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Community Based Housing Subsidy Program for Eligible Clients of the Department of Mental Retardation

Sec. 17a-218-1. Definitions

As used in Sections 17a-218-1 to 17a-218-7 inclusive:

(a) "Assistant Regional Director" (A.R.D.) means the Assistant Regional Director for Residential Services for the Department of Mental Retardation region which serves the eligible client.

(b) "Capacity" means a level of intellectual functioning, understanding, memory and judgment sufficient to enable a person to understand the nature and effects of his acts relative to a particular transaction.

(c) "Client" means a person admitted to, or authorized by, the Department of Mental Retardation to receive residential services funded or partially funded by the Department of Mental Retardation.

(d) "Commissioner" means the Commissioner of Mental Retardation.

(e) "Department" means the Department of Mental Retardation.

(f) "Housing Costs" means those costs normally attributable to the acquisition, retention, use, and occupancy of a subsidized community based residence including, but not limited to:

(1) rent or other periodic payments for use and occupancy;

(2) security deposits;

(3) utilities;

(4) insurance; and

(5) costs relating to routine maintenance and repair.

(g) "Program Participant" means a client who is certified to participate in the community-based housing subsidy program.

(h) "Regional Director" means the regional director for the department of mental retardation region which serves the eligible client.

(i) "Rent" means the periodic payment for use and occupancy of residential property.

(j) "Subsidized Community-Based Residence" means any residential structure in which clients who are certified pursuant to Section 17a-218-4 of these regulations reside and for which they receive a subsidy to assist in meeting their housing costs pursuant to these regulations.

(Effective August 24, 1994)

Sec. 17a-218-2. Eligibility

(a) Any client authorized for residential services of the department may be eligible for a community-based housing subsidy if the regional director has determined that the residential needs of the client could be adequately met by placement in a subsidized community-based residence.

(b) No client whose income and assets are sufficient to pay for his total housing costs may be considered eligible for a housing subsidy pursuant to these regulations.

(Effective August 24, 1994)

Sec. 17a-218-3. Referral

(a) Any client may be considered for placement in a subsidized community-based residence. The assistant regional director shall evaluate community residential resources to determine if an eligible client could be adequately served by the community-based housing subsidy program.

(b) Any client considered for placement in a subsidized community-based residence will have at least one (1) opportunity to visit the residence prior to the placement decision. A proposed placement in a subsidized community-based residence must be reviewed and approved by the regional director.

(c) No community-based residence may be considered for a placement of eligible clients if the housing costs attributable to rent or other periodic payments for use and occupancy are in excess of 130% of the Fair Market Rents published by the Secretary of the United States Department of Housing and Urban Development pursuant to Section 8 (c) (1) of the United States Housing Act of 1937.

(d) The commissioner may make exceptions to the limitations contained in subsection (c) of this section if the regional director makes a written request for an exception based on:

(1) demonstrated higher housing costs for the area of the state where the proposed subsidized community-based residence is located; or

(2) demonstrated inability to meet the specialized residential needs of the program participant within the limitations set forth in subsection (c) of this section.

(3) No request for an exception shall be approved if the total housing costs for the unit or residence attributable to rent or other periodic payments for use and occupancy exceed fair market value based on review of at least two (2) comparable properties.

(e) Upon approval of a placement in a subsidized community-based residence, the assistant regional director shall evaluate and determine, or cause to be evaluated and determined;

(1) the current gross income available to the client for payment of housing costs as provided in an Income Verification Form provided by the department;

(2) the projected income available to the client for payment of housing costs;

(3) all costs attributable to housing costs;

(4) the type and amount of supervision required;

(5) whether the proposed placement meets the clients needs particularly with regard to health and safety;

(6) the current and projected monthly subsidy necessary to assist the client to meet his housing costs; and

(7) the current and projected share of housing costs to be paid by other income available to the program participant.

(Effective August 24, 1994)

Sec. 17a-218-4. Certificate of program participation

(a) The A.R.D. may approve the client for participation in the community-based housing subsidy program if there are sufficient resources available to provide the subsidy and appropriate supervision and the requirements of Section 17a-218-3 of these regulations are satisfied.

(b) If the A.R.D. approves a client for program participation, a certificate of program participation will be issued to the client with one (1) copy maintained in the individual client record, one (1) copy provided to the commissioner, one (1) copy provided to the client and one (1) copy provided to the landlord. The certificate of program participation shall include, but not be limited to:

(1) a statement that the client is certified to participate in the community-based housing subsidy program;

(2) a description of the community-based housing subsidy program;

(3) reference to the statutory and regulatory authority for the program;

- (4) the name of the program participant;
 - (5) a statement that neither the department, the State of Connecticut nor any of its employees have responsibilities as lessees or any other interest in the property which is the subject of the subsidy, and that the subsidy payments made to a program participant may be adjusted or terminated without prior notice to the lessor;
 - (6) the signature of the regional director.
- (Effective August 24, 1994)

Sec. 17a-218-5. Leasing capacity

If placement in a subsidized community residence requires the execution of a lease, the following issues must be addressed:

(a) The regional director must make an initial assessment of the client's capacity to execute a lease. If the regional director determines that the client has the capacity to execute a lease, the client may execute the lease on his own behalf.

(b) If the regional director makes an initial determination that the client lacks capacity to execute a lease, or a guardian or conservator has been appointed, arrangements must be made for the lease to be executed by a guardian or a conservator, or by another party who is not an employee of the department or the State of Connecticut.

(Effective August 24, 1994)

Sec. 17a-218-6. Method of payment

(a) The subsidy payment shall be made monthly to the client or his representative payee to cover housing costs for the following month. An initial subsidy payment, which may include a security deposit, may be made prior to use and occupancy of the subsidized community residence to cover housing costs for a reasonable transition period not to exceed forty-five (45) days.

(b) At least quarterly the A.R.D. shall reevaluate, or cause to be reevaluated, an updated Income Verification Form for each program participant for purposes of determining changes in income available to pay for housing costs. The amount of the subsidy payment may be adjusted at any time to reflect any change in a program participant's other sources of income and may be terminated if the other sources of income are determined sufficient to pay for the program participant's total housing costs.

(c) Prior to approval of any subsidy payment pursuant to these regulations the commissioner or his designee shall determine that the program participant has a right to use and occupancy of the premises, as evidenced by a written lease or otherwise.

(d) Each regional director shall submit reports containing information relative to various aspects of the housing subsidy program to the commissioner upon his request.

(Effective August 24, 1994)

Sec. 17a-218-7. Miscellaneous

(a) All statutes and regulations pertaining to transfers of clients shall be adhered to for clients placed, or to be placed, in subsidized community residences.

(b) If it becomes necessary for a client to cease use and occupancy of a subsidized community-based residence, the department will provide assistance relating but not limited to:

- (1) termination of the lease;
- (2) substitution of other clients certified to participate pursuant to these regulations; and

(3) other negotiations with the landlord as needed to assist in relieving the client of any legal liability resulting from his cessation of occupancy.

(c) Notwithstanding the provisions of subsection (c) of Section 17a-218-3 of these regulations, any program participant residing in a subsidized community residence and receiving a subsidy payment for housing costs on or before the effective date of these regulations shall continue to be eligible for such assistance, provided such participant continues to reside in his current residence and is otherwise eligible pursuant to these regulations.

(Effective August 24, 1994)

Respite Programs

Sec. 17a-218-8. Definitions

For the purpose of Sections 17a-218-8 to 17a-218-17, inclusive, the following definitions shall apply:

(a) "Authorize" means verification by the contractor that a person meets all requirements necessary to provide respite services pursuant to Sections 17a-218-16 and 17a-218-17 of these regulations.

(b) "Behavior modifying medications" means any chemical agent used for the direct effect it exerts upon the central nervous system to modify thoughts, feelings, mental activities, mood, or performance. These chemical agents or psychotropic medications are often broken down into antimanics, antianxiety agents, antipsychotics, antidepressants, stimulants, and sedative/hypnotics. Medications which are not usually described as psychotropics are covered by this definition when they are prescribed primarily for their psychotropic effects such as mood stabilization and impulse control. These medications include certain anticonvulsants, some beta-blockers, and certain other drugs.

(c) "Certificate" means written verification issued by the region that an individual meets all requirements to provide respite services that are paid directly by the department and provided in his own home, the home of others or in both locations pursuant to Sections 17a-218-16 and 17a-218-17 of these regulations.

(d) "Commissioner" means the commissioner of mental retardation.

(e) "Community training home (CTH)" means a private family home in which three or fewer adults or children with mental retardation or autism reside and which is licensed pursuant to Section 17a-227 CGS. For children, the CTH provides a substitute family for those who cannot live with their own families or for whom adoption is not immediately possible. For adults, the CTH provides a nurturing home environment where adults can share responsibilities, develop mutual relationships, be independent and make their own choices.

(f) "Contract" means written authorization issued by the commissioner to any organization to recruit, train, coordinate and authorize respite providers and to provide respite services to persons with mental retardation or autism for a period of up to one year.

(g) "Contractor" means the organization that is authorized by the commissioner to recruit, train, coordinate and authorize respite providers and to provide respite services to persons with mental retardation or autism for a period of up to one year.

(h) "Department" means the department of mental retardation (DMR).

(i) "Designee" means a person selected to act on someone's behalf.

(j) "Direct contact person" means any person, other than the respite provider or his designee who provide personal care services, supervision or assistance to persons receiving respite services.

(k) “DMR policies” means written procedures and rules issued by the commissioner which govern the operation of the department and organizations and persons licensed to conduct or maintain private facilities pursuant to Section 17a-227 CGS.

(l) “Document” means to provide material that is evidence of compliance with applicable regulatory standards. Such material may take any form which is sufficient to document compliance.

(m) “Dwelling” means any building designed for human habitation.

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

(o) “Follow-along plan” means a written plan developed by a case manager for persons with mental retardation who need only occasional or limited support while living in their own home.

(p) “Individual” means any person with mental retardation or autism who receives respite services pursuant to these regulations.

(q) “Interdisciplinary team (IDT)” means a group of persons which includes the individual being served, his or her family, guardian or advocate, those persons who work most directly with the individual in each of the professions, disciplines, or service areas that provide service to the individual, including direct care staff, and any other persons whose participation is relevant to identifying the needs of the individual, devising ways to meet them, writing an Overall Plan of Services and reviewing the plan for effectiveness.

(r) “Occupant” means any person residing in a home certified as a respite home including individuals placed there by the department and others residing there for whatever reason.

(s) “Overall plan of services (OPS)” means a document which specifies a strategy to guide the delivery of service to an individual for up to one year.

(t) “Personal care services” means assistance to individuals which allows them to perform their routine activities of daily living to maintain independence, health, personal appearance, comfort, safety and interactions within their community.

(u) “Physical restraint” means physically holding a client to restrict movement or to prevent the individual from harming himself or others.

(v) “Provisional certificate” means a certificate which is issued in response to an application for renewal if, for any reason, the department has not denied or issued a permanent certificate within thirty (30) days after the expiration date of the previous certificate. A provisional certificate is valid for not more than 180 days.

(w) “Region” means the subdivision of the state as defined by the department of mental retardation for management purposes.

(x) “Record” means written information pertaining to each resident which shall include administrative, treatment and educational data.

(y) “Respite” means the temporary care of an individual for the purpose of providing relief to a family or community training home provider. Temporary care may not exceed 30 consecutive days.

(z) “Respite coordinator” means the person responsible for coordinating respite services within a region.

(aa) “Respite home” means a private family home that is conducted or maintained by a person certified or authorized pursuant to these regulations for the purpose of providing respite services to three or fewer individuals.

(bb) “Respite home study” means a compilation of information gathered through processes of visitation, interview and research that includes the following topics:

general information about the family members, physical aspects of the home, neighborhood and community.

(cc) “Respite provider” means the person who is certified by the region or authorized by an organization to provide respite services to individuals in their own home, in the home of others or both locations.

(dd) “Specific service plan” means a component of the overall plan of service that is written and implemented by a member of the interdisciplinary team to implement the goals assigned to that team member.

(Effective August 24, 1994)

Sec. 17a-218-9. Applications for contracts

(a) Application for a contract to recruit, train, coordinate and authorize respite providers and to provide respite services to individuals shall be filed by any organization on forms provided by the department with the appropriate region.

(b) Initial applications for a contract to recruit, train, coordinate and authorize respite providers and to provide respite services shall be signed by the applicant(s) and contain the following information: (1) the name, address and telephone number of the applicant, (2) three character references for each applicant from three responsible people who are not related to the applicant, (3) whether the applicant previously held contracts with the Department of Mental Retardation or any other state department, (4) the employment history of the applicant for the past three years, (5) an overview of the training to be provided to respite providers, (6) a description of the organization’s respite program, (7) the proposed method of ongoing evaluation and monitoring of respite providers, (8) the agency’s fee schedule for respite services, if applicable, and (9) the geographic area served by the agency.

(c) Organizations that currently or previously held contracts with the department to provide respite services or other services to persons with mental retardation may be grandfathered into the program with an application that includes: (1) the name, address and telephone number of the applicant, (2) an overview of the training to be provided to respite providers, (3) a description of the organization’s respite program, (4) the proposed method of ongoing evaluation and monitoring of respite providers, and (5) the agency’s fee schedule for respite services, if applicable.

(Effective August 24, 1994)

Sec. 17a-218-10. Contracting procedure

(a) The regional director or his designee will review the application and other materials that may be required to accompany the application for completeness and accuracy. The regional director or his designee will provide, upon request, technical assistance to the applicant to complete the application package.

(b) The regional director or his designee will approve or deny the application.

(c) Upon regional approval of the application, the department may enter into a contract with the applicant to recruit, train, coordinate and authorize respite providers to provide respite services. The contract shall be for a term of up to one fiscal year. All contracts are conditional upon compliance with these regulations and may be cancelled at any time, with 30 days notice, by either party.

(d) An application may be denied if the applicant or any employee of the agency’s respite program or any respite provider is found to have been convicted of a crime which indicates potential risk to the health or safety of the service recipient.

(e) Contracts to recruit, train, coordinate and authorize respite providers and to provide respite services shall include a fiscal and program reporting requirement to assure that respite providers recruited, trained, coordinated or authorized by the

organization meet the requirements necessary to provide respite services pursuant to Sec. 17a-218-16 and Sec. 17a-218-17 of these regulations.

(f) The commissioner may grant a waiver for any specific regulation(s) or other requirements that does not materially effect the health and safety of service recipients. A request for a waiver must be in writing, signed by the applicant and the respite coordinator and provide the reasons for the request and any supporting documentation. A waiver granted by the commissioner shall specify in writing the duration and terms under which the waiver is granted.

(g) Upon conclusion of the contract, the contractor shall report to the department on forms provided by the department, the expenditure of funds and programmatic outcomes.

(h) The regional office shall, prior to the conclusion of the contract, conduct a performance review to determine eligibility for renewal. Renewal shall be based on the individual's need and the contractor's efficiency and effectiveness.

(Effective August 24, 1994)

Sec. 17a-218-11. Applications for certification

(a) Applications for a certificate to provide respite services for individuals shall be filed on forms provided by the department with the region in which the respite home is located.

(b) Applications must indicate whether the applicant(s) is applying to provide respite services in: (1) his own home, (2) in the homes of others, or (3) in both locations.

(c) Applications for an initial certificate to provide respite services shall be signed by the applicant(s). The application packet shall include the following information: (1) character references for each applicant from three responsible people who are not related to the applicant(s), (2) a statement about any criminal conviction records, (3) whether the applicant(s) currently holds or previously held certificates or licenses from the department or any other state department, (4) a certificate of good health for each applicant signed by a licensed physician within the past 12 months, (5) the employment status of the applicant(s) for the past three years. In addition, the application packet for persons applying to provide respite in their homes shall include: (A) the real property interest, if any, the applicant(s) holds in the residence, such as lease or ownership, (B) the address and physical description of the residence, (C) a complete list of all occupants, indicating age and relation to the applicant(s), (D) a statement about any criminal conviction records of any occupants of the home, and (E) a local fire marshal's certificate if the respite home is located in a structure containing more than two dwelling units.

(d) If an individual's stay in a respite home amounts to more than 60 days in a consecutive 75-day period, the region will review the provision of respite services and make a determination regarding the need for the respite provider to submit an application for a license to conduct a community training home.

(Effective August 24, 1994)

Sec. 17a-218-12. Certification process

(a) The regional office will review the application and other materials which may be required to accompany the application.

(b) For applicants who wish to provide respite services in their homes, the respite coordinator, or other person designated by the region will complete a respite home study within 60 days of the date of application to determine if the applicant meets

the requirements necessary to provide respite services pursuant to Sec. 17a-218-16 and Sec. 17a-218-17 of these regulations.

(c) If the applicant fully satisfied Sec. 17a-218-16 of these regulations, the region shall issue a certificate that indicates that the respite provider is certified to provide respite services or the home is approved as a respite home. The certificate shall indicate the maximum number of persons that may receive respite services in the respite home. The certificate shall be for a term of one year and may be renewed pursuant to Sec. 17a-218-14 of these regulations. All certificates are conditional upon compliance with Sec. 17a-218-16 and Sec. 17a-218-17 of these regulations and may be revoked at any time in accordance with Sec. 17a-218-15 of these regulations.

(d) The commissioner may grant a waiver for any specific regulation(s) or other requirements that does not materially effect the health and safety of service recipients. A request for a waiver must be in writing, signed by the applicant, and provide the reasons for the request and any supporting documentation. A waiver granted by the commissioner shall specify in writing the duration and terms under which the waiver is granted.

(e) If an applicant fails to comply with applicable regulation(s) and certification procedures and has not obtained a waiver from any such regulation(s) or requirements, the application for a certificate to provide respite services shall be denied. An application may also be denied if the applicant or any other occupant is found to have been convicted of a crime which indicates potential risk to the health and safety of individuals to receive respite services.

(f) The respite provider shall notify the region within 5 days if the number of permanent occupants in the residence increases.

(Effective August 24, 1994)

Sec. 17a-218-13. Renewal

(a) At least 45 days prior to the expiration date of a certificate the region will notify the respite provider to initiate renewal of a certificate. Respite providers who wish to continue to provide respite services for the department shall submit an application for renewal on forms provided by the department.

(b) The renewal forms shall be filed with the regional office that certifies the respite home. If a certificate is not denied or renewed within 30 days after the expiration date of the certificate, the region shall issue a provisional certificate for not more than 60 days. The commissioner may grant 30 days extensions not to exceed 180 days to any provisional certificate. A provisional certificate may only be issued if (1) the respite provider substantially complies with initial and operating standards; (2) any deficiencies do not materially affect the health and safety of clients; and (3) either the respite provider has developed an acceptable plan of correction; or (4) time is needed for the orderly transfer of persons to other respite homes.

(Effective August 24, 1994)

Sec. 17a-218-14. Revocation, compliance orders, sanctions

(a) A certificate may be revoked at any time a respite provider: (1) fails to comply with the certification procedure prescribed by the department; (2) fails to comply with any applicable initial or operating standard, fails to obtain necessary waivers, or fails to submit and implement an acceptable plan of correction; (3) furnishes or makes any false or misleading statements to the commissioner or the department in order to obtain or retain a certificate; (4) fails or refuses to submit reports when required or make records available when requested by the commissioner or

department or otherwise denies unrestricted access to records of individuals served by the respite provider; (5) refuses to admit the commissioner or his designee onto the premises of the respite home at any reasonable time as deemed necessary by the commissioner or his designee to protect the health or safety of the individuals receiving respite services.

(b) The commissioner may impose any of the following restrictions and limitations whenever a respite provider fails to comply with any applicable initial or operating standards: (1) reduce the certified capacity of the residence; (2) modify the intensity of supervision by requiring the respite provider to accept staff support and additional supervision from the department; (3) require such additional training as may be necessary to correct a violation or prevent a repeat violation of these regulations; (4) issue compliance orders that must be implemented within 30 days of issuance unless the respite provider requests a hearing in accordance with Sec. 17a-218-15 of these regulations. Failure to implement a compliance order may result in the commissioner taking any action authorized by this section. Compliance orders shall be issued by the commissioner by certified letter to the respite provider.

(Effective August 24, 1994)

Sec. 17a-218-15. Hearings

Any person aggrieved by a decision to: (1) deny an application for an initial certificate; (2) deny an application for renewal of a certificate; (3) revoke a certificate; or (4) any other decision authorized pursuant to Section 17a-218-14 of these regulations, may request by certified letter an administrative hearing within 15 days of receipt of the notice of the action by certified letter. Administrative hearings shall be conducted in accordance with the department's rules of practice, Sections 19-570-1 through 67, inclusive of the Regulations of Connecticut State Agencies. In the absence of a written request for an administrative hearing within the 15 day period, the decision or action of the commissioner shall be deemed effective from the date of receipt of the notice of such decision or action. Requests for an administrative hearing must be made in writing to the commissioner.

(Effective August 24, 1994)

Sec. 17a-218-16. Initial standards

The respite provider must meet the following standards before obtaining a certificate or authorization to provide respite services for persons with mental retardation or autism.

(a) Respite Provider Qualifications and Responsibilities

(1) The respite provider shall demonstrate the capacity to maintain a healthy and safe living environment. This standard applies only to those persons applying to provide respite services in their own home.

(2) The respite provider shall complete training approved by the department either through the regional office or a contractor or shall be able to demonstrate that they possess the following knowledge:

- (A) Basic first aid;
- (B) Infection control;
- (C) Response to fire and other emergency situations;
- (D) DMR mission statement;
- (E) Confidentiality;
- (F) Relationships with natural or foster families;
- (G) Age-appropriate activities and expectations; and
- (H) Principles of learning and positive behavior management.

(b) Health and Life Safety

(1) Respite homes other than multifamily dwellings, shall comply with the state fire code requirements for one or two family dwellings in accordance with 29-292-1B, Chapter 22, the Connecticut Supplement to the Connecticut Fire Safety Code of the CGS. Multifamily dwellings shall comply with applicable state and local fire codes.

(2) The region or contractor shall conduct a home visit of one and two family dwellings to assure compliance with 29-292-1B, Chapter 22, the Connecticut Supplement to the Connecticut Fire Safety Code of the Connecticut General Statutes.

(3) The respite provider shall ensure the home is sanitary, comfortable, properly heated, ventilated and safe.

(4) The respite provider, with the respite coordinator or contractor, parent or guardian shall determine that the home is physically accessible to individuals who will receive respite and that adequate space is available for any special equipment or adaptive devices.

(Effective August 24, 1994)

Sec. 17a-218-17. Operating standards

A respite provider must meet the following standards in order to provide respite services or maintain any certificate to conduct or maintain a respite home for individuals:

(a) Individual's Rights

The respite provider shall comply with Section 17a-238 CGS regarding rights of persons with mental retardation under supervision of the commissioner of the department.

(b) Health and Life Safety

(1) When the respite provider is absent from the respite home, he shall provide a responsible designee who is available at all times.

(2) The respite provider shall ensure that required health and life safety information is communicated to all direct contact persons to ensure the individual's safety and well-being.

(3) The respite provider shall ensure that the individual receives adequate medical attention to prevent or treat any physical ailment or injury.

(4) The respite provider shall record any time an individual has a seizure and shall send the records to the individual's family or respite coordinator at the end of the respite period. Such records shall include:

(A) Time of the seizure;

(B) Duration of the seizure; and

(C) Descriptive characteristics of the seizure.

(5) The respite provider shall ensure that each individual's adaptive, corrective, mobility, orthotic, prosthetic, and other devices are kept in good repair and that the parent or respite coordinator is notified of any problems with the devices.

(6) The respite provider shall ensure sufficient liquids and amounts and variety of nutritious food. The provider shall ensure special diets are adhered to and eating devices are used when prescribed by a dietary professional or a physician.

(c) Prevention of Abuse and Neglect

The respite provider shall comply with the department's Abuse and Neglect Policy (DMR-2).

(d) Protection of Individual's Financial Interests

(1) The respite provider shall assure the safekeeping of individuals' financial interests and personal belongings.

(A) To the extent the respite provider exercises any control over the individual's monies and belongings, they shall be kept reasonably safe from theft or destruction.

(B) The personal monies and accounts of the individual receiving respite services shall not be commingled with the respite provider's personal monies or accounts.

(e) **Medication and Restraint**

(1) The respite provider shall administer medication in accordance with the physician's order, including monitoring for adverse reactions. The physician shall be notified immediately if any adverse reactions are noted.

(2) The respite provider shall assure that, to the extent reasonably possible, an individual who experiences a behavioral emergency will be managed utilizing approved behavior management techniques without resorting to police intervention, hospital emergency room admission, or admission to a mental health facility.

If a respite provider cannot manage a behavioral emergency within the respite coordinator's resources and must resort to police intervention, hospital emergency room admission or admission to a mental health facility, the respite provider shall notify the individual's parent or guardian, the respite organization or the respite coordinator prior to taking any such action, or as soon as possible thereafter.

(3) The respite provider shall employ emergency physical restraints only when absolutely necessary to protect the individual from injury to himself or to prevent injury to others and shall report each use of an emergency restraint or behavior modifying medication to the individual's parent or guardian and respite coordinator within 24 hours.

(f) **Planning and Provision of Services**

(1) The respite provider shall provide services as designated in the individual's overall plan of services, follow-along plan, or any specific service plan when applicable.

(2) Respite providers shall ensure that they and their designees use the language or communication system that the individual uses or is being taught to use.

(Effective August 24, 1994)

Bidding Procedures for the Construction, Renovation or Rehabilitation of Community-Based Residential Facilities

Sec. 17a-218-18. Definitions

For the purposes of Sections 17a-218-18 to 17a-218-23, inclusive of these regulations, the following definitions shall apply:

(1) "Bid" means an offer, submitted in response to an invitation to bid for the construction, renovation or rehabilitation of a community-based residential facility including those to be leased with a purchase option by the department.

(2) "Bidder" means any person, firm or corporation submitting a bid on an invitation to bid issued by the Commissioner.

(3) "Commissioner" means the commissioner of the department of mental retardation or his designee.

(4) "Contract" means the agreement reached when the commissioner accepts the offer of a bidder for the construction, renovation or rehabilitation of a community-based residential facility including those to be leased with a purchase option by the department, subject to all legally required consents and approvals.

(5) "Contractor" means the person, firm or corporation to whom a contract is awarded against a bid submitted.

(6) "Department" means the department of mental retardation.

(7) "Invitation to bid" means the communication which states the terms and conditions under which a specified procurement will be made in a particular instance.

(8) "Lowest responsible qualified bidder" means the bidder whose bid is the lowest of those bidders possessing the skill, ability and integrity necessary to faithfully perform the work based upon objective criteria addressing past performance and financial responsibility.

(Effective July 2, 1997)

Sec. 17a-218-19. Bidding for contracts

(a) On and after January 1, 1997, every contract for the construction, renovation or rehabilitation of a community-based residential facility, including those for lease with a purchase option shall be awarded to the lowest responsible qualified bidder on the basis of competitive bids.

(Effective July 2, 1997)

Sec. 17a-218-20. Bidding procedure

(a) Whenever the department finds it necessary to construct, renovate or rehabilitate a community-based residential facility including those for lease with a purchase option by the department and when the department is authorized to be the agent of the state for such projects an invitation to bid shall be issued.

(b) All bids submitted in response to the invitation to bid shall be submitted on and in accordance with the forms supplied by the commissioner. Telegraphic bids, telephone bids or bids transmitted by facsimile equipment shall not be accepted.

(c) The time and date that bids are to be opened shall be outlined in the invitation to bid. Bids received after the specified time and date of bid opening shall not be considered. Bids submitted in pencil shall be rejected. Unsigned bids shall be rejected. All signatures shall be original signatures unless there is specific authorization from the commissioner for the use of non-manual forms of signature. Erasures, alterations or corrections on both the original and copy of the proposal schedule to be returned shall be initialed by the person signing the bid or proposal or his authorized designee.

(d) Multiple bids shall not be considered from the same bidder.

(e) All bids shall be opened and read publicly and thereafter are subject to public inspection during normal business hours of the department. Bidders may be present or be represented at all openings.

(f) The commissioner shall have the right to amend or cancel an invitation to bid prior to the date of bid opening.

(Effective July 2, 1997)

Sec. 17a-218-21. Award

(a) Award shall be made to the lowest responsible qualified bidder. Essential information in regard to such qualifications shall be submitted with the bid in such form as the commissioner may require by specification in the bid documents and on the bid form.

(b) The commissioner reserves the right to make awards within thirty calendar days from the date bids are opened, unless otherwise specified in the invitation to bid.

(c) Should award, in whole or in part, be delayed beyond the thirty day or an earlier date specified by a bidder in his bid, such awards shall be conditioned upon bidder's acceptance.

(d) The bidder, if requested by the commissioner, shall be prepared to present evidence of experience, ability, and financial standing necessary to meet satisfactorily the requirements set forth or implied in the invitation to bid.

(e) The commissioner reserves the right to correct inaccurate awards resulting from his clerical or administrative errors.

(Effective July 2, 1997)

Sec. 17a-218-22. Rejection of bids

(a) In inviting bids, the commissioner shall reserve the right to reject any or all such general bids, if:

(1) the commissioner determines that the general bidder or bidders involved are not competent to perform the work as specified, based on objective criteria established for making such determinations, including past performance and financial responsibility;

(2) the low bid price exceeds the amount of money available for the project;

(3) the commissioner determined that the project shall not go forward; or

(4) the commissioner finds cause to reject such bids.

(b) If the commissioner rejects any or all bids pursuant to this section, it shall notify each affected bidder, in writing, of the reasons of such rejection.

(Effective July 2, 1997)

Sec. 17a-218-23. Objective criteria for determining the lowest responsible qualified bidder

(a) The invitation to bid shall state the evaluation factors, including price, and their relative importance. Past performance and financial responsibility shall always be factors in making this determination.

(b) The evaluation shall be based on the evaluation factors in the invitation to bid. Numerical rating systems may be used but are not required. Factors not specified in the invitation to bid shall not be considered.

(c) Proposals shall be classified as acceptable; potentially acceptable, that is reasonably susceptible of being made acceptable; or unacceptable.

(d) Bidders whose proposals are unacceptable shall be so notified promptly.

(Effective July 2, 1997)