



STATE OF CONNECTICUT

OFFICE OF PROTECTION AND ADVOCACY FOR
PERSONS WITH DISABILITIES

60B WESTON STREET, HARTFORD, CT 06120-1551

JAMES D. McGAUGHEY
Executive Director

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

Testimony of
The Office of Protection and Advocacy for Persons with Disabilities
Before the Human Services Committee

Presented by: James D. McGaughey
Executive Director
March 4, 2008

Good morning and thank you for this opportunity to comment on several bills on your agenda today. They are:

Raised Bill No. 5797, AN ACT CONCERNING THE AVAILABILITY OF QUALIFIED INTERPRETER SERVICES. The statement of purpose on this bill indicates it is “[t]o clarify the role of the Commission on the Deaf and Hearing Impaired in providing qualified interpreter services to persons who are deaf or hearing impaired in a variety of legal and administrative forums.” From a civil rights perspective, however, this proposal’s most significant provisions are those that speak to the right of a deaf person to interpreter services during judicial proceedings and police investigations. This is critically important because, notwithstanding the “effective communications” requirements of Title II of the Americans with Disabilities Act, it is too often assumed that written notes, or speech-reading, or even relying on people (like hearing family members) who have some ability to sign is sufficient to communicate with a deaf person. In reality, however, for many deaf people – particularly for people whose primary language is American Sign Language – these other means of communication are often woefully inadequate. Fundamental fairness requires that important legal processes be made genuinely accessible, and for a lot of deaf people that means making sure that a qualified sign language interpreter is present before any questioning or interviewing occurs, and before any legal proceedings commence. Our Office supports this specific requirement as it applies to judicial proceedings and custodial interrogations, and I would urge the Committee to also extend that same requirement to situations where a minor child who has a deaf parent is being questioned by law enforcement authorities.

Raised Bill No. 564, AN ACT CONCERNING SERVICES FOR PERSONS WITH MENTAL HEALTH NEEDS. This measure would take several steps to address the critical shortage of mental health services in our State, particularly for children. In addition to directing responsible agencies to increase the availability of certain types of acute and intermediate care services, the bill would also direct those agencies to reimburse providers at rates that are at least equal to the actual costs of delivering services. While our Office professes no particular expertise in questions of health care financing, we are acutely aware of the critical need to expand mental health services. The current situation, where outpatient services typically maintain lengthy waiting lists and many private practitioners refuse to participate in Title XIX (or even to directly deal with insurance companies) is clogging hospital emergency departments, discouraging people from seeking needed treatment, and inflicting tremendous suffering on individuals and families. So we support the goals of this bill and encourage you to continue to address this situation, which is nothing less than a public health crisis.

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

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Raised Bill No. 5791, AN ACT CONCERNING A SINGLE POINT OF ENTRY FOR LONG-TERM CARE. Creating the “single point of entry” system envisioned in this bill represents a major step toward helping consumers of long-term care to make informed choices. Many individuals and families who are confronted with a sudden need to consider long-term care arrangements are unaware of the range of options available or the eligibility criteria associated with those options. Those with questions often cannot get satisfactory answers from overworked discharge planners at acute care facilities, while many others simply do not know what questions to ask or where to begin their planning. The strength of this new system will depend on the quality of the training and resource information made available to those who staff it, and on the designated agencies’ commitments to service excellence. Accordingly, I would suggest that language be added requiring DSS to sponsor comprehensive pre-service and in-service staff trainings, and to sponsor periodic external evaluations geared toward measuring the competence with which the designated regional entities meet consumer needs.

Raised Bill No. 561, AN ACT CONCERNING THE MONEY FOLLOWS THE PERSON PROJECT AND ESTABLISHMENT OF A LONG-TERM CARE TRUST FUND. Our Office offers general support for expanding Money Follows the Person project as envisioned in Section 1 of this bill, and for establishing a “Long-Term Care Trust Fund” as described in Section 2. I would note, however, that the purposes for which moneys could be expended from the Trust Fund may not align, and, in fact, may contradict the purposes associated with the origins of those funds. For example, unexpended funds from the Money Follows the Person project should not be used for “maintaining and operating a facility pending correction of deficiencies...”, or to “[p]rovide grants to promote the adoption of building designs and principle of alternative nursing homes, such as Eden Alternatives, Green House or Small House nursing homes...” The promise of Money Follows the Person program is one of community inclusion and independent living in a real home. Funds associated with that project should not be used to meet the needs of facilities. If this proposal goes forward, I would urge that a careful analysis be done to ensure that the purposes for which expenditures could be made from the Trust Fund align with the purposes for which such funds were originally intended.

Thank you for this opportunity to comment. If there are any questions, I will try to answer them.