



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

May 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 individuals who are developmentally disabled 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, 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 three-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 2005-07 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 2006 Supplemental 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 52 individuals since July 2005 at an average daily rate of \$319.05 (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 seventh quarter January through March 2007, five individuals have been served by this proviso.

Following is a description of the needs of one individual who met the criteria for individuals discharged from state psychiatric hospitals, three individuals residing in the community with community protection issues and one individual diverted from state hospital. These client descriptions are provided to offer information about this particular population.

Individual diverted from state hospital admission:

Client #48 is a 52 year old female diagnosed with Schizophrenia, Depression, and Moderate Mental Retardation. She has a history of aggression toward caregivers and housemates as well as yelling, fecal smearing, stealing and resistance to personal care assistance. Support through an adult family home was attempted without success and evaluated by a DMHP and committed to the psychiatric unit of a local hospital. Funding from this proviso is providing supported living services.

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 #51 is a 43 year old man diagnosed with Schizophrenia, Paraphilia, Polysubstance Abuse, Caffeine Dependence, and Mild Mental Retardation. He has a history of assault with a weapon, attempted rape, stealing women's undergarments and fire setting. When charged, he has been found incompetent to stand trial. While detained to Western State Hospital he participated in vocational programming such as the laundry program and the grounds keeping crew. Funding from this proviso is providing community protection supported living services, day program services and on-going therapy.

Individuals residing in the community with community protection issues:

Client #49 is an 18 year old male diagnosed with Pedophilia, Intermittent Explosive Disorder, Impulse Control Disorder, and Mild Mental Retardation. He is a Level III Sex Offender having pleaded guilty to child molestation in the first degree. Funding from this proviso is providing community protection supported living services. He also receives supports through the Juvenile Rehabilitation Administration.

Client #50 is a 46 year old male diagnosed with Mild Mental Retardation. He has a history of sexually molesting his sister. The client was successfully served in a community protection placement prior to moving out of state. He has since returned to Washington State and reentered the Community Protection Program. Funding from this proviso is providing community protection supported living services, day program services and on-going therapy.

Client #52 is an 18 year old male diagnosed with Bipolar Disorder with Schizophrenic Tendencies, Epilepsy, Attention Deficit Disorder, Hypothyroidism, Depression, and Mild Mental Retardation. He has a history of burglary, public masturbation, suicidal and homicidal ideation, and self-mutilation. He received residential therapy for three years for molesting his two younger stepsisters. Funding from this proviso is providing community protection supported living services and ongoing therapy.

Notes:

The sixth quarter report had a total of 47 individuals on the proviso. Twelve individuals were added to the sixth quarter total because they were identified after our deadline to submit the report. Five new people were added in the seventh quarter for a total of 52 people on the proviso.

The following are descriptions of the 12 people inadvertently omitted from the sixth quarter report:

Individuals diverted from state hospital admission:

Client #24 is a 28 year old male diagnosed with Paranoid Schizophrenia and Moderate Mental Retardation. He has a history of criminal involvement as well as multiple psychiatric hospitalizations. Prior to placement he was assaultive toward his mother, non-compliant with his medication regimen and at risk for revocation back to the hospital. Funding from this proviso is providing supported living services, day program services, and therapy.

Client #41 is a 23 year old male diagnosed with Mild Mental Retardation. He recently relocated to Washington State to reside closer to his mother. He was violently aggressive toward his mother, reportedly assaulting her with car keys, a tennis racket, and other items. He was diverted to a local crisis bed, but assaulted staff. He was evaluated by a Designated Mental Health Professional (DMHP) and committed to a local psychiatric unit. Funding from this proviso is providing supported living services.

Individuals discharged from state psychiatric hospitals:

Client #43 is a 36 year old male diagnosed with Schizoaffective Disorder, Mild Mental Retardation, and Asymmetrical Development of Cerebella Hemispheres. He was detained to a local psychiatric hospital due to a very disorganized and delusional thought process and grave disability, then later transferred to WSH. Attempts at support in his mother's home, in an adult family home and at independent living were unsuccessful. Funding from this proviso is providing supported living services and day program services.

Client #45 is a 40 year old female diagnosed with Schizoaffective Disorder and Mild Mental Retardation. She has a history of psychiatric admissions, sexual abuse, drug use/abuse, and self harm behaviors. She was last committed to a local psychiatric unit and later transferred to ESH after presenting with bizarre delusions, very poor sleep and eating patterns, and an assault on a friend. Funding from this proviso is providing supported living services and day program services.

Client #47 is a 20 year old male diagnosed with Generalized Anxiety Disorder and Mild Mental Retardation. He had been incarcerated four times in the last year due to domestic violence incidences and property destruction. He was committed to WSH after being found not competent to stand trial for these crimes. He was determined to be eligible for DDD enrollment during his commitment at WSH. Funding from this proviso is providing supported living services.

Individuals residing in the community with community protection issues:

Client #23 is a 29 year old male diagnosed with Moderate Mental Retardation and Fetal Alcohol Syndrome. He has a history of fondling female coworkers, neighbors, women on the bus, and his nieces. His parents recently moved into a senior retirement community and were unable to have the client reside with them

in their new home. Funding from this proviso is providing community protection services, day program services, and therapy.

Client #38 is a 35 year old male diagnosed with Bipolar Disorder. He is eligible for enrollment with DDD under "other condition" via the Inventory for Client and Agency Planning (ICAP) tool. He has resided in seven different adult family homes since 1997. He has a history of stalking, writing unwanted and graphic letters to co-workers, assaultive behaviors, and possession of child pornography. Funding from this proviso is providing community protection services and day program.

Client #42 is an 18 year old male diagnosed with Oppositional Defiant Disorder and Mild Mental Retardation. He has a history of engaging in sexually inappropriate activities with children ages three to five years old. A risk assessment described him at extreme risk for further sexual aggression. Prior to placement he resided with his mother who was no longer able to meet his supervision needs. Funding from this proviso is providing community protection services.

Individual identified as a dangerous mentally ill offender:

Client #33 is a 56 year old male diagnosed with Mild Mental Retardation. His Dangerous Mentally Ill Offender status is based on his diagnosis of Mental Retardation. He has been convicted of several sexual offenses, burglary and grand larceny, and has been treated at McNeil Island Correctional Center. He is a registered sex offender. Funding from this proviso is providing community protection services.

Youth transitioning out of other state services:

Client #44 is an 18 year old female diagnosed with Post Traumatic Stress Disorder, Major Depression, History of Polysubstance Abuse, Mild Mental Retardation, and Traumatic Brain Injury. She has experience multiple psychiatric admissions as a child and one as an adult. She was last served by a child staffed residential program until they chose to terminate services due to her assaultive behaviors and threats to kill herself. Funding from this proviso is providing supported living services and therapy.

Client #46 is an 18 year old male diagnosed with Attention Deficit Disorder, Post Traumatic Stress Disorder, Fetal Alcohol Syndrome, Mild Mental Retardation, and Seizure Disorder. He required placement due to aging out of the foster care system. He was placed in foster care at the age of eight months and has a history of enduring sexual and physical abuse and neglect. He has a history of physically assaulting and threatening peers. A risk assessment concluded he is at extreme risk for further assaultive behavior including sexual assault. Funding from this proviso is providing community protection services and therapy.

Waiver client assessed as having immediate need for increased services:

Client #25 is a 47 year old male diagnosed with Moderate to Severe Mental Retardation. He has a history of sexually assaulting a nine year old boy and several prior incidents of sexually inappropriate behaviors. A risk assessment determined he is at risk of repeating inappropriate sexual behavior in a situation in which children or vulnerable adults are present if he is not provided proper supervision. Due to his history and support needs, an adult family home is not appropriate. Funding from this proviso is providing community protection services and day program services.

STATE HOSPITAL ADMISSIONS ACTIVITY

There have been eight admissions to Western State Hospital in the January through March 2007 reporting period. Six admissions were for court-ordered competency restoration under Chapter 10.77 RCW and two 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 nine 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, five individuals were admitted for involuntary psychiatric treatment under Chapter 71.05 RCW. There were four discharges during the reporting period.

2005-2007
 Proviso Tracking Outplacement Totals
 7th Quarter Totals

<u>Hospital & 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	525	\$ 428.30	\$ 24.65	\$ -	\$ 15.00	\$ 467.95	\$ 245,673.75
3	2	WSH	10/27/05	522	\$ 408.28	\$ 24.65	\$ -	\$ 15.00	\$ 447.93	\$ 233,819.46
4	3	WSH	12/15/05	472	\$ 447.16	\$ 30.00	\$ -	\$ 11.84	\$ 489.00	\$ 230,808.00
3	4	Community Hospital Family	01/17/06	439	\$ 212.10	\$ 24.00	\$ -	\$ 15.00	\$ 251.10	\$ 110,232.90
4	5	Home	01/20/06	436	\$ 247.88	\$ 30.00	\$ -	\$ 15.00	\$ 292.88	\$ 127,695.68
6	6	DOC	01/23/06	433	\$ 240.12	\$ 30.00	\$ -	\$ 15.00	\$ 285.12	\$ 123,456.96
5	7	WSH	02/12/06	413	\$ 273.78	\$ 20.00	\$ 3.28	\$ 15.00	\$ 312.06	\$ 128,880.78
5	8	Community Hospital	03/08/06	389	\$ 274.41	\$ -	\$ 10.00	\$ 10.00	\$ 294.41	\$ 114,525.49
3	9	WSH	03/21/06	376	\$ 759.99	\$ 24.65	\$ 50.00	\$ 15.00	\$ 849.64	\$ 319,464.64
6	10	DOC	03/24/06	373	\$ 240.12	\$ 30.00	\$ -	\$ 15.00	\$ 285.12	\$ 106,349.76
3	11	Diversions Bed	04/14/06	352	\$ 214.78	\$ 25.00	\$ 16.67	\$ -	\$ 256.45	\$ 90,270.40
2	12	Diversions Bed	04/19/06	347	\$ 277.42	\$ 24.00	\$ -	\$ -	\$ 301.42	\$ 104,592.74
5	13	Community Hospital	04/20/06	346	\$ 457.36	\$ -	\$ 15.00	\$ -	\$ 472.36	\$ 163,436.56
5	14	WSH	05/01/06	335	\$ 282.01	\$ 20.00	\$ -	\$ 15.00	\$ 317.01	\$ 106,198.35
1	15	Diversions Bed	05/08/06	328	\$ 187.76	\$ -	\$ -	\$ -	\$ 187.76	\$ 61,585.28
6	16	WSH	05/08/06	328	\$ 448.66	\$ 30.00	\$ 20.00	\$ 15.00	\$ 513.66	\$ 168,480.48
5	17	DOC	05/22/06	314	\$ 266.15	\$ 20.00	\$ 4.93	\$ 15.00	\$ 306.08	\$ 96,109.12
5	18	WSH	05/25/06	311	\$ 287.95	\$ 20.00	\$ 6.47	\$ 15.00	\$ 329.42	\$ 102,449.62
4	19	Diversions Bed	06/01/06	304	\$ 286.03	\$ 24.00	\$ -	\$ -	\$ 310.03	\$ 94,249.12

2005-2007
 Proviso Tracking Outplacement Totals
 7th Quarter Totals

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<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>
2	20	ESH	06/06/06	299	\$ 255.52	\$ 24.00	\$ -	\$ -	\$ 279.52	\$ 83,576.48
6	21	WSH	06/08/06	297	\$ 292.27	\$ 20.00	\$ 4.93	\$ 15.00	\$ 332.20	\$ 98,663.40
4	22	CSTC	06/16/06	289	\$ 288.17	\$ -	\$ -	\$ -	\$ 288.17	\$ 83,281.13
3	23	Parent's Home	07/07/06	244	\$ 257.14	\$ 16.77	\$ 6.57	\$ 21.04	\$ 301.52	\$ 73,570.88
2	24	Community Hospital	07/19/06	256	\$ 308.86	\$ 23.01	\$ -	\$ 14.79	\$ 346.66	\$ 88,744.96
2	25	AFH	08/02/06	242	\$ 285.36	\$ 16.57	\$ -	\$ -	\$ 301.93	\$ 73,067.06
6	26	WSH	8/11/06	233	\$ 278.32	\$ 30.00	\$ -	\$ 11.00	\$ 319.32	\$ 74,401.56
6	27	WSH	8/11/06	233	\$ 278.32	\$ 30.00	\$ -	\$ 11.00	\$ 319.32	\$ 74,401.56
6	28	Parent's Home	08/23/06	221	\$ 257.64	\$ -	\$ -	\$ 1.50	\$ 259.14	\$ 57,269.94
4	29	DOC	08/30/06	213	\$ 253.75	\$ 30.00	\$ -	\$ 17.75	\$ 301.50	\$ 64,219.50
5	30	Respite Foster	10/02/06	181	\$ 266.28	\$ 39.97			\$ 306.25	\$ 55,431.25
4	31	Care	10/04/06	179	\$ 258.62	\$ -	\$ -	\$ -	\$ 258.62	\$ 46,292.98
6	32	WSH	10/06/06	177	\$ 475.47	\$ -	\$ -	\$ 15.00	\$ 490.47	\$ 86,813.19
4	33	DOC	10/10/06	172	\$ 240.94	\$ -	\$ -	\$ -	\$ 240.94	\$ 41,441.68
4	34	WSH	10/31/06	152	\$ 309.51	\$ 35.01	\$ -	\$ 13.15	\$ 357.67	\$ 54,365.84
5	35	Relative's Home	11/01/06	151	\$ 255.40	\$ 19.99	\$ 9.86	\$ 14.79	\$ 300.04	\$ 45,306.04
6	36	Supported Living	11/01/06	151	\$ 263.35	\$ -	\$ -	\$ 13.15	\$ 276.50	\$ 41,751.50
5	37	Parent's Home	11/03/06	149	\$ 255.02	\$ -	\$ -	\$ 14.79	\$ 269.81	\$ 40,201.69
4	38	Community Hospital	11/08/06	154	\$ 265.56	\$ 24.65	\$ 12.82	\$ -	\$ 303.03	\$ 46,666.62

2005-2007
 Proviso Tracking Outplacement Totals
 7th Quarter Totals

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<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>
4	39	WSH	11/20/06	131	\$ 90.74	\$ -	\$ -	\$ -	\$ 90.74	\$ 11,886.94
2	40	DOC	11/26/06	126	\$ 412.64	\$ 17.09	\$ 18.08	\$ 8.55	\$ 456.36	\$ 57,501.36
6	41	Parent's Home	12/06/06	115	\$ 218.98	\$ -	\$ -	\$ -	\$ 218.98	\$ 25,182.70
6	42	Parent's Home	12/06/06	115	\$ 263.35	\$ -	\$ -	\$ -	\$ 263.35	\$ 30,285.25
5	43	WSH	12/10/06	111	\$ 266.28	\$ 39.97	\$ -	\$ -	\$ 306.25	\$ 33,993.75
1	44	Community Hospital	12/12/06	121	\$ 216.39	\$ -	\$ -	\$ 1.25	\$ 217.64	\$ 26,334.44
2	45	ESH Foster Care	12/18/06	127	\$ 263.51	\$ 16.57	\$ 5.52	\$ -	\$ 285.60	\$ 36,271.20
5	46	Care	12/18/06	127	\$ 291.10	\$ -	\$ -	\$ 14.79	\$ 305.89	\$ 38,848.03
4	47	WSH	12/27/06	126	\$ 128.83	\$ -	\$ -	\$ -	\$ 128.83	\$ 16,232.58
3	48	AFH	01/16/07	75	\$ 343.07	\$ -	\$ -	\$ -	\$ 343.07	\$ 25,730.25
6	49	Parent's Home	01/31/07	60	\$ 263.35	\$ -	\$ -	\$ -	\$ 263.35	\$ 15,801.00
3	50	Own Home	02/15/07	45	\$ 249.48	\$ 16.44	\$ -	\$ 14.79	\$ 280.71	\$ 12,631.95
4	51	WSH	02/22/07	38	\$ 287.09	\$ 23.89	\$ -	\$ 13.15	\$ 324.13	\$ 12,316.94
6	52	Parent's Home	03/01/07	31	\$ 283.87	\$ -	\$ -	\$ -	\$ 283.87	\$ 8,799.97
						\$ -	\$ -	\$ -	\$ -	\$ -
Average for Outplacements									\$ 319.05	\$4,309,562.71

Total Clients = 52

All days in service have been updated for 7th quarter.