



PAIMI

ADVISORY COUNCIL



STATE OF CONNECTICUT
OFFICE OF PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH DISABILITIES

PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH MENTAL ILLNESS •
Authorized by Federal Law (42 U.S.C.A. 10801-10826) to protect and advocate for the rights of individuals with mental illness

PAIMI Advisory Council Meeting Minutes October 5, 2010

The PAIMI Advisory Council met at 9:30 a.m. on October 5, 2010 at the Office of Protection and Advocacy for Persons with Disabilities.

Present: Josefa Correa, Elizabeth Larsen, Muriel Tomer, Alicia Woodsby,

Absences: Wallace T. Peterson III, Sandy Chapman, Barbara Sloan, Lorna Grivois

Staff: James McGaughey, Executive Director, Gretchen Knauff, Assistant Director, Nancy Alisberg, Managing Attorney, Bruce Garrison, Assistant Program Director for PAIMI

CALL TO ORDER

The PAIMI Advisory Council Meeting was called to order at 9:50 A.M. Only 4 Council members were present. No Quorum.

INTRODUCTION OF NEW PAIMI PROGRAM DIRECTOR

Bruce Garrison was introduced as the new Assistant Program Director for the PAIMI unit. He is filling the position vacated by Susan Werboff in August. He assumed his duties in the position on September 24, 2010. Welcome Bruce!!

Muriel, Josefa, and Alicia and Elizabeth also introduced themselves.

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APPROVAL OF MINUTES

The minutes could not be approved. No Quorum. They are tabled until the next meeting.

OLD BUSINESS

James McGaughey – Executive Director’s Report

- **Priorities** – The Priorities and Objectives developed by the PAIMI Advisory Council were adopted by the P&A Advisory Board. They will be incorporated into the overall agency wide Priorities and Objectives.
- **Task Force on Law Enforcement & People with Special Needs** – Jim has been attending these task force meetings sponsored by State Senator Witkos. There are many attendees and lots of issues have been brought to the table. Some good ideas and some bad ideas have been proposed.

One of the concepts discussed was the CIT (Memphis model) that trains police officers in how to approach people with various disabilities. The New London Police have trained some staff using this model and they have really embraced the training and seen the positive effects. The training is only offered to police officers who are interested in learning it. Senator Witkos would like to send all police officers to the training. The trainers hesitate at this idea because they really only want to train those interested in learning it.

The last meeting for the task force was canceled. Not sure when the next meeting will be held.

- **Restraint and Seclusion in Schools** – Jim reported that Congress is working on Restraint & Seclusion legislation. The House of Representatives passed a pretty good version of a bill but the Senate wants to allow both restraint and seclusion to be allowed as part of a student’s Individualized Education Plan (IEP).

Alicia told Jim that she referred a reporter to him. The reporter is interested in doing more stories on restraint and seclusion.

Jim asked that anyone who has any type of input on the legislation to please share it with him.

Managing Attorney's Report - Nancy Alisberg

- **OPA v. CT** – The parties are in enmeshed in discovery and disputes related to discovery.

There is a case that is virtually identical to our case that was brought by the P&A in Albany, NY. They went to trial and won and the State is now appealing to the Second Circuit. That decision will have a significant impact on our case and we will be watching it closely. The Attorneys General in our case wrote an amicus brief supporting the State in the New York case. Interestingly, only four other states signed the brief: Arkansas, Tennessee, Utah and Wyoming. Importantly, Vermont, the other state from the Second Circuit did not join them.

~~Alicia reported that she, Sheila Amdur and Kevin Sullivan were upset by the Attorney General writing the amicus brief.~~ They had a meeting with Rich Kehoe who indicated that the Attorney General signed onto the case for litigation purposes. The politics of the case were not considered. The Attorney General's office offered to write a letter clarifying their position on community integration.

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Deleted: Alicia reported that she, Sheila Amdur and Kevin Sullivan were upset by the Attorney General signing the amicus brief.

- **Bolmer v. Oliveira** – Mr. Bolmer has received a financial settlement that was placed into a special needs trust. OPA is still unable to resolve the question of the attorneys' fees due to the opposition of Attorney General's Office. If we are unable to settle we will have to litigate the fees. The appeal of the case against Danbury Hospital is still pending.
- **Gross v. Rell** – This was originally a probate case involving a man from New York who was involuntarily placed in a nursing home by a family member. Mr. Gross' court appointed attorney, conservator and the probate judge all allegedly deprived him of his rights and eventually he filed suit in federal court and is now represented by CT Legal Rights Project. The case was dismissed because the court found that all the defendants were immune from suit. When that case was appealed to the Second Circuit, that court "certified questions" to the Connecticut Supreme Court asking it to tell the Second Circuit what the state law is on immunity. OPA was involved originally involved in helping with the case in the federal district court, and this past month was involved in the amicus briefs to the Connecticut Supreme Court that were just filed. Still waiting for an argument date.
- **VOPA v. Stewart** – This case is from the Virginia P & A (VOPA) and is similar to a case won by OPA (OPA v. Kirk) and involves the right of P & A's to have access to peer records from a state agency. The district court dismissed the case and ruled that VOPA, as a state agency, does not have the constitutional right to sue another state agency, calling it an "intramural" dispute. The 4th Circuit affirmed the lower court and VOPA filed a petition for certiorari in the Supreme Court which was granted. If VOPA loses the appeal it will apply to all state agency P&As and we will lose our right to bring access cases in the Federal Courts where we have had great success. We will be forced to bring these cases in state court with judges who are

not familiar with federal law. Additionally, it is possible that any case we would bring in state court could be dismissed on sovereign immunity grounds like the Blick case was. That would leave us without any recourse in access cases, and raises grave concerns about our access rights. The Managing Attorney is involved in helping to put together and review NDRN's amicus brief. The case is scheduled to be argued December 1, 2010. Nancy is going to D.C. to watch the argument.

Program Director's Report - Bruce Garrison

- Six days on the job!
- **PAIMI Council Needs New Members** – We need to recruit new members for the PAIMI Council. We are down to 8 Council members and we should have 13. Bruce will send all current Council members copies of the recruitment flyers so they can be distributed.
- **Psychiatric Facility Report Cards** – The hospitals responses to the report cards have been quite positive. They have already made some changes in response to the report cards.

Alicia wondered if Lawrence and Memorial Hospital would be reviewed as she was hearing negative information about the Emergency Room services. Alicia and Elizabeth want to work together to do the review. Nancy Alisberg asked that the Emergency Room not be reviewed as part of the report card, keeping them separate issues as they have been during the report card process.

NEW BUSINESS

- Voting on FY 2011 Priorities – The Council was unable to vote on the Priorities due to the lack of a Quorum. The vote will be done via mail. A ballot will be sent to all PAIMI Council members with a self addressed stamped envelope.
- Voting on PAIMI Council Chair – The Council was unable to vote on a Chair due to the lack of a Quorum. The Council members will be sent ballots in the mail with a self addressed stamped envelope.
- Riverview – Bruce gave a brief overview of the PAIMI project at Riverview Hospital. Jessica Rival is the advocate working on the project. Information about the project was given to each Council member.

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ADJOURNMENT

The PAIMI Advisory Council Meeting adjourned at 11:30 a.m. The next meeting is scheduled for Tuesday, December 7, 2010 from 9:30 – 11:30 a.m.

Respectfully submitted,

Gretchen Knauff
Assistant Director

c: James McGaughey
Nancy Alisberg
Bruce Garrison