



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

ADVISORY OPINION NUMBER 83-7

Staff Member of Mental Retardation Regional Center
as Licensee of Group Home for Mentally Retarded

In Ethics Commission Advisory Opinion No. 80-17 the Commission concluded that an employee of a Department of Mental Retardation regional center could, under certain conditions and circumstances, operate a community training home providing residential services for people with mental retardation. The employee at the regional center held a non-managerial, non-policy position which was not involved in licensing or supervision of community training homes or placement of personnel in them. It was felt that any violation of the Code of Ethics for Public Officials (Chapter 10, Part I, General Statutes) could be avoided, and was assumed that the Commissioner of Mental Retardation would be especially vigilant to ensure protection of the rights of persons residing in a community training home operated by a Departmental employee.

Now the Ethics Commission has been asked whether the same employee may operate a group home, apartment, or both, for the mentally retarded without violating the Code of Ethics for Public Officials.

Both group homes and community training homes service the mentally retarded who do not have to live in institutions. Community training homes are smaller, providing residential services for four or fewer people with mental retardation. Section 19-569h-1(b), Regulations of Connecticut State Agencies. A group home is a community residence for not less than five people. Section 19-4g-1(b), *id.* They can be quite large (although as a practical matter they are often restricted to six or fewer mentally retarded persons by zoning regulations. See section 8-3e, General Statutes.) Consequently, the standards for their operators, the physical plant, medical services, dietary services, staffing and supervision, etc., are more stringent. Compare sections 19-4g-1 through -7 with sections 19-569h-1 through -8, Regulations of Connecticut State Agencies. The Department's responsibility for licensing group homes is carried out by the Licensing Section in the Department, as are the periodic inspections to ensure that standards are being met. Placement in a group home may be by a regional center or State training school or privately, by a family.

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There are likely to be fewer possibilities for conflicts involving a regional center employee operating a group home than when one operates a community training home. In the latter case, the Department's responsibility for licensing and supervision of the community training home is carried out by the operator's fellow staff members at the regional center. All placement is accomplished by the Department of Mental Retardation, much of it by fellow staff members at the regional center. On the other hand, there can be far more opportunity for financial return in the operation of a group home. The possibility of substantial economic gain can encourage violations of the Code of Ethics in order to ensure or increase the gain.

On balance, however, it appears there are fewer opportunities for conflicts of interest involving a regional center employee operating a group home, which is supervised by the Departmental staff, than when one operates a community training home so closely linked to the regional center and its staff. Observance of the conditions set forth in Advisory Opinion Number 80-17 should avoid violations of the Code of Ethics for Public Officials in the case of the regional center employee operating a group home.

Regulations governing the licensing and operation of supervised apartments have not yet been established. Until they are promulgated, the Commission cannot determine whether, or under what conditions, an employee of a Department of Mental Retardation regional center could own or operate a supervised apartment without violating the Code of Ethics for Public Officials.

By order of the Commission,


Lucille E. Brown

Dated

8 June 1983