

STATE OF CONNECTICUT

**AUDITORS' REPORT
OFFICE OF PROTECTION AND ADVOCACY
FOR PERSONS WITH DISABILITIES
FOR THE FISCAL YEARS ENDED JUNE 30, 2003, AND 2004**

**AUDITORS OF PUBLIC ACCOUNTS
KEVIN P. JOHNSTON ♦ ROBERT G. JAEKLE**

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November 16, 2005

**AUDITORS' REPORT
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We have made an examination of the records of the Office of Protection and Advocacy for Persons with Disabilities (Office of Protection and Advocacy, the Agency) for the fiscal years ended June 30, 2003 and 2004. This report on that examination consists of the Comments, Condition of Records, Recommendations and Certification which follow.

This audit has been limited to assessing the Office of Protection and Advocacy's compliance with certain provisions of financial related laws, regulations, contracts and grants, and evaluating the internal control structure policies and procedures established to ensure such compliance. Financial statement presentation and auditing are done on a Statewide Single Audit basis to include all State agencies, including the Office of Protection and Advocacy.

COMMENTS

FOREWORD:

The Office of Protection and Advocacy operates under the provisions of Title 46a, Chapter 813, Sections 46a-7 through 46a-13a of the General Statutes, to provide protection and advocacy for persons with disabilities. The Office of Protection and Advocacy is responsible for six Federally funded programs and several specific State statutory mandates.

The Office of Protection and Advocacy's primary mission is to advance the cause of equal rights for persons with disabilities and their families, and to protect people with disabilities who are at risk from abusive and neglectful conditions. In accordance with Federal law, protection and advocacy organizations must be independent of service providing agencies. Protection and advocacy organizations must have the authority and capacity to conduct investigations, provide information and referrals, pursue legal and administrative remedies and educate policy makers.

The Office of Protection and Advocacy, operating through three main operating divisions and an administrative unit, provides information and referral services, advocacy services and legal representation in selected matters.

Section 46a-10 of the General Statutes provides that the Office of Protection and Advocacy shall be administered by an Executive Director appointed by the Governor. Mr. James D. McGaughey served as Executive Director throughout the audited period.

Section 46a-9 of the General Statutes established a Board of Protection and Advocacy for Persons with Disabilities (Advocacy Board), which serves in an advisory capacity to the Office of Protection and Advocacy. There are 15 members on the Advocacy Board; and all are appointed by the Governor. As of June 30, 2004, board members were as follows:

Peter Tyrrell, Esq., Chairperson	Sujeila Y. Gomez	Heidi Mark
Kathryn Coffin	Carol M. Grabbe	Walter Pelensky
Catherine Cook	Nora Ellen Groce	Robert Wood
Ellen M. Furey	Edward Mambruno	Phyllis Zlotnick

As of June 30, 2004, there were three vacancies on the Advocacy Board.

Section 46a-9 of the General Statutes requires the Advocacy Board's fifteen members be comprised of ten persons with disabilities or a parent or guardian of a person with a disability, at least four of whom shall represent developmentally disabled persons, and five persons who are knowledgeable in the problems of persons with disabilities.

RECENT STATE LEGISLATION:

Notable legislative changes that took effect during the audited period are presented below:

Public Act 03-88 authorizes the Executive Director of the Office of Protection and Advocacy to ensure that all aspects of the Agency's operations conform to Federal protection and advocacy requirements for program independence and authority in order to comply with eligibility requirements for Federal funds.

Public Act 03-146 delineates the Office of Protection and Advocacy for Persons with Disabilities' and the Department of Mental Retardation's responsibilities in investigating the deaths of people for whose medical care DMR is directly responsible or for which it has oversight responsibility. The Act also requires DMR to transfer an investigator position to the Office of Protection and Advocacy.

Public Act 04-12 changes how the Office of Protection and Advocacy investigates, and how the Department of Mental Retardation reports, deaths of DMR clients to which abuse or neglect could have contributed. The Act establishes a 24-hour deadline for the Commissioner of DMR to report to the Office of Protection and Advocacy, changes the standard that requires the Agency to investigate from "alleged" abuse to "reasonable cause to suspect" abuse or neglect, and requires the investigations into deaths of individuals aged 60 and older.

RÉSUMÉ OF OPERATIONS:

Agency receipts totaled \$1,196,824 and \$1,160,531 during the fiscal years ended June 30, 2003 and 2004, respectively. Such receipts consisted mainly of Federal contributions from the U. S. Department of Health and Human Services and the U. S. Department of Education drawn against letter of credit arrangements. Other sources of Federal contributions included Social Services Block Grant funds, which pass through the Connecticut Department of Social Services.

A summary of receipts for the audited fiscal years is presented below along with the prior year's information:

	<u>2001-2002</u>	<u>2002-2003</u>	<u>2003-2004</u>
Refunds of Current Year Expenditures	14	2,115	0
Federal contributions	1,065,684	1,194,680	1,139,192
Transfers from other State agencies	0	0	21,339
Refunds of restricted appropriations	288	29	0
Total Receipts	<u>\$1,065,986</u>	<u>\$1,196,824</u>	<u>\$1,160,531</u>

Agency expenditures from General and Federal Funds totaled \$3,714,767 and \$3,382,732 during the fiscal years ended June 30, 2003 and 2004, respectively. A comparison of total agency expenditures for the audited fiscal years along with the prior year's information is shown below:

	<u>2001-2002</u>	<u>2002-2003</u>	<u>2003-2004</u>
Personal Services	\$2,792,994	\$2,813,930	\$2,573,827
Contractual Services	465,083	486,084	461,900
Commodities	27,288	11,671	21,309
Sundry Charges	340,266	402,132	325,696
Equipment	3,723	950	0
Totals	<u>\$3,629,354</u>	<u>\$3,714,767</u>	<u>\$3,382,732</u>

Total expenditures increased by \$85,413 during the fiscal year ended June 30, 2003, and decreased by \$332,035 during the fiscal year ended June 30, 2004. The majority of this decrease during the fiscal year ended June 30, 2004, represented reduced personal services expenditures resulting from seven vacant positions that were not refilled until later in the fiscal year. Personal services, including related sundry charges, represented about 86 percent of the total expenditures from budgeted appropriations. Fees for outside professional services accounted for the largest portion of total contractual service expenditures. These supplementary services were used to further the mission of the Agency to advocate for equal rights and protect disabled persons from abuse and neglect through educational programs, information referrals, and advocacy representation.

Full-time employees at the close of each fiscal year under review totaled 42 as of June 30, 2003 and 2004, including 32 positions paid from the General Fund and 10 positions paid from Federal Funds.

Besides General Fund and Special Revenue Fund expenditures, expenditures from the Capital Equipment Purchase Fund amounted to \$2,225 and \$5,207 in the fiscal years ended June 30, 2003 and 2004, respectively.

PROGRAM EVALUATION:

In accordance with Section 2-90 of the General Statutes, audits conducted by the Auditors of Public Accounts may include an examination of performance in order to determine an Agency's effectiveness in achieving legislative purposes. We have conducted such a review of the performance of the Agency's Abuse Investigation Division in carrying out investigations of alleged abuse of persons with mental retardation pursuant to Section 46a-11c of the General Statutes. Specifically, we reviewed only "monitor" investigations, which are investigations, conducted by the Department of Mental Retardation (DMR) or its private providers who then report their findings to the Abuse Investigation Division. This review is a follow-up to our review of the Abuse Investigation Division which was conducted during our audit of the Office covering the fiscal years ended June 30, 1998, 1999, and 2000. Our prior review found that the Office of Protection and Advocacy relies heavily on the investigative efforts of DMR and its private providers for over 75 percent of the investigations performed. This program evaluation evaluates how well that relationship is working at producing prompt investigations of allegations of abuse of persons with mental retardation.

Public Act 84-514 authorized the Office of Protection and Advocacy to investigate allegations of abuse or neglect of persons with mental retardation. Pursuant to that Public Act, the Office created the Abuse Investigation Division (the Division), which initially attempted to investigate each allegation directly. It quickly became apparent that this could not be done with the available resources. Thus, in 1992, the Office of Protection and Advocacy signed an interagency agreement authorizing DMR or its private providers to investigate allegations of abuse and neglect of clients living in DMR-funded living arrangements. The Office of Protection and Advocacy still performs investigations of alleged abuse or neglect of persons with mental retardation who do not reside in DMR or private provider living arrangements. If abuse or neglect is substantiated, the Division will recommend that the Department of Mental Retardation develop a plan of protective services for the client.

The Division receives about 1,200 allegations each fiscal year. Two-thirds or more are classified as "monitor" investigations. A significant number are closed each fiscal year but a significant number await investigation. As of April 19, 2005, the Division's database contained 249 open "monitor" investigations, which are "unassigned", meaning DMR, or the private providers have not reported the findings of their investigations. Forty two percent of these cases are more than six months old and 16 percent are more than one year old. We reviewed the oldest 25 unassigned investigations and found the age of these investigations range from just over eleven months to over two years old. One case was assigned to the Department of Public Health for investigation and the rest were assigned to either DMR or to its private providers.

The amount of time DMR or its private providers take to conclude investigations may be an issue as well. A study issued by the University of Connecticut's A.J. Pappanikou Center in January 2004 found that in a random sample of 24 monitor cases the average time for completion of DMR or private providers investigations was 95 days, with three investigations requiring as many as eight months each to complete. The study noted wide differences in response time among the five (now three) DMR regions, ranging from 50 days in the Eastern region, to 171 days in the South Central

region. The study found the Abuse Investigation Division took an average of 19 days to respond to the findings, for an average of 114 total days from initial referral to conclusion, a period of nearly four months. According to the study: “If timeliness in this process is an important feature of the mechanism the State of Connecticut uses to protect or enhance the quality of life of adults with mental retardation, then OPA, (and) DMR...should be making substantial efforts to reduce these response times.”

As noted above, the Office of Protection and Advocacy and DMR conduct abuse investigations under the terms of an interagency agreement signed in 1992. In 2002, a Legislative Program Review and Investigations Committee report on the Department of Mental Retardation recommended the Office of Protection and Advocacy and DMR update this agreement to reflect the changed roles and functions of the agencies, to include specific provisions for how the Office of Protection and Advocacy reviews and monitors completed investigations, and to ensure the agreement accurately reflects their working relationship. As of May 2005, this agreement has not been updated. It appears an updated agreement would be an important first step in reducing the number of unassigned investigations and reducing the response time of completed ones.

Under Section 46a-11c of the General Statutes, investigations of alleged abuse or neglect against persons with mental retardation are the statutory obligation of the Office of Protection and Advocacy, which delegates the responsibility to conduct many investigations to the Department of Mental Retardation or its private providers. Under this arrangement, however, the Agency gives up control over the timeliness of the investigations and has limited options when these allegations are not promptly investigated. When DMR or a private provider fails to report findings, the Division can substantiate abuse and request an order of protective services be issued, an action that does not actually determine if the allegation is factual or identify the perpetrator. Accordingly, we are making the following recommendation:

Criteria: Section 46a-11(c) of the General Statutes states: “The director (of the Office of Protection and Advocacy) upon receiving a report that a person with mental retardation allegedly is being or has been abused or neglected, shall make an initial determination whether such person has mental retardation, shall determine if the report warrants investigation and shall cause in cases that so warrant a prompt and thorough evaluation to be made to determine whether the person has mental retardation and has been abused or neglected”.

A Legislative Program Review and Investigations Committee study of the Department of Mental Retardation in 2002 recommended that DMR and the Office of Protection and Advocacy update their memorandum of understanding governing abuse and neglect investigations.

Condition: As of April 2005, 249 cases of alleged abuse or neglect have not been assigned to Office of Protection and Advocacy investigators because the Department of Mental Retardation or its private providers have not reported the results of their investigations. Many of these pending investigations are over one year old.

A 2004 study by the University of Connecticut's A.J. Pappanikou Center of 24 investigations found that "monitor" investigations took, on average, 95 days from referral to the submission of findings. The study also found it took an average of 19 days for the Office of Protection and Advocacy to respond, for a total of about 114 days from referral to a conclusion.

The 1992 interagency agreement between the Office of Protection and Advocacy and the Department of Mental Retardation governing "monitor" investigations has not been updated to reflect changes in State law and the working relationship between the two agencies.

Cause: Due to limited resources, the Office of Protection and Advocacy delegated responsibility to conduct investigations of alleged abuse or neglect of clients in DMR facilities to DMR or its private providers. While OPA monitors the progress of these investigations it has limited control over the length of time taken to conduct such investigations. The 1992 memorandum of understanding does not include any timeframes for DMR or its private providers to report findings to the Office of Protection and Advocacy.

Effect: The Section 46a-11(c) requirement of a "prompt and thorough" investigation of abuse and neglect allegations is not being met in all cases.

Recommendation: The Office of Protection and Advocacy for Persons with Disabilities should update its memorandum of understanding with the Department of Mental Retardation to include the current State laws governing abuse and neglect investigations, the working relationship between the Office and the Department of Mental Retardation, and timeframes for reporting the findings of investigations. (See Recommendation 1.)

Agency Response: "The agency agrees with the finding and recommendation, but wishes to clarify information related to the finding. OPA/AID's practice of "monitoring" internal service system investigations as an alternative to conducting primary investigations began in the late 1980s, after it became clear that resources were inadequate to conduct primary investigations of all allegations, and requests for additional staffing were not approved. Prior to adopting this approach, significant backlogs had developed, resulting in delays of 3-4 months before most investigations could even be initiated. An unexpectedly high volume of allegations of abuse and neglect in family homes added to the problem. Many of these allegations involve the risk of on-going harm. OPA is the only entity with authority to investigate those allegations, whereas allegations arising within service systems can also be investigated by those service systems' personnel, human rights and designated investigations units. Before cases are

assigned to be “monitored”, they are screened and reviewed by OPA/AID to determine whether immediate interventions are needed.

The need to revise and further update the interagency agreement has long been recognized by OPA/AID. However, while OPA/AID has engaged in several efforts to do so, none have yet produced an updated agreement.

On May 18, 2005, OPA renewed its efforts to re-negotiate the agreement, suggesting that both DMR and OPA assign two staff members each to research and recommend the contours of a revised agreement. DMR has agreed to this approach, and individual staff members from each agency have been designated to engage in this work.

Recently enacted Senate Bill 1093 requires that an updated agreement be in place by October 1, 2005, and that its contents be reported to the General Assembly by January 1, 2006.

Over the past three years OPA/AID has initiated several steps to improve the efficacy and timeliness of its investigation and monitoring activities. A customized Access-based data system was developed and implemented in 2001, allowing tracking and ready access to all allegations received, and providing templates for all direct investigation reports completed by AID staff. The net effect has been a significant increase in confidence that status of a particular investigation can be readily identified and caseload assignments tracked. Since its implementation, database records indicate that OPA/AID has opened 3,795 cases (direct investigations and monitors), and completed (closed) 3,273 of these.

After the database became operational, OPA/AID solicited an independent review of the effectiveness of the protective services measures from the A.J. Pappanikou University Center for Excellence (UCE). Among other things, the UCE review recommended taking steps to improve the timeliness with which investigations are completed. While some timeliness issues identified in the review can only be addressed through negotiations for the updated interagency agreement with DMR, AID has taken steps to address others. Specifically, it initiated a procedure whereby “monitored” investigations are now held in a central suspense file (“unassigned monitors file”) until AID receives the completed report from the outside agency assigned to conduct the primary investigation. This enables centralized tracking of the timeliness of responses, and facilitates follow-up correspondence when responses are not received in a timely way. Although staff losses through ERIP and resignation resulted in some slippage from expected timeframes, the centralized protocol has significantly improved the timeliness with which investigations are being completed. Continuing problems in obtaining timely responses from particular DMR regions will be addressed as the interagency agreement is re-negotiated.”

CONDITION OF RECORDS

Our review of the records of the Office of Protection and Advocacy revealed three areas requiring improvement or attention, as discussed in this section of the report.

Audit Reports not Received:

- Criteria:* Section 7-396a of the General Statutes requires recipients of state grants to submit an audit acceptable to the agency. This Statute is incorporated into the terms and conditions of the personal service agreements the Office of Protection and Advocacy signs with each of its contractors.
- Condition:* One contractor, providing parent advocacy services in the City of Hartford, has not provided audits for the calendar years ended December 31, 2002, 2003, and 2004.
- Cause:* A lack of administrative oversight appears to be the cause of this condition.
- Effect:* The contractor is not in compliance with Section 7-396a of the General Statutes and with the terms and conditions of the personal service agreement.
- Recommendation:* The Office of Protection and Advocacy should require all contractors to submit acceptable audits as required by Section 7-396a of the General Statutes and by the terms of the personal service agreements. (See Recommendation 2.)
- Agency Response:* “The Office of Protection & Advocacy concurs with the finding and the recommendation. The Office has developed and implemented a system to monitor the receipt of audits from contractors. Compliance will be reviewed at monthly contract administration meetings. It will be reiterated to contractors that non-submission of audit and program reports will result in the suspension or cancellation of contracts.”

Agency Regulations Not Submitted for Approval:

- Criteria:* Section 4-167(b) of the General Statutes states that no agency regulation is enforceable until it has been made available for public inspection and a notice of adoption had been published in the Connecticut Law Journal pursuant to Section 4-173 of the General Statutes.

- Condition:* The Board of Protection and Advocacy for Persons with Disabilities approved Agency regulations on October 4, 2002. As of April 2005, these proposed regulations have not been submitted for approval in accordance with Section 4-167(b) of the General Statutes.
- Cause:* The cause was not determined.
- Effect:* The Office of Protection and Advocacy is operating without approved regulations.
- Recommendation:* The Office of Protection and Advocacy for Persons with Disabilities should submit the proposed agency regulations for approval as required under Section 4-167(b) of the General Statutes. (See Recommendation 3.)
- Agency Response:* “The Office agrees with the finding and is in the process of adopting agency regulations as required by CGS Sections 4-167, and Section 4-176. Regulations are presently in draft form. The Office is seeking guidance from the Attorney General’s Office, regarding confidentiality of client information issues, prior to proceeding through the formal regulations adopting process. In addition to promoting, protecting and defending the civil rights of people with disabilities in the broadest sense, the Office of Protection and Advocacy has a statutory mandate to investigate allegations of abuse or neglect against persons aged 18 to 59 with mental retardation. There are protections regarding the release of information gathered during the course of these investigations and even after the investigation is completed. Once input from the AG is received, OPA will make the necessary changes to the draft regulations, obtain approval from the Advisory Board as required by statute and then proceed with the formal regulations adopting process.”

Monitoring of Employees’ Excessive Absenteeism:

- Criteria:* The Office of Protection and Advocacy issued an Employee Attendance Policy, effective April 1, 2003, for dealing with excessive sick time usage that provides for review of an employee’s attendance record beginning when an employee experiences five or more sick leave occasions within a six-month period.

- Condition:* The Office of Protection and Advocacy did not adequately administer its attendance policy and procedures for employees whose patterns of sick leave usage suggest excessive absenteeism. In our sample of six employees, three employees had patterns of frequent use of sick time that should have prompted closer review under the policy; however we found no evidence that such reviews were performed.
- Cause:* A lack of administrative oversight appears to be the cause of this condition.
- Effect:* Failure to adequately monitor employees' use of sick time could lead to abuse of such time.
- Recommendation:* The Office of Protection and Advocacy for Persons with Disabilities should take appropriate administrative steps, in accordance with its established policies and procedures, when excessive absenteeism is detected. (See Recommendation 4.)
- Agency Response:* "The Office agrees with this recommendation and will continue efforts to fully administer its attendance policy and procedures. Absenteeism and sick time usage will be monitored at scheduled intervals. Attendance policies and records will be review by all supervisors and managers."

RECOMMENDATIONS

Our previous audit examination of the Office of Protection and Advocacy contained two recommendations. A summary of those recommendations and the action taken follows:

Status of Prior Audit Recommendations:

- The Office of Protection and Advocacy for Persons with Disabilities should improve contract management procedures and comply with Section 4-98 of the General Statutes regarding the management of contracts. During our current review, we noted considerable improvement with contract management procedures. This recommendation is not being repeated.
- The Office of Protection and Advocacy for Persons with Disabilities should develop procedures to monitor employees' use of sick time, review all employees' attendance records, take appropriate administrative or disciplinary action when excessive absenteeism is considered the result of abuse of sick leave and ensure that service time for longevity purposes is appropriately recorded for all employees. We found no errors in the computation of longevity payments. However, we found that the Office established an attendance policy but did not apply it in all instances. Accordingly, this recommendation has been repeated in revised form. (See Recommendation 4.)

Four recommendations resulting from our current examination are presented below:

Current Audit Recommendations:

- 1. The Office of Protection and Advocacy for Persons with Disabilities should update its memorandum of understanding with the Department of Mental Retardation to include the current State laws governing abuse and neglect investigations, the working relationship between the Office and the Department of Mental Retardation, and timeframes for reporting the findings of investigations.**

Comments:

As of April 2005, 249 cases of alleged abuse or neglect have not been assigned to investigators at the Office of Protection and Advocacy because the Department of Mental Retardation or its private providers have not reported the results of their investigations. Completed investigations can take on average 114 days from referral to conclusion. The 1992 interagency agreement between the Office of Protection and Advocacy and DMR has not been updated to reflect changes in State law and reporting relationships.

- 2. The Office of Protection and Advocacy for Persons with Disabilities should require all contractors to submit acceptable audits as required by Section 7-396a of the General Statutes and by the terms of the personal service agreements.**

Comments:

One grant recipient has not provided required audits for the calendar years ended December 31, 2002, 2003, and 2004.

- 3. The Office of Protection and Advocacy for Persons with Disabilities should submit the proposed Agency regulations for approval as required under Section 4-167(b) of the General Statutes.**

Comments:

The Board of Protection and Advocacy for Persons with Disabilities approved proposed regulations for the Office of Protection and Advocacy on October 4, 2002. At the time of the completion of our fieldwork (April 2005) these proposed regulations had not been submitted for approval.

- 4. The Office of Protection and Advocacy for Persons with Disabilities should take appropriate administrative steps, in accordance with its established policies and procedures, when excessive absenteeism is detected.**

Comments:

The Office of Protection and Advocacy did not adequately administer its attendance policy and procedures with respect to the review of sick leave usage for employees whose patterns of usage suggest excessive absenteeism.

INDEPENDENT AUDITORS' CERTIFICATION

As required by Section 2-90 of the General Statutes we have audited the books and accounts of the Office of Protection and Advocacy for Persons with Disabilities (Office of Protection and Advocacy) for the fiscal years ended June 30, 2003 and 2004. This audit was primarily limited to performing tests of the Agency's compliance with certain provisions of laws, regulations, contracts and grants, and to understanding and evaluating the effectiveness of the Agency's internal control policies and procedures for ensuring that (1) the provisions of certain laws, regulations, contracts and grants applicable to the Agency are complied with, (2) the financial transactions of the Agency are properly recorded, processed, summarized and reported on consistent with management's authorization, and (3) the assets of the Agency are safeguarded against loss or unauthorized use. The financial statement audits of the Office of Protection and Advocacy for the fiscal years ended June 30, 2003 and 2004 are included as a part of our Statewide Single Audits of the State of Connecticut for those fiscal years.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the Office of Protection and Advocacy complied in all material or significant respects with the provisions of the certain laws, regulations, contracts and grants and to obtain a sufficient understanding of the internal control to plan the audit and determine the nature, timing and extent of tests to be performed during the conduct of the audit.

Compliance:

Compliance with the requirements of laws, regulations, contracts and grants applicable to the Office of Protection and Advocacy is the responsibility of the Office of Protection and Advocacy's management.

As part of obtaining reasonable assurance about whether the Agency complied with laws, regulations, contracts, and grants, noncompliance with which could result in significant unauthorized, illegal, irregular or unsafe transactions or could have a direct and material effect on the results of the Agency's financial operations for the fiscal years ended June 30, 2003 and 2004, we performed tests of its compliance with certain provisions of the laws, regulations, contracts, and grants. However, providing an opinion on compliance with these provisions was not an objective of our audit, and accordingly, we do not express such an opinion.

The results of our tests disclosed no instances of noncompliance that are required to be reported under *Government Auditing Standards*. However, we noted certain immaterial or less than significant instances of noncompliance, which are described in the accompanying "Condition of Records" and "Recommendations" sections of this report.

Internal Control over Financial Operations, Safeguarding of Assets and Compliance:

The management of the Office of Protection and Advocacy is responsible for establishing and maintaining effective internal control over its financial operations, safeguarding of assets, and compliance with the requirements of laws, regulations, contracts and grants applicable to the Agency. In planning and performing our audit, we considered the Agency's internal control over its financial operations, safeguarding of assets, and compliance with requirements that could have a material or significant effect on the Agency's financial operations in order to determine our auditing procedures for the purpose of evaluating the Office of Protection and Advocacy's financial operations, safeguarding of assets, and compliance with certain provisions of laws, regulations, contracts and grants, and not to provide assurance on the internal control over those control objectives.

However, we noted certain matters involving the internal control over the Agency's financial operations, safeguarding of assets, and/or compliance that we consider to be reportable conditions. Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of internal control over the Agency's financial operations, safeguarding of assets, and/or compliance that, in our judgment, could adversely affect the Agency's ability to properly record, process, summarize and report financial data consistent with management's authorization, safeguard assets, and/or comply with certain provisions of laws, regulations, contracts, and grants. We believe the following findings represent reportable conditions: failure to obtain audits from grant recipients, and failure to monitor employees' excessive usage of leave time.

A material or significant weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that noncompliance with certain provisions of laws, regulations, contracts, and grants or the requirements to safeguard assets that would be material in relation to the Agency's financial operations or noncompliance which could result in significant unauthorized, illegal, irregular or unsafe transactions to the Agency being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. Our consideration of the internal control over the Agency's financial operations and over compliance would not necessarily disclose all matters in the internal control that might be reportable conditions and, accordingly, would not necessarily disclose all reportable conditions that are also considered to be material or significant weaknesses. However, we do not believe that the reportable conditions described above are material or significant weaknesses.

This report is intended for the Governor, the State Comptroller, the Appropriations Committee of the General Assembly and the Legislative Committee on Program Review and Investigations. However, this report is a matter of public record and its distribution is not limited.

CONCLUSION

We wish to express our appreciation for the courtesies extended to our representatives by the personnel of the Office of Protection and Advocacy for Persons with Disabilities during the course of our examination.

Gary P. Kriscenski
Principal Auditor

Approved:

Kevin P. Johnston
Auditor of Public Accounts

Robert G. Jaekle
Auditor of Public Accounts