person, and get they would be willful.

So I'm assuming that the complaint about abuse would be from a third party or possibly from the patient him or herself, and so I'm just concerned about the determination of willful in sort of invading the -- the realm of authority that the caregiver has to determine whether services are properly offered at a given time and could be construed as a willful deprivation of services by somebody else. Could the, could the good Chairman of the Human Services Committee enlighten me as to some of the framework around that dynamic?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, I think that the good Representative raises a good point, and I think

Representative Case had spoke to it a little bit. I think it goes to education, so if you, if you understand the autism community, then you understand what their needs are.

So, for an example, a child in school may tap his pencil, and this is how he stays on track for what he's doing in the classroom. If a teacher takes that away, is that willful? You know, is it -- or is it that she didn't understand that part of his disability is that it keeps him on track by hitting the pencil? So I think for that part of the definition, it goes to education.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you, Madam Speaker, and I appreciate that answer.

We certainly need to clarify some of these things for legislative history such that when they occur after this is, this statute is in place, then people can understand the framework in which some of these things are to be determined.

It also says in line 7 and 10 that abuse has to

do with verbal abuse and sexual abuse. And I know with sexual harassment, from my time spent in the public sector, that sexual harassment is to be determined based on the sentiments of the victim not the sentiments of someone who's even an -- an observer. It's if in the mind of the victim that person was harassed, then that's what constitutes the harassment.

In this case for sexual abuse or verbal abuse, would those thresholds be determined by the victim or would, who would be, who would be the determiner of whether or not sexual abuse or -- or verbal abuse has occurred?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, I think that the definition, all of the definitions are pretty clear as to what the, what the clarification of the definition is. So when they're doing the investigation, if it meets the definition that would determine if there's going to be any ramifications.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you, Madam Speaker.

And, therefore, as an example, if a third party observed a caregiver using strong verbal language -- and I know this was asked prior -- using strong verbal language for a person with ASD, it would be up to that person to represent to some investigative source that it was his or her opinion that verbal abuse was going on, even if the person with ASD wouldn't -- wouldn't agree or wouldn't have recognized it as happening and so therefore would not necessarily have been a victim. Is that the, is that the understanding that the good Representative has?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, I think that the definitions are pretty clear, so it would be if the criteria meets a definition, then yes, it would be considered, you know, whether verbal abuse, sexual abuse, psychological abuse.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you, Madam Speaker.

On lines 46 through 50, talking about sexual abuse, it breaks the -- the definition down into two parts, (a) sexual conduct and (b) encouragement by an employee to engage in sexual activity. Again, much like my prior question regarding who's to determine whether or not the encouragement rises to the level of abuse, certainly there may be situations where the person with ASD is incapable of understanding that they might be, they might be encouraged to engage in sexual activity. So is it the understanding of the Representative that -- that it may well be a third party who could demonstrate and -- and attest to the fact that in their opinion encouragement occurred?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, I think it goes to one of the comments that we made originally was

education, understanding this disability. Part of people with autism's disability is the part where they have a hard time understanding the difference between right and wrong. So if you tell an individual to do something, nine out of ten times they will do it, thinking it's the right thing to do. So I think that this definition really protects these individuals, because it's very easy to suggest to them to do something and for them to do it.

So through you, Madam Speaker, I think this is a great protection in this line.

DEPUTY SPEAKER ORANGE:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you, Madam Speaker, and I agree, and I appreciate the comments by the good Representative. The more that we can substantiate and further define what some of these terms mean will -- for purposes of legislative history -- will further protect this process from any misunderstanding or incorrect activity that might result from not understanding just what these terms mean. And so I appreciate that answer.

In lines 66 through 71, it talks about the

investigation that the Commissioner might undertake through any reports alleging abuse or neglect. And it speaks to the fact in line 69 that it shall include a visit to the residence of the individual reported to have been abused or neglected.

If the alleged abuse or neglect is a result of something that happened in the workplace or in some training facility, then what is the purpose for mandating that there be a visit to the residence of the individual?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, because a lot of services are delivered at the home under, with people with autism -- they do a lot of in-service -- this just clarifies that they can go into the home if an allegation is being made by someone that does the service, provides the services in the home. ABA, applied behavioral analysis, as we know, is very successful in this, in this population, and they do those services at home, especially with the younger kids.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you, Madam Speaker, and thank you for that answer.

Lines 102 through 131, having to do with the registry, I know that some questions have been asked already about the registry; just a couple more, and I hope that they're not duplicative of what's been asked already.

Line 103, it says that DDS shall establish and maintain a registry of former employees. And I'm wondering if former employees would not, is not specific to DDS but to what other entities.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, this particular legislation only pertains to individuals through the Department of Developmental Services.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you, very much, Madam Speaker.

And so that means that it would only be employees of DDS or employees of other quasi-public agencies that service people under the care of DDS or other departments that have some contractual relation with DDS. What's the scope of the agencies or entities or associations or organizations for which this particular section of the act would apply?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, I think the Representative made a good point. It's exactly what you said; it's employees of the agency, itself.

So for example, I have a group home that provides services to individuals on the autism spectrum. If I'm convicted of abuse and neglect, I would go on this registry. This way if I applied for a job at another group home, that group home who contracts with DDS would have access to this information.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you, Madam Speaker.

So to further, to further define what that section means, is it the understanding of the good Representative that it would mean maintain a registry of former employees who actually have contact with persons with -- with Autism Spectrum Disorder?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, the Representative is absolutely correct.

DEPUTY SPEAKER ORANGE:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you, Madam Speaker, and I just wanted to clarify that for purposes of legislative intent and legislative history.

Lines 112 through 119, talks about the various things that will be included in the registry Number 2 of which is the date of termination or separation, and

then down in lines 132 through 136, the department shall limit responses to requests for information to identification and the type of adduce or neglect.

Was there a reason why the department would not share the date of termination or separation from the information that the department would be willing to share? I can imagine that the dates would be very relevant if it happened five years ago, ten years ago or last month; I would think that would be important. And I also think that simply to include the date would not be discriminatory at all to the former employee if the department included that information as well. Is there, is there a reason for that omission?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, I don't have that answer.

DEPUTY SPEAKER ORANGE:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you for that, Madam Speaker.

In lines 120 through 131, it talks about making

information available and defines the universe of those entities for which the information will be offered. And Number 4, line 127 says charitable organizations that might recruit volunteers.

Just to get a sense of what the scope and breadth of that section means about charitable organizations and recruiting volunteers, would those charitable organizations only be limited to the organizations that, where volunteers would have contact with the person with ASD or are there -- there are any number of other functions that a charitable organization might perform with regard to DDS and persons with ASD? And I just wonder where the line is to be drawn as far as making information available to the extended layers of organizations, charitable organizations.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, I would assume that when a volunteer organization -- and let's use Special Olympics, who does a phenomenal job -- requests this information that they would have access to it. I can't think off the top of my head who would not be

able to have access to this. I would assume if you're talking about a YMCA who's running a clinic for children that are on the spectrum and they're bringing in volunteers, they would have access to this information.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you, Madam Speaker.

Is it fair to say, is it fair to say that the determining factor for whether a charitable organization would be included in this registry information availability would be based on whether or not the volunteers with that charitable organization had contact with the, with a person with ASD?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, that makes very much sense to me.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you, Madam Speaker, and I appreciate those answers.

And as I said before, I think this is a good bill, and I'm glad to get some clarification on some of these situations so that we make a more informed choice when we vote on this legislation.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Would you care to remark further on the bill before us? Will you care to remark further on the bill before us?

Representative Molgano. Good afternoon, sir; you have the floor.

REP. MOLGANO (144th):

Good afternoon, Madam Speaker. How are you?

DEPUTY SPEAKER ORANGE:

I'm fine. How are you?

REP. MOLGANO (144th):

I'm doing fine.

DEPUTY SPEAKER ORANGE:

Good.

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REP. MOLGANO (144th):

Thank you.

Madam Speaker, there are wait lists for individuals with developmental disabilities and Autism Spectrum Disorder who are seeking services from DDS.

That said, if I may ask a couple questions of the proponent of the bill?

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

Representative Abercrombie, are you able to hear?

REP. ABERCROMBIE (83rd):

I'm not (inaudible).

DEPUTY SPEAKER ORANGE:

Would you repeat the question?

REP. MOLGANO (144th):

I haven't asked it yet, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Representative.

REP. MOLGANO (144th):

Thank you.

Through you, Madam Speaker, is it possible a person on a wait list with Autism Spectrum Disorder could have contact with an employee of DDS or any agency or organization or person that's licensed or

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funded by the department?

Through you.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, if I could repeat what I think I heard from the good Representative, if that would be okay? So are you asking if someone that's on a wait list for one of our waivers, is getting services through the department and files a complaint under this definition that would be covered? If that's the question, yes.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Molgano.

REP. MOLGANO (144th):

Thank you, Madam Speaker.

Just to clarify, the person is on the wait list; they're not actually receiving services or funding yet.

Through you.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie, the person is on the wait list not yet receiving services.

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REP. MOLGANO (144th):

Correct.

REP. ABERCROMBIE (83rd):

So I apologize but then how would the abuse take place if they're not receiving services? I'm not, I'm not sure who the good Representative is referring to that would do the abuse.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Molgano.

REP. MOLGANO (144th):

I was asking, Madam Speaker, if it's possible that a person on a wait list could have contact with someone who is being paid for by services from funding by DDS.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

So through you, Madam Speaker, if I could just rephrase it and -- and hopefully I'm answering the question this time. So is the good Representative saying I'm a mom with a child that has autism and I am paying out-of-pocket for services, myself, and the person that's coming in, say it's ABA, applied

behavioral analysis is doing this service and I see them abusing my child, then I can report them and that person could go on this abuse list.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Molgano.

REP. MOLGANO (144th):

Perfect analogy, Madam Speaker; thank you.

So is that a yes?

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, the Representative is absolutely correct. I apologize.

DEPUTY SPEAKER ORANGE:

Representative Molgano.

REP. MOLGANO (144th):

Thank you; no apology necessary.

Between lines 28 and 59 of the bill, the language defines financial exploitation, psychological abuse, sexual abuse, and verbal abuse as pertaining to an individual who receives services or funding from the department.

My question to the good Chairwoman of Public

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Health is: Under this bill, would an individual with is Autism Spectrum Disorder and is waiting on services or funding have recourse to an investigation by DDS, having suffered abuse?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, if it's the same scenario that we were talking about where I'm a mother of a child with autism, I have someone coming into my home doing these services, say under ABA, applied behavioral analysis, if that person abuses my child, yes, I can report them and have an investigation.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Molgano.

REP. MOLGANO (144th):

Thank you, Madam Speaker.

I thank -- thank the good Chairwoman for the clarification, because as the bill reads, it explicitly says those who -- who receive or receive services -- excuse me -- receive services or funding. So if they're on a wait list, technically they're not

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receiving services or funding, but the good Chairwoman made it clear that they still had recourse for action.

I want to thank the good Chairwoman and the entire Public Health Committee for bringing forth further protections for individuals with special needs and for advocating on behalf of those who may be limited in advocating for themselves.

Thank you, Madam Speaker, and thank the good Chairwoman of Public Health.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further on the bill before us? Will you care to remark further?

Representative Kokoruda, of the 101st; you have the floor, madam.

REP. KOKORUDA (101st):

Thank you, Madam Speaker.

I just want to say to Representative Abercrombie how much we -- we really appreciate all this clarification today and all the work on this bill. It is a great bill and I think right now there's only one thing left to say: It's a good bill; it ought to pass.

DEPUTY SPEAKER ORANGE:

Thank you, Representative Kokoruda.

Would you care to remark further on the bill before us? Will you care to remark further on the bill before us? Care to remark?

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.

The House of Representatives is voting by roll. Will members please return to the Chamber immediately.

DEPUTY SPEAKER ORANGE:

Have all members voted? Have all members voted?

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

And will the Clerk please announce the tally.

THE CLERK:

Madam Speaker, on House Bill 5456.

Total number voting	146
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Necessary for passage	74
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Those voting Yea	146
------------------	-----

Those voting Nay	0
------------------	---

Absent, not voting	5
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DEPUTY SPEAKER ORANGE:

The bill passes.

Will the Chamber please stand at ease.

(Chamber at ease.)

(Deputy Speaker Godfrey in the Chair.)

DEPUTY SPEAKER GODFREY:

The House will come back to order.

We have many opportunities to welcome guests to our Chamber every year, and today is a very special one because it's an invitation and a participation of the interns who have spent most of this last session with us, working with us, working for us, and hopefully coming away with a little bit of education in issues, in research, in just how people get along in a workplace. And I'll tell you, having been delighted to work with them, especially when they did their mock House session, a few weeks ago, it was just fascinating. Either they act an awful lot like us or we act an awful lot -- lot like them; figure that one out for yourself.

But we're here today to celebrate their participation in the work of the Connecticut General

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**VETO  
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SENATOR LOONEY:

Thank you, Madam President. Moving to Calendar Page 22 where there are three items. The first, Calendar 536, House Bill 5546, move to place on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President. Second, Calendar 541, House Bill 5456, move to place on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

And Calendar 539, Calendar 539, House Bill 5294, move to place on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President. Moving now to Calendar Page 25, where we have a single item, Calendar 564, House Bill 5489, move to place on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Calendar Page 26, Madam President, where we have three items. The first, Calendar 568, House Bill 5434, move to place on the Consent Calendar.

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Calendar 500, House Bill 5547.

On Page 18, Calendar 507, House Bill 5530.

On Page 19, Calendar 512, House Bill 5386.

Calendar 514, House Bill 5521.

Calendar 516, House Bill 5500.

Calendar 517, House Bill 5305.

On Page 20, Calendar 527, House Bill 5592.

Calendar 528, House Bill 5453.

On Page 21, Calendar 531, House Bill 5299.

Calendar 533, House Bill 5290.

On Page 22, Calendar 541, House Bill 5456.

Calendar 539, House Bill 5294.

On Page 24, Calendar 551, House Bill 5588.

Calendar 552, House Bill 5269.

On Page 25, Calendar 564, House Bill 5489.

Calendar 562, House Bill 5446.

(HB5466)

On Page 26 --

THE CHAIR:

Hold on. Okay. Sorry. Please proceed.

THE CLERK:

On Page 26, Calendar 568, House Bill 5434.

Calendar 569, House Bill 5040.

Calendar 566, House Bill 5535.

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SENATOR LOONEY:

If we might pause for just a moment to verify a couple of additional items.

Madam President, to verify an additional item, I believe it was placed on the Consent Calendar and Calendar Page 30, on Calendar Page 30, Calendar 592, Substitute for House Bill 5476.

THE CHAIR:

It is, sir.

SENATOR LOONEY:

It is on? Okay. Thank you. Thank you, Madam President. If the Clerk would now, finally, Agenda Number 4, Madam President, Agenda Number 4 one additional item ask for suspension to place up on Agenda Number 4 and that is, ask for suspension to place on the Consent Calendar an item from Agenda Number 4.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President, and that item is Substitute House Bill Number 5566 from Senate Agenda Number 4.

Thank you, Madam President. If the Clerk would now, if we might call for a vote on the Consent Calendar.

THE CHAIR:

Mr. Clerk. Will you please call for a Roll Call Vote on the Consent Calendar. The machine will be opened.

THE CLERK:

An immediate Roll Call has been ordered in the Senate.

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An immediate Roll Call on Consent Calendar Number 2 has been ordered in the Senate.

THE CHAIR:

If all members have voted, all members have voted, the machine will be closed. Mr. Clerk will you please call the tally.

THE CLERK:

Consent Calendar Number 2.

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 passes. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Two additional items to take up before the, our final vote on the implementer. If we might stand for just, for just a moment.

The first item to mark Go is, Calendar, to remove from the Consent Calendar, Calendar Page 22, Calendar 536, House Bill 5546. If that item might be marked Go.

And one additional item, Madam President, and that was from Calendar, or rather from Agenda Number 4, ask for suspension to take it up for purposes of marking it Go, that is House Bill, Substitute for House Bill 5417. Thank you, Madam President.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

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towards higher rates of this, it's going to be really costly for us in the future. That's not too hard to figure out I guess.

REP. GODFREY: And -- and you're absolutely right, we can stop it if we take action. If we just let it go, it's just going to get more and more and more expensive.

REP. MILLER: All right. Thank you, Representative, and thank you, Chair.

REP. JOHNSON: Thank you so much.

Any additional questions?

Thank you so much for bringing this to our attention and we'll be interested in working with you on this so that we can make the adjustments.

REP. GODFREY: I look forward to it.

REP. JOHNSON: Thank you very, very much.

Commissioner Macy.

COMMISSIONER TERRENCE MACY: Good morning.

REP. JOHNSON: Welcome.

COMMISSIONER TERRENCE MACY: Thank you. Good morning, Representative Johnson and members of the Public Health Committee. I'm Terrence Macy, Commissioner of the Department of Developmental Services. With your permission, I'd like to run through our five bills and our comments on another couple bills. Compared to the levity of some of the issues that you address on an everyday basis, our issues are relatively minor.

#B5456  
SB362

But let me start off with companion bills, House Bill No. 5456 and Senate Bill No. 362. This concerns abuse and neglect regarding persons with autism spectrum disorder. And I don't get the opportunity to correct my -- my good colleague, Mr. McGaughey very often, but our bill does provide for the opportunity for informants to call anonymously. And this bill addresses not families, but staff of agencies with the purpose of if they commit an abuse or neglect, to get their names on our abuse and neglect registry. He is most correct, however, when he notices that we're in an awkward position. We don't really have much issue with his issues, we work very closely together and we concur on most all items.

But on this particular one, we -- we have some very specific issues that have occurred. And at this point in time, no one has defined jurisdiction to do investigations and come to a determination. And I feel very strongly as you probably already know about prevention, and then once we find it -- investigation and prosecution on abuse and neglect. So our -- our problem is -- and he is correct insomuch as there are more thorough ways to do it, and we can certainly work with him on that. But we have an immediate need to have a process in place to be able to get guilty parties onto the abuse and neglect registry. And that's really what we're trying to forward.

The companion bill kind of clears up some terminology and some issues that are more procedural than anything else. So I don't know if you have comments on that or do you want to save comments until I finish?

REP. JOHNSON: It's all right. If you -- either way is fine with me. If you feel like that you want to discuss this a little bit in terms of

your relationship with OPA, then maybe we could go through that if you're -- if you want to do that.

COMMISSIONER TERRENCE MACY: That's fine.

REP. JOHNSON: So it might be a -- might be something that would be helpful and that way we don't have to remember all of our -- all of our questions. So that's a good idea.

COMMISSIONER TERRENCE MACY: Okay.

REP. JOHNSON: Whichever way you want to do -- do this. So let's just talk about some of your remarks and some of the differences between what the testimony was from OPA and -- and where you see you can bridge the gap so that we can have the, I mean this is a very, very important issue when there's abuse and neglect. And we need to be able to make sure that the agencies work together and that we are able to coordinate whatever types of reporting has to be done. So if you want to just, you know, go into a little detail there so the Committee can understand that and perhaps work with OPA to fix some of the language so we don't have to keep coming back to try and address some of these issues, that would be really most helpful. So please proceed.

COMMISSIONER TERRENCE MACY: Okay. I do want to point out that our bill addresses the persons who are currently served in our autism spectrum division, so it's not, you know, the entire cohort of all persons on the spectrum, so that -- that would be a mighty subject to address. And ultimately, we collectively need to find way to do that because certainly more persons than the ones we support are -- are subject to abuse and neglect out there in the larger world. So that's one important part.

I don't have an argument about the -- having investigations done by a -- by an external party. I totally support that. But again it's a matter of resources. I would gladly turn this over completely to OPA, but it, you know, would appear their resources are limited to be able to address this. So again that's why we're and that's why we're introducing this. We have an immediate need that's not going to go away, we have a solution that's not the very best solution, it's not the most thorough solution, but it's a way to make sure that somebody who is found to have committed abuse and neglect, that we have a methodology in place to capture and deal with it.

REP. JOHNSON: Are there any questions on this particular legislation from DDS?

Okay. Please proceed to the next one.

COMMISSIONER TERRENCE MACY: Thank you. This is Senate Bill No. 256, AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES REVOLVING LOAN FUND. And just to be very quick about this, this simply is a solution to be able to have CHFA process our revolving loan fund. We currently do it in house. The person who does it is most likely going to be moving to Birth to Three which probably lose out of our department. So part of the issue for us is a resource. CHFA does the very same functions as we do with this. They're very familiar with it. As you may have seen, there's a letter from their executive director acknowledging that they have capacity to do this and they certainly know the protocol. In our mind, it makes sense for a very skilled party to be doing the same function and not having us just duplicate it. So that's the long and short of it.

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STANDING  
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**PUBLIC  
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**2014**



State of Connecticut  
Department of Developmental Services

**DDS**

Dannel P. Malloy  
Governor

Terrence W. Macy, Ph.D.  
Commissioner

Joseph W. Drexler, Esq.  
Deputy Commissioner

DEPARTMENT OF DEVELOPMENTAL SERVICES TESTIMONY  
BEFORE THE PUBLIC HEALTH COMMITTEE

March 5, 2014

Senator Gerratana, Representative Johnson, and members of the Public Health Committee. I am Terrence W. Macy, Ph.D., Commissioner of the Department of Developmental Services (DDS). Thank you for the opportunity to testify in support of our agency bill H.B. No. 5456 - An Act Concerning the Department of Developmental Services Abuse and Neglect Registry.

H.B. No. 5456 is a companion bill to our agency bill S.B. No. 362 An Act Concerning Mandatory Reporting of Abuse and Neglect of Individuals with Autism Spectrum Disorder and the Definition of Abuse. The bill makes more accurate references to whose name is being placed on the DDS Abuse and Neglect Registry. It makes specific that persons whose names appear on the registry are "former" employees who have been terminated from their employment because of substantiated abuse or neglect of an individual receiving services or funding from the Department of Developmental Services. This also makes clear that those employees who work with individuals with autism spectrum disorder receiving services from the department's Division of Autism Spectrum Services are also covered under the provisions of the DDS Abuse and Neglect Registry statutes.

As background for the committee, the DDS Abuse and Neglect Registry is maintained by the department for the purpose of allowing DDS and its provider agencies, the Department of Children and Families (DCF), the Department of Mental Health and Addiction Services (DMHAS), and charitable organizations which recruit volunteers to work with persons with intellectual disability to check to see if a potential employee or volunteer has been placed on the Registry because of a substantiation of abuse and neglect. The Registry provides a safeguard that could prevent employees terminated for abuse or neglect from getting re-employed working with persons with intellectual disability or other persons who may be at increased risk of abuse or neglect. The DDS Abuse and Neglect Registry does provide procedural rights for employees to challenge the placement of their name on the Registry.

The substantiation of abuse or neglect is done through the investigative processes of the Office of Protection and Advocacy for Persons with Disabilities (OPA), as well as those of DCF and the Department of Social Services (DSS) in collaboration with DDS's Division of Investigations. These investigations of abuse and neglect may lead to criminal charges against an employee but a substantiation of abuse and neglect can also lead to administrative sanctions up to and

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including termination of employment and placement of a former employee's name on the DDS Abuse and Neglect Registry.

My staff and I would be happy to answer any questions that you have on House Bill 5456. Please contact Christine Pollio Cooney, DDS Director of Legislative and Executive Affairs, at (860) 418-6066, if you would like additional information from DDS.