



General Assembly

February Session, 2004

Amendment

LCO No. 3723

SB0047003723SD0

Offered by:

SEN. MURPHY, 16th Dist.

To: Subst. Senate Bill No. 470

File No. 356

Cal. No. 283

**"AN ACT CONCERNING THE DEPARTMENT OF MENTAL
RETARDATION GUARDIANSHIP ASSESSMENT AND REVIEW
PROCESS."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 17a-210a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2004*):

5 (a) [The Commissioner of Mental Retardation shall establish] There
6 is established an independent [ombudsperson] ombudsman office
7 within the Department of Mental Retardation that is responsible for
8 receiving and making recommendations to the commissioner for
9 resolving complaints affecting consumers under the care or
10 supervision of the department or of any public or private agency with
11 which the department has contracted for the provision of services.

12 (b) The director of the ombudsman office shall be appointed by the
13 Governor, with the approval of the General Assembly. Said director

14 shall be an elector of the state with expertise and experience in the
15 fields of mental retardation and advocacy for the rights of the
16 consumers specified in subsection (a) of this section and shall be
17 exempt from the classified service.

18 (c) Upon the vacancy of the director of the ombudsman office by the
19 person serving in such position on July 1, 2004, and whenever
20 thereafter the term of such position expires or there is a vacancy in
21 such position, the Governor shall appoint the director of the
22 ombudsman office from a list of candidates prepared and submitted to
23 the Governor by the Council on Mental Retardation, established by
24 section 17a-270. The Governor shall notify the council of the pending
25 expiration of the term of an incumbent ombudsman not less than
26 ninety days prior to the final day of the ombudsman's term in office. If
27 a vacancy occurs in the position of ombudsman, the Governor shall
28 notify the council immediately of the vacancy. The council shall meet
29 to consider qualified candidates for the position of ombudsman and
30 shall submit a list of not more than five candidates to the Governor
31 ranked in order of preference, not more than sixty days after receiving
32 notice from the Governor of the pending expiration of the
33 ombudsman's term or the occurrence of a vacancy. The Governor shall
34 designate, not more than sixty days after receipt of the list of
35 candidates from the council, one candidate from the list for the
36 position of ombudsman. If, after the list is submitted to the Governor
37 by the council, any candidate withdraws from consideration, the
38 Governor shall designate a candidate from those remaining on the list.
39 If the Governor fails to designate a candidate within sixty days of
40 receipt of the list from the council, the council shall refer the candidate
41 with the highest ranking on the list to the General Assembly for
42 confirmation. If the General Assembly is not in session at the time of
43 the Governor's or council's designation of a candidate, the candidate
44 shall serve as the acting ombudsman until the General Assembly meets
45 and confirms the candidate as ombudsman. A candidate serving as
46 acting ombudsman shall be entitled to compensation and have all the
47 powers, duties and privileges of the ombudsman. An ombudsman

48 shall serve a term of four years, not including any time served as
49 acting ombudsman, and may be reappointed by the Governor or shall
50 remain in the position until a successor is confirmed. Although an
51 incumbent ombudsman may be reappointed, the Governor shall also
52 consider additional candidates from a list submitted by the council as
53 provided in this section.

54 [(b)] (d) The director of the [ombudsperson] ombudsman office shall
55 report monthly to the Council on Mental Retardation [established by
56 section 17a-270 and by December 15, 1999,] and, in accordance with the
57 provisions of section 11-4a, annually [thereafter,] to the joint standing
58 committee of the General Assembly having cognizance of matters
59 relating to public health."