



**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 2005, Section 205(1)(d) Uncodified

February 15, 2007

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## **EXECUTIVE SUMMARY**

Chapter 518, Laws of 2005, 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 developmentally disabled clients to move out of state hospitals when community placement is recommended. Between the periods of August 1996-1998, 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, the Washington Protection and Advocacy System 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 2001-2003 Biennium.

In the 2005-2007 Biennium, the Legislature appropriated funds for DDD to provide community supports for 35 individuals with developmental disabilities who are being diverted or discharged from the state psychiatric hospitals, or leaving the Department of Corrections custody and participating in the Dangerous Mentally Ill Offender program (DMIO), or individuals with community protection issues. These funds provided an average daily rate of \$300 per client. In the Supplemental 2006 budget period, the Legislature appropriated additional funds to support seven persons, for a biennial total of 42 individuals.

### **STATUS**

The Division of Developmental Disabilities has placed a total of 34 individuals since July 2005 at an average daily rate of \$346.60 (see attached spreadsheet). Because the daily rate to support these individuals is above the legislative daily rate average (\$300/day), DDD anticipates that it will exhaust the proviso funding allocation prior to filling the 42 appropriated “slots” within the fiscal year 2007 authorized budget. However, the Governor’s proposed 2007 Supplemental budget includes funding to increase the number of Public Safety Proviso placements by 16 at an increased average daily rate of \$325 per client per day.

For the quarter October through December 2006, eight individuals have been served by this proviso.

Following is a description of the needs of one individual who meets the criteria “youth transitioning out of other state services”, two individuals who meet the criteria “individuals discharged from state psychiatric hospitals”, three individuals residing in the community with community protection issues, one individual released from prison needing community protection services placed this quarter and one individual without residential services and at risk of institutionalization. These client descriptions are provided to offer information about this particular population.

#### Individuals discharged from state psychiatric hospitals:

Prior to community placement, individuals served in state psychiatric hospitals receive habilitative mental health services at Western State Hospital (WSH) or Eastern State Hospital (ESH) as part of the DDD Habilitative Mental Health Unit. These inpatient services include skills building, group and individual counseling services, vocational services, coaching, and highly specialized individual treatment services and planning, including functional assessments and positive behavior support planning. Services at both state hospitals comply with requirements set forth in the Civil Rights of Institutionalized Persons Act, 42 USC 1997.

Client #28 is a 48 year old male with diagnoses of Psychotic Disorder, Not Otherwise Specified by history, Post Traumatic Stress Disorder, Moderate Mental Retardation, history of Gout, Psoriatic Arthritis, Refractory Error, and Umbilical Hernia. He has been found incompetent to stand trial for such crimes as Felonious Arson, First Degree Attempted Murder and Indecent Liberties. He also has an alleged history of physically assaulting and threatening his care providers. Prior to being placed on the proviso Client #28 was living at Western State Hospital. Funding from this proviso is providing community protection supported living services and on-going therapy.

Client #29 is a 20 year old male diagnosed with Bi-Polar Disorder and Mild Mental Retardation. His legal record consists of alleged assaults, burglary and arson. Client #29 was determined eligible for enrollment with the Division of Developmental Disabilities while involuntarily committed to Western State Hospital. Prior to being placed on the proviso Client #29 was living at Western State Hospital. Funding from this proviso is providing community protection supported living services, vocational services and on-going therapy.

Individuals Residing in the Community with Community Protection issues:

Client #30 is a 27 year old male with diagnoses of Post Traumatic Stress Disorder, Mood Disorder, Not Otherwise Specified, Alcohol and Substance Abuse and Mental Retardation. He has a documented history of assault towards family and friends as well as becoming physically aroused while fixating on young children and female staff members. He is a survivor of rape and sexual victimization. Client #30 had been supported in his own home with Medicaid Personal Care services and in a Supported Living program, however his symptoms continued to escalate. Funding from this proviso is providing community protection supported living services, vocational services and on-going therapy.

Client #31 is a 38 year old male diagnosed with Mild Mental Retardation. He has physical and speech limitations due to suffering a stroke in 2002. He has a legal history of shoplifting and has admitted to molesting children and coercing adult women into sexual activity. He was found in bed with a naked 5 year old boy and allegedly inappropriately touched the breasts of a woman with developmental disabilities. He also allegedly started a fire in his apartment. There have been multiple incidents of Client #31 exposing himself to female staff and masturbating in their presence. A risk assessment dated July 2006 determined “without constant supervision, client is a danger to others and presents a high risk of for further inappropriate and illegal sexual behavior”. Prior to being placed on the proviso Client #31 was residing in a Supported Living program in the community. Funding from this proviso is providing community protection supported living service and ongoing therapy.

Client #32 is a 19 year old male with diagnoses of Attention Deficit Hyperactivity Disorder, Impulse Control Disorder, Moderate Mental Retardation,

Developmental Disorder of Expressive Language, History of Simple Motor Tics and Recurrent Otitis Media. Prior to placement, Client #32 resided with his mother in their home. However, due to his escalating behavior and his mother's own struggle with mental health issues, he was unable to be adequately supported in the home. Client #32 has an alleged history of exposing himself to children. He has been under investigation by the police for allegedly sexually assaulting young boys in his neighborhood. Funding from this proviso is providing community protection supported living services and on-going therapy.

Individuals Being Released From Prison Who Need Community Protection Services:

Client #33 is a 22 year old Native-American/Hispanic male. He carries diagnoses of Sexual Disorder, Not Otherwise Specified; Psychotic Disorder, Not Otherwise Specified by history; Rule Out Cognitive Disorder, Not Otherwise Specified; Mild Mental Retardation and Antisocial Personality Features. He is a Level 2 Sex Offender due to a conviction of Rape. According to a risk assessment, he poses a risk to the community without proper supervision, intervention and 24 hour line-of-sight support. Funding from this proviso is providing community protection supported living services, vocational services and on-going therapy.

Youth Transitioning Out of Other State Services:

Client #27 is an 18 year old male carrying diagnoses of Fetal Alcohol Syndrome, Attention Deficit Disorder, Oppositional Defiant Disorder, Mild Mental Retardation and Fragile X Syndrome. He has a history of suicidal and homicidal ideations and struggles with symptoms of anxiety and depression. He has been supported in foster care since his parents rights were terminated in 1999 due to sexual abuse. He has a long history of sexual acting out and been identified to be a high risk to re-offend without support. He currently participates in special education classes at school. Funding from this proviso is providing community protection supported living services.

Individual Without Residential Services and at Risk of Institutionalization:

Client #34 is a 21 year old male diagnosed with Attention Deficit Disorder, Bipolar Disorder, Tourette Disorder, Schizophrenia, Depression, Obsessive-Compulsive Disorder, and Developmental Delay. He has a history of threats and assaultive behavior toward family members and staff at school. His family is no longer about to support him in their home. He receives mental health case management services through the local mental health provider. Funding from this proviso is providing supported living and vocational services.

**STATE HOSPITAL ADMISSIONS ACTIVITY**

There have been eight admissions to Western State Hospital in the September through December 2006 reporting period. Five admissions were for court-ordered competency restoration under Chapter 10.77 RCW and three 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 fourteen discharges during the reporting period.

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

2005-2007  
 Proviso Tracking Outplacement Totals  
 6<sup>th</sup> Quarter Totals

<u>Hospital &amp; CPP Outplacements</u>		<u>Type of Services</u>							<u>Expenditures</u>	
<u>Region</u>	<u>Number</u>	<u>Previous Residence</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>
3	1	WSH	10/24/05	435	\$ 428.30	\$ 24.65	\$ -	\$ 15.00	\$ 467.95	\$ 203,558.25
3	2	WSH	10/27/05	432	\$ 408.28	\$ 24.65	\$ -	\$ 15.00	\$ 447.93	\$ 193,505.76
4	3	WSH	12/15/05	382	\$ 447.16	\$ 30.00	\$ -	\$ 11.84	\$ 489.00	\$ 186,798.00
		Community								
3	4	Hospital	01/17/06	349	\$ 212.10	\$ 24.00	\$ -	\$ 15.00	\$ 251.10	\$ 87,633.90
6	5	DOC	01/23/06	343	\$ 240.12	\$ 30.00	\$ -	\$ 15.00	\$ 285.12	\$ 97,796.16
5	6	WSH	02/12/06	323	\$ 273.78	\$ 20.00	\$ 3.28	\$ 15.00	\$ 312.06	\$ 100,795.38
		Community								
5	7	Hospital	03/08/06	299	\$ 274.41	\$ -	\$ 10.00	\$ 10.00	\$ 294.41	\$ 88,028.59
3	8	WSH	03/21/06	286	\$ 759.99	\$ 24.65	\$ 50.00	\$ 15.00	\$ 849.64	\$ 242,997.04
		Family								
4	9	Home	1/20/2006	346	\$ 247.88	\$ 30.00	\$ -	\$ 15.00	\$ 292.88	\$ 101,336.48
6	10	DOC	03/24/06	283	\$ 240.12	\$ 30.00	\$ -	\$ 15.00	\$ 285.12	\$ 80,688.96
		Diversion								
3	11	Bed	04/14/06	262	\$ 214.78	\$ 25.00	\$ 16.67	\$ -	\$ 256.45	\$ 67,189.90
		Diversion								
2	12	Bed	04/19/06	257	\$ 277.42	\$ 24.00	\$ -	\$ -	\$ 301.42	\$ 77,464.94
		Community								
5	13	Hospital	04/20/06	256	\$ 457.36	\$ -	\$ 15.00	\$ -	\$ 472.36	\$ 120,924.16
5	14	WSH	05/01/06	245	\$ 282.01	\$ 20.00	\$ -	\$ 15.00	\$ 317.01	\$ 77,667.45
		Diversion								
1	15	Bed	05/08/06	238	\$ 187.76	\$ -	\$ -	\$ -	\$ 187.76	\$ 44,686.88
6	16	WSH	05/08/06	238	\$ 448.66	\$ 30.00	\$ 20.00	\$ 15.00	\$ 513.66	\$ 122,251.08
5	17	DOC	05/22/06	224	\$ 266.15	\$ 20.00	\$ 4.93	\$ 15.00	\$ 306.08	\$ 68,561.92
		Diversion								
4	18	Bed	06/01/06	214	\$ 286.03	\$ 24.00	\$ -	\$ -	\$ 310.03	\$ 66,346.42
2	19	ESH	06/06/06	209	\$ 255.52	\$ 24.00	\$ -	\$ -	\$ 279.52	\$ 58,419.68

2005-2007  
 Proviso Tracking Outplacement Totals  
 6<sup>th</sup> Quarter Totals

<u>Hospital &amp; CPP Outplacements</u>		Type of Services							Expenditures	
<u>Region</u>	<u>Number</u>	<u>Previous Residence</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>
6	20	WSH	06/08/06	207	\$ 292.27	\$ 20.00	\$ 4.93	\$ 15.00	\$ 332.20	\$ 68,765.40
5	21	WSH	05/25/06	221	\$ 287.95	\$ 20.00	\$ 6.47	\$ 15.00	\$ 329.42	\$ 72,801.82
4	22	CSTC	06/16/06	199	\$ 288.17	\$ -	\$ -	\$ -	\$ 288.17	\$ 57,345.83
		Parent's								
6	23	Home	08/23/06	131	\$ 257.64	\$ -	\$ -	\$ 1.50	\$ 259.14	\$ 33,947.34
6	24	WSH	8/11/2006	143	\$ 278.32	\$ 30.00	\$ -	\$ 11.00	\$ 319.32	\$ 45,662.76
6	25	WSH	8/11/2006	143	\$ 278.32	\$ 30.00	\$ -	\$ 11.00	\$ 319.32	\$ 45,662.76
4	26	DOC	08/30/06	123	\$ 253.75	\$ 30.00	\$ -	\$ 17.75	\$ 301.50	\$ 37,084.50
4	27	Foster Care	10/04/06	89	\$ 258.62	\$ -	\$ -	\$ -	\$ 258.62	\$ 23,017.18
6	28	WSH	10/06/06	87	\$ 475.47	\$ -	\$ -	\$ 15.00	\$ 490.47	\$ 42,670.89
4	29	WSH	10/31/06	62	\$ 309.51	\$ 35.01	\$ -	\$ 13.15	\$ 357.67	\$ 22,175.54
5	30	Relative's Home	11/01/06	61	\$ 255.40	\$ 19.99	\$ 9.86	\$ 14.79	\$ 300.04	\$ 18,302.44
6	31	Supported Living Parent's	11/01/06	61	\$ 263.35	\$ -	\$ -	\$ 13.15	\$ 276.50	\$ 16,866.50
5	32	Home	11/03/06	59	\$ 255.02	\$ -	\$ -	\$ 14.79	\$ 269.81	\$ 15,918.79
2	33	DOC	11/26/06	36	\$ 412.64	\$ 17.09	\$ 18.08	\$ 8.55	\$ 456.36	\$ 16,428.96
5	34	Respite	10/02/06	91	\$ 266.28	\$ 39.97			\$ 306.25	\$ 27,868.75
<b>Average for Outplacements</b>									<b>\$ 346.60</b>	<b>\$ 2,631,170.41</b>

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