



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, 2008

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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 Washington State 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.

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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 thru March 2008 quarter, DDD placed six individuals on this proviso for a fiscal year total of 20 new proviso placements that have utilized funding at an average daily rate of \$349.61 (see attached spreadsheet). There are also 16 individuals from the 2007 Supplemental Budget group that utilize funding from this proviso for a total of thirty-six people. There are currently 33 active people on this proviso.

We have started tracking people that leave the proviso and of the 36 people that have utilized funding under this proviso there have been two people from the new placements and one 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 six individuals placed this quarter: one individual met the criteria of state hospital outplacement and five individuals met the criteria of individuals residing in the community with community protection issues. There are also two client descriptions from clients inadvertently left off previous reports. These client descriptions are provided to offer information about this particular population.

State Hospital Outplacement:

Client #18 is a 34 year old male diagnosed with intermittent explosive disorder, moderate mental retardation, seizure disorder, by history and seasonal allergies. He has several admissions to Western State Hospital, the last occurring from 12/30/04 through 2/6/08. He has a history of felony assault, felony harassment, unlawful imprisonment of a minor, and malicious mischief. Funds from this

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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 #15 is an 18 year old male diagnosed with traumatic brain injury due to severe abuse he suffered as a child. He has a history of sexual assault of a child, animal abuse, fire-setting behaviors, stealing, and lying behaviors. Prior to placement he was supported by his grandparents in their home. However, they were no longer able to support him in their home due to his increasing supervision needs and the presence of other young children living in the home. Funds from this proviso are being utilized to provide community protection supported living services.

Client #16 is a 25 year old male diagnosed with mild mental retardation. He has a history of being charged with theft, assault, malicious mischief, violation of a restraining order, and attempted first degree child molestation. He entered the community protection program in 2004 after his release from Maple Lane School. He voluntarily exited the program three months later to reside with his brother. He is a Level I Sex Offender and is required to register. He is no longer able to reside with his brother due to the birth of his brother's child. Funds from this proviso are being utilized to provide community protection supported living services, therapy and employment services.

Client #17 is a 37 year old male diagnosed with bi-polar disorder, autism, and mental retardation. He has a history of perseveration and sexual ideation of children, which have increased recently since the death of his parents. He had been served in an adult family home for several years; however, an increase in the intensity of his perseveration of children now requires the intense supports of the community protection program. Funds from this proviso are being utilized to provide community protection supported living services.

Client #19 is an 18 year old male diagnosed with attention deficit hyperactivity disorder, mood disorder NOS, impulse control disorder, fetal alcohol syndrome, and moderate mental retardation. He has a history of assault, predatory sexual acts, self-injurious behaviors, pica, and property destruction. He has been charged with rape of a child and assault with sexual motivation; however, both charges were dismissed due to a determination of incompetence to stand trial. A risk assessment determined this client to be at extreme risk to reoffend. Funds from this proviso are being utilized to provide community protection supported living services and therapy.

Client #20 is a 19 year old male diagnosed with attention deficit hyperactivity disorder, conduct disorder, and autism. He has a history of assaultive behaviors, property destruction, self-injurious behaviors, and sexually and verbally inappropriate behavior. As a child, he was placed out of the family home due to

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attempted sexual assaults toward his mother and grandmother. A psychosexual assessment recommended supports through the community protection program. Funds from this proviso are being utilized to provide community protection supported living services and therapy.

The following are descriptions of the two clients inadvertently left off previous reports:

Individual residing in the community with community protection:

Client #5 is a 26 year old male diagnosed with attention deficit disorder and moderate mental retardation. He has a history of being charged with assault, felony harassment, and child molestation. He was served in the community protection program until May 2002, when he exited voluntarily to reside without supports in his own apartment. He was eventually asked to move from the apartment after verbally threatening neighborhood children. He then began residing with his parents. He was no longer able to live with his parents after they moved into a single bedroom, low-income subsidized apartment. Funds from this proviso are being utilized to provide community protection supported living services.

Client #13 is a 30 year old male diagnosed with mild mental retardation. He has a history of sexual aggression targeting fellow roommates in his previous group home. A risk assessment recommended supports through the community protection program and line of sight supervision. Funds from this proviso are being utilized to provide community protection supported living services.

STATE HOSPITAL ADMISSIONS ACTIVITY

There were three admissions to Western State Hospital in the January through March 2008 reporting period. Two admissions were for court-ordered competency restoration under Chapter 10.77 RCW and one client was 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 seven 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 two individuals were admitted for involuntary psychiatric treatment under Chapter 71.05 RCW. There were two discharges during the reporting period.

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<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		275	\$ 707.70	\$ -	\$ -	\$ -	\$ 707.70	\$ 194,617.50	2
2	4	Own Home	Supported Living	08/16/07		228	\$ 284.30	\$ 24.33	\$ -	\$ 11.83	\$ 320.46	\$ 73,064.88	4
3	5	ARC	Residential	08/20/07		224	\$ 295.65	\$ 19.99	\$ -	\$ 15.29	\$ 330.93	\$ 74,128.32	2
4	4	Parent's Home	MPC	08/30/07		214	\$ 238.59	\$ -	\$ -	\$ -	\$ 238.59	\$ 51,058.26	2
5	6	Relative's Home	Community Protection	08/31/07		213	\$ 309.17	\$ -	\$ 1.25	\$ -	\$ 310.42	\$ 66,119.46	4
6	3	Parent's Home	Community Protection	09/07/07	10/17/07	41	\$ 430.51	\$ 16.44	\$ 1.25	\$ 13.15	\$ 461.35	\$ 18,915.35	4
7	4	Parent's Home	Inpatient Psychiatric	10/01/07		183	\$ 280.53	\$ 24.65	\$ -	\$ 11.83	\$ 317.01	\$ 58,012.83	1
8	1	Own Home	Inpatient Psychiatric	10/05/07	12/31/07	88	\$ 312.56	\$ 17.06	\$ -	\$ 7.89	\$ 337.51	\$ 29,700.88	1
9	6	Own Home	Diversion	10/30/07		154	\$ 262.51	\$ 30.00	\$ 0.66	\$ 0.82	\$ 293.99	\$ 45,274.46	2
10	6	Foster Home	Foster Care	10/30/07		154	\$ 309.17	\$ -	\$ 1.25	\$ -	\$ 310.42	\$ 47,804.68	4
11	5	Own Home	Inpatient Psychiatric	11/09/07		142	\$ 462.58	\$ 19.99	\$ 10.19	\$ -	\$ 492.76	\$ 69,971.92	1
12	4	Parent's Home	Community Protection	11/28/07		124	\$ 256.25	\$ -	\$ -	\$ 11.83	\$ 268.08	\$ 33,241.92	4
13	1	Supported Living	Residential	12/01/07		121	\$ 188.40	\$ -	\$ -		\$ 188.40	\$ 22,796.40	4
14	2	Parent's Home	Vocational	12/21/07		100	\$ 263.27	\$ 17.09	\$ 1.28	\$ 4.27	\$ 285.91	\$ 28,591.00	2
15	6	Relative's Home	Family Support	01/24/08		68	\$ 236.52	\$ -	\$ -	\$ 11.51	\$ 248.03	\$ 16,866.04	4

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<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>	
16	2	Adult Family Home	Residential	01/28/08		64	\$ 263.52	\$ 24.65	\$ -	\$ 11.15	\$ 299.32	\$ 19,156.48	4
17	4	Relative's Home	Community Protection	02/01/08		61	\$ 293.41	\$ -	\$ -	\$ -	\$ 293.41	\$ 17,898.01	4
18	6	Supported Living	Inpatient Psychiatric	02/06/08		56	\$ 417.26	\$ 30.00	\$ -	\$ 15.00	\$ 462.26	\$ 25,886.56	1
19	1	Foster Home	Foster Care	02/11/08		51	\$ 314.59	\$ -	\$ -	\$ 11.77	\$ 326.36	\$ 16,644.36	4
20	1	Foster Home	Residential	02/20/08		42	\$ 482.20	\$ -	\$ -	\$ 17.03	\$ 499.23	\$ 20,967.66	4
							\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Average for Proviso											\$ 349.61	\$ 930,716.97	

Total Clients = 20

All days in service have been updated for 3rd 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.