



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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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 appropriated funds for DDD to provide community supports for 112 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

The Division of Developmental Disabilities has placed a total of 10 individuals since July 2007 at an average daily rate of \$295.33 (see attached spreadsheet).

Following are descriptions of the needs of four individuals who meet the criteria of state hospital outplacements, three individuals who meet the criteria of diversion from state hospital and three individuals who meet 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 #3 is a 34 year old male diagnosed with Attention Deficit Disorder, Dysthymia, Mild Mental Retardation, Fetal Alcohol Spectrum Disorder, Hyperlipidemia, and Hypertension, and has a history of poly-substance abuse. He was admitted to Eastern State Hospital (ESH) in 1998 after being found not guilty by reason of insanity to a charge of attempted rape. Funds from this proviso are being utilized to provide community protection supported living services and therapy.

Client #4 is a 39 year old female diagnosed with Post Traumatic Stress Disorder with psychotic features, Attention Deficit Hyperactivity Disorder, Mild Mental Retardation, Asthma, Seizure Disorder by history, and Hypertension. She was admitted to WSH in 2005 as gravely disabled as she had stopped taking her medications and was refusing to eat for fear the food was poisoned. Funds from this proviso are being utilized to provide supported living services, employment services and therapy.

Client #5 is a 26 year old male diagnosed with Antisocial Personality Features, Mild Mental Retardation and Dementia secondary to Huntington Disease with behavioral disturbances. He was admitted to WSH after being found incompetent to stand trial on the felony charge of First Degree Rape of a Child. Funds from this proviso are being utilized to provide community protection supported living services, employment services and therapy.

Client #7 is a 32 year old male diagnosed with Schizophrenia-paranoid type, Asperger syndrome, and Mild Mental Retardation. He has a history of assault, suicidal ideation, and self injurious behaviors. He has a history of multiple psychiatric admissions to ESH and community hospital psychiatric units. He has received services in group homes and boarding homes in the past without success. Funds from this proviso are being utilized to provide supported living services and employment.

Diversion from state hospital outplacement:

Client #1 is a 23 year old male diagnosed with Attention Deficit Disorder, Bipolar Disorder, Obsessive Compulsive Disorder, Developmental Delay, and Down syndrome. He has a history of physical assault, stealing, teasing housemates and smearing his own feces. He was recently accused of inappropriately touching a roommate at his AFH, resulting in his termination from that service. Funds from this proviso are being utilized to provide community protection supported living services and employment.

Client #8 is a 29 year old male diagnosed with Schizoaffective Disorder, Substance Abuse, and Mild Mental Retardation. He has a history of suicidal tendencies, assault, and self injurious behaviors. He recently admitted to sexually assaulting a female resident of the adult residential center where he was residing. He was then placed in temporary mental health diversion. Funds from this proviso are being utilized to provide community protection supported living services, employment services and therapy.

Client #9 is a 25 year old male diagnosed with Schizophrenia and Mild Mental Retardation. He has a history of assaultive behavior, property destruction, verbal abuse, being resistant to care and medication non-compliance. He has a history of two previous admissions to WSH. Funds from this proviso are being utilized to provide supported living services.

Individual residing in the community with community protection needs:

Client #2 is a 41 year old male diagnosed with Dysthymic Disorder and Mild Mental Retardation. He has been accused of sexually assaulting two vulnerable women. He is no longer able to be served in an adult family home due to these alleged assaults. Funds from this proviso are being utilized to provide community protection supported living services, employment services and therapy.

Client #6 is a 21 year old male diagnosed with Autism. He has a preoccupation with combustibles and fire and expresses extremely violent fantasies regarding young girls. He has been charged with possession of a weapon and 3rd degree assault. A psychosexual risk assessment found him to be at high risk to act on his deviant sexual impulses and recommended placement in a supervised residential setting with line of sight supervision. Funds from this proviso are being utilized

to provide community protection supported living services, employment services and therapy.

Client #10 is a 22 year old male diagnosed with Mental Retardation and Klinefelter syndrome. His was placed on the community protection database due to a history of public masturbation, indecent exposure, sexual acting out toward women he perceives as being attracted to him, physical aggression, and threats to harm others. He received community protection program services in the past, but voluntarily left the program in 2006. His mother is no longer willing to support him in her home as he has stolen property from her. Funds from this proviso are being utilized to provide community protection supported living services, employment services and therapy.

STATE HOSPITAL ADMISSIONS ACTIVITY

There have been 12 admissions to Western State Hospital in the July through September 2007 reporting period. Seven admissions were for court-ordered competency restoration under Chapter 10.77 RCW and five 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 ten 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 three individuals were admitted for involuntary psychiatric treatment under Chapter 71.05 RCW. There were six discharges during the reporting period.

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

<u>Hospital & CPP Outplacements</u>						Type of Services				Expenditures		
<u>Number</u>	<u>Region</u>	<u>Previous Residence</u>	<u>Previous Supports</u>	<u>Residential Start 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>	<u>Type of Proviso Request</u>
1	5	AFH	Residential	07/01/07	92	\$ 291.20	\$ 20.00	\$ -	\$ 15.29	\$ 326.49	\$ 30,037.08	2
2	4	AFH	Residential	07/10/07	83	\$ 299.06	\$ 24.35	\$ -	\$ 11.83	\$ 335.24	\$ 27,824.92	4
3	1	Own Home	Inpatient Psychiatric	07/12/07	81	\$ 324.86	\$ -	\$ -	\$ 11.18	\$ 336.04	\$ 27,219.24	1
4	5	Own Home	Inpatient Psychiatric	07/16/07	77	\$ 38.82	\$ 19.99	\$ 9.86	\$ 9.86	\$ 78.53	\$ 6,046.81	1
5	5	Unknown Parent's Home	Psychiatric	08/04/07	57	\$ 275.25	\$ 19.99	\$ -	\$ 15.29	\$ 310.53	\$ 17,700.21	1
6	5	Home	MPC Inpatient	08/08/07	53	\$ 296.48	\$ 19.69	\$ -	\$ 15.29	\$ 331.46	\$ 17,567.38	4
7	1	Unknown	Psychiatric	08/10/07	51	\$ 186.19	\$ 16.73	\$ 1.25	\$ -	\$ 204.17	\$ 10,412.67	1
8	5	ARC	Residential	08/20/07	41	\$ 295.65	\$ 19.99	\$ -	\$ 15.29	\$ 330.93	\$ 13,568.13	2
9	4	Parent's Home	MPC	08/30/07	31	\$ 238.59	\$ -	\$ -	\$ -	\$ 238.59	\$ 7,396.29	2
10	3	Parent's Home	Community Protection	09/07/07	21	\$ 430.51	\$ 16.44	\$ 1.25	\$ 13.15	\$ 461.35	\$ 9,688.35	4
						\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Average for Proviso										\$ 295.33	\$ 167,461.08	

Total Clients = 10

All days in service have been updated for 1st 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