



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

December 2006

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 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 26 individuals since July 2005 at an average daily rate of \$348.79 (see attached spreadsheet). Because the daily rate to support these individuals is above the legislative daily rate average, DDD anticipates that it will exhaust the proviso funding allocation prior to filling the 42 appropriated “slots” within the fiscal year 2007 authorized budget.

For the quarter July through September 2006, four individuals have been served in this proviso.

Following is a description of the needs of two individuals who meet the criteria “individuals discharged from state psychiatric hospitals”, one individual who meets the criteria “individuals being released from prison who need community protection services” and one individual residing in the community with community protection issues placed this quarter. 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 #24 is a 47 year old male with a diagnosis of Schizophrenia, Moderate Mental Retardation and Seizures. He has auditory hallucinations, delusional thought process and threatening and aggressive behaviors. While living in the community Client #24 began exhibiting signs of diabetes, which were apparently caused by his psychotropic medications. Medications were changed and he began

receiving Insulin. He continued to decompensate rapidly, was treated by a community mental health facility three times and was ultimately admitted to WSH. He was discharged from WSH ten months later to a supported living program and within three weeks was again admitted to WSH. Funding from this proviso is providing supported living services, employment program services and on-going therapy.

Client #25 is a 24 year old male diagnosed with Axis I: Psychosis, NOS (Episodic); Cannabis Dependence, 314.01; Attention-deficit/Hyper-activity Disorder (by history); Factitious Disorder (Provisional). Axis II: Mental retardation, Mild 317; Personality Traits or coping style affecting seizure disorder, 316. Axis III: Epilepsy (by history), 345.10; Near Drowning Episode (at age 2, self-report). Client #25 has had numerous problems related to interaction with the legal system as well as difficulty maintaining employment and housing. His history of Assaults include: 2005 - Charges of Second Degree Assault, found incompetent to stand trial. Allegedly assaulted a fourteen year old male who received an injury, requiring medical treatment, during assault. 2005 - Arrested on charges of Fourth Degree Assault. Client #25 pled guilty and served two weeks in jail. 2004 - Arrested twice on charges of Fourth Degree Assault. 2003 - Arrested after altercation with uncle. Charges dismissed. Two other alleged assaults without police intervention. Stabbed self in chest after verbal confrontation wherein it was requested that he leave residence. Charges of Third Degree Assault for allegedly hitting and kicking a police officer. Client #25 was admitted to WSH in December 2005. Funding from this proviso will fund a supported living program, vocational services, therapies and a substance abuse counseling.

Individuals Residing in the Community with Community Protection issues:

Client #23 is a 20 year old female with a current diagnosis of Moderate Mental Retardation, Depression, Conduct Disorder (Severe), Attention Deficit Hyperactivity Disorder (ADHD), Anxiety Disorder, Psychotic Disorder, Post-Traumatic Stress Disorder (PTSD), Attachment Disorder and Fetal Alcohol Syndrome (FAS). She has a history of extreme anger problems, aggression, property destruction, sexual acting out (sexually molesting her siblings), and killing animals. In 2002, Client #23 was charged with Attempted Murder when she stabbed her Mother several times. She was sent to a Juvenile Detention Center for 6 months where it was determined she was at "high risk of future illegal behaviors". In July 2005, Client #23 was admitted to the Psychiatric Unit of Southwest Washington Medical Center. She was delusional, threatening to kill her family, masturbating in public places, urinating and spreading feces all over the family home, breaking objects, and in general "exhibiting bizarre and threatening behaviors". Client #23 was discharged from the hospital when her behavior had improved and she returned home. A Psycho-Sexual Evaluation was completed by Dr. David Morgan on 8/23/05 and determined that Client #23 was at "high risk to commit inappropriate sexual behavior".

Individuals Being Released From Prison Who Need Community Protection Services:

Client #26 is a 20 year old male. His diagnoses include: Prader-Willi Syndrome (5'3", 248 lbs), Pedophilia, Exhibitionism, Borderline to Mild Mental Retardation, Personality Disorder with passive-aggressive and anti-social traits, and delays in language, gross motor and fine motor skills. Client #26's self-report indicates a history of assaultive behavior, sexually deviant behavior, and theft/shoplifting. Prior to entering the Community Protection Program Client #26 was incarcerated in the King County jail related to a charge of 'Attempted Rape of a Child 1st Degree, using physical force and threats'. Prognosis is that Client #26 is a highly likely to re-offend. Funds from this proviso are being used to provide supported living residential services and supports by a certified community protection vendor, vocational services, and specialized therapy by a Sex Offender Treatment Professional (SOTP).

STATE HOSPITAL ADMISSIONS ACTIVITY

There have been 11 admissions to WSH in the July through September 2006 reporting period. Eight 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.

At ESH, for the same reporting period, two individuals were admitted for court-ordered competency restoration under Chapter 10.77 RCW and one individual was admitted for involuntary psychiatric treatment under Chapter 71.05 RCW.

2005-2007
CPP PROVISO TRACKING OUTPLACEMENT TOTALS
Fifth Quarter Totals

Hospital & CPP Outplacements		Type of Services							Expenditures	
Region	Number	Previous Residence	Residential Start Date	Number of Days in Service	Residential Daily Rate	Day Services Daily Rate	Other Daily Rate	Therapies Daily Rate	Total Daily Rate	Total Expend. To Date
3	1	WSH	10/24/05	343	\$ 428.30	\$ 24.65	\$ -	\$ 15.00	\$ 467.95	\$ 160,506.85
3	2	WSH	10/27/05	340	\$ 408.28	\$ 24.65	\$ -	\$ 15.00	\$ 447.93	\$ 152,296.20
4	3	WSH	12/15/05	290	\$ 447.16	\$ 30.00	\$ -	\$ 11.84	\$ 489.00	\$ 141,810.00
3	4	Community Hospital	01/17/06	257	\$ 212.10	\$ 24.00	\$ -	\$ 15.00	\$ 251.10	\$ 64,532.70
6	5	DOC	01/23/06	251	\$ 240.12	\$ 30.00	\$ -	\$ 15.00	\$ 285.12	\$ 71,565.12
5	6	WSH	02/12/06	231	\$ 273.78	\$ 20.00	\$ 3.28	\$ 15.00	\$ 312.06	\$ 72,085.86
5	7	Community Hospital	03/08/06	207	\$ 274.41	\$ -	\$ 10.00	\$ 10.00	\$ 294.41	\$ 60,942.87
3	8	WSH	03/21/06	194	\$ 759.99	\$ 24.65	\$ 50.00	\$ 15.00	\$ 849.64	\$ 164,830.16
4	9	Family Home	1/20/2006	254	\$ 247.88	\$ 30.00	\$ -	\$ 15.00	\$ 292.88	\$ 74,391.52
6	10	DOC	03/24/06	191	\$ 240.12	\$ 30.00	\$ -	\$ 15.00	\$ 285.12	\$ 54,457.92
3	11	Diversion Bed	04/14/06	170	\$ 214.78	\$ 25.00	\$ 16.67	\$ -	\$ 256.45	\$ 43,596.50
2	12	Diversion Bed	04/19/06	165	\$ 277.42	\$ 24.00	\$ -	\$ -	\$ 301.42	\$ 49,734.30
5	13	Community Hospital	04/20/06	164	\$ 457.36	\$ -	\$ 15.00	\$ -	\$ 472.36	\$ 77,467.04
5	14	WSH	05/01/06	153	\$ 282.01	\$ 20.00	\$ -	\$ 15.00	\$ 317.01	\$ 48,502.53
1	15	Diversion Bed	05/08/06	146	\$ 187.76	\$ -	\$ -	\$ -	\$ 187.76	\$ 27,412.96
6	16	WSH	05/08/06	146	\$ 448.66	\$ 30.00	\$ 20.00	\$ 15.00	\$ 513.66	\$ 74,994.36
5	17	DOC	05/22/06	132	\$ 266.15	\$ 20.00	\$ 4.93	\$ 15.00	\$ 306.08	\$ 40,402.56
4	18	Diversion Bed	06/01/06	122	\$ 286.03	\$ 24.00	\$ -	\$ -	\$ 310.03	\$ 37,823.66
2	19	ESH	06/06/06	117	\$ 255.52	\$ 24.00	\$ -	\$ -	\$ 279.52	\$ 32,703.84
6	20	WSH	06/08/06	115	\$ 292.27	\$ 20.00	\$ 4.93	\$ 15.00	\$ 332.20	\$ 38,203.00
5	21	WSH	05/25/06	129	\$ 287.95	\$ 20.00	\$ 6.47	\$ 15.00	\$ 329.42	\$ 42,495.18
4	22	CSTC	06/16/06	107	\$ 288.17	\$ -	\$ -	\$ -	\$ 288.17	\$ 30,834.19
6	23	Parent's Home	08/23/06	39	\$ 257.64	\$ -	\$ -	\$ 1.50	\$ 259.14	\$ 10,106.46
6	24	WSH	08/11/06	51	\$ 278.32	\$ 30.00	\$ -	\$ 11.00	\$ 319.32	\$ 16,285.32
6	25	WSH	08/11/06	51	\$ 278.32	\$ 30.00	\$ -	\$ 11.00	\$ 319.32	\$ 16,285.32
4	26	DOC	08/30/06	31	\$ 253.75	\$ 30.00	\$ -	\$ 17.75	\$ 301.50	\$ 9,346.50
Average for Outplacements									\$ 348.79	\$ 1,613,612.92