

**COUNCIL MEMBERS:**

Jim Heffernan, Chair
Patrick Vingo, Vice Chair
Dr. John Pelegano, Secretary
Donna Bouteiller
Jennifer Carroll
Jack Frost
David Hadden
Thomas Kalal
Jamie Lazaroff
Sheila Mulvey
Lou Richards
Patti Silva
Commissioner Terrence W. Macy, Ph.D., Ex-Officio

DDS STAFF:

Deputy Commissioner Joseph Drexler
Sgt. Shane Hassett, Director of Investigations
Edward Mambruno, Ombudsperson
Christine Cooney, Legislative and Executive Affairs
Rod O'Connor, Legislative Liaison

Approved Minutes of November 10, 2011

In Attendance: Jennifer Carroll, Jack Frost, David Hadden, Jim Heffernan, Thomas Kalal, Commissioner Terrence Macy, ex-officio, Sheila Mulvey, John Pelegano, Patti Silva, Patrick Vingo,

Staff: Joseph Drexler, Shane Hassett, Ed Mambruno, Rod O'Connor.

Jim Heffernan opened the meeting at 6:07 PM.

Public Comment:

There was no public comment.

Review of October Minutes:

Commissioner Terrence Macy made a motion to accept the minutes as written of the October meeting, which was seconded by Patti Siva. The Council voted unanimously to accept the October minutes as written.

Ombudsperson's Report:

Ed Mambruno discussed a CT Mirror article on storm preparedness issues for persons with disabilities. Mr. Mambruno highlighted some of the Governor's Two Storm Panel's recommendations including the recommendation that the state help finance the purchase of generators for group homes.

Mr. Mambruno shared his October report with Council Members and discussed its new format. He asked if the Council members had specific questions on any of the bulleted issues in the Concerns/Issues section. Specific issues discussed by Mr. Mambruno were the Voluntary Services Program (VSP), an abuse and neglect investigation and a persistent mold issue at a Community Living Arrangement.

Jim Heffernan discussed a case before the State Supreme Court in which a woman who could not communicate was sexually assaulted. The state Appellate court overturned the perpetrator's conviction because the woman was not "physically helpless" as defined in statute and she could have screamed or used other non-verbal actions to express her lack of consent. Mr. Heffernan asked that a copy of the Chief State's Attorney's sexual assault bill from last session that would have addressed the statutory issues in this case be sent to Council members. He suggested that the Council and DDS be supportive of any bill in the upcoming that addressed these issues.

Legislative Update:

Rod O'Connor discussed the "Jobs bill" that was passed at the October 26, 2011 Special Session. Mr. O'Connor highlighted the sections of the bill that would specifically impact persons with intellectual disability by

providing employers with a \$900 per month tax credit for hiring an employee receiving vocational rehabilitation services from the Bureau of Rehabilitative Services (BRS). He explained that about 10% of all persons receiving BRS services had intellectual disability and that not all of those individuals would be DDS consumers.

Mr. O'Connor shared information on the three agency bills that have been submitted for review by the Office of Policy and Management (OPM) and the Governor's office that would make up the 2012 DDS legislative package. The first proposed bill would eliminate the requirement for a DDS Five Year Plan. Commissioner Macy stated that although the current process for drafting the 2012 – 2017 Five Year Plan has been helpful, there are other more effective ways to develop plans for the future of DDS. Mr. O'Connor explained the issues surrounding the second proposed bill which would allow Connecticut to count private insurance payments made for Birth to Three services as part of the state's federal requirement to show "maintenance of effort" for Part C of the Individuals with Disabilities Education Act (IDEA). The third proposal would allow a judge to order periodic examinations of a defendant placed in the custody of the Commissioner of Developmental Services for purposes of civil commitment and that the court be notified of the termination of a commitment to DDS. Deputy Commissioner Drexler explained certain aspects of the bill as it would apply to the few individuals committed to DDS by the courts. This legislation would align DDS practice in these types of cases with that of the Department of Mental Health and Addiction Services (DMHAS).

Commissioner's Update:

Commissioner Macy shared the department's draft organizational chart with members and discussed the appointment of Joe Drexler as the new Deputy Commissioner. The Commissioner said that Mr. Drexler would oversee the fiscal, contracting, facilities management, health services and other areas of the DDS system. He also told the Council that the Director of Southbury Training School would report directly to the Commissioner. Commissioner Macy said that DDS had received approval for several positions to be re-filled including a Director of Autism Services, a Medicaid Director and several direct care staff. Also, an Individual and Family Advocate position has been approved. Self-advocates will be part of the process in hiring new personnel.

The Commissioner detailed the department's response to the October snowstorm. He showed how the department had tracked which agencies and which settings had relocated. Jennifer Carroll asked what the regulations were on a group home having an emergency generator. The Commissioner said that it was not required for a CLA to have a generator and that the expense of a generator was prohibitive for many providers. He added that the Department of Social Services would allow for payment for a generator as long as the cost did not exceed the room and board rate cap. There was a discussion around how the department would get input from providers on what planning worked during the emergency and what was needed in emergency plans for future emergency situations. The Commissioner said DDS was soliciting input from providers to prepare for future events.

Ms. Carroll said that those individuals with self-directed services were not supported well in community shelters. The Commissioner stated that shelters are not prepared for the needs of persons with disabilities in this type of disaster. It comes down to a question of how do you create universal support in shelters? David Hadden asked if there were any injuries to either consumers or staff as a result of the storm. The Commissioner reported that there were none. Tom Kalal asked if every consumer in the department had an emergency plan. The Commissioner said that all consumers did have plans and that, if possible, the plans tried to keep individuals where they were.

Mr. Heffernan asked about the feedback on the DDS Five Year Plan. The Commissioner stated that there had been some very good suggestions offered in the feedback. Mr. Frost offered some suggestions to improve the readability of the charts and graphs included in the plan. Mr. Heffernan suggested that the discussion continue on the Five Year Plan at the next meeting.

Mr. Frost asked about the department's five percent budget reduction options that had been requested by OPM. The Commissioner and the Deputy Commissioner both said that it was becoming far more difficult to find these requested reductions given that DDS, over the last few years, has been required to find savings through closing group homes and cottages, not refilling positions, and closing enrollment in certain programs, DDS cannot eliminate or reduce most services because of Medicaid Waiver requirements so the department's reduction options are more limited.

Old Business

There was no old business.

New Business

Jim Heffernan announced that Jamie Lazaroff had been appointed to the Council by the Governor. Mr. Lazaroff was unable to attend the meeting due to a prior commitment.

Sheila Mulvey discussed the Governor's Executive Order No. 10 concerning Personal Care Attendants (PCA) with the Council. She detailed some of her concerns with the Executive Order's anticipated outcomes and its impact on individuals and families direct hire for in-home supports. Ms. Mulvey asked that the discussion of Executive Order No. 10 be continued at the next Council meeting after Council members had time to read it. She also asked that the link to a petition opposing the provisions of the Order be sent to members.

Mr. Heffernan asked for volunteers for the nominating committee that is charged with proposing a slate of officers for the Council in 2012. Tom Kalal, Jack Frost and Patti Silva volunteered and will report back to the Council at the December 6, 2011 meeting with a slate of candidates for Council officers.

The meeting was adjourned at 8:33 PM on a motion made by Jack Frost and seconded by Sheila Mulvey.