



Senate Bill No. 854

Public Act No. 09-65

**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:

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 Section 46a-11 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The director may, within available appropriations:

- (1) Purchase or contract for necessary services including, but not limited to, legal services;
- (2) Receive and spend, pursuant to the purposes of this chapter, moneys in the form of gifts, bequests, state appropriations, state or private grants or federal grants;
- (3) Establish a state-wide toll-free telephone information and referral system for persons with disabilities for referral of such persons to appropriate public or private agencies or services. Such information and referral system may be coordinated with the Governor's state-wide information bureau or any other existing information and referral services;
- (4) Receive and investigate complaints from persons with

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disabilities, parents or guardians of such persons or in writing from any other interested person, act as an advocate for any person with a disability and initiate or fund legal actions to protect the rights of any person with a disability;

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

(A) A request for advocacy services has been made on such person's behalf;

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

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

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

(E) Such person has received an explanation of such person's right to refuse to allow the director to request or receive such information; and

(F) The director has documented the director's conscientious efforts to provide the required explanations and verified that the developmentally disabled person has not indicated refusal to give

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consent;

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

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

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

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

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

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

(12) Receive, review and make such recommendations as he deems appropriate on applications for waivers from the requirements of the State Building Code, submitted by the State Building Inspector

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pursuant to the provisions of subsection (b) of section 29-269;

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

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

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

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

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

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

(F) Authority to reach out to members of traditionally underserved populations; [and]

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

(H) Compliance with federally established confidentiality requirements; and

(14) Establish an Accessibility Advisory Board with membership comprised of design professionals, persons with disabilities, persons who have family members with disabilities and any other person that the director believes would provide valuable insight and input on

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matters relating to accessibility. The Accessibility Advisory Board shall meet periodically at such times and places as the director designates, to advise the director on accessibility matters relating to housing, transportation, government programs and services, and any other matters deemed advisable by the director or the board.

Approved May 27, 2009