

Office of Protection and Advocacy for Persons with Disabilities
Fatality Review Board
January 25, 2010

Present: Mr. James McGaughey, Dr. Gerard Kerins, Ms. Patricia Mansfield, Attorney John DeMattia, Ms. Doreen McGrath, and Mr. Peter Hughes, Ms. Anne Broadhurst, Ms. Christine Gaynor and Ms. Barbara Roy, OPA staff, and Ms. Vanessa Gonzalez, OPA Student Intern. **Absent:** Dr. Wayne Carver and Lieutenant David Rice.

1. Mr. McGaughey introduced Ms. Gonzalez to the Board.
2. Minutes of the September 21, 2009 and November 16, 2009 FRB meetings were reviewed and accepted.
3. Correspondence

The Board reviewed and commented on a December 1, 2009 letter written by Mr. Patrick Johnson, President of Oak Hill, to DDS Commissioner Peter O'Meara in response to a letter from the Commissioner to Mr. Johnson regarding Oak Hill's nursing delegation policy. In his letter to Commissioner O'Meara, Mr. Johnson took issue with Commissioner O'Meara's assertion that seven Oak Hill residents were moved to or remained in skilled nursing facilities because certain tasks (such as oxygen administration and tube feedings) were not approved for nursing delegation by Oak Hill nurses. Mr. Johnson expressed concern regarding what he perceived to be a DDS "mandate" for Oak Hill nurses to delegate certain nursing tasks. Mr. Johnson also noted that his agency was open to exploring ways in which Oak Hill might more "creatively" address this issue.

Ms. McGrath noted that in the Commissioner's response to Mr. Johnson's letter, he chose not to debate the particular circumstances of the seven individual cases. Ms. McGrath noted that the Commissioner reaffirmed that it was the expectation of DDS that Oak Hill comply with DDS standards and protocols regarding nursing delegation. Ms. McGrath also noted that it was the Department's position that DDS has the resources to support people with complex medical needs in their own homes. Ms. McGrath noted that DDS will continue to collect data and monitor the circumstances of individuals who are placed into skilled nursing facilities by Oak Hill in order to further ongoing discussions between DDS and Oak Hill regarding the development of acceptable alternatives to nursing home placement.

The Board agreed to send a letter to Mr. Johnson noting that the Board was pleased to learn that Oak Hill remains open to examining their current practices and to making nursing delegation decisions on a case-by-case basis. It was suggested that a copy of the recent study completed by the Fatality Review Board, which analyzes the mortality of adults with developmental disabilities living in nursing homes in Connecticut, be sent to Mr. Johnson, noting the Board's ongoing commitment to ensuring the availability of resources to support people aging in place.

4. Abridged Medical Desk Reviews

Ms. McGrath reviewed the criteria for DDS Nurse Investigators to complete an abridged Medical Desk Review. It was noted that if an abridged Medical Desk Review is completed, the DDS Region will not complete a mortality review. In order for the Board to have additional information regarding the circumstances of an individual's death, it was suggested that copies of the DDS Health and Social Summaries, which are completed in these cases, be forwarded to FRB staff for review. Ms. Broadhurst will pursue this matter with the DDS Director of Health and Clinical Services.

5. Executive Session and Case Review
6. The meeting was adjourned at 4:00 PM.

The next FRB meeting is scheduled for Monday, March 15, 2010 from 1:00 - 4:00 PM at the Sister Anne Virginie Grimes Health Center in New Haven.