

**STATE OF CONNECTICUT
DEPARTMENT OF DEVELOPMENTAL SERVICES**

Policy No.: I.F.PO.002
Subject: Transfer

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

Section: Human Rights and Legal Responsibilities

A. Policy Statement

The purpose of this policy is to articulate the due process rights of individuals and their parent, guardian, or legal representative when a transfer is proposed by the Commissioner or Regional Director from a residential facility that is operated, licensed, or funded by the DDS, to another such program. In the case of a transfer for any reason other than an emergency, the individual has the right to notification 10 days prior to the transfer and to a Uniform Administrative Procedure Act (UAPA) hearing to object to the transfer. In the case of an emergency transfer, the individual has the right to notification within 10 days following the transfer and to a UAPA hearing to object to the transfer.

B. Applicability

This policy shall apply to any individual who is a consumer of the Department of Developmental Services (DDS) and who resides in a residential facility that is operated, licensed, or funded by DDS.

This policy does not apply to an individual transferring from one residential unit to another within the training school or regional center, to a transfer initiated by the planning and support team with the involvement of the individual and guardian, to a transfer initiated by the individual or guardian using portability or to the admission of an individual to a health care or other facility that is not operated, licensed or funded by DDS.

C. Definitions

The following definitions apply to this policy and the associated procedure.

DDS: Department of Developmental Services, also known as the department.

Emergency Transfer: The immediate transfer of an individual from any residential facility that is operated, licensed, or funded by the DDS to another such program when necessary to avoid a serious and immediate threat to the physical or mental health of such individual or others residing in the residential facility.

Hearing: The administrative proceeding that is held in accordance with relevant provisions of Chapter 54 of the Connecticut General Statutes governing the Uniform Administrative Procedure Act.

Hearing Officer: A person appointed by the Commissioner of the DDS to conduct a hearing in accordance with the relevant provisions of Chapter 54 of the Connecticut General Statutes governing the Uniform Administrative Procedure Act.

Individual: Any person residing in a residential facility operated, licensed or funded by the department.

Notice of Intent to Transfer: In cases other than because of an emergency, the written notification from the DDS of the proposed transfer, sent to the individual and the individual's parent, guardian, conservator, or other legal representative at least 10 days prior to the proposed transfer.

Office of Protection and Advocacy for Persons with Disabilities (OPA): The state agency which provides advocacy services to individuals with disabilities.

Planning and Resource Allocation Team (PRAT): A team of DDS employees in each region that functions to manage the allocation of resources to individuals, including residential placement opportunities.

Planning and Support Team: The group that includes the individual, the individual's parent, guardian, conservator or legal representative, case managers and support service representatives who develop the individual plan.

Residential Facility: A program that is operated, licensed or funded by DDS and includes community living arrangements (CLAs), community intermediate care facilities for the mentally retarded (ICFs/MR), and community training homes (CTHs). It does not include individuals living in their own homes receiving individualized home supports (IHS) or continuous residential supports (CRS), and family homes.

Transfer: The move of an individual from a residential facility operated, licensed, or funded by the DDS to another such program, which is proposed by the Commissioner or the Regional Director.

Transfer Rights: The due process right of the individual and the individual's parent, guardian, conservator, or other legal representative to object to a proposed transfer. In the event of an objection to the proposed transfer, the transfer shall be stayed pending the outcome of the hearing as defined above.

Uniform Administrative Procedure Act (UAPA): The fair hearing process governed by Chapter 54 of the Connecticut General Statutes.

D. References

Connecticut General Statutes

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