**Procedure No.:** I.F.PR.011 (formerly DMR Policy #7) **Issue Date:** March 3, 1986

**Subject:** **Programmatic Administrative Reviews (PAR)** **Effective Date:** May 1, 1986

**Section:** Human Rights and Legal Responsibilities **Revised:** November 15, 2019

 **Effective Date:** January 1, 2020

 **Approved:**/s/Jordan A. Scheff/LT

**Policy Statement**

The Department of Developmental Services (DDS) is dedicated to providing individuals, their legal representatives, and their family members with the opportunity to contest certain service decisions made by the department. The DDS Programmatic Administrative Review (PAR) provides a formal process for an individual, who is requesting or receiving DDS annualized funding for programs or services, his or her legal representative or his or her family members to describe why they do not agree with a specific department decision concerning the individual’s funding or services provided by the department and allows for both a regional-level and a commissioner-level review to determine and communicate a final decision on the individual’s services.

An individual living in Skilled Nursing Facility (SNF) or Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) also may request a PAR to contest certain DDS-related service decisions. If the individual living in a SNF or ICF/IID wishes to contest a Department of Social Services (DSS) funding or Medicaid-related service decision, then the individual may request a fair hearing from DSS in accordance with the provisions of sections 17b-60 and 17b-61of the Connecticut General Statutes.

The decision to engage in a DDS PAR process may be proceeded by informal discussions to resolve the funding or service issue between the individual, his or her legal representative or family member and the regional director or the regional director’s designees. The individual, his or her legal representative or family member or the regional director or the regional director’s designees may request this informal process. At any time during the PAR process or if the individual or his or her legal representative or family member is aggrieved by a Commissioner-level PAR decision, the individual may request a fair hearing from the Department of Social Services in accordance with the provisions of sections 17b-60 and 17b-61of the Connecticut General Statutes. The PAR process shall not apply to contested decisions for which a specific hearing procedure is otherwise provided for by law such as those hearings conducted in accordance with the provisions of chapter 54 of the Connecticut General Statutes.

1. **Purpose**

The purpose of this procedure is to create a standardized process for conducting DDS PARs throughout the department in regards to how: (1) an individual is notified of the opportunity to request a PAR; and (2) the Regional Directors, Training School Director or their designees and the Commissioner or the Commissioner’s designee communicates, conducts, and implements all aspects of the PAR process.

1. **Applicability**

This procedure shall apply to a

ll individuals requesting or receiving DDS annualized funding for programs or services their legal representatives, and their family members regardless of the type of service provided or the type of residence in which the individual resides. The procedure also applies to case managers, case management supervisors, regional directors and their designees, and the Commissioner and the Commissioner’s designees.

1. **Definitions**

“Emergency” means a critical circumstance in which the health or safety of the individual or other persons must be immediately protected.

“Family member” means a parent, sibling or a closest relative of an individual requesting or receiving DDS annualized funding for programs or services.

“Individual” means a person who has been made eligible for and is requesting or receiving DDS annualized funding for programs or services including those persons living in a skilled nursing facility or an intermediate care facility for individuals with intellectual disabilities (ICF-IID).

“Service decision” means any decision made by the Department of Developmental Services related to an individual’s programs or services paid with DDS annualized funding. Service decisions may include, but are not limited to: admission; placement evaluation; assignment to programs and services; care and treatment; termination of or discharge from a program or service; changes in services; and disagreements regarding any element of an individual’s IP. The term “service decision” does not include any departmental decision regarding: eligibility for DDS funding or services; DDS Individual and Family Grants; the use of psychotropic or behavior modifying medications; receivership of residential facilities; or substantiation of abuse or neglect by a former employee who has been terminated or separated from employment for such abuse or neglect.

**D. Implementation**

**Informal Discussion and Decision-Making Prior to a Request for a Programmatic Administrative Review (PAR)**

1. An individual, his or her legal representative or family member or the regional director or the regional director’s designees may request an informal meeting and discussion of a service decision if there is a disagreement with the decision.
2. If no informal resolution of the disagreement on the service decision is made then the individual, his or her legal representative or family member may request a regional PAR.

**Notification of the Availability of a Programmatic Administrative Review (PAR)**

1. The case manager shall ensure that an individual and their legal representative receive written notification, in English and their primary language, if applicable, regarding the availability of the PAR process if such individual or legal representative does not agree with a service decision rendered by the department.
2. Notification of the availability of the PAR shall be provided to an individual and their legal representative in the following forms:
3. As part of the “Annual Notification” document that provides information to educate an individual on their rights and responsibilities for DDS services; and
4. As part of the Individual Plan (IP) signature sheet which is signed by all parties attending an annual IP meeting.

**Programmatic Administrative Review (PAR) Process**

1. An individual, his or her legal representative or family member, who does not agree with a service decision made by the department shall make a request for a regional-level PAR by completing the “DDS Request for Programmatic Administrative Review” document and submitting it to the appropriate Regional or Training School Director, as indicated on the form. The case manager shall assist the individual or legal representative or family member with completing the form, if requested.
2. Upon receipt of a request for review, the Regional or Training School Director shall render a written PAR decision, within 15 business days, to the individual, their legal representative and the person who requested the review. During this 15-day period, the individual, their legal representative or the person who has requested the review may request to meet with the Regional or Training School Director or the Directors’ designees. If a meeting is requested, the Regional or Training School Director shall render the written PAR decision within 15 business days after the meeting to the individual, their legal representative and the person who requested the review. The Regional or Training School Director may provide written notice to the individual, their legal representative and the person who requested the review that an extension of up to 30 business days is needed to render such written PAR decision.
3. At such meeting with the Regional or Training School Director or the Directors’ designees, the individual, their legal representative and the person who requested the review shall be entitled to:
4. View the individual’s DDS file in accordance with the rules of confidentiality;
5. Present oral and written information pertinent to the case; and
6. Have an advocate or any person of the individual’s or legal representative’s choice present to assist them.
7. Any formal minutes taken at such meeting shall be provided to the individual, their legal representative and the family member who requested the PAR, in conjunction with the written regional-level PAR decision contained in the Regional PAR Outcome Letter which is sent to the individual, their legal representative and the person who requested the PAR.
8. If the individual, legal representative or family member who requested the review is not satisfied with the regional-level PAR decision, he or she may request reconsideration by the Commissioner of Developmental Services of the regional-level PAR decision by completing and submitting a Request for a Commissioner-level Programmatic Administrative Review document.
9. As part of a Commissioner-level Programmatic Administrative Review (PAR), the Commissioner or the Commissioner’s designees shall review the regional-level PAR decision and all other materials submitted and render a written decision to the individual, their legal representative and the person who requested the review, within 30 business days of such request.
10. While a PAR decision is pending, there shall be no change in the individual’s status with the department except in the event of an emergency.
11. In the event of an emergency change in an individual’s status, the Regional or Training School Director or the Director’s designee, as soon as possible, to all concerned parties, including written confirmation within five (5) working days to the individual and his or her legal representative.
12. The Commissioner’s Programmatic Administrative Review (PAR) decision is final.
13. An individual, his or her legal representative or family member may request a fair hearing from the Department of Social Services in accordance with the provisions of sections 17b-60 and 17b-61of the Connecticut General Statutes at any time during the PAR process or after the Commissioner-level PAR decision has been rendered. If a DSS fair hearing is requested then the DDS PAR process shall be suspended pending the outcome of the DSS fair hearing.
14. **References**

Section 19-570-5 “Confidential Client Records” of the Regulations of Connecticut State Agencies

I.C.1.PO.001 [**Case Management**](https://portal.ct.gov/-/media/DDS/DDS_Manual/IC1/IC1PO001CaseMgmtpolicy.pdf?la=en)

I.C.1.PO.002 [**Individual Planning**](https://portal.ct.gov/-/media/DDS/DDS_Manual/IC1/IC1PO002IndivPlngPolicy.pdf?la=en)

Sample DDS Individual Plan (IP) Signature Sheet

Sample DDS Regional Request for Programmatic Administrative Review

Sample DDS Regional PAR Outcome Letter and Minutes

Sample DDS Regional PAR Case Management Summary & Checklist

Sample Request for a Commissioner-level Programmatic Administrative Review

Sample DDS Commissioner-level PAR Outcome Letter and Minutes

1. **Attachments**

I.F.PR.011 Attachment A DDS Annual Notifications