

# STATE OF CONNECTICUT



*AUDITORS' REPORT  
OFFICE OF PROTECTION AND ADVOCACY  
FOR PERSONS WITH DISABILITIES  
FOR THE FISCAL YEARS ENDED JUNE 30, 2009 AND 2010*

**AUDITORS OF PUBLIC ACCOUNTS**  
JOHN C. GERAGOSIAN ❖ ROBERT M. WARD

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STATE OF CONNECTICUT



AUDITORS OF PUBLIC ACCOUNTS

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October 12, 2011

**AUDITORS' REPORT  
OFFICE OF PROTECTION AND ADVOCACY  
FOR PERSONS WITH DISABILITIES  
FOR THE FISCAL YEARS ENDED JUNE 30, 2009 AND 2010**

We have examined the financial records of the Office of Protection and Advocacy for Persons with Disabilities (OPA) for the fiscal years ended June 30, 2009 and 2010.

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

This report on our examination consists of the Comments, Condition of Records, Recommendations and Certification that follow.

**COMMENTS**

**FOREWORD:**

The Office of Protection and Advocacy operates primarily 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. Also, the Office of Protection and Advocacy is subject to the provisions of several other state statutory mandates and one executive order as described below.

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 two main operating divisions and an administrative unit, provides information and referral services, advocacy services and legal representation in select matters. In its 2010 Administrative Digest report, the OPA reports having received requests for assistance in the 2009-2010 fiscal year from over 9,909 individuals with disabilities, their family members and interested parties. Nearly 8,746 of these were requests for information, referral or short-term assistance, with the remaining requests requiring a more intensive level of advocacy, according to the OPA.

The OPA is also required by the General Statutes to investigate allegations of abuse or neglect by the caregivers of persons with mental retardation between the ages of 18 and 59, inclusive. On average, over 1,100 such complaints are received annually. Due to limited resources, the OPA cannot investigate each allegation directly and must rely on other agencies, primarily the Department of Developmental Services (DDS), to conduct many of its investigations. As discussed below, those investigations that are not directly investigated by the OPA are monitored by the OPA, under the terms of an interagency agreement with the DDS.

The OPA and DDS have an interagency agreement governing the investigation of abuse and neglect of individuals with mental retardation and the provision of protective services to such individuals. Section 8 of Public Act 05-256 required the interagency agreement to include, among other things, guidelines identifying the responsibilities of each agency with respect to investigations of abuse and neglect and the individuals in each agency who shall carry out such investigative responsibilities, and interagency documentation and reporting procedures.

The OPA conducts primary investigations for those allegations of abuse and neglect which involve private individual and/or family homes, individuals who self direct their own support staff, and in cases where there is a reasonable cause to suspect or believe the death of a person with mental retardation was due to abuse or neglect. The DDS ordinarily conducts the primary investigation for allegations which implicate the DDS employees and/or occur at the DDS facilities. Upon completion, these investigations are forwarded to the OPA for review. According to the interagency agreement, primary investigations will be completed within 90 days, unless a more stringent rule applies, while certain other cases may take longer.

The OPA maintains a Case Tracking System database for its abuse investigations. According to that database, as of May 3, 2011, there were 62 open investigations being conducted by the OPA, and approximately another 361 cases that were being monitored by the OPA. The Case Tracking System database also shows the number of days a current case has been opened. As of May 3, 2011, 137 cases, or 37 percent, were less than 60 days old, 76 cases (21 percent) were between 61 and 120 days old, and 51 cases (14 percent) were between 121 and 180 days old. Another 66 cases (18 percent) were between 180 and 360 days old, 23 cases (6 percent) between 361 and 540 days old, six cases (2 percent) between 541 and 720 days old, and 11 cases (3 percent) were older than 720 days. As of May 3, 2011, the total number of open cases was 501. We found some issues with the data produced by the OPA's Case Management System which are discussed further in the Condition of Records section of this report.

Effective November 2005, the Office of Protection and Advocacy's business office functions, together with payroll and personnel functions, were absorbed by the Department of Administrative Services (DAS). Staff at the Office of Protection and Advocacy who performed these functions were transferred to the DAS.

Section 46a-10 of the Connecticut 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 Connecticut 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, all appointed by the governor. As of June 30, 2010, board members were as follows:

Eileen M. Furey, Chairperson  
Rachel Bogartz  
John Clausen  
Christopher M. Knapp  
Suzanne Liquerman  
Heidi Mark  
Sheila S. Mulvey  
Walter Pelensky  
Arthur L. Quirk  
Margarita Torres  
Peter Tyrrell  
Selina Welborn  
Walt Wetmore  
Phyllis Zlotnick

As of June 30, 2010, there was one vacancy on the Advocacy Board.

Section 46a-9 of the Connecticut General Statutes requires that 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.

Executive Order Number 25 established the Fatality Review Board for Persons with Disabilities (Fatality Review Board) to investigate the circumstances surrounding those untimely deaths, which, in the opinion of the executive director, warrant a full and independent investigation.

The Fatality Review Board is chaired by the executive director and consists of the following members appointed by the governor: one law enforcement professional with a background in forensic investigations, one mental retardation professional, the Chief State's Attorney or designee, and two medical professionals. The Commissioner of the DDS, or his designee, serves as a non-voting liaison to the Fatality Review Board.

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As of June 30, 2010, the members of the Fatality Review Board, in addition to the executive director and excluding one vacancy, were as follows:

Lieutenant David Rice  
Supervising State's Attorney John DeMattia  
Patricia Mansfield, R.N.  
Gerard Kerins, M.D.

Public Act 06-56 permits the executive director to establish an Accessibility Advisory Board (Access Board), appoint board membership, and convene meetings of said board. The Access Board advises the executive director on accessibility matters relating to housing, transportation, government programs and services. As of June 30, 2010, the board members were as follows:

Candace Low  
Suzanne Tucker  
Robert Sheeley  
Stan Kosloski  
Heather Northrop  
Michael Geake

The Protection and Advocacy for Individuals with Mental Illness (PAIMI) Council, established under 42 U.S.C. Section 10801, advises the executive director on policies and priorities to be carried out in protecting and advocating the rights of individuals with mental illness. As of June 30, 2010, the council members were as follows:

Micheala Mitchell  
Selina Welborn  
Josefa Correa  
Sandy Chapman  
Elizabeth Larsen  
Alicia Woodsby M  
Muriel Tomer  
Barbara Sloan  
Wallace T. Peterson III  
Lorna Grivois

The Deaf Advisory Group advises the executive director on issues impacting the deaf community. As of June 30, 2010, the advisory group members were as follows:

Barbara Cassin  
Harvey Corson, Ph.D.  
Theodore Baran  
Sandy Inzinga  
Jim Pederson  
Sue Pederson  
Rachel Spillane

**RÉSUMÉ OF OPERATIONS:**

The OPA receipts totaled \$1,488,580 and \$1,276,605 during the fiscal years ended June 30, 2009 and 2010, respectively, compared to \$1,754,566 for the fiscal year ended June 30, 2008. Receipts were mainly federal contributions from the U. S. Department of Health and Human Services, U.S. Department of Homeland Security 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 total receipts for the audited fiscal years along with the prior year's information is presented below:

	<u>2007-2008</u>	<u>2008 - 2009</u>	<u>2009 - 2010</u>
Refunds of Expenditures – Prior Years	\$ -	\$ -	\$ 32
Federal contributions	1,727,243	1,467,397	1,276,573
Transfers from other state agencies	27,320	17,820	-
Non – Federal Aid, Restricted	-	3,301	-
Miscellaneous donations	-	-	-
Photocopying	3	62	-
<b>Total Receipts</b>	<b><u>\$ 1,754,566</u></b>	<b><u>\$ 1,488,580</u></b>	<b><u>\$ 1,276,605</u></b>

These totals represent decreases of \$265,986 (15 percent) and \$211,975 (14 percent), respectively, during the audited fiscal years primarily due to reductions in the OPA's allocable share of federal program grants.

General Fund expenditures totaled \$2,595,207 and \$2,483,919 during the fiscal years ended June 30, 2009 and 2010, respectively, compared to \$2,587,433 for the fiscal year ended June 30, 2008. A comparison of total General Fund expenditures for the audited fiscal years along with the prior year's information is presented below:

	<u>2007 - 2008</u>	<u>2008 - 2009</u>	<u>2009 - 2010</u>
Personal Services	\$ 2,238,517	\$ 2,320,701	\$ 2,293,288
Contractual and Other Services	161,612	125,145	72,782
Client Services	101,415	97,177	58,795
Motor Vehicle	22,787	15,741	12,835
Grants	20,318	-	-
Communications	17,342	16,559	23,247
Sundry Charges	25,441	19,884	22,972
<b>Total Expenditures</b>	<b><u>\$ 2,587,432</u></b>	<b><u>\$ 2,595,207</u></b>	<b><u>\$ 2,483,919</u></b>

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These totals represent an increase of \$7,775 (.3%) and a decrease of \$111,288 (4%) during the fiscal years ended June 30, 2009 and 2010, respectively, and can be attributed primarily to reductions in state allotments for personal service costs and contractual service costs. Motor vehicle costs declined as the result of the use of alternatives such as teleconferencing and carpooling.

Expenditures from the Federal and Other Restricted Accounts Fund in the fiscal years ended June 30, 2009 and 2010, amounted to \$1,557,009 and \$1,281,039, respectively, compared to \$1,779,736 for the fiscal year ended June 30, 2008. These expenditures consisted mainly of personal services and fringe benefit costs. Other disbursements from federal appropriations consisted of outside professional and consulting services, indirect cost recoveries, and grants to nonprofit and municipal organizations. A comparison of total Federal and Other Restricted Accounts Fund expenditures for the audited fiscal years along with the prior year's information is presented below:

	<u>2007 – 2008</u>	<u>2008 - 2009</u>	<u>2009 – 2010</u>
Personal Services	\$ 1,599,767	\$ 1,472,945	\$ 1,263,479
Contractual and Other Services	108,186	31,666	11,027
Other Charges	23,408	24,324	-
Client Services	33,394	17,373	5,063
Grants	10,059	6,842	-
Sundry Charges	4,922	3,859	1,470
<b>Total Expenditures</b>	<b>\$ 1,779,736</b>	<b>\$ 1,557,009</b>	<b>\$ 1,281,039</b>

The totals represent decreases of \$222,727 (12.5%) and \$275,970 (18%), respectively, during the audited fiscal years and can be attributed primarily to decreases in personal service costs and contractual service costs.

Besides General Fund and Federal and Other Restricted Accounts Fund expenditures, expenditures from the Capital Equipment Purchase Fund amounted to \$9,019 in fiscal year ended June 30, 2010. No expenditures were made from the Capital Equipment Purchase Fund during fiscal year 2009.

Filled positions for the Office of Protection and Advocacy were 47 as of June 30, 2009 and 2010.

## CONDITION OF RECORDS

Our review of the records of the Office of Protection and Advocacy for Persons with Disabilities (OPA) revealed areas requiring improvement or attention, as discussed in this section of the report.

### **Late Submission of the Fatality Review Board's Annual Report:**

*Criteria:* Executive Order Number 25 requires the Fatality Review Board, chaired by the executive director, to submit a report annually to the governor and the co-chairs of the Public Health Committee.

*Condition:* Our prior audit found that the Fatality Review Board's Annual Report covering the fiscal year ended June 30, 2007 had not been submitted as of June 2009. It was recommended that the OPA comply with the reporting requirements of the Executive Order Number 25 by annually submitting the required report, to the governor and the co-chairs of the Public Health Committee. In its response to our recommendation, the OPA stated that it "plans to meet with staff from the governor's Office to discuss changes to the composition of the Fatality Review Board. At that time the language in the Executive Order requiring an annual report will be discussed."

In May 2011, it was noted that the Fatality Review Board Annual Report for the biennial period 2009 to 2010 was issued. However, the annual reporting requirement found in Executive Order Number 25 had not been amended, repealed or superseded.

*Effect:* The OPA remains out of compliance with Executive Order Number 25. This may directly impact report users' (i.e. Government, private sector, individuals) ability to make timely decisions concerning significant matters disclosed in the report.

*Cause:* The OPA cited the lack of support staff available to assist in the preparation of the report on an annual basis. The OPA was not able to achieve relief from the requirements of Executive Order Number 25.

*Recommendation:* The Office of Protection and Advocacy for Persons with Disabilities and the Fatality Review Board should either comply with the annual reporting requirement found in Executive Order Number 25 or seek to have the requirement modified. (See Recommendation 1.)

*Agency Response:* "As indicated in the agency response to the previous audit, OPA's Executive Director discussed needed changes to Executive Order 25 with representatives of Governor Rell's staff. In addition to requesting additional appointments to the Fatality Review Board (FRB), he also requested a change in the language that requires annual reporting by the FRB."

The FRB has only one OPA staff member assigned to support its activities. That staff member is responsible for all death reviews, all recordkeeping, initiating all requests for follow-up information on cases when Board members indicate a need for such information, conducting intensive investigations and producing individual case updates and investigation reports. She has not had time to complete a comprehensive annual report each year. Repeated requests for additional staff have been denied. After the discussion referred to above, Governor Rell issued Executive Order 42, updating Executive Order 25 (which had been issued by Governor Rowland). Executive Order 42 added a member to the FRB but did not change the annual reporting requirements. OPA, however, has modified its reporting format and will be submitting annual reports to the legislature in compliance with Executive Order 42.”

### **The Abuse Investigation Division’s Case Management System Needs Upgrading:**

*Criteria:* Section 46a-11c of the Connecticut General Statutes states that “the director, 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, thorough evaluation to be made to determine whether the person has mental retardation and has been abused or neglected.”

To comply with the requirements of this Statute, the OPA uses a computer software program, Microsoft Access, to track the status of its cases. One of the reports produced, called the Case Tracking Statistic Summary, breaks down the cases into two main categories: Open OPA Investigations and Open Monitors. Within the Open Monitors category are two subcategories: Open Monitor Assigned and Open Monitor Not Assigned. Cases are also broken down by the age of the case: 0 to 60 days, 61 to 120 days, etc. Another report, the Case Inventory by Year and Month reports the monthly ending inventory of cases.

*Condition:* We obtained the Case Management Reports, as of June 12, 2009, and found several issues with the data presented in the reports as follows:

- The Case Management Tracking System produces three reports that have different total case inventory amounts that could not be reconciled to each other: Case Inventory by Year and Month (501), Abuse/Neglect Summary by OPA (459) and the Case Tracking Statistic Summary (423).
- The Case Management System does not report cases which are 61 to 90 days old, instead reporting cases that are 61 to 120 days old.

However, the interagency agreement establishes 90 days as the timeframe for completion of most investigations.

- The Case Tracking Statistic Summary Report had an internal inconsistency in the number of reported Open Monitor cases. The Open Monitor Assigned/Not Assigned total of 361 did not agree with the Open Monitors summary as of 5/3/2011 of 370. The difference could not be reconciled.

*Effect:* The effect of this condition is there is less reliance on the Case Management System to produce the accurate and timely data needed to properly administer the Abuse Investigation program.

*Cause:* The Case Management System is many years old and needs updating. The resources necessary to upgrade the Case Management System and reconcile the report inconsistencies has not been available to the OPA.

*Recommendation:* The Office of Protection and Advocacy should upgrade its Case Management System to ensure that it produces accurate, complete and timely data on abuse investigation cases. (See Recommendation 2.)

*Agency Response:* “The current Abuse Database is useful for assigning, tracking, managing and supervising individual cases and investigator workloads. It enables staff to screen intakes to identify any previous reports that have been made concerning victims, perpetrators and agencies allegedly involved in abuse and neglect. No person with a disability is in jeopardy because of the shortcomings in the database. However, it is clear that those shortcomings do exist, and they do reduce the agency’s ability to track trends and demonstrate the overall impact of the program over time.

As stated in the Agency Response to this issue in the Audit Report for Fiscal years 2007 and 2008, the Agency agrees that an updated case management/data system for the Abuse Investigation Division (AID) would improve its capacity to generate accurate reports of cumulative data.

In 2007, OPA consulted with the Department of Information Technology (DOIT) about updating the case management system used by the (AID) and ascertained the cost of a new database. The projected costs of acquiring a new system, migrating the existing data to the new system and performing maintenance greatly exceeded existing budgeted funds. A request for a budget expansion option to cover the costs of a new database was not approved.

In 2010, OPA again met with staff at DOIT to discuss the development of a new database for AID. Again, the cost of developing the database and migrating the data greatly exceeded existing budgeted funds.

As an alternative, DOIT recommended that OPA upgrade the version of Microsoft Access currently in use by AID. The DOIT consultants felt that the upgrade would resolve conflicts that created inconsistencies in the summary reports generated by the database, creating more accurate and reliable aggregate data. In early 2011, OPA purchased and installed a more recent version of Microsoft Access. While the newer version is, indeed, more efficient, it did not resolve the summary reporting issues.

The database continues to effectively perform its primary function as a tool for gathering and documenting investigatory information, assigning and tracking investigations, identifying repeat victims, perpetrators and provider program locations, and for completing and facilitating supervisory review of investigation reports. These functions are not adversely affected by difficulties in aggregating management data.

The Agency is aware that the database will eventually need replacement and continues to seek solutions to the tremendous barrier created by the existing budget.”

#### **Software Inventory Matters:**

*Criteria:* The Property Control Manual states that, “Agency developed software which the state has ownership to and is capitalized and reportable on the CO-59 and classified under the software category must be recorded within the Asset Management Module of Core-CT.” Further, it states that an individual asset should have a value or cost of \$1,000 or more at the date of acquisition to be capitalized.

Governmental Accounting Standards Board Statement No. 51 generally defines software intangible assets as including computer programming or coding language that provide the necessary instructions for the computer hardware to perform a desired task or a series of tasks. Also, software intangible assets include commercially available off-the-shelf software, software specifically developed by an outside contractor, and software developed internally by agency personnel, or acquired through any combination of the above. Other authoritative literature indicates that agencies that acquire a site license to install software on multiple computers should apply the capitalization threshold on a per unit basis.

The Office of the State Comptroller issued Asset Management Directive No. 3 to provide clarification on the Implementation of GASB Statement No. 51 and Financial Reporting for Financial Assets. The directive states, in part, that license renewal costs should not be added into the original cost of the software license but should be expensed.

*Condition:* The OPA's CO-59 Asset Management /Inventory Report for fiscal year ended June 30, 2010, included \$4,468 for two items of capitalized software. We were provided with documentation identifying the software items that were capitalized:

- One software item with a cost of \$2,970 was for the renewal of anti-virus software. As noted above, license renewals are not added to the original amount capitalized. It should be noted that in this instance, the original amount had not been identified and capitalized.
- The other software item with a cost of \$2,723 was for a Volume Licensing Agreement (VLA) to use Microsoft Word on a number of computers. As described above, a site license to install software on multiple computers should apply the capitalization threshold on a per unit basis. An off-the-shelf copy of Microsoft Word has a unit cost much less than \$1,000.
- The total cost of the two software items of \$5,693 could not be reconciled to the line amount included on the OPA's CO-59.

*Effect:* The OPA and the Department of Administrative Services do not appear to be in compliance with the requirements set forth in the State's Property Control Manual, GASB No. 51, and/or OSC Asset Management Directive # 3 with respect to the capitalization of certain software.

*Cause:* GASB No. 51 required changes in the reporting of assets on the CO-59 Asset Management/Inventory Report for fiscal year ending 2010. The changes included capitalizing certain types of software that had been previously expensed. The conditions noted above appear to stem from the complexity involved in the implementation of the requirements of GASB No. 51.

*Recommendation:* The OPA and/or the Department of Administrative Services should reconsider the software items included on the CO-59 Asset Management /Inventory Report to determine whether they were properly treated in accordance with accounting standards for the capitalization of software as intangible assets in the financial reports of the state. (See Recommendation 3.)

*Agency Response:* "In 2005, the business and personnel functions of OPA were consolidated with approximately 19 other smaller state agencies and moved to the Department of Administrative Services (DAS) Business Office. DAS is responsible for all fiscal requirements including the physical and software inventories. The CO-59 for the fiscal year ending June 30, 2010 was completed by personnel at DAS. The agency had no knowledge of the CO-59 until the issue was raised during this audit of fiscal years 2009 and 2010.

The agency will discuss the discrepancies found during the review of the CO-59 for the fiscal year ending 2010 with the Business Office personnel at DAS and submit a revised CO-59, if appropriate.”

## RECOMMENDATIONS

Our previous audit examination of the Office of Protection and Advocacy contained seven 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 and the Fatality Review Board should comply with the reporting requirements of Executive Order Number 25 by annually submitting the required report to the governor and the Co-Chairs of the Public Health Committee. This prior audit recommendation will be repeated in modified form. (See Recommendation 1)*
- *The Office of Protection and Advocacy for Persons with Disabilities should take the necessary actions to ensure its regulations are up-to-date. The OPA has taken those steps “within its control” to advance the process of updating its regulations. This recommendation will not be repeated for the current audit but will be subject to follow-up in the subsequent audit period.*
- *The Office of Protection and Advocacy should upgrade its Case Management System to ensure that it produces accurate, complete and timely data on abuse investigation cases. Our current audit testing found no change to the condition from the prior audit period. The recommendation will be repeated substantially unchanged. (See Recommendation 2)*
- *The Office of Protection and Advocacy should ensure that all personal service agreements entered into are in compliance with requirements as set forth in the Office of Policy and Management’s Personal Services Agreement Standards and Procedures Manual. The recommendation has been addressed.*
- *The Office of Protection and Advocacy should strengthen internal controls over the purchasing, receiving, and expenditures function, in order to comply with Section 4-98 of the General Statutes, when incurring expenditures. The recommendation has been addressed.*
- *The Office of Protection and Advocacy should require all of its contractors to submit acceptable audits in accordance with the terms of its grant agreements. The recommendation has been addressed.*
- *A physical inventory to determine the actual value of the Office of Protection and Advocacy’s supplies should be conducted. If the value of the supplies are over \$1,000, a perpetual inventory is required by the State of Connecticut’s Property Control Manual. If the value is under \$1,000, a perpetual inventory does not have to be maintained. A complete inventory of the software currently owned by the Office of Protection and Advocacy should be conducted in order to establish and maintain a software inventory record, also as required by the State of Connecticut’s Property Control Manual. As the supplies inventory fell below \$1,000, no perpetual inventory was required.*

Software inventory items were capitalized on the OPA's CO-59 that did not appear to meet the accounting definition for such treatment. As a result, this prior audit recommendation will be repeated in modified form. (See Recommendation 3)

Three recommendations resulting from our current examination are presented below:

*Current Audit Recommendations:*

- 1. The Office of Protection and Advocacy for Persons with Disabilities and the Fatality Review Board should either comply with the annual reporting requirement found in Executive Order Number 25 or seek to have the requirement modified.**

Comments:

In May 2011, the Fatality Review Board Annual Report for the biennial period 2009 to 2010 was issued by the OPA. However, the annual reporting requirement found in Executive Order Number 25 had not been amended, repealed or superseded.

- 2. The Office of Protection and Advocacy should upgrade its Case Management System to ensure that it produces accurate, complete and timely data on abuse investigation cases.**

Comments:

The Case Management System produces reports that have different total case inventory amounts that could not be reconciled to each other. The resources necessary to upgrade the Case Management System and reconcile the report inconsistencies has not been available to the OPA.

- 3. The OPA and/or the Department of Administrative Services should reconsider the software items included on the CO-59 Asset Management /Inventory Report to determine whether they were properly treated in accordance with accounting standards for the capitalization of software as intangible assets in the financial reports of the state.**

Comments:

Two software inventory items that were capitalized on the OPA's CO-59 Asset Management /Inventory Report did not appear to fit the accounting definition for capitalization.

## 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 for the years ended June 30, 2009 and 2010. This audit was primarily limited to performing tests of the OPA's compliance with certain provisions of laws, regulations, contracts and grant agreements and to understanding and evaluating the effectiveness of the OPA's internal control policies and procedures for ensuring that (1) the provisions of certain laws, regulations, contracts and grant agreements applicable to the OPA are complied with, (2) the financial transactions of the OPA are properly initiated, authorized, recorded, processed, and reported on consistent with management's direction, and (3) the assets of the OPA are safeguarded against loss or unauthorized use. The financial statement audits of the Office of Protection and Advocacy for the fiscal years ended 2009 and 2010, 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 the Governor complied in all material or significant respects with the provisions of certain laws, regulations, contracts and grant agreements and to obtain a sufficient understanding of the internal controls to plan the audit and determine the nature, timing and extent of tests to be performed during the conduct of the audit.

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

In planning and performing our audit, we considered the Office of Protection and Advocacy's internal control over its financial operations, safeguarding of assets, and compliance with requirements as a basis for designing our auditing procedures for the purpose of evaluating the OPA's financial operations, safeguarding of assets, and compliance with certain provisions of laws, regulations, contracts and grant agreements, but not for the purpose of providing assurance on the effectiveness of the OPA's internal control over those control objectives.

*A deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions to prevent, or detect and correct unauthorized, illegal or irregular transactions, on a timely basis. *A material weakness* is a deficiency, or combination of deficiencies in internal control, such that there is a reasonable possibility that noncompliance which could result in significant unauthorized, illegal, irregular or unsafe transactions and/or material noncompliance with certain provisions of laws, regulations, contracts, and grant agreements that would be material in relation to the OPA's financial operations will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial operations, safeguarding of assets, and compliance with requirements that might be deficiencies, significant deficiencies or material weaknesses.

We did not identify any deficiencies in internal control over the OPA's financial operations, safeguarding of assets, or compliance with requirements that we consider to be material weaknesses, as defined above. However, we consider the following deficiency, described in detail in the accompanying Condition of Records and Recommendations sections of this report to be a significant deficiency: Recommendation 2 – The need to upgrade its Case Management System to ensure that it produces accurate, complete and timely data on abuse investigation cases. A *significant deficiency* is a deficiency or a combination of deficiencies in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

**Compliance and Other Matters:**

As part of obtaining reasonable assurance about whether the Office of Protection and Advocacy complied with laws, regulations, contracts and grant agreements, 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 OPA's financial operations, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements. However, providing an opinion on compliance with those 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 or other matters that are required to be reported under *Government Auditing Standards*. However, we noted certain matters which we reported to the OPA management in the accompanying Condition of Records and Recommendations sections of this report.

The Office of Protection and Advocacy's response to the findings identified in our audit are described in the accompanying Condition of Records section of this report. We did not audit the Office of Protection and Advocacy's response and, accordingly, we express no opinion on it.

This report is intended for the information and use of OPA management, 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.



Michael R. Adelson  
Principal Auditor

Approved:



John C. Geragosian  
Auditor of Public Accounts



Robert M. Ward  
Auditor of Public Accounts