



House of Representatives

General Assembly

File No. 188

January Session, 2003

House Bill No. 6517

House of Representatives, April 7, 2003

The Committee on Human Services reported through REP. VILLANO of the 91st Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

***AN ACT CONCERNING THE OFFICE OF PROTECTION AND
ADVOCACY FOR PERSONS WITH DISABILITIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46a-11 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 The director may, within available appropriations:

4 (1) Purchase or contract for necessary services including, but not
5 limited to, legal services;

6 (2) Receive and spend, pursuant to the purposes of this chapter,
7 moneys in the form of gifts, bequests, state appropriations, state or
8 private grants or federal grants;

9 (3) Establish a state-wide toll-free telephone information and
10 referral system for persons with disabilities for referral of such persons
11 to appropriate public or private agencies or services. Such information

12 and referral system may be coordinated with the Governor's state-
13 wide information bureau or any other existing information and referral
14 services;

15 (4) Receive and investigate complaints from persons with
16 disabilities, parents or guardians of such persons or in writing from
17 any other interested person, act as an advocate for any person with a
18 disability and initiate or fund legal actions to protect the rights of any
19 person with a disability;

20 (5) Request and receive information, including personal data,
21 concerning a person with a disability from any state or private agency,
22 with the consent of such person with a disability, or the parent or
23 guardian of such person, as appropriate. With respect to a
24 developmentally disabled adult who has no guardian or whose
25 guardian is an employee of the Department of Mental Retardation, the
26 director may request and receive such information only if:

27 (A) A request for advocacy services has been made on his behalf;

28 (B) Such person does not indicate refusal to give consent to receipt
29 to the information by the director;

30 (C) Such person resides in a facility for developmentally disabled
31 persons, including any institution as defined in subsection (a) of
32 section 19a-490, or has been placed in a boarding home, group home or
33 other residential facility pursuant to section 17a-277;

34 (D) Such person has received an explanation of the manner in which
35 any information obtained concerning him will be used by the advocacy
36 office;

37 (E) Such person has received an explanation of his right to refuse to
38 allow the director to request or receive such information, and

39 (F) The director has documented his conscientious efforts to provide
40 the required explanations and verified that the developmentally
41 disabled person has not indicated refusal to give consent;

42 (6) Coordinate and cooperate with other private and public agencies
43 concerned with the implementation, monitoring and enforcement of
44 the rights of persons with disabilities and enter into cooperative
45 agreements with public or private agencies for furtherance of the
46 rights of persons with disabilities;

47 (7) Represent, appear, intervene in or bring an action on behalf of
48 any person with a disability or class of persons, with the consent of
49 such person or the parent or legal guardian of such person, in any
50 proceeding before any court, agency, board or commission in this state
51 in which matters related to this chapter are in issue;

52 (8) Implement, with the approval of the individual using a service
53 provided by the advocacy office, a case follow-up system;

54 (9) Research and identify the needs of persons with disabilities and
55 programs and services available to meet those needs;

56 (10) Develop and maintain a program of public education and
57 information, such program to include, but not be limited to, education
58 of the public concerning the needs and rights of persons with
59 disabilities, in cooperation with existing state and private agencies, an
60 outreach effort to discover persons with disabilities in need of
61 assistance or an advocate and provisions for a class or group advocacy
62 service;

63 (11) Develop and maintain an individual advocacy service for
64 persons with disabilities which shall investigate referred problems or
65 complaints; [and]

66 (12) Receive, review and make such recommendations as he deems
67 appropriate on applications for waivers from the requirements of the
68 State Building Code, submitted by the State Building Inspector
69 pursuant to the provisions of subsection (b) of section 29-269; and

70 (13) Ensure that all aspects of agency operations conform to
71 federally established protection and advocacy requirements for
72 program independence and authority, including:

73 (A) Structural independence from other agencies which provide
74 services to people with disabilities;

75 (B) Authority to pursue legal and administrative remedies on behalf
76 of persons with disabilities;

77 (C) Authority to investigate allegations of abuse and neglect of
78 persons with disabilities who receive care, treatment or services;

79 (D) Authority to access persons who are residents of facilities or
80 clients of services systems, and with appropriate consent, to access
81 such residents' records concerning care, treatment or services;

82 (E) Authority to educate policy makers, consumers and members of
83 the public about issues affecting persons with disabilities;

84 (F) Authority to reach out to members of traditionally underserved
85 populations; and

86 (G) Authority to develop an annual statement of priorities and
87 objectives and to solicit public comment and input on such process.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>

HS *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Effect
Office of Protection & Advocacy for Persons with Disabilities	None

Municipal Impact: None

Explanation

The bill clarifies the Office of Protection and Advocacy for Persons with Disabilities authority (and current practice) and will not result in a cost to the state.

OLR Bill Analysis

HB 6517

***AN ACT CONCERNING THE OFFICE OF PROTECTION AND
ADVOCACY FOR PERSONS WITH DISABILITIES*****SUMMARY:**

The Office of Protection and Advocacy for Persons with Disabilities is an independent state agency whose purpose is to protect and advocate for the civil rights of people with disabilities of all types. The bill clarifies the agency's authority by adding to the director's existing powers the ability to ensure that all aspects of the agency's operations conform to federal protection and advocacy requirements for program independence and authority. This includes structural independence from other agencies that provide services to people with disabilities and authority for the director to:

1. pursue legal and administrative remedies on behalf of people with disabilities;
2. investigate allegations of abuse and neglect of people with disabilities who are receiving care, treatment, or services;
3. have access to people who are living in facilities or are clients of service system and, with appropriate consent, to their care, treatment, or services records;
4. educate policy makers, consumers, and the public about issues affecting people with disabilities;
5. reach out to members of traditionally underserved populations; and
6. develop an annual statement of priorities and objectives and solicit public comment and input on this process.

EFFECTIVE DATE: October 1, 2003

BACKGROUND

Office Duties

State law specifically authorizes the agency to engage in advocacy, including legal advocacy; investigations of reports of alleged abuse or neglect of adults ages 18 to 59 with mental retardation; various community development and public education activities; information and referral services; and other specified activities.

In addition, the office administers several federal programs and is subject to federal requirements specifically aimed at people with developmental and other disabilities, people seeking rehabilitation services or assistive technology, people with mental illness, and beneficiaries of Social Security Disability Insurance and Supplemental Security Income.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Report
Yea 19 Nay 0