



Dannel P. Malloy  
Governor

State of Connecticut  
Department of Developmental Services

**DDS**

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Acting Commissioner

**DEPARTMENT OF DEVELOPMENTAL SERVICES TESTIMONY  
BEFORE THE PUBLIC HEALTH COMMITTEE**

**March 20, 2017**

Senators Gerratana and Somers, Representatives Steinberg and Srinivasan and members of the Public Health Committee. I am Jordan A. Scheff, Acting Commissioner of the Department of Developmental Services (DDS). Thank you for the opportunity to testify in support of Governor Malloy's bill **S.B. No. 797** **AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET RECOMMENDATIONS FOR PUBLIC HEALTH PROGRAMS**, specifically as it relates to moving the Office of Protection and Advocacy for Persons with Disabilities' (OPA's) Abuse Investigation Division's (AID) functions to DDS.

Transferring OPA's Abuse Investigation Division to a state agency that provides services is consistent with guidance from the federal government. The federal report on the Connecticut Protection and Advocacy System released in October 2015, which launched the need to make modifications to the state's system, classified OPA's AID as part of the service delivery system rather than part of the advocacy system.

While DDS currently remains a direct service provider, I maintain the department's commitment to enhancing the role of the private sector through the closure and conversion of many state-operated residential programs. I wish to point out that there are a relatively small number of individuals living in public residential settings that are not protected by additional independent oversight through the facility's certification as an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IIDs).

With respect to individuals living in non-ICF/IID DDS-run residential settings, I commit to you that there will be mechanisms in place to provide for safeguards:

- DDS's Division of Investigations (DOI), inclusive of the AID, will report directly to the Commissioner's office in order to remain free of potential conflict from program administration in the regions.
- Investigators and staff have, and will continue to have, protections from potential retaliation for bringing abuse or neglect concerns forward.

Other service providing agencies, such as the Departments of Children and Families and Mental Health and Addiction Services successfully manage abuse investigations. DDS, like these other agencies, is in the best position to analyze the individual histories of, and quickly target available resources to, individuals supported by the department.

Additionally, Governor Malloy has designated a separate nonprofit organization to continue to serve as Connecticut's protection and advocacy system which, under the federal regulation, grants them the authority to investigate incidents of abuse and neglect.

The benefits of the new system include:

1. A central point of intake for all allegations of abuse and neglect. This limits confusion and increases efficiency.
2. A single system of electronically recording the information from these investigations that will inform a larger incident management system. This system will be used to drive the agency's continuous quality improvement.
3. By eliminating a duplicative investigation process, DDS can better manage personnel to be closer to their investigations and timelier in their completion of investigations.
4. The transfer increases the breadth of protection afforded to individuals not receiving DDS services. DDS has, under its statutory authority, a broader definition of abuse and neglect which includes concerns OPA's abuse investigations have not, including psychological abuse, verbal abuse, and financial exploitation.

I strongly believe that the new system will provide the necessary safeguards and will, in fact, enhance the state's ability to protect individuals with intellectual disability and provide a more sustainable, predictable and responsive abuse and neglect system.

Finally, we would like to bring to the committee's attention that we are working with staff from Governor Malloy's administration to address an inadvertent drafting error. Specifically, language that was intended to clarify that DDS would continue to investigate allegations of abuse and neglect of individuals receiving services through the Department of Social Services' Division of Autism Spectrum Disorder Services appears to require DDS to provide and fund protective services orders for the same individuals. Additionally, DDS has some technical and respectful language fixes to propose. We have shared the suggested corrections with staff from Governor Malloy's administration and understand that they will be working with your committee to request substitute language to address these concerns.

Thank you again for the opportunity to offer testimony in support of [S.B. No. 797](#) **AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET RECOMMENDATIONS FOR PUBLIC HEALTH PROGRAMS**. I would be happy to answer any questions you have at this time. You may also contact Christine Pollio Cooney, DDS Director of Legislative and Executive Affairs at (860) 418-6066 with additional questions.