

**STATE OF CONNECTICUT
DEPARTMENT OF DEVELOPMENTAL SERVICES**

Procedure No: I.F.PO.002.PR.001

Subject: Transfer Procedure

Issue Date: June 28, 2010

Effective Date: Upon Release

Revision Date: September 29, 2010

Section: Human Rights and Legal Responsibilities

Approved: /s/Peter H. O'Meara/KdP

A. Purpose

The purpose of this procedure is to establish a consistent practice when a transfer is proposed by the Commissioner or Regional Director of an individual from a residential facility operated, licensed, or funded by the Department of Developmental Services (DDS) to another such program.

B. Applicability

This procedure shall apply to any individual who is a consumer of the DDS and who resides in a residential facility that is operated, licensed, or funded by DDS, and a transfer is proposed by the Commissioner or Regional Director from his current residential facility that is operated, licensed, or funded by the DDS, to another such program.

This procedure shall be implemented by all case managers, case management supervisors and other DDS staff responsible for transferring an individual from a residential facility that is operated, licensed, or funded by DDS to another such program.

C. Definitions

Refer to definitions in Transfer Policy No. I.F.PO.002.

D. Implementation

1. The transfer of an individual may be due to the following reasons:

- a. the proposal by the Commissioner or Regional Director of the transfer of the individual from a residential facility that is operated, licensed or funded by the DDS to another such program.
- b. the proposal by the Commissioner or Regional Director of an emergency transfer of the individual from a residential facility that is operated, licensed or funded by the DDS to another such program.

2. Notice of Intent to Transfer

- a. Once the determination of a transfer has been made for a reason other than an emergency, and appropriate planning has occurred, the DDS must inform the individual and the individual's parent, guardian, conservator, or other legal representative of the intent to transfer through a Notice of Intent to Transfer.
- b. The Notice of Intent to Transfer must be sent via certified mail at least ten days prior to the proposed transfer by the DDS case manager.
 - (i) The Notice of Intent to Transfer shall be signed by the case manager and co-signed by the Regional Director or designee.
 - (ii) The notice shall contain the date and location of the proposed transfer, notice of the right to object to the proposed transfer, the right to a hearing on the

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proposed transfer, and the address and telephone number of the Office of Protection and Advocacy.

(iii) A copy of the notice shall be sent to a representative of the individual's current residential program and a copy shall be placed in the individual's Master File by the case manager.

c. In the event of an emergency transfer, the individual and the individual's parent, guardian, conservator, or other legal representative shall be given notice of the right to object to the transfer within 10 days following the emergency transfer.

3. Objection to Transfer

a. In the event the individual or the individual's parent, guardian, conservator, or other legal representative objects to the proposed transfer, the individual or representative shall notify the case manager on the "Objection to Transfer" form, sent with the "Notice of Intent to Transfer".

(i) The case manager shall inform his supervisor, the Regional Director or designee and the PRAT Chairperson of the objection to the proposed transfer.

(ii). A copy of the objection will also be faxed to the DDS Division of Legal and Government Affairs.

b. In the event the individual or the individual's parent, guardian, conservator or legal representative objects to the proposed transfer, in cases other than an emergency, the transfer shall not take place pending the disposition of the hearing.

4. Transfer Hearing

a. The Commissioner, through the Division of Legal and Government Affairs, shall appoint a Hearing Officer.

b. The Hearing Officer shall promptly schedule and conduct the hearing, in accordance with the relevant provisions of the Uniform Administrative Procedure Act (UAPA), Chapter 54 of the Connecticut General Statutes.

c. At the hearing both parties shall present evidence regarding the reasons for and against the transfer. The proponent of the transfer shall have the burden of showing, by clear and convincing evidence, that the proposed transfer is in the best interest of the individual being considered for transfer and that the facility and programs to which transfer is proposed

(i) are safe and effectively supervised and monitored; and

(ii) provide a greater opportunity for personal development than the individual's present setting.

d. The Hearing Officer shall render a written decision within twenty (20) working days after the hearing and send it to the Commissioner.

e. The decision of the Commissioner or the Commissioner's designee shall be final. This decision shall be shared in writing with the individual, the individual's parent, guardian or legal representative, the case manager and the Regional Director.

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f. If the individual or the individual's parent, guardian, conservator or legal representative is aggrieved by the decision of the Commissioner, it may be appealed to the Superior Court as outlined in the UAPA.

g. No hearing shall be required if the Commissioner withdraws the proposed transfer.

E. References

Connecticut General Statutes

Sections 17a-210 et seq.: Department and Commissioner of Developmental Services

Chapters 54 et seq.: Uniform Administrative Procedure Act

Regulations of Connecticut State Agencies

Section 17a-230-13

External

Code of Federal Regulations (C.F.R.)

42 C.F.R. 442.1 through 442.119 – ICF/MR Regulations

F. Attachments

I.F.PO.002.PR.001 Attachment A: [Notice of Intent to Transfer](#)

I.F.PO.002.PR.001 Attachment B: [Objection to Transfer](#)

I.F.PO.002.PR.001 Attachment C: [Transfer Fact Sheet](#)

I.F.PO.002.PR.001 Attachment D: [Public Home Closure Notification and Right to Hearing](#)