

State of Connecticut
Office of Policy and Management
Protection and Advocacy System for Persons with Disabilities
Request For Information (RFI)
Questions and Answers

On September 1, 2016, OPM released a Request for Information (RFI) for Connecticut's Protection and Advocacy System for Persons with Disabilities. Below are responses to the questions asked by prospective respondents.

1. Will the designated successor entity be party to any of the liabilities of the existing Office of Protection and Advocacy?

It is not the intention for the newly designated entity to be liable for actions of the current Office of Protection and Advocacy. This can be addressed in a transition agreement between the OPA and the newly designated entity.

2. Will the designated successor entity automatically inherit any participation or involvement in inter-agency agreements or memoranda of understanding with Connecticut state agencies?

The designated successor entity would not automatically inherit any participation or involvement in inter-agency agreements or memoranda of understanding with Connecticut state agencies.

3. Will the State of Connecticut provide financial aid in the form of loans to the designated successor entity to offset the working capital drain that will occur during the period of time from June 30, 2017 until the federal funding streams are successfully transitioned from the existing OPA to the designated successor?

The State of Connecticut will not provide financial aid in the form of loans to the designated successor entity. It is expected that federal funding streams will be successfully transitioned from the existing OPA to the designated successor.

4. Will Connecticut state record retention policies allow for the transfer of state records in both hard copy and electronic form?

State record retention requirements vary based on the content of the record. However, nothing in the retention schedules would preclude the State from providing hard or electronic copies of records when the State is required to maintain the original.

5. The Federal government requires that all applicants for Federal grants and cooperative agreements with the exception of individuals other than sole proprietors have a DUNS number. Does this RFI require a DUNS number? If this RFI does require a DUNS number, when collaborating with another non-profit, do both entities require having separate DUNS numbers when applying?

A DUNS number is not required for this RFI, however, the successor designee will be required to register for a federal DUNS number prior to being eligible for federal grant funding.

6. Section G.1.i: Please define the terms “treatment, services and habilitation” and give examples of organizations that provide services that would make the entity ineligible to be a P&A.

There is no specific definition for “treatment, services and habilitation”. Under federal statutes, a P&A must “be independent of any agency that provides treatment, services, or habilitation to individuals with developmental disabilities.” 42 U.S.C. § 15043 (2)(G). Additionally, the DD Act and federal regulations mandate that “an agency of the State or private agency providing direct services, including guardianship services, may not be designated as the agency to administer the Protection and Advocacy System.” 45 C.F.R. § 1386.20(b); 42 U.S.C. § 15043(a)(2)(G). The underlying principle within the system is conflict-free advocacy and independence and, therefore, the entity must be independent of service providers and able to advocate and pursue legal and administrative remedies without interference. An entity that solely provides legal and advocacy services would not be precluded from serving as the designated P&A system. An example of a service providing agency would be the Department of Developmental Disabilities, any private providers; such as group homes, day treatment programs and centers, personal aid agencies, etc.

- 7. Under section 1 (Organizational Structure and Capacity) letter i) when describing Treatment, Services, or Habilitation please elaborate on the meaning of "Services" and the types of services that can't be provided by the new Protection and Advocacy for Persons with Disabilities System?**

See above response.

- 8. Section H: The RFI requires the paper copy of the response to be "complete, properly formatted and outlined." Please define any specific requirements not listed in the Request for Information including but not limited to margins and word or character count limitations.**

There are no criteria for page limits nor formatting tips. All required criteria are referenced in the RFI.

- 9. Please detail tips for preparing the RFI in more detail, for instance, page limit, formatting tips (Margins), etc? I do understand that the RFI does have certain rules. I am just inquiring if there are any others?**

See above response.

- 10. If two or more organizations respond to the Request for Information as a partnership or collaboration, are attachments such as personnel policies, audits, references, etc., required of each partner?**

Yes. Each organization responding to the RFI must include all the information requested in the RFI.

- 11. Section B: The RFI estimates that for FY 2017 there "will be approximately \$1.4 million available for Connecticut's Protection and Advocacy system through eight federal grant programs." Does that amount include amounts available for the protection and advocacy functions that are anticipated to be retained by the State of Connecticut? If so, what amount is anticipated to be available to the entity designated to perform the other functions previously performed by the Connecticut Office of Protection and Advocacy?**

It will be the obligation of the designated successor to fulfill federal requirements of a protection and advocacy system. The designated successor will not be required to perform additional functions on behalf of the state. The Office of Protection and Advocacy for Persons with Disabilities (OPA) currently receives approximately \$1.4 million in federal funding for the protection and advocacy system, the designated successor would be eligible to apply for this pool of funding.

12. Section G.1.h: Please define the term “cross-disabilities” for purposes of the RFI.

For purposes of this RFI, the term “cross-disabilities” refers to working with individuals with different kinds of disabilities which can include physical and mental handicaps, visual and hearing impairments.

13. Section G.7: Please define the term “investigations” with respect to the Protection and Advocacy functions NOT anticipated to be retained by the State of Connecticut.

Under federal statute, any designated P&A must have the capacity and independence to perform investigations of abuse and neglect as needed. A P&A system must have the authority to investigate reports or complaints of any abuse and neglect, or when the P&A has probable cause that abuse and neglect may have occurred. Both the Developmental Disabilities Assistance and Bill of Rights (DD) Act and the Protection and Advocacy for Individuals with Mental Illness (PAIMI) Act requires that a designated P&A system possess the authority to investigate incidents of abuse and neglect in order to receive PAIMI and DD Act funds.

14. Section G.8: Please define the term “monitoring activities” with respect to the Protection and Advocacy functions NOT anticipated to be retained by the State of Connecticut.

Monitoring is fundamental to a P&A’s ability to protect and advocate the rights of individuals with developmental disabilities. A P&A system must monitor the activities of different types of institutions and community settings. Such monitoring activities would include unannounced visits. Monitoring activities ensure compliance of the rights and safety of individuals with disabilities and provides training and information. Monitoring is also a way to provide outreach to people who may not otherwise learn about the P&A’s services.

15. Section G.14: Please describe the case management system currently in place to track cases from inception to completion, including:

- a. Whether the system is manual or electronic;**
- b. Whether files are maintained in paper or electronic format, or a combination of both; and**
- c. Whether data maintained in any current electronic system is convertible to a .csv format and/or can be migrated to a separate data system.**

OPA receives a call through their main line and it is referred to the Information and Referral unit. Information is gathered and entered into the Disability Advocacy Database (DAD). DAD is a web based system that provides P&A/Client Assistance Program employees with a customized advocacy services tracking application with focus on federal reporting. In addition to using the employee entered data to complete program performance reports, DAD provides: time entry tracking with timesheet generation allowing for time entries to be tied back to specific advocacy activities. Additional customization and reporting tools give local agencies the ability to identify and track data trends of their agency as well as to include local funding sources for use. The information stored in DAD can be extracted and converted. The DAD system is available through the National Disability Rights Network. More information about the DAD system can be found at <http://dadsupport.ndrn.org/>.

If assistance is needed beyond information and review, the call is referred to an advocate. The advocate begins developing a paper file which includes notes, data, and legal documents such as release forms. The advocate reviews the case with a supervising attorney. The attorney works with the advocate in developing an advocacy plan for the individual in need. The plan is then executed, and if accomplished, the individual is provided with a closure letter which summarizes the problem, resolution and provides information on a grievance process.

16. Will the State of Connecticut require the use of specific electronic systems, software, forms or policies and procedures currently in use by the Connecticut Office of Protection and Advocacy?

The designated successor entity shall be independent of the state system thus, electronic systems, software, forms, policies and procedures shall be at the discretion of the designated entity.

17. Will the entity designated have access to electronic systems, software, forms, or policies and procedures currently in use by the Connecticut Office of Protection and Advocacy during a transition period? If so, what is the expected length of the transition period and what resources (including access to current staff) will be available to the designated entity?

It is anticipated that once an agency receives notice of initial designation it can engage in partnerships with OPA to ensure a smooth transition. Once the designated entity is officially approved by the federal government, the designated entity will become the protection and advocacy system for the State of Connecticut no later than July 1, 2017.