



Jodi M. Rell  
Governor

---

## **Minutes ~ May 8, 2008**

### **Members In Attendance:**

Patti Silva – Chair, Karen Hlavac, Lou Richards, Kevin Morey, Dr. John Pelegano, Jim Heffernan, Jack Frost, Sheila Mulvey, Peter H. O’Meara-Ex-Officio

### **DDS Staff:**

Kathryn du Pree – Deputy Commissioner  
Christine Pollio – Legislative & Executive Affairs Director  
Ed Mambruno – Ombudsperson  
Michael Woodson – Director of Investigations  
Ivette DeJesus – Executive Secretary

### **DDS Guests:**

Jim Welsh  
Pia Pyles

Patti Silva - Chair opened the meeting.

### **Public Participation:**

No public participation.

### **Presenters/Guest:**

Jim Welsh and Pia Pyles – Registry update.

### **Jim Welsh:**

- Mr. Welsh gave an overview on how the Registry was started.
- He informed the Council that DCF has its own registry and as of last year, DCF and DMHAS have legal authority to access the DDS Registry.
- Mr. Welsh shared that Connecticut is the first state to have had an MR Registry. The first time the state attempted to start the Registry, it had to be postponed until 98-99 due to the system lacking a few things.
- Mr. Welsh shared that OPA was the first to implement a form of Registry in 1984, as part of its responsibilities to oversee an abuse/neglect reporting and investigation system.
- Mr. Welsh discussed the process of how someone is placed on the Registry list and what it entails. He went on to explain how the Investigations Unit is involved in the process and that may lead to listing someone on the Registry. He also noted that OPA has exclusive jurisdiction for cases involving death, unless the State Police get involved. DSS may also be the one to conduct the investigation (non-death cases) by delegation from OPA. The private sector is not an authorized agency to substantiate abuse/neglect but

may conduct investigations. They do so with monitoring/supervision from DDS, OPA or other authorized agencies.

- Mr. Welsh also commented that in order to be able to list someone on the Registry list, DDS has to have a complete report, witness statements, documentation of monitoring and additional information. There has to be substantial written documentation and evidence to prove that a person should be listed on the Registry.

**Ms. Pyles:**

**Registry Review:**

(The following is per Ms. Pyles)

- I. Started End of March
  - A. Significant Backlog (85 cases) pending some from 2004 due to some legislative, legal and administrative changes, i.e. threat of class action lawsuit.
  - B. Part Registry Process (Cooperative System)
    1. Rely on other divisions, agencies, etc., Investigation unit, Abuse and Neglect Liaisons, Office of Protection and Advocacy.
    2. Without proper information, can't determine to pursue case or not – if is decided to pursue, need all information in order to obtain favorable decision from Hearing Officer.
  - C. 85 cases reviewed – what information is missing and needed to actually review matter further.
    1. Most cases (51) need additional information
    2. Request made to 3 Regional Directors, copies to Abuse and Neglect Liaisons and Investigators (signed by Commissioner and Jim) emphasis on importance of addressing the backlog and obtaining information.
  - D. Files reviewed for completeness
    1. One Primary Item – Investigation report substantiating abuse and neglect (DDS or private agency) if private agency then
    2. Need Authorized agency to confirm substantiation of abuse/neglect (either direct investigating or monitoring as required regulation).
  - E. Monitoring of private agency by authorized agency requires more paper work. Review more, read, report and agree.
    1. Confirm accuracy of witnesses
    2. Confirm sources
    3. Conduct supervision and review such that the Investigator (author agency) confirms findings of a/n supported by preponderance of evidence. (Often not being done or no documentation to prove it.)
  - F. Review Continues
    1. Begin Schedule of Hearings

2. Requires Independent Hearing Officer- standard proof preponderance of evidence.
3. Term or Separation due to allegations of abuse and neglect.
4. Whether allegation substantiated by authorized agency.
5. Whether allegations of abuse/neglect that were substantiated by author. Agency is supported by preponderance of evidence.
  - a. Documentary Evidence – Investigation report, police reports, personnel files, training files, medical records, etc.
  - b. Witness Testimony
6. Pursuing more hearing officers to hear cases as we go through them and using additional legal staff to conduct hearings as well in order to handle the number of cases.

### **Minutes:**

The April Council minutes were approved as amended.

### **Ombudsperson Report – Ed Mambruno:**

Mr. Mambruno informed the Council of the following updates:

- Mr. Mambruno met with Siobhan Morgan and discussed how they can work together on some projects.
- Mr. Mambruno also met with Dave Carlow, Director of Health & Clinical Services. Mr. Carlow informed Mr. Mambruno that a new nurse would start with the department tomorrow whose primary responsibility is to monitor the health care for DSS clients who reside in SNFs. Mr. Mambruno will be meeting with the nurse to work on a monitoring project so their activities can be coordinated.
- Mr. Mambruno invited the Council to the Governor’s Coalition for Students with Disabilities @ the Old Judiciary room from 10am – noon on Friday, May 16<sup>th</sup>.
- Mr. Mambruno collaborated with the State Long Term Care Ombudsman to visit two of our consumers residing in a Marathon home in Norwalk. The Skilled Nursing Facility (SNF) noted that one individual had left the facility months ago and they were unaware of his present residence. Mr. Mambruno checked the ECamris computer program and it still listed the consumer residing at current facility (Marathon in Norwalk). He contacted Department of Social Services (DSS) Operations Unit and by tracking his benefits, was able to determine his new residence. He notified the case manager of the change and the current ECamris status.
- A parent of a DDS consumer contacted the Ombudsman’s office regarding her fear that her child was not adequately monitored at a group home. He contacted the region; the region stated that they were very familiar with the provider and the family. The provider and the department met with the mother to discuss the specific issues and possible solutions. The mother requested a new case manager as well as a PAR. The region is looking at other providers per the mother’s request.
- A parent of a DDS consumer contacted the Ombudsman’s office regarding problems she was having with the school district’s transportation of her child to and from school. He contacted the region and the region stated that they were unaware of any problems. After further investigation Mr. Mambruno discovered that payment had been increased (by a negligible amount) for transportation and not communicated to the region. He contacted

the region that stated that the case manager would call the mother and confirm that the transportation issue was resolved.

- A parent of a DDS consumer contacted the Ombudsman's office to complain that her case manager was not doing enough to place her child in an out-of-state placement. He contacted the region; the region stated that the private provider had promised services that the department was unable to fund. Mr. Mambruno spoke with the mother at length regarding placement and respite. The mother was grateful that the department had been providing respite and seemed pleased that she could talk to him regarding plans for her child.

### **SNF Visits:**

4/3/2008 Sterling Manor, East Hartford- visited three consumers.

4/3/2008 Riverside Health Center, East Hartford- visited three consumers.

4/15/2008 Hughes Health and Rehabilitation, West Hartford- informed that both consumers passed away.

4/15/2008 Marathon House, Norwalk- visited two consumers.

4/17/2008 Marathon Health Center, Prospect- visited four consumers.

4/17/2008 Alexandria Manor, Bloomfield- visited two consumers.

4/23/2008 Sub Acute Center, Bristol- visited six consumers.

\* Mr. Mambruno made a recommendation to the OBRA nurse consultant and the Central Office Health Services Director to have the SNFs place a bright colored sticker containing contact information on the front of medical files. This sticker would allow staff to find pertinent information quickly in case of an emergency. This would be updated after each case manager changes, any changes to the contact information, and DNR status change. The Commissioner has sent a letter to all SNFs to remind them of their responsibility to inform the department when one of our consumers dies. Kathryn has also asked the Regional Directors to make sure case managers are making their required visits to these settings to review services for our consumers.

### **Legislative Report - Christine Pollio:**

Ms. Pollio informed the Council of the following updates:

- Legislative session is over. We are done!! We are not sure if there will be a special session later as there is talk of possibly going back due to an issue with the conveyance tax, but nothing is definite.
- As of now, the budget that was passed last year is what we have to assume is in effect.
- As you may be aware, the fiscal climate has changed dramatically in the past month.
- She informed the Council that the application of Carlos Colon has been submitted for appointment to the Council, replacing Chavis.

### **Bills:**

- There will be a legislative update on the web by the next Council meeting (June 12<sup>th</sup>)
- The bill passed to change the Council name to Council on Developmental Services.
- The bill to cover the cost of medical care for VSP children placed out of state did not pass.

- Due to the midterm recommended budget not passing, there is no increase in the COLA.
- The Bonding bill did not pass, therefore the money that was needed for the new CLA at Pomfret Street in Putnam is not funded.
- The Ethics Bill and Fatality Review Bill did not pass. There have been discussions on the Ethics bill in both Chambers.
- Bill 558 passed – Hospice covered under Medicaid as of January 2009.
- Bill 561 passed – expansion of money follows the person.
- Bill 575 – day program study bill did not pass.
- Bill 678 – passed (Community Based Health & Human Services Cabinet).
- Bill 681 – passed (Commission on Health Equity).
- The minimum wage bill did pass (has since been vetoed by the Governor).
- All three Autism bills passed both chambers.
- Bill 5536 (Health Insurance pool) did pass both chambers; this is the bill the Council was supporting. If you want to contact anyone at this point, it would be the Governor's office. Patti Silva suggested that the Council members make contact with the Governor's office on this bill if they can. Christine expressed thanks to Jim Heffernan and Patti Silva for their leadership on this. Mr. Heffernan expressed that he thinks Ms. Silva's idea to contact the Governor is a good idea. He has contacted them again. Ms. Silva will rewrite the letter that was sent in support of this bill and send it directly to the Governor.

Per Ms. Mulvey: Thank you very much Christine for such a great job during session. That is a very stressful job and Christine represents DDS very well. Ms. Silva and the Council also thanked Christine.

### **Commissioner's Updates:**

- The Commissioner echoed Ms. Mulvey's comments regarding Christine and went on to say thank you to Christine and Rod for such a great job. DDS is very fortunate to have both of them. On that note, Christine is off tomorrow.
- Ms. Pollio covered most of the activities with the most impact on DDS.
- The end of the fiscal year is very important. State agencies have been instructed by the Governor to reduce out of state travel and expenditures. DDS is beginning to prepare for what may be ahead.
- The greater challenge will be for FY'09, working with the original budget. A lot more people needing our services and supports and the budget remaining the same.
- The high school grads and age outs are another concern. DDS will have to work with DCF and OPM on this issue.
- In July 2008 we will begin preparing our budget request for FY' 2010-2011.
- All original people on the waiting list when the settlement was signed will all have all received residential supports by 6/09.
- Mr. Richards posed the question: Have case managers been affected by the budget, i.e. fuel cost, etc.? Commissioner responded no, not yet. Discussions are being held but no changes. They have been asked to hold off on some yearly visits that can wait until the next fiscal year begins. Currently, the department use 585,000 gallons of gas annually.
- Mr. Morey questioned, is there talk of reduction in force of case managers? The Commissioner responded that he hasn't heard of any.

## **Old Business:**

- Ms. Silva brought up for discussion, what did the Council want the Quality Management Division to present the next time they do a presentation to the Council? Mr. Morey responded, what updated information can they have for the Council since their last presentation. The Commissioner informed the Council that the new system would be operational July 10<sup>th</sup>. It would be best for QM to do presentation at the September meeting and do a live presentation of the system. The Council agreed that would be best. The QSR system will be presented at the September meeting.

## **New Business:**

- Council discussion on naming a possible representative for the Respectful Language meeting being held on May 12<sup>th</sup> at OPA. Ms. Silva stated she would speak to Ms. Carroll and decide who will attend this meeting and get back to Ms. Pollio.
- Ms. Silva requested that voting of the amended bylaws (Thank You Rod!) be on the agenda for June.
- Ms. Silva brought up the Tip-A-Commissioner event being held on May 27<sup>th</sup>. Ivette will confirm the date to Council members via email.
- Dr. Pelegano asked if it is possible to have a general orientation for new members appointed to the Council. For example, what services does DDS provide, an overview of what is expected of the Council, and information on acronyms used throughout the agency, etc. (Commissioner and Christine will work on this)
- Mr. Jack Frost, Mr. Kevin Morey and Mr. Lou Richards were elected as a sub-committee to select the Chair and Secretary.
- Captain Woodson, Director of Investigations of the Connecticut State Police invited the Council to the Investigations Class on June 10, 11, and 12. This will take place at the State Police Forensic Lab in Meriden, CT. Captain Woodson will email Ivette information to send to the Council via email.

**\*\*The next meeting will be held on June 12, 2008.\*\***

**There being no further business, the meeting was adjourned: 8:35 p.m.**