



General Assembly

January Session, 2009

**Raised Bill No. 854**

LCO No. 3109

\* SB00854HS 030309 \*

Referred to Committee on Human Services

Introduced by:  
(HS)

**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 Section 46a-11 of the general statutes is repealed and the  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 from passage*):

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 Developmental  
26 Services, the director may request and receive such information only if:

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

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

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

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

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

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

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

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

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

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

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

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

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

73 (13) Ensure that all aspects of agency operations conform to  
74 federally established protection and advocacy requirements for

75 program independence and authority, including:

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

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

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

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

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

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

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

92 (H) Compliance with federally established confidentiality  
93 requirements; and

94 (14) Establish an Accessibility Advisory Board with membership  
95 comprised of design professionals, persons with disabilities, persons  
96 who have family members with disabilities and any other person that  
97 the director believes would provide valuable insight and input on  
98 matters relating to accessibility. The Accessibility Advisory Board shall  
99 meet periodically at such times and places as the director designates,  
100 to advise the director on accessibility matters relating to housing,  
101 transportation, government programs and services, and any other  
102 matters deemed advisable by the director or the board.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	46a-11
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**HS**      *Joint Favorable*