

Office of Protection and Advocacy For Persons with Disabilities

At a Glance

CRAIG B. HENRICI, Executive Director

Gretchen Knauff, Assistant Director

Established – October 1, 1977

Statutory authority – CGS §46a-7 et seq.

Central office - 60B Weston Street, Hartford, CT 06120

Average number of full-time employees - 39

Recurring operating expenses – \$3,994,987.40

Federal contributions - \$1,628,084.94

Organizational structure - Two operating divisions, Case Services and Abuse Investigation, plus an Administrative Unit.

Mission

The mission of the Office of Protection and Advocacy for Persons with Disabilities (P&A) is to advance the cause of equal rights for persons with disabilities and their families by:

- *increasing the ability of individuals, groups and systems to safeguard rights;*
- *exposing instances and patterns of discrimination and abuse;*
- *seeking individual and systemic remediation when rights are violated;*
- *increasing public awareness of injustices, and of means to address them;*
and
- *empowering people with disabilities and their families to advocate effectively.*

Statutory Responsibility

A combination of federal and state statutory mandates requires the agency to:

- Safeguard the civil and human rights of people with disabilities in Connecticut;
- Provide information and referral services for persons with disabilities;
- Conduct investigations into allegations of abuse and neglect involving adults with intellectual disability, ages 18 through 59;
- Operate advocacy programs that are capable of pursuing legal and administrative remedies on behalf of people with brain injuries, as well as people with psychiatric, developmental and other disabilities;

- Advocate on behalf of individuals seeking assistive technology devices and services; voters seeking improved access to registration and the polling process; beneficiaries of Social Security; and clients of the vocational rehabilitation system looking for or attempting to maintain employment and/or independent living;
- Affirmatively reach out to traditionally underserved populations, conducting community development and public education activities;
- Conduct full independent investigations into the circumstances surrounding the deaths of Department of Developmental Services clients, especially when abuse or neglect is suspected to have contributed to the death;
- Review, in conjunction with the State Building Inspector, applications to install wheelchair lifts in non-residential buildings, and requests for waivers from the accessibility provisions of the Connecticut State Building Code;
- Review, in conjunction with the Secretary of the State, requests for exemptions from accessibility requirements for polling places;
- Review all deaths of individuals living in facilities run by the Department of Mental Health and Addiction Services;
- Staff and chair the Fatality Review Board for People with Disabilities, as required by Executive Order #42 of Governor M. Jodi Rell;
- Support the State's Accessibility Advisory Board;
- Receive reports of serious injury or death resulting from restraint or seclusion pursuant to Connecticut General Statutes §46a-150 et seq. and federal regulations - 42 CFR 483.374, Reporting of Serious Occurrences at Psychiatric Residential Treatment Facilities; and
- Receive reports of serious injury or death of a child receiving special education services in Connecticut pursuant to Connecticut General Statutes §46a-150 et seq., §10-76b and § 10-76d.

Public Service

During the 2014 fiscal year, the Office of Protection and Advocacy for Persons with Disabilities (P&A) received 3,140 requests for information, referral, or short-term assistance. The agency received an additional 667 requests that required a more intensive level of advocacy representation. P&A's Abuse Investigation Division (AID) received 1,204 allegations of suspected abuse or neglect of persons with intellectual disability. P&A staff investigated or monitored 1,050 of those cases. P&A's Fatality Review Board reviewed the deaths of 239 individuals who were served by the Department of Developmental Services and 4 individuals who died in facilities run by the Department of Mental Health and Addiction Services.

P&A also sponsored or participated in 118 training opportunities that reached over 3,400 people with disabilities, family members, and others. Information was disseminated to more than 2,500 people at resource fairs, and more than 13,500 P&A publications and program brochures were distributed. The P&A website, which also posts all agency publications in accessible printable formats, received over 151,000 hits during the 2014 fiscal year, providing an additional resource for disability information.

P&A continued to support disability-focused community advocacy and coalition building by:

- Continuing to provide in-kind support and training resources for AFCAMP (African Caribbean American Parents) and PAP (Padres Abriendo Puertas), two grassroots organizations of parents who have children with disabilities;
- Providing special education training and technical assistance for parents of children with disabilities in Meriden, Willimantic, Norwalk, Danbury, Hartford, New Britain and New London;
- Providing culturally-competent workshops on disability issues to underserved communities in both English and Spanish;
- Increasing the awareness of disability and disability issues of community-based grassroots organizations;
- Supporting activities of the Americans with Disabilities Act Coalition of Connecticut (ADAAC).

Improvements/Achievements 2013 - 2014

The Office of Protection and Advocacy for Persons with Disabilities continued to raise awareness about the civil and human rights of individuals with disabilities in vulnerable circumstances. The agency also protected the rights of vulnerable populations by:

- Continuing to advocate for the rights of persons with mental illness who are warehoused in nursing facilities. P&A attorneys settled a lawsuit, creating opportunities for people with mental illness to move from nursing facilities to community settings with support;
- Educating state and local emergency management professionals about emergency preparedness issues affecting persons with disabilities through participation in meetings with the Department of Emergency Management and Homeland Security, regional emergency planners and the Red Cross;
- Continuing to improve monitoring of protective service plans for adults with intellectual disabilities who have been abused or neglected;
- Collaborating with other state agencies as a member of the Connecticut Restraint and Seclusion Initiative Partnership to eliminate the use of restraint and seclusion of children and adults with disabilities. The Partnership sponsored a statewide conference highlighting the experiences of people with disabilities who had been subjected to restraint and seclusion;
- Addressing issues involving physician-assisted suicide and people with disabilities.
- Translating P&A publications into Spanish and making them available in print and on the P&A website;
- Regularly meeting with representatives of the Department of Developmental Services to discuss, update and improve abuse and neglect investigation and reporting procedures and collaboration efforts between the agencies;
- Developing a series of fact sheets to provide additional information about disability-related topics;
- Representing people with disabilities at sterilization hearings to ensure all processes

- and procedures are properly followed prior to a final determination;
- Interviewing and reporting on the experience of children and adolescents involved in incidents at psychiatric facilities that involve serious injury or death;
 - Reviewing and reporting on deaths in facilities run by the Department of Mental Health and Addiction Services;
 - Educating policymakers on how legislative proposals would positively or negatively affect people with disabilities, including proposals related to the reporting of abuse and neglect of individuals with Autism Spectrum Disorder; qualifications for sign language interpreters; physician-assisted suicide; medical orders for life-sustaining treatment; and the elimination of subminimum wage employment.

Other P&A systems change initiatives included:

- Reviewing deaths of persons with intellectual disabilities served by the Department of Developmental Services (DDS) and identifying trends to improve the health and safety of DDS residents;
- Receiving and investigating reports of serious restraint-related injuries from public agencies pursuant to P.A. 99-210, “An Act Concerning the Physical Restraint of Persons with Disabilities”;
- Receiving and investigating reports of suicide attempts, serious injury, death, restraint, seclusion and serious occurrences at psychiatric residential treatment facilities.
- Ensuring the rights of voters with disabilities; educating people with disabilities, policymakers and voting officials regarding issues affecting the rights of voters with disabilities including accessible polling places and new voting technology;
- Ensuring accessibility of Connecticut’s buildings and facilities by ruling on 87 waivers from the accessibility provisions of the state building code and defending such decisions through administrative hearings;
- Updating agency publications for distribution at resource fairs, workshops and other outreach events. The publications are also distributed to callers requesting information from the agency;
- Distributing more than 4,000 voter registration cards at outreach events and to callers contacting P&A for assistance;
- Ensuring physical accessibility of Connecticut’s polling places by ruling on requests for polling place accessibility waivers generated by Registrars of Voters;
- Addressing complaints from individuals who are deaf or hard of hearing involving effective communication in prisons, hospitals, doctors’ offices, lawyers’ offices and in police settings;
- Continuously updating agency website (www.ct.gov/opapd) to provide accessible, current, comprehensive information on disability rights and resources. The site provides access to agency created self-help literature, information about P&A programs and services, and agency priorities and initiatives. The website also reports on the current developments in the field of disability rights and provides links to other relevant disability-related organizations.

Information Reported as Required by State Statute

By Connecticut Statute §46a-13, P&A is mandated to report annually on issues affecting services to Connecticut citizens with disabilities. Public input obtained from P&A sponsored forums, focus groups, specialized meetings, and widely distributed questionnaires was reviewed in conjunction with P&A information & referral statistics and advocacy case experience, resulting in identification of the following issues in the 2013 P&A Annual Report:

- **Housing** - The long standing shortage of environmentally safe, affordable, accessible housing leads to competition with other groups for scarce housing opportunities, keeping thousands of people with disabilities unnecessarily institutionalized in psychiatric hospitals and long-term care facilities.
- **Mental Health** - Mental health services have been a considerable focus since the incomprehensible mass murder of students and staff at Sandy Hook Elementary school in Newtown. Legislation passed in the wake of the events will have many positive effects, but also creates a mechanism that requires the reporting of the names of all individuals who are admitted to a psychiatric facility, regardless of whether the admission was voluntary or involuntary. This new requirement will have a potentially dampening effect on people having mental health issues, discouraging them from seeking treatment.
- **Restraint and Seclusion** - Children with challenging behaviors are subject to restraint and seclusion by local school systems rather than experiencing positive behavioral opportunities. Individualized Education Plans continue to routinely allow the use of seclusion as a method of handling students with challenging behaviors, creating risk of injury to the student and the staff.
- **Transportation** - The lack of reliable, affordable, accessible transportation prevents many people with disabilities from seeking employment, continuing their education or receiving adequate healthcare.
- **Transition Planning for Students with Disabilities** - Inadequate transition planning for students with disabilities results in students who do not receive the supports and training necessary and, therefore, are not prepared for work and post-secondary education.
- **Inadequate Evaluation of Students with Disabilities** - Schools do not provide evaluations that adequately identify students' needs. Students, therefore, do not get the supports necessary to achieve satisfactory educational progress in school.
- **Barriers to Community Participation** - Barriers to community participation continue to prevent people with disabilities from having real choices about where they want to live, work, shop and participate in activities.
- **Architectural Codes** - State and federal laws, including building codes and other structural accessibility requirements, are compromises reached by committees and often do not require full accessibility. For example: Existing public buildings are sometimes not required to be retrofitted to ensure that main entrances are physically accessible to people with disabilities.

In addition to the issues listed in the 2013 Annual Report, people with disabilities continue to experience barriers in the following areas:

- Employment - People with disabilities continue to have higher rates of unemployment and underemployment than the general population. There is a need for greater availability of information about both legal rights and workplace problem-solving resources.
- Provider Underfunding - Continued underfunding of private providers of services for people with disabilities is straining the system and threatening the quality of services.
- Elderly Only Housing - Federally subsidized housing can be designated “elderly only,” creating environments where non-elderly persons with disabilities who need safe, affordable, accessible housing are prohibited.
- Self Determination – Because self-determination funding mechanisms do not allow for traditional protective services, individuals with intellectual disability who choose these mechanisms are at greater risk.
- Increasing vulnerability of individuals with intellectual disability who choose self-determination funding mechanisms that do not allow for the traditional protective services mechanism.
- Medicaid - Medicaid recipients with disabilities are unable to find dentists willing to accept Medicaid dental reimbursement rates, resulting in a significant lack of access to oral health care.
- Lack of Community Support Resulting in the Correction System as a Warehouse - The Correction system continues to house increasing numbers of people with psychiatric, cognitive and intellectual disabilities. In many cases, these individuals are not held in jail primarily because of the seriousness of the crimes they are accused of, but rather because community services are not available, or are inadequate to support them.
- Emergency Planning - The specific needs of persons with disabilities are often not understood by state and local disaster planners and, therefore, many state and local disaster response plans do not adequately address the structural, communication and logistical issues affecting people with disabilities.
- Sign Language Interpreters - Scarcity of qualified sign language interpreters and ignorance of accommodation needs for people who are deaf and hard of hearing continue to unfairly restrict access to mental health, vocational, governmental and generic professional services.