



Report to the Legislature

**Services to Persons with Developmental
Disabilities who are Discharged or Diverted
from State Hospitals or Individuals with
Community Protection Issues**

Chapter 518, Laws of 2007, Section 205(1)(d) Uncodified

May 15, 2009

Department of Social & Health Services
Aging and Disability Services Administration
Division of Developmental Disabilities
P.O. Box 45310
Olympia, WA 98504-5310
(360) 725-3452
Fax: (360) 407-0955

EXECUTIVE SUMMARY

Chapter 518, Laws of 2007, E1, Section 205(1)(d) requires the Department of Social and Health Services' Division of Developmental Disabilities (DDD) to report, within 45 days following each fiscal quarter, the number of persons served in the community through this section, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients. This proviso is intended to provide community residential supports, therapies, and employment/day services to individuals who are discharged or diverted from state psychiatric hospitals and for individuals that qualify for the Community Protection Program.

BACKGROUND

Hospital Discharge

Providing services to individuals with developmental disabilities who are diagnosed with mental illness and/or are otherwise gravely disabled is a long-term state and national issue. Since 1985, the Washington State Legislature has periodically provided funding to enable some clients with developmental disabilities to move out of state hospitals when community placement is recommended. Between the periods of August 1996-98, however, the number of people with developmental disabilities at the state's two psychiatric hospitals grew from 53 to a high of 92.

In January 1999, Disability Rights Washington (DRW), formerly Washington Protection and Advocacy System (WPAS), filed a federal class action lawsuit (*Allen v DSHS*) alleging abuse and neglect of individuals with developmental disabilities at Western State Hospital (WSH). It further alleged that individuals were denied opportunities for discharge and community support, and that they were at risk for unnecessary involuntary commitment. A mediated settlement agreement was reached in December 1999. Among the terms of the agreement, the state agreed to request funding from the Legislature to implement a 3-phase remedy titled the Division of Developmental Disabilities/Mental Health Division Collaborative Work Plan.

The Supplemental Budget passed in the 2000 Legislative Session included \$6,673,000 to fund Phases 1 and 2 of the collaborative work plan. Phase 3 of the work plan proposed to establish involuntary treatment facilities. Phase 3 was not initially funded. The Legislature instead required a comprehensive study of long-term treatment alternatives for individuals with developmental disabilities and mental illness. The report's recommendation was to continue to house involuntary treatment clients at the two state psychiatric hospitals.

The Legislature authorized funds to the Mental Health Division to support Phase 3 at the state psychiatric hospitals during the 2001-03 Biennium.

In the 2007-09 Biennium, the Legislature provided funds to provide community residential and support services for 112 clients. Funding for 16 of those clients is for individuals the Legislature allocated resources for in the FY 2007 Supplemental Budget and were approved for the proviso toward the end of the 2005-07 Biennium. There are 96 “new” proviso placements available for the 2007-09 Biennium which will be tracked in the quarterly legislative proviso reports. The Legislature has directed the department to utilize these proviso placements for individuals with developmental disabilities who are: 1) discharged from the state psychiatric hospitals (outplacement), 2) being diverted from state psychiatric hospitals, 3) leaving the Department of Corrections custody and participating in the Dangerous Mentally Ill Offender program (DMIO), or 4) individuals with community protection issues. These funds authorize an average daily rate of \$349 per client for FY08 and \$356 per client for FY09.

STATUS

For the January through March 2009 quarter, DDD placed eight (8) individuals on this proviso. Six (6) additional individuals were added to this report since their information was not available in time for inclusion in the previous quarterly report. A total of 75 new proviso placements for this Biennium have utilized funding at an average daily rate of \$357.73 (see attached spreadsheet). There are also 16 individuals from the 2007 Supplemental Budget group that utilize funding from this proviso for a total of 91 people. There are currently 82 active people on this proviso.

We are now tracking people that leave the proviso and of the 91 people that have utilized funding under this proviso there have been eight (8) people from the new placements and one (1) person from the 2007 Supplemental Budget group that have exited the program. People in the Community Protection Program leave the proviso for a variety of reasons (for example they go back to a state hospital, to jail, or voluntarily exit the program). Many times these individuals will reenter the program within a few months.

Following are descriptions of the needs of the eight (8) individuals placed this quarter: three (3) individuals met criteria of state hospital outplacement, one (1) individual met the criteria of diversion from state hospital outplacement, one (1) individual met criteria for dangerous mentally ill offender and three (3) individual met the criteria of individuals residing in the community with community protection issues. These client descriptions are provided to offer information about this particular population.

State Hospital Outplacement:

Client #70 is a 27-year-old male diagnosed with schizophrenia, mild mental retardation, and obesity. He was admitted to WSH after serving time in prison for

2nd degree assault with a deadly weapon and felony harassment. Funds from this proviso are being utilized to provide community protection supported living services, therapy, and employment services.

Client #72 is a 26-year-old male diagnosed with impulse control disorder, personality disorder, mild mental retardation, Down syndrome, hyperlipidemia, and obesity. He has a history of arson, assault, and property destruction. He was always been found not competent to stand trial following legal charges. Funds from this proviso are being utilized to provide community protection supported living services, therapy, and employment services.

Client #75 is a 50-year-old female diagnosed with schizophrenia and mild mental retardation. She has a long history of fixed delusions involving her husband and paranoia that her food and medications are poisoned. In October 2008, she set two trash fires behind her residence in an attempt to kill herself and was detained to Eastern State Hospital. Funds from this proviso are being utilized to provide community protection supported living services.

Diversion for state hospital outplacement:

Client #71 is a 24-year-old male diagnosed with autism, depression, anxiety, and mental retardation. He has history of assault toward family members, screaming, wandering, and property destruction. Supports through community mental health and the development of a positive behavior support plan were not previously successful. Funds from this proviso are being utilized to provide supported living services, therapy, and employment services.

Dangerously Mental III Offender:

Client #69 is a 31-year-old male diagnosed with bipolar disorder, polysubstance dependence, antisocial personality disorder, and mild mental retardation. He has been convicted of several crimes including: indecent liberties, assault, violation of a protection order and failing to register as a sex offender. Funds from this proviso are being utilized to provide community protection supported living services, therapy, and employment services.

Individual residing in the community with community protection needs:

Client #68 is a 43-year-old male diagnosed with mild mental retardation. He was convicted of 3rd degree rape of a woman with developmental disabilities. Funds from this proviso are being utilized to provide community protection supported living services, therapy, and employment services.

Client #73 is a 36-year-old male diagnosed with moderate mental retardation. In February 2008, he was charged with kidnapping with sexual motivation and unlawful imprisonment with sexual motivation and found to be not competent to

stand trial. Funds from this proviso are being utilized to provide community protection supported living services, therapy, and employment services.

Client #74 is an 18-year-old male diagnosed with oppositional defiant disorder, attention deficit disorder, post traumatic stress disorder, mild mental retardation, and language delay. He is a victim of sexual abuse and has a history of fire-setting behaviors, threatening harm to family members, and sexually inappropriate behaviors to include inappropriate touching, exposing himself, and public masturbation. Funds from this proviso are being utilized to provide community protection supported living services, therapy, and employment services.

The following are descriptions of the six (6) individuals added to this report whose information was not available for inclusion in the last report:

State hospital outplacement:

Client #67 is a 45-year-old male diagnosed with dementia secondary to a traumatic brain injury, history of alcohol and cannabis use, mild mental retardation, personality disorder, and thrombophlebitis. He was successfully served in a supported living program until he chose to leave and reside with his brother. He became assaultive to his family members after not taking his medications as prescribed and using drugs and alcohol. Funds from this proviso are being utilized to provide supported living services, and employment services.

Client #66 is a 24-year-old male diagnosed with attention deficit disorder and moderate mental retardation. He was found not competent to stand trial for charges of 2nd degree burglary. He requires significant supervision and support to tend to his personal care needs. Funds from this proviso are being utilized to provide supported living services, therapy, and employment services.

Individual residing in the community with community protection:

Client #62 is a 20-year-old male diagnosed with bipolar disorder, post traumatic stress disorder, attention deficit hyperactivity disorder, and mild mental retardation. He has a history of assault toward family members, fire-setting behaviors, theft, and possession of child pornography. A psychosexual risk assessment revealed that he is at high risk to offend without line of sight supervision. Funds from this proviso are being utilized to provide community protection supported living services, therapy, and employment services.

Client #63 is a 21-year-old female diagnosed with mild mental retardation. She was a victim of sexual abuse and has a history of obsessing and stalking women she targets. She was supported in an adult family home, but this service ended due to her developing obsession regarding the owner of the adult family home and

her child. Funds from this proviso are being utilized to provide community protection supported living services, therapy, and employment services.

Client #64 is a 43-year-old female diagnosed with psychosis, moderate mental retardation, and diabetes. She has a history of nonconsensual sexual contact with vulnerable individuals, physical assault, and fire-setting behaviors. A risk assessment found her to be at high risk to offend without line of sight supervision. Funds from this proviso are being utilized to provide community protection supported living services, therapy, and employment services.

Client #65 is a 21-year-old male diagnosed with mild mental retardation. He was charged and convicted of four counts of 4th degree assault with sexual motivation. He also has a history of probation violations, drug use, property destruction, and stealing behaviors. Funds from this proviso are being utilized to provide community protection supported living services, therapy, and employment services.

STATE HOSPITAL ADMISSIONS ACTIVITY

There were five (5) admissions to WSH in the January through March 2009 reporting period. Two (2) admissions were for court-ordered competency restoration under Chapter 10.77 RCW and three (3) clients were admitted for involuntary psychiatric treatment after being determined to be a danger to self and/or others as a result of a mental disorder under Chapter 71.05 RCW. There were six (6) discharges during the reporting period.

At ESH, for the same reporting period, three (3) individuals was admitted for court-ordered competency restoration under Chapter 10.77 RCW and three (3) individuals were admitted for involuntary psychiatric treatment under Chapter 71.05 RCW. There were two (2) discharges during the reporting period.

**COMMUNITY PROTECTION PROVISO
SEVENTH QUARTER – JANUARY THROUGH MARCH 2009**

<u>Hospital & CPP Outplacements</u>		<u>Previous Residence</u>	<u>Previous Supports</u>	<u>Residential Start Date</u>	<u>Residential End Date</u>	<u>Number of Days in Service</u>	<u>Type of Services</u>				<u>Expenditures</u>		<u>Type of Proviso Request</u>
<u>Number</u>	<u>Region</u>						<u>Residential Daily Rate</u>	<u>Day Services Daily Rate</u>	<u>Other Daily Rate</u>	<u>Therapies Daily Rate</u>	<u>Total Daily Rate.</u>	<u>Total Expend. To Date</u>	
1	6	Own Home	Supported Living	07/01/07		639	505.18	-	-	-	505.18	322,810.02	2
2	4	Own Home	Supported Living	08/16/07		592	284.30	24.33	-	11.83	320.46	189,712.32	4
3	5	ARC	Residential	08/20/07	09/26/07	37	295.65	19.99	-	15.29	330.93	12,244.41	2
4	4	Parent's Home	MPC	08/30/07		578	238.59	-	-	-	238.59	137,905.02	2
5	6	Relative's Home	Community Protection	08/31/07		577	309.17	-	1.25	-	310.42	179,112.34	4
6	3	Parent's Home	Community Protection	09/07/07	10/17/08	30	430.51	16.44	1.25	13.15	461.35	13,840.50	4
7	4	Parent's Home	Inpatient Psychiatric	10/01/07		547	280.53	24.65	-	11.83	317.01	173,404.47	1
8	1	Own Home	Inpatient Psychiatric	10/05/07	10/27/07	22	312.56	17.06	-	7.89	337.51	7,425.22	1
9	6	Own Home	Diversion	10/30/07		518	262.51	30.00	0.66	0.82	293.99	152,286.82	2
10	6	Foster Home	Foster Care	10/30/07		518	309.17	-	1.25	-	310.42	160,797.56	4
11	5	Own Home	Inpatient Psychiatric	11/09/07		506	462.58	19.99	10.19	-	492.76	249,336.56	1
12	4	Parent's Home	Community Protection	11/28/07		488	256.25	-	-	11.83	268.08	130,823.04	4
13	1	Supported Living	Residential	12/01/07		485	188.40	-	-	-	188.40	91,374.00	4
14	2	Parent's Home	Vocational	12/21/07		464	263.27	17.09	1.28	4.27	285.91	132,662.24	2
15	6	Relative's Home	Family Support	01/24/08		432	236.52	-	-	11.51	248.03	107,148.96	4

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16	2	Adult Family Home	Residential	01/28/08		428	263.52	24.65	-	11.15	299.32	128,108.96	4
17	4	Relative's Home	Community Protection	02/01/08		425	293.41	-	-	-	293.41	124,699.25	4
18	6	Supported Living	Inpatient Psychiatric	02/06/08	07/31/08	175	417.26	30.00	-	15.00	462.26	80,895.50	1
19	1	Foster Home	Foster Care	02/11/08	07/31/08	170	314.59	-	-	11.77	326.36	55,481.20	4
20	1	Foster Home	Residential	02/20/08		406	482.20	-	-	17.03	499.23	202,687.38	4
21	6	AFH	Inpatient Psychiatric	03/13/08		381	292.01	30.00	-	9.88	331.89	126,450.09	1
22	4	Foster Home	Residential	03/14/08		380	268.18	-	-	11.83	280.01	106,403.80	4
23	5	Family Home	Respite	03/14/08		380	304.49	-	6.57	14.79	325.85	123,823.00	4
24	2	Supported Living	Inpatient Psychiatric	03/17/08	10/31/08	229	487.26	31.66	-	-	518.92	118,832.68	1
25	6	Adult Family Home	Residential	04/01/08		364	259.27	16.93	11.51	-	287.71	104,726.44	2
26	6	Foster Home	Foster Care	04/01/08		364	373.33	-	19.72	12.16	405.21	147,496.44	4
27	4	Foster Home	Foster Care	04/07/08		357	240.81	-	-	11.83	252.64	90,192.48	4
28	1	Supported Living	Inpatient Psychiatric	04/10/08		354	341.19	-	-	-	341.19	120,781.26	1
29	1	Supported Living	Inpatient Psychiatric	04/14/08		350	395.40	-	-	23.67	419.07	146,674.50	1
30	1	Supported Living	Inpatient Psychiatric	04/25/08	09/30/08	158	794.63	17.06	-	13.15	824.84	130,324.72	1
31	1	Boarding Home	MPC	05/01/08		334	324.78	-	-	-	324.78	108,476.52	4
32	3	Family Home	Diversion	05/02/08		333	293.54	-	-	31.56	325.10	108,258.30	2
33	4	Family Home	Inpatient Psychiatric	05/07/08		328	269.22	-	-	-	269.22	88,304.16	4
34	5	MH housing	Residential	05/07/08		328	273.40	19.69	-	14.79	307.88	100,984.64	4

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35	4	Family Home	Inpatient Psychiatric	05/08/08		327	275.63	29.59	-	11.83	317.05	103,675.35	4
36	3	Family Home	Inpatient Psychiatric	05/09/08		326	284.08	14.79	-	34.00	332.87	108,515.62	1
37	2	Friend's Home	Payee	05/19/08		316	219.71	24.65	-	15.94	260.30	82,254.80	4
38	6	Own Home	Community Protection	06/03/08	07/29/08	56	282.99	30.00	-	20.00	332.99	18,647.44	4
39	5	Supported Living	Residential	06/04/08		299	461.94	19.69	-	9.86	491.49	146,955.51	4
40	6	Supported Living	Residential	06/09/08		294	306.21	-	-	11.00	317.21	93,259.74	4
41	1	Grandparent's Home	Respite	06/18/08		287	239.32	-	1.25	-	240.57	69,043.59	2
42	6	Parent's Home	Therapy	06/27/08		277	265.17	30.00	1.48	9.86	306.51	84,903.27	4
43	5	Family Home	JRA facility	07/01/08		273	341.73	-	20.38	14.79	376.90	102,893.70	4
44	5	Supported Living	Inpatient Psychiatric	07/01/08		273	300.61	20.00	3.29	14.79	338.69	92,462.37	1
45	5	Foster Home	Foster Care	07/01/08		272	299.10	20.00	2.96	14.79	336.85	91,623.20	4
46	3	Foster Home	Foster Care	07/02/08		271	282.21	-	6.18	-	288.39	78,153.69	4
47	1	Supported Living	Inpatient Psychiatric	07/07/08		266	733.52	19.72	-	5.59	758.83	201,848.78	1
48	6	Family Home	Diversion	07/11/08		919	329.65	21.37	-	-	351.02	322,587.38	2
49	1	Grandparent's Home	None	07/15/08		258	227.64	17.23	1.25	-	246.12	63,498.96	4
50	6	Foster Home	Foster Care	07/17/08		256	554.70	-	-	9.86	564.56	144,527.36	4
51	4	Own Home	MPC	08/02/08		241	283.81	-	-	9.86	293.67	70,774.47	4
52	2	Own Home	Foster Care	08/11/08		232	242.00	24.65	-	15.94	282.59	65,560.88	4

**COMMUNITY PROTECTION PROVISIO
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53	5	Parent's Home	Inpatient Psychiatric	08/13/08		230	258.60	55.62	-	-	314.22	72,270.60	1
54	6	Family Home	Diversion	08/13/08		230	269.48	30.00	-	11.01	310.49	71,412.70	4
55	6	Supported Living	Residential	08/14/08		229	512.55	30.00	-	9.86	552.41	126,501.89	1
56	3	Family Home	None	08/31/08		212	272.20	24.65	4.14	19.72	320.71	67,990.52	4
57	4	Family Home	Mental Health	08/31/08		212	306.94	55.98	1.31	11.83	376.06	79,724.72	4
58	6	Family Home	Diversion	09/01/08		211	305.66	30.00	-	11.83	347.49	73,320.39	2
59	2	Adult Family Home	Inpatient Psychiatric	09/24/08		187	452.23	-	-	15.94	468.17	87,547.79	1
60	6	AFH	Diversion	10/03/08		178	289.40	20.00	7.43	-	316.83	56,395.74	2
61	1	Supported Living	Residential	10/21/08		161	362.72	17.23	1.25	11.83	393.03	63,277.83	4
62	4	AFH	Residential	11/01/08		151	259.67	-	-	-	259.67	39,210.17	4
63	3	AFH	Residential	11/04/08		148	282.01	6.31	4.60	13.31	306.23	45,322.04	4
64	5	Provider's Home	Personal Care	11/20/08		132	315.24	19.99	-	14.79	350.02	46,202.64	4
65	2	Foster Home	Foster Care	12/11/08		111	269.14	24.65	-	16.04	309.83	34,391.13	4
66	1	Parent's Home	MPC	12/22/08		100	303.84	17.23	1.28	-	322.35	32,235.00	1
67	5	Family Home	MPC	12/29/08		93	212.73	19.99	4.93	-	237.65	22,101.45	1
68	4	Own Home	MPC	01/21/09		70	344.24	29.59	-	9.86	383.69	26,858.30	4
69	5	Own Home	MPC	01/22/09		69	288.64	19.99	-	14.79	323.42	22,315.98	3
70	6	MH housing	Residential	01/26/09		65	333.13	35.01	-	23.18	391.32	25,435.80	1
71	6	Parent's Home	MPC	01/27/09		64	264.53	29.98	-	9.99	304.50	19,488.00	2
72	6	Supported Living	Residential	02/05/09		54	471.08	19.99	2.47	14.79	508.33	27,449.82	1
73	2	Parent's Home	MPC	02/13/09		47	341.52	24.65	-	16.04	382.21	17,963.87	4

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SEVENTH QUARTER – JANUARY THROUGH MARCH 2009**

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74	3	Foster Home	Foster Care	02/13/09		47	502.85	-	12.75	13.15	528.75	24,851.25	4
75	1	ARC	Residential	02/28/09		32	381.64	-		-	381.64	12,212.48	1
							-	-	-	-	-	-	
Average for Proviso											\$ 357.73	\$ 7,310,151.02	

Total Clients = 75

All days in service have been updated for 7th Quarter.

Code Type of Proviso Request

- 1 State hospital outplacement
- 2 Diversion for state hospital
- 3 Dangerously mentally ill offender
- 4 Individual residing in the community with community protection needs