



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

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

EXECUTIVE SUMMARY

Chapter 518, Laws of 2007, 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, 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 vs. 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.

**COMMUNITY PROTECTION PROVISIO
SECOND QUARTER – OCTOBER THRU DECEMBER 2007**

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 October through December 2007 quarter, DDD has placed seven individuals on this proviso with an average daily rate of \$363.73 (see attached spreadsheet).

Following are descriptions of the needs of the seven individuals placed this quarter: three individuals met the criteria of state hospital outplacements, two individuals met the criteria of diversion from a state hospital and two individuals 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 #6 is a 21 year old male diagnosed with mild mental retardation. He has a history of illegal drug and alcohol use, vandalism, petty theft, physical and sexual assault against adult women and girls. He was civilly detained to WSH in 2004 after physically assaulting his mother and allegedly sexually groping a female patient. Funds from this proviso are being utilized to provide community protection services and employment services.

Client #7 is a 28 year old male diagnosed with bipolar disorder, poly-substance abuse, post traumatic stress disorder, mild mental retardation, and personality disorder with antisocial features. He has a history of physical assault and burglary with placements at Echo Glen, Child Study and Treatment Center, Maple Lane, and the Special Offender’s Center. He has been found not competent to stand trial on charges of burglary. Funds from this proviso are being utilized to provide community protection services and employment services.

**COMMUNITY PROTECTION PROVISIO
SECOND QUARTER – OCTOBER THRU DECEMBER 2007**

Client #10 is a 57 year old male diagnosed with schizophrenia, moderate mental retardation, chronic constipation, and risk of aspiration. He has a history of unpredictable, aggressive, and destruction outbursts to include physical aggression and property destruction. He also requires medical oversight to prevent and/or quickly identify signs of constipation. Funds from this proviso are being utilized to provide supported living services and employment services.

Diversion from state hospital outplacement:

Client #8 is a 21 year old male diagnosed with autism, attention deficit disorder, depression, and moderate mental retardation. He has a history of assault with a weapon and one known incident of sexual misconduct toward a vulnerable peer which was substantiated by Adult Protective Services. A risk assessment determined him to be a moderate- to high-risk for general assault and low- to medium-risk for sexual assault. Funds from this proviso are being utilized to provide community protection services, employment services, and therapy.

Client #12 is a 27 year old male diagnosed with depression, anxiety, alcohol dependence, blindness in one eye, asthma, functional digestive disorder, seizure disorder, head injury, and allergies. At the age of 15, he was convicted of First Degree Child Molestation and remains on the Sexual Offender Register. At age 17, he survived a self-inflicted gunshot wound to the head. He now has severely diminished impulse control due to the head injury. He is not appropriate for adult family home supports. Funds from this proviso are being utilized to provide community protection services, employment services and therapy.

Individual residing in the community with community protection needs:

Client #9 is an 18 year old male diagnosed with attention deficit disorder, conduct disorder with oppositional traits, impulse control disorder, and mild mental retardation. He has a history of sexual abuse of a child, verbal and physical aggression toward others, stealing, lying, sexually inappropriate behavior, and eloping from home. At the age of 14 he was charged with First Degree Rape of a Child following an allegation of having intercourse with his 9 year old niece. Funds from this proviso are being utilized to provide community protection services.

Client #11 is a 32 year old male diagnosed with depression, mild mental retardation, seizure disorder, and Tourette syndrome. He has been convicted of Attempted Indecent Liberties and First Degree Attempted Child Molestation. He has also sexually assaulted a female nurse's aide and attempted to rape his mother at knifepoint. He recently moved to Washington State and his family requested community protection services. Funds from this proviso are being utilized to provide community protection services and therapy.

**COMMUNITY PROTECTION PROVISIO
SECOND QUARTER – OCTOBER THRU DECEMBER 2007**

The following are descriptions of the two clients inadvertently left off the 1st quarter report:

Diversion from state hospital outplacement:

Client #4 is a 21 year old male diagnosed with profound mental retardation. He has a history of self-injurious behavior, disrobing in public, and inappropriate toileting when agitated. He was psychiatrically hospitalized on two occasions in the last year due to extreme behaviors. Programming and staffing at his current supported living program were increased to divert this client from the state hospital. Funds from this proviso are being utilized to provide increased supported living services.

Individual residing in the community with community protection:

Client #5 is a 27 year old male diagnosed with mild mental retardation. He has a history of two counts of Second Degree Felony Assault, one count of reckless burning, and one count of indecent exposure as well as property destruction and making inappropriate sexual comments to staff and peers. He was released from jail on July 9, 2007 after serving 364 days for assault. Funds from this proviso are being utilized to provide community protection services.

STATE HOSPITAL ADMISSIONS ACTIVITY

There have been eight admissions to Western State Hospital in the October through December 2007 reporting period. Four admissions were for court-ordered competency restoration under Chapter 10.77 RCW and four 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 eight discharges during the reporting period.

At Eastern State Hospital, for the same reporting period, one individual was admitted for court-ordered competency restoration under Chapter 10.77 RCW and no individuals were admitted for involuntary psychiatric treatment under Chapter 71.05 RCW. There was one discharge during the reporting period.

**2007-09
Proviso Tracking Outplacement Totals
Second Quarter Totals**

<u>Number</u>	<u>Region</u>	<u>Hospital & CPP Outplacements</u>					<u>Type of Services</u>				<u>Expenditures</u>		<u>Type of Proviso Request</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>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	5	ARC	Residential	08/20/07		133	\$ 295.65	\$ 19.99	\$ -	\$ 15.29	\$ 330.93	\$ 44,013.69	2
2	4	Parent's Home	MPC	08/30/07		123	\$ 238.59	\$ -	\$ -	\$ -	\$ 238.59	\$ 29,346.57	2
3	3	Parent's Home	Community Protection	09/07/07		113	\$ 430.51	\$ 16.44	\$ 1.25	\$ 13.15	\$ 461.35	\$ 52,132.55	4
4	6	Own Home	Supported Living	07/01/07		184	\$ 707.70	\$ -	\$ -	\$ -	\$ 707.70	\$ 130,216.80	2
5	4	Own Home	Supported Living	08/16/07		137	\$ 284.30	\$ 24.33	\$ -	\$ 11.83	\$ 320.46	\$ 43,903.02	4
6	4	Parent's Home	Inpatient Psychiatric	10/01/07		92	\$ 280.53	\$ 24.65	\$ -	\$ 11.83	\$ 317.01	\$ 29,164.92	1
7	1	Own Home	Inpatient Psychiatric	10/05/07	10/27/07	22	\$ 312.56	\$ 17.06	\$ -	\$ 7.89	\$ 337.51	\$ 7,425.22	1
8	6	Own Home	Diversion	10/30/07		63	\$ 262.51	\$ 30.00	\$ 0.66	\$ 0.82	\$ 293.99	\$ 18,521.37	2
9	6	Foster Home	Foster Care	10/30/07		63	\$ 309.17	\$ -	\$ 1.25	\$ -	\$ 310.42	\$ 19,556.46	4
10	5	Own Home	Inpatient Psychiatric	11/09/07		51	\$ 462.58	\$ 19.99	\$ 10.19	\$ -	\$ 492.76	\$ 25,130.76	1
11	4	Parent's Home	Community Protection	11/28/07		33	\$ 256.25	\$ -	\$ -	\$ 11.83	\$ 268.08	\$ 8,846.64	4
12	2	Parent's Home	Vocational	12/21/07		9	\$ 263.27	\$ 17.09	\$ 1.28	\$ 4.27	\$ 285.91	\$ 2,573.19	2
							\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Average for Proviso											\$ 363.73	\$ 410,831.19	

2007-09
Proviso Tracking Outplacement Totals
Second Quarter Totals

Total Clients = 12

All days in service have been updated for 2nd 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.