



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

February 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.

**COMMUNITY PROTECTION PROVISIO
SIXTH QUARTER – OCTOBER THRU DECEMBER 2008**

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 2008 quarter, DDD placed two (2) 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 61 new proviso placements for this Biennium have utilized funding at an average daily rate of \$358.03 (see attached spreadsheet). There are also 16 individuals from the 2007 Supplemental Budget group that utilize funding from this proviso for a total of 77 people. There are currently 69 active people on this proviso.

We have started tracking people that leave the proviso and of the 77 people that have utilized funding under this proviso there have been seven (7) 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 two (2) individuals placed this quarter: one (1) individual met the criteria of diversion from state hospital outplacement and one (1) 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.

Diversion from State Hospital:

Client #60 is a 41-year-old male diagnosed with moderate mental retardation, personality disorder, and aphasia. He has a history of physically assaulting his mother and care providers. He resided briefly in an Adult Family Home (AFH), however, this service was terminated due to his physically aggressive behavior.

**COMMUNITY PROTECTION PROVISIO
SIXTH QUARTER – OCTOBER THRU DECEMBER 2008**

Funds from this proviso are being utilized to provide supported living services and employment services.

Individual Residing in the Community with Community Protection Needs:

Client #61 is a 20-year-old male diagnosed with depression, personality change due to chronic seizure disorder, mild mental retardation, antisocial personality disorder and seizure disorder. He has an extensive history of assault against others since early childhood and resided in multiple out-of-home placements throughout his youth. He was admitted to Eastern State Hospital (ESH) in March 2007 due to extreme physically assaultive behavior against others. 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 #24 is a 25-year-old female diagnosed with chronic post traumatic stress disorder, bipolar affective disorder, mild mental retardation, borderline personality disorder, asymptomatic cholelithiasis, gastro esophageal reflux disease, metabolic syndrome, elevated triglycerides, multiple healing self-inflicted lacerations, chronic low back pain, asthma, arthritis, sleep apnea, hyperprolactinemia, and Cohen's syndrome with neutropenia. She has a significant history of physical assault toward staff members, property destruction, self injurious behaviors, and suicidal statements and gestures. She has been arrested multiple times for assault and been detained multiple times to state and local hospital psychiatric units. She has been supported by multiple providers in the community to include Residential Habilitation Centers, State Operated Living Alternatives, and privately contracted supported living providers. Funds from this proviso are being utilized to provide supported living services, and employment services.

Client #59 is a 55-year-old female diagnosed with post traumatic stress disorder, alcohol dependence in remission, bipolar affective disorder, mild mental retardation, fetal alcohol syndrome, dyslipidemia, chronic idiopathic neutropenia, dyspepsia, edentulous, presbyopia, allergies, rheumatic valvular heart disease, hyperprolactinemia, and right shoulder/spine strain. She has a history of physical assault toward others and property destruction. She has been admitted to ESH multiple times and been institutionalized much of her life. She was found not guilty of arson by reason of insanity in 1998 and detained to ESH after intentionally starting a fire in her apartment. Funds from this proviso are being utilized to provide community protection supported living services and therapy.

**COMMUNITY PROTECTION PROVISIO
SIXTH QUARTER – OCTOBER THRU DECEMBER 2008**

Diversion from State Hospital:

Client #48 is a 34-year-old male diagnosed with bipolar disorder and mild mental retardation. He has a history of multiple admissions to local psychiatric units due to issues with impulse control, obsessive-compulsive behaviors, consuming dangerously large amount of food and liquids, and physically and verbally aggressive behaviors. He had resided with his parents his entire life. His parents were no longer able to support his increasingly challenging behaviors due to their own declining physical health. Funds from this proviso are being utilized to provide supported living services, and employment services.

Client #58 is a 22-year-old female diagnosed with autism, intermittent explosive disorder, anxiety disorder, moderate mental retardation, hypothyroidism, speech and language disorder, and cellulites on feet. She has a history of severe aggression towards family members, peers, and care providers. She has a history of refusing food and medications to the point of requiring hospitalization. Hospitalization and medical, psychiatric and behavioral assessments have been attempted without success. 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 #40 is a 34-year-old male diagnosed with mild mental retardation and fetal alcohol syndrome. He has a history of theft and has admitted to sexually touching a 10-year-old female and sexually fantasizing about young children. Funds from this proviso are being utilized to provide community protection supported living services and therapy.

Client #52 is a 22-year-old male diagnosed with depressive disorder, bipolar disorder, and mental retardation. At age 18, he was charged with raping a 14-year-old female and placed on probation. He was jailed twice for probation violations. A risk assessment concluded that he is at moderate to high risk to reoffend without supervision. Funds from this proviso are being utilized to provide community protection supported living services, therapy, and employment services.

STATE HOSPITAL ADMISSIONS ACTIVITY

There were three (3) admissions to WSH in the October through December 2008 reporting period. None of these 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 was one (1) discharge during the reporting period.

**COMMUNITY PROTECTION PROVISIO
SIXTH QUARTER – OCTOBER THRU DECEMBER 2008**

At ESH, for the same reporting period, one (1) individual 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 five (5) discharges during the reporting period.

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

<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		549	\$ 505.18	\$ -	\$ -	\$ -	\$ 505.18	\$ 277,343.82	2
2	4	Own Home	Supported Living	08/16/07		502	\$ 284.30	\$ 24.33	\$ -	\$ 11.83	\$ 320.46	\$ 160,870.92	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		488	\$ 238.59	\$ -	\$ -	\$ -	\$ 238.59	\$ 116,431.92	2
5	6	Relative's Home	Community Protection	08/31/07		487	\$ 309.17	\$ -	\$ 1.25	\$ -	\$ 310.42	\$ 151,174.54	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		457	\$ 280.53	\$ 24.65	\$ -	\$ 11.83	\$ 317.01	\$ 144,873.57	1
8	1	Own Home	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		428	\$ 262.51	\$ 30.00	\$ 0.66	\$ 0.82	\$ 293.99	\$ 125,827.72	2
10	6	Foster Home	Foster Care	10/30/07		428	\$ 309.17	\$ -	\$ 1.25	\$ -	\$ 310.42	\$ 132,859.76	4
11	5	Own Home	Inpatient Psychiatric	11/09/07		416	\$ 462.58	\$ 19.99	\$ 10.19	\$ -	\$ 492.76	\$ 204,988.16	1
12	4	Parent's Home	Community Protection	11/28/07		398	\$ 256.25	\$ -	\$ -	\$ 11.83	\$ 268.08	\$ 106,695.84	4
13	1	Supported Living	Residential	12/01/07		395	\$ 188.40	\$ -	\$ -		\$ 188.40	\$ 74,418.00	4
14	2	Parent's Home	Vocational	12/21/07		374	\$ 263.27	\$ 17.09	\$ 1.28	\$ 4.27	\$ 285.91	\$ 106,930.34	2
15	6	Relative's Home	Family Support	01/24/08		342	\$ 236.52	\$ -	\$ -	\$ 11.51	\$ 248.03	\$ 84,826.26	4
16	2	AFH	Residential	01/28/08		338	\$ 263.52	\$ 24.65	\$ -	\$ 11.15	\$ 299.32	\$ 101,170.16	4
17	4	Relative's Home	Community Protection	02/01/08		335	\$ 293.41	\$ -	\$ -	\$ -	\$ 293.41	\$ 98,292.35	4
18	6	Supported Living	Inpatient Psychiatric	02/06/08		330	\$ 417.26	\$ 30.00	\$ -	\$ 15.00	\$ 462.26	\$ 152,545.80	1

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

<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>	
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		316	\$ 482.20	\$ -	\$ -	\$ 17.03	\$ 499.23	\$ 157,756.68	4
21	6	AFH	Inpatient Psychiatric	03/13/08		291	\$ 292.01	\$ 30.00	\$ -	\$ 9.88	\$ 331.89	\$ 96,579.99	1
22	4	Foster Home	Residential	03/14/08		290	\$ 268.18	\$ -	\$ -	\$ 11.83	\$ 280.01	\$ 81,202.90	4
23	5	Family Home	Respite	03/14/08		290	\$ 304.49	\$ -	\$ 6.57	\$ 14.79	\$ 325.85	\$ 94,496.50	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	AFH	Residential	04/01/08		274	\$ 259.27	\$ 16.93	\$ 11.51	\$ -	\$ 287.71	\$ 78,832.54	2
26	6	Foster Home	Foster Care	04/01/08		274	\$ 373.33	\$ -	\$ 19.72	\$ 12.16	\$ 405.21	\$ 111,027.54	4
27	4	Foster Home	Foster Care	04/07/08		267	\$ 240.81	\$ -	\$ -	\$ 11.83	\$ 252.64	\$ 67,454.88	4
28	1	Supported Living	Inpatient Psychiatric	04/10/08		264	\$ 341.19	\$ -	\$ -	\$ -	\$ 341.19	\$ 90,074.16	1
29	1	Supported Living	Inpatient Psychiatric	04/14/08		260	\$ 395.40	\$ -	\$ -	\$ 23.67	\$ 419.07	\$ 108,958.20	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		244	\$ 324.78	\$ -	\$ -	\$ -	\$ 324.78	\$ 79,246.32	4
32	3	Family Home	Diversion	05/02/08		243	\$ 293.54	\$ -	\$ -	\$ 31.56	\$ 325.10	\$ 78,999.30	2
33	4	Family Home	Inpatient Psychiatric	05/07/08		238	\$ 269.22	\$ -	\$ -	\$ -	\$ 269.22	\$ 64,074.36	4
34	5	MH housing	Residential	05/07/08		238	\$ 273.40	\$ 19.69	\$ -	\$ 14.79	\$ 307.88	\$ 73,275.44	4
35	4	Family Home	Inpatient Psychiatric	05/08/08		237	\$ 275.63	\$ 29.59	\$ -	\$ 11.83	\$ 317.05	\$ 75,140.85	4
36	3	Family Home	Inpatient Psychiatric	05/09/08		236	\$ 284.08	\$ 14.79	\$ -	\$ 34.00	\$ 332.87	\$ 78,557.32	1
37	2	Friend's Home	Payee	05/19/08		226	\$ 219.71	\$ 24.65	\$ -	\$ 15.94	\$ 260.30	\$ 58,827.80	4

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

<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>	
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		209	\$ 461.94	\$ 19.69	\$ -	\$ 9.86	\$ 491.49	\$ 102,721.41	4
40	6	Supported Living	Residential	06/09/08		204	\$ 306.21	\$ -	\$ -	\$ 11.00	\$ 317.21	\$ 64,710.84	4
41	1	Grandparent's Home	Respite	06/18/08		197	\$ 239.32	\$ -	\$ 1.25	\$ -	\$ 240.57	\$ 47,392.29	2
42	6	Parent's Home	Therapy	06/27/08		187	\$ 265.17	\$ 30.00	\$ 1.48	\$ 9.86	\$ 306.51	\$ 57,317.37	4
43	5	Family Home	JRA facility	07/01/08		183	\$ 341.73	\$ -	\$ 20.38	\$ 14.79	\$ 376.90	\$ 68,972.70	4
44	5	Supported Living	Inpatient Psychiatric	07/01/08		183	\$ 300.61	\$ 20.00	\$ 3.29	\$ 14.79	\$ 338.69	\$ 61,980.27	1
45	5	Foster Home	Foster Care	07/01/08		182	\$ 299.10	\$ 20.00	\$ 2.96	\$ 14.79	\$ 336.85	\$ 61,306.70	4
46	3	Foster Home	Foster Care	07/02/08		181	\$ 282.21	\$ -	\$ 6.18	\$ -	\$ 288.39	\$ 52,198.59	4
47	1	Supported Living	Inpatient Psychiatric	07/07/08		176	\$ 733.52	\$ 19.72	\$ -	\$ 5.59	\$ 758.83	\$ 133,554.08	1
48	6	Family Home	Diversion	07/11/08		172	\$ 329.65	\$ 21.37	\$ -	\$ -	\$ 351.02	\$ 60,375.44	2
49	1	Grandparent's Home	None	07/15/08		168	\$ 227.64	\$ 17.23	\$ 1.25	\$ -	\$ 246.12	\$ 41,348.16	4
50	6	Foster Home	Foster Care	07/17/08		166	\$ 554.70	\$ -	\$ -	\$ 9.86	\$ 564.56	\$ 93,716.96	4
51	4	Own Home	MPC	08/02/08		151	\$ 283.81	\$ -	\$ -	\$ 9.86	\$ 293.67	\$ 44,344.17	4
52	2	Own Home	Foster Care	08/11/08		142	\$ 242.00	\$ 24.65	\$ -	\$ 15.94	\$ 282.59	\$ 40,127.78	4
53	5	Parent's Home	Inpatient Psychiatric	08/13/08		140	\$ 258.60	\$ 55.62	\$ -	\$ -	\$ 314.22	\$ 43,990.80	1
54	6	Family Home	Diversion	08/13/08		140	\$ 269.48	\$ 30.00	\$ -	\$ 11.01	\$ 310.49	\$ 43,468.60	4
55	6	Supported Living	Residential	08/14/08		139	\$ 512.55	\$ 30.00	\$ -	\$ 9.86	\$ 552.41	\$ 76,784.99	1
56	3	Family Home	None	08/31/08		122	\$ 272.20	\$ 24.65	\$ 4.14	\$ 19.72	\$ 320.71	\$ 39,126.62	4

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

<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>	
57	4	Family Home	Mental Health	08/31/08		122	\$ 306.94	\$ 55.98	\$ 1.31	\$ 11.83	\$ 376.06	\$ 45,879.32	4
58	6	Family Home	Diversion	09/01/08		121	\$ 305.66	\$ 30.00	\$ -	\$ 11.83	\$ 347.49	\$ 42,046.29	2
59	2	AFH	Inpatient Psychiatric	09/24/08		97	\$ 452.23	\$ -	\$ -	\$ 15.94	\$ 468.17	\$ 45,412.49	1
60	6	AFH	Diversion	10/03/08		88	\$ 289.40	\$ 20.00	\$ 7.43	\$ -	\$ 316.83	\$ 27,881.04	2
61	1	Supported Living	Residential	10/21/08		71	\$ 362.72	\$ 17.23	\$ 1.25	\$ 11.83	\$ 393.03	\$ 27,905.13	4
Average for Proviso							\$ -	\$ -	\$ -	\$ -	\$ 358.03	\$5,113,112.15	

Total clients = 61

All days in service have been updated for 6th quarter.

Code Type of Proviso Request

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