

P&A Advisory Board Meeting Minutes

P&A Training Room

March 25, 2015

Call to order: 10:10 a.m.

Advisory Board Member attendees: Sheila Mulvey, Attorney Tom Behrendt, Alexandria Bode, John Clausen, Dr. Harvey Corson, Bill Knight, Attorney Melissa Marshall, Beth McArthur, David Morgana, Miles Wilkerson

Advisory Board Members absent: Chad Sinanian, Jonathan Slifka, Marisa Walls

OPA Employees Present: Executive Director Craig B. Henrici, Assistant Director Gretchen Knauff, PAIMI Program Director Bruce Garrison, CAP Program Director Linda Mizzi, Legislative and Regulations Specialist Beth Leslie

Sheila Mulvey welcomed new Board Members Melissa Marshall and Miles Wilkerson.

Introductions were made.

December 17, 2014 Minutes Review

- One correction: page 4, third paragraph: "Tom said the AIDD would be happy to draft legislation..." delete "draft" and replace with "review".
- Motion to approve minutes with this one correction—moved by Miles, seconded by Melissa. Voice vote unanimous approval.

Executive Director's Report by Craig B. Henrici:

- Pleased to announce a new hire: Cheri Bragg is an Advocate.
- Protection and Advocacy for Individuals with Mental Illness (PAIMI):
 - Advocates are busy planning third annual symposium and conference to be held at Central Connecticut State University Alumni Hall Conference Room on September 11, 2015. Tentative conference title is "Creating Environments that Help and Support Individuals without using Restraint and Seclusion."
 - OPA provided testimony in support of Raised Bill 927 An Act Concerning Seclusion and Restraint in Schools.
- Protection and Advocacy for Individuals with Traumatic Brain Injury (PATBI):
 - OPA's PATBI Advocate helps individuals obtain entry onto the ABI Waiver for services and is working with the Brain Injury Alliance of Connecticut on a recently completed needs assessment to guide planning of program goals.
 - OPA provided testimony in support of HB 6909 An Act Establishing The Connecticut Traumatic Brain Injury Advisory Board.
- Special Education Advocacy Program
 - Three advocates and a special education attorney have been managing our service requests for advocacy and legal support. The provision of appropriate transition services, especially for children on the autism spectrum, has required strong and tenacious advocacy.
- Advocacy for Individuals with Developmental Disabilities

- OPA staff meet regularly with members of Arc of Connecticut, the Council on Developmental Disabilities and UConn's Center for Excellence in Developmental Disabilities to advocate for the closure of Southbury Training School and the five regional centers by 2020. Nancy Alisberg and Gretchen Knauff testified in support of Senate Bill 1088 at the Legislative Office Building that would close all these facilities.
- Abuse Investigation Division (AID)
 - Along with AID's usual good work, AID has been actively participating with auditors from the U.S. Department of Health and Human Services Office of Inspector General who are currently conducting an audit of the Connecticut Department of Developmental Disabilities. The audit is a result of a request from Senator Murphy's Office for that agency to review Connecticut's service delivery system regarding individuals with intellectual disability. The Senator's Office made this request following a series of articles published in the Hartford Courant relating to 81 abuse and neglect death cases which were investigated by this Office. AID is also working with the Office of Policy and Management (OPM) to have the AID database system upgraded. We have re-submitted a proposal at the request of OPM and are hopeful that this request will be granted.
- Fatality Review Board
 - The Fatality Review Board continues to investigate all DDS client deaths.
- Legal Unit
 - OPA v. CT we are deeply involved in monitoring the implementation of the settlement agreement.
 - Connecticut Association of the Deaf v. Bow Tie Cinemas This case is resolved. There are now captioning devices in all Bow Tie theaters.
 - Managing Attorney Nancy Alisberg and Attorney Paulette Annon have a very active docket of cases at against both hospitals and police departments for failure to provide interpreters for persons who are Deaf. Most of these cases are filed with the United States Department of Justice.
 - Paulette has a number of employment cases at various stages at the Commission on Human Rights and Opportunities (CHRO). Many cases have been resolved, and one is scheduled for hearing in June.
 - Paulette is doing more Bureau of Rehabilitative Services (BRS) cases. She took one to hearing recently.
 - Attorney Colin Milne, our education attorney, has been working on a large number of education cases at the PPT stage, at mediation and at due process hearings.
 - Paulette continues to represent clients who are denied eligibility by the Department of Developmental Services (DDS).
 - Paulette and Nancy continue to handle a variety of other cases that come into the office, including housing discrimination cases, service animal cases, and a variety of Americans with Disabilities (ADA) accommodation cases.
 - The Quinnipiac University discrimination settlement has opened the flood gates. Nancy has received a large number of intakes from Quinnipiac students who believe they have been discriminated against.

Assistant Program Director Linda Mizzi gave a brief presentation about the Information and Referral Unit. She said the unit has received over 700 calls so far this year. She said the most common issues are housing, education and transportation. Linda said the unit advocates often refer callers to other resources and to our website. She said sometimes we mail our self-help booklets and other materials to individuals. When asked if she also used materials from other sources she said the unit makes sure they are not duplicating resources that already exist.

Linda gave two advocacy examples:

- A 17 year old special education student moved to a new school and did not receive appropriate services at the new school. The student stopped attending school and the parent was called in regarding truancy. The advocate was able to help the student get the appropriate services and dropped the charge of unexcused absences from the student's record.
- An 8 year old boy with autism had his service animal in a park. A Connecticut State Police Trooper was at the park and told the boy and his mother that no dogs were allowed. The mother was given a copy of the state law regarding service animals to show to the State Police Trooper. She was advised to keep a copy of the law in her purse in case she had any future problems.

Protection and Advocacy for Individuals with Mental Illness (PAIMI) update: Marisa Walls, PAIMI Council Chairperson, was unable to attend the meeting. PAIMI program director Bruce Garrison presented the PAIMI update to the board. Bruce told the board that a new advocate, Cheri Bragg, had been hired, that she was a good fit and she "has the heart of an advocate."

Bruce reported that he testified alongside Craig before the legislative Children's Committee on a bill to limit restraint and seclusion use to emergencies only. Current law allows for the planned use of seclusion as part of a special education student's IEP. PAIMI gets reports of injuries from restraint and seclusion use and Bruce said he had just received a report of a child who sustained a forehead laceration as a result of restraint and seclusion use, and that it took place in a State Department of Education approved inpatient mental health facility.

Bruce described the upcoming third annual conference on restraint and seclusion. It will be held September 11, 2015 at Central Connecticut State University. The board asked Bruce about the conference. Board member John Clausen said the first conference shared only very basic information on de-escalation which was met with resistance. John said the second conference was better but that the State Department of Education didn't show up because they felt "beat up" from the first conference. Bruce explained that much hard work has gone into getting all involved state agencies to sign on to a common vision.

Bruce said schools are not fully reporting all uses of restraint and seclusion to the State Department of Education. Instead of cracking down on non-compliance, the SDE appears to be working to help school systems improve their reporting ability. Board member Beth McArthur said that focusing on reporting without a goal to reduce restraint and seclusion use is not very useful. Bruce said the Cedarhurst School in New Haven used to use restraint and seclusion but they worked on the 6 core principles to change and now they do not use restraint and seclusion, even though they have children with challenging behaviors.

Melissa Marshall, as Coordinator of the Cross Disability Lifespan Alliance, made a presentation about the Alliance. She reviewed the Vision, Mission and Values Statements of the Alliance.

The Alliance Vision is:

- Connecticut is a state in which all people with disabilities can look at their lives and say, "Life is good" because their communities respect, engage and value all of their members.

The Alliance Mission Statement is:

- The CT Cross Disability Lifespan Alliance advocates for the full inclusion and participation in community of all people with disabilities.

Melissa said the Alliance uses the Vision, Mission and Values statements at every meeting. Whenever an issue is raised and the members cannot agree on what, if any, position to take on an issue, they go back

to this document and use it as their guide. Using this guide the Alliance adopted policy positions on housing, transportation and employment.

The Alliance decided to support Campaign 2020 (to close Southbury Training School and the DDS regional centers). The Alliance decided to oppose outpatient commitment, Medicaid cuts, cuts to the Department of Mental Health and Addiction Services (DMHAS) budget, the elimination of state funding for Independent Living Centers. The Alliance decided not to weigh in on the aid in dying legislation and the proposal to create an official state council on traumatic brain injury.

The Alliance did get involved in an issue regarding the Department of Social Services (DSS) and cuts to vendors who provide durable medical equipment (DME) for complex rehabilitation including customized seats, orthopedic pediatric cribs, and in home wheelchair repairs. Attorneys Sheldon Toubman and Nancy Alisberg wrote a letter to DSS with concerns on this issue. The letter had 45 signatures, including 23 organizations.

Melissa reported that the Alliance shares information on issues that they do not take positions on. She said she has hosted a weekly Friday afternoon conference call with interested persons from 1:00 pm to 1:30 pm. She said it gives people a chance to come together and share issues and concerns and to strategize.

The Alliance is holding a press conference and networking event on April 20, 2015 in the Old Judiciary Room at the State Capitol in Hartford. From 9:00 a.m. to 10:00 a.m. people can network, and the press conference will be at 10:00 a.m. and will address the devastating proposed budget cuts to DMHAS, DDS, Independent Living Centers, and for durable medical equipment, and will also support Campaign 2020.

Melissa asked everybody to join the Alliance. Membership is free. The next meeting is May 4, 2015 at Beth el Temple, Albany Avenue, West Hartford.

Beth Leslie gave a legislative update. She mentioned the proposed budget cuts to the Department of Developmental Services, legislation on the use of restraints and seclusion in schools and handicapped parking. Legislation to address handicapped parking appears dead this session, but State Representative Larry Butler has committed to be the champion on this issue next year. Melissa pointed out that this year's bill to prohibit piling snow in handicapped parking spaces would be easier to enforce, but that it already is illegal to dump snow in such parking spots under the ADA. Representative Butler wants to meet after this session is over to begin work. Also, Transportation Committee member State Representative Arce wants to work on this issue. Representative Angel Arce wants pictures on the placards. Board member David Morgana explained the differences between state and town tickets and fines and said the towns get to keep the money collected from town ticketing. He also said State Representative Joe Verrengia, who is a member of the Transportation Committee would not return his calls.

Board member Dr. Harvey Corson next discussed Raised Bill 6765 AN ACT CONCERNING INTERPRETER QUALIFICATIONS. A good number of Deaf/HH people and interpreters showed up for the public hearing. He said he understood why the Human Services Committee amended the bill to remove the Monitoring Board—it would require staffing and therefore state dollars, and in this tight budget cycle no money was provided for this. It was either go forward with the improved standards and no monitoring board or the whole bill would have died.

Harvey explained that the Connecticut General Statutes have not been updated in several years. He said Connecticut is typically 5 to 6 years behind national standards for interpreters. He said HB 6765 is the result of work that began with a 2012 task force. He said children in schools are getting "facilitated communication" and that schools refuse to use the word "interpreter." He said school children are not getting qualified professional interpreters.

Harvey said the legislation focuses on the standards for interpreters in education, community, medical and legal settings and that the standards change in 2017 and 2020. He said the Deaf community will continue to work to get the monitoring board and proper funding for staff and supports. He said the Interpreter Standards Monitoring Board could investigate complaints and levy fines against repeat offenders. It would be somewhere people could lodge complaints and get help. The Board would ensure interpreters are qualified and businesses and other entities that want to hire interpreters would be confident they are hiring a qualified professional.

Sheila suggested the Board write a letter of support to the legislature to request passage of HB 6567 as amended by the Human Services Committee. She said she would work with Harvey on a draft letter. Bill Knight made the motion, seconded by Tom Behrendt. The motion was unanimously approved by voice vote.

Sheila updated the Board on the OPA state statutes revision proposal. She said she had communicated with Governor Malloy's Legal Counsel Karen Buffkin. Sheila distributed copies of the memorandum dated February 13, 2015 from Jennifer Johnson, Director of the Office of Program Support at the Department of Health and Human Services Administration for Community Living, Administration on Intellectual and Developmental Disabilities, referred to as AIDD. Sheila noted that at least 10 revisions to the OPA state statutes have been made over the years. She said AIDD believes OPA is not in compliance, and specifically that OPA lacks a buffer between OPA and the Governor. Sheila said it is too late for the legislative committee to act but that perhaps language could be put in an implementer.

Sheila said Attorney Karen Buffkin has spoken to AIDD and has some ideas to change the proposal to be in compliance with AIDD. Melissa Marshall asked what the effect would be if OPA does not get in compliance. Tom said Karen understands that federal funding could be jeopardized. He said AIDD audits P&As and said NDRN and AIDD say AIDD is really focusing on the handful of state run P&As, focusing on compliance. Tom mentioned that also the Connecticut Council on Developmental Disabilities federal funding would be jeopardized along with OPA funding. Tom said the day to day running of OPA programs does not need to change much but that the Board and governance structure needs to be changed. He said he does not want to contend with federal auditors.

Melissa said she was on a conference call with AIDD. She said that any draft to change OPA statutes wouldn't affect the Executive Director position for 5 years. She said she supports making changes to be in compliance and that these efforts were not about getting rid of anybody.

Sheila said she needed to hear from Karen. Craig indicated his support and that Karen supports the changes needed. Melissa said the implementer bill is often passed in the middle of the night and any attorney tasked with drafting OPA statute changes needs to be sure that statutes written as long ago as the 1970s are amended to be in accord with the federal DD Act. Board members agreed also that the potential "savings" of federal funds is a selling point for making changes to state statutes.

Sheila said agenda item number 8, Housekeeping—Consent Agenda, would be postponed because Marisa had asked for it to be on the agenda but then was unable to attend the meeting. Sheila said it could be addressed at the next board meeting. Sheila said NDRN would come and do board training at the next board meeting and that the meeting will be longer than the usual 2 hours. She said she would share any OPA statute change updates by email.

Alex asked why there was no Client Assistance Program (CAP) update on the agenda. Alex wanted to know how many people ask for help and what the satisfaction rate is. Sheila asked Alex to email any CAP questions she has to Craig and then asked Craig to put "CAP update" on the agenda for the next board meeting.

The board discussed having an access working group to address issues such as State Capitol accessibility. David said he wants to be part of such a working group. Sheila asked who would want to be on an access work group and said it can be discussed at the next board meeting.

Miles brought up charter schools and accessibility—specifically about access to paraprofessional services. He will send an email to Craig and Sheila with his comments and questions on this topic.

John brought up the enormous costs associated with keeping Southbury Training School open. He said the institution has just over 300 residents and maintains 119 licensed nurses and 14 kitchens complete with chefs and other staff. Craig added that the regional centers are even more expensive to operate per capita. Melissa said the DDS commissioner exaggerated the cost to close Southbury Training School and when she testified at the public hearing on SB 1088 she said there was no need for legislation. John said no new group homes need to be built because people can move into existing homes. He also noted that at Southbury \$30 million of the \$90 million costs are for overtime. Tom said the Connecticut Valley Hospital is also very expensive to operate. Sheila said the board could discuss Southbury Training School at the next board meeting.

David made a motion to adjourn, seconded by Bill. The motion was approved by unanimous voice vote.

12:08 pm Adjourned.