



Washington State
Department of Social
& Health Services

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

August 15, 2007

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 clients with developmental disabilities 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 initially 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 initially provided an average daily rate of \$300 per client. Supplemental budgets in 2006 and 2007 provided funding for an additional 23 individuals for a biennial total of 58. The final supplemental budget also increased the average daily rate to \$340 per client.

STATUS

The Division of Developmental Disabilities has placed a total of 58 individuals since July 2005 at an average daily rate of \$324.05 (see attached spreadsheet). Forty-two (42) placements were authorized under the \$300 per day average allocation and 16 placements were authorized under the \$340 per day average allocation. Prior to this quarter, DDD has placed 57 individuals on this proviso leaving only 1 placement available for the eighth quarter.

While DDD did not exceed the legislatively approved allocation for proviso placements, we did have an additional six individuals who met the proviso criteria and needed residential placement during the quarter. They are either a community protection risk (posing a serious danger to themselves or others) and/or they are class members of the 1999 Allen lawsuit mentioned above. Their individual histories include sexual abuse of children, assault and violence, possession of child pornography, exposure and public masturbation. It is crucial that this group of individuals have specialized supported living programs and supervision. They have been placed in DDD residential programs utilizing non-proviso funds.

Following is a description of the one individual placed on the proviso who met the criteria for individuals discharged from state psychiatric hospitals.

Individuals discharged from state psychiatric hospitals:

Client #58 is a 49 year old male diagnosed with Anxiety Disorder, Mood Disorder, Psychosis, Mild Mental Retardation, Borderline Personality Disorder and Klinefelter's Syndrome. He has a long history of criminal incarcerations and psychiatric detentions. He was found eligible for enrollment with DDD during his last admission to Western State Hospital. He has been arrested, charged and convicted of armed robbery and arson. Funds from this proviso are being utilized to provide community protection supported living and therapy services.

Notes:

The 7th quarter report had a total of 52 individuals on the proviso. Five (5) individuals were added to previous quarters because they were identified after our deadline to submit the report. One (1) new person was added in the 8th quarter for a total of 58 people on the proviso.

The following are descriptions of the five (5) people left off the 7th quarter report:

Individual at risk of institutionalization:

Client #57 is a 26 year old female diagnosed with Obsessive Compulsive Disorder, Psychosis Not Otherwise Specified and Mild Mental Retardation. She has a long history of psychiatric inpatient hospitalizations due to assaults, suicide attempts and self injurious behaviors. Adult Family Home services were attempted without success. Funds from this proviso are being utilized to provide supported living and therapy services.

Individual diverted from state psychiatric hospital:

Client #49 is an 18 year old male diagnosed with Schizophrenia, Attention Deficit Disorder, Conduct Disorder, Organic Brain Disorder, Conversion Disorder and Mild Mental Retardation. Prior to placement he received inpatient services at the Child Study and Treatment Center. He has a history of frequent and intense violent behaviors which include property destruction, yelling and screaming, verbal intimidation and sexualized conversations. Funds from this proviso are being utilized to provide supported living services.

Individuals discharged from state psychiatric hospitals:

Client #51 is a 23 year old female diagnosed with Chronic Post Traumatic Stress Disorder, Bipolar Disorder, Mild Mental Retardation, Borderline Personality Disorder, Cohen's Syndrome, Metabolic Syndrome, Obesity and Hyperprolactinemia. She has a history of assault and has been arrested and jailed several times. She has also been detained to Eastern State Hospital on three occasions as well as utilized the services of diversion beds, local community psychiatric hospitals, Lakeland Village and Yakima Valley School. She was served in a Supported Living Program prior to her last admission to Eastern State Hospital. Funds from this proviso are being utilized to provide supported living services and employment services.

Client #56 is a 32 year old male diagnosed with Bipolar Disorder, Paraphelia Not Otherwise Specified, Mild Mental Retardation, Hajud-Cheney Syndrome and Joubert's Syndrome. He has a history of assault, arson, property destruction, indecent liberties and child molestation of family members and a neighbor's child. A risk assessment recommends 24 hour awake supervision in a single person

household. He was served in a Community Protection Supported Living program prior to his last admission to Eastern State Hospital. Funds from this proviso are being utilized to provide community protection supported living and therapy services.

Waiver client assessed as having immediate need for increased services:

Client #54 is a 49 year old male diagnosed with Mild Mental Retardation. He has a history of inappropriate sexual behavior with children and vulnerable adults, for example, he was arrested for grabbing a 7 year old boy at a playground, making inappropriate comments of a sexual nature to minor female neighbors and grabbing the breasts of two developmentally disabled women without their consent. He has also been observed masturbating in public. Funds from this proviso are being utilized to provide community protection supported living services, employment services and therapy services.

STATE HOSPITAL ADMISSIONS ACTIVITY

There have been ten admissions to Western State Hospital in the April through June 2007 reporting period. Seven 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 eleven 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, two individuals were admitted for involuntary psychiatric treatment under Chapter 71.05 RCW. There were two discharges during the reporting period.

2005-2007

Proviso Tracking Outplacement Totals
Eighth Quarter Totals

Hospital & CPP Outplacements		Type of Services										Expenditures	
Region	Number	Previous Residence	Residential Start Date	Number of Days in Service	Residential Daily Rate	Services Daily Rate	Other Daily Rate	Therapies Daily Rate	Total Daily Rate	Total Daily Rate	Total Expend. To Date		
3	1	WSH	10/24/05	616	\$ 428.30	\$ 24.65	\$ -	\$ 15.00	\$ 467.95	\$ 467.95	\$ 288,257.20		
3	2	WSH	10/27/05	613	\$ 408.28	\$ 24.65	\$ -	\$ 15.00	\$ 447.93	\$ 447.93	\$ 274,581.09		
4	3	WSH	12/15/05	563	\$ 447.16	\$ 30.00	\$ -	\$ 11.84	\$ 489.00	\$ 489.00	\$ 275,307.00		
3	4	Community Hospital Family	01/17/06	530	\$ 212.10	\$ 24.00	\$ -	\$ 15.00	\$ 251.10	\$ 251.10	\$ 133,083.00		
4	5	Home	1/20/2006	527	\$ 247.88	\$ 30.00	\$ -	\$ 15.00	\$ 292.88	\$ 292.88	\$ 154,347.76		
6	6	DOC	01/23/06	524	\$ 240.12	\$ 30.00	\$ -	\$ 15.00	\$ 285.12	\$ 285.12	\$ 149,402.88		
5	7	WSH	02/12/06	504	\$ 273.78	\$ 20.00	\$ 3.28	\$ 15.00	\$ 312.06	\$ 312.06	\$ 157,278.24		
5	8	Community Hospital	03/08/06	480	\$ 274.41	\$ -	\$ 10.00	\$ 10.00	\$ 294.41	\$ 294.41	\$ 141,316.80		
3	9	WSH	03/21/06	467	\$ 759.99	\$ 24.65	\$ 50.00	\$ 15.00	\$ 849.64	\$ 849.64	\$ 396,781.88		
6	10	DOC	03/24/06	464	\$ 240.12	\$ 30.00	\$ -	\$ 15.00	\$ 285.12	\$ 285.12	\$ 132,295.68		
3	11	Diversions Bed	04/14/06	443	\$ 214.78	\$ 25.00	\$ 16.67	\$ -	\$ 256.45	\$ 256.45	\$ 113,607.35		
2	12	Diversions Bed	04/19/06	438	\$ 277.42	\$ 24.00	\$ -	\$ -	\$ 301.42	\$ 301.42	\$ 132,021.96		
5	13	Community Hospital	04/20/06	437	\$ 457.36	\$ -	\$ 15.00	\$ -	\$ 472.36	\$ 472.36	\$ 206,421.32		
5	14	WSH	05/01/06	426	\$ 282.01	\$ 20.00	\$ -	\$ 15.00	\$ 317.01	\$ 317.01	\$ 135,046.26		
1	15	Diversions Bed	05/08/06	419	\$ 187.76	\$ -	\$ -	\$ -	\$ 187.76	\$ 187.76	\$ 78,671.44		
6	16	WSH	05/08/06	419	\$ 448.66	\$ 30.00	\$ 20.00	\$ 15.00	\$ 513.66	\$ 513.66	\$ 215,223.54		
5	17	DOC	05/22/06	405	\$ 266.15	\$ 20.00	\$ 4.93	\$ 15.00	\$ 306.08	\$ 306.08	\$ 123,962.40		
5	18	WSH	05/25/06	402	\$ 287.95	\$ 20.00	\$ 6.47	\$ 15.00	\$ 329.42	\$ 329.42	\$ 132,426.84		
4	19	Diversions Bed	06/01/06	395	\$ 286.03	\$ 24.00	\$ -	\$ -	\$ 310.03	\$ 310.03	\$ 122,461.85		

2005-2007
 Proviso Tracking Outplacement Totals
 Eighth Quarter Totals

Region	Number	Previous Residence	Residential Start Date	Number of Days in Service	Type of Services					Expenditures	
					Residential Daily Rate	Day Services Daily Rate	Other Daily Rate	Therapies Daily Rate	Total Daily Rate	Total Expend.	
2	20	ESH	06/06/06	390	\$ 255.52	\$ 24.00	\$ -	\$ -	\$ -	\$ 279.52	\$ 109,012.80
6	21	WSH	06/08/06	388	\$ 292.27	\$ 20.00	\$ 4.93	\$ 15.00	\$ -	\$ 332.20	\$ 128,893.60
4	22	CSTC	06/16/06	380	\$ 288.17	\$ -	\$ -	\$ -	\$ -	\$ 288.17	\$ 109,504.60
3	23	Parent's Home	07/07/06	335	\$ 257.14	\$ 16.77	\$ 6.57	\$ 21.04	\$ -	\$ 301.52	\$ 101,009.20
2	24	Community Hospital	07/19/06	347	\$ 308.86	\$ 23.01	\$ -	\$ 14.79	\$ -	\$ 346.66	\$ 120,291.02
2	25	AFH	08/02/06	333	\$ 285.36	\$ 16.57	\$ -	\$ -	\$ -	\$ 301.93	\$ 100,542.69
6	26	WSH	8/11/2006	324	\$ 278.32	\$ 30.00	\$ -	\$ 11.00	\$ -	\$ 319.32	\$ 103,459.68
6	27	WSH	8/11/2006	324	\$ 278.32	\$ 30.00	\$ -	\$ 11.00	\$ -	\$ 319.32	\$ 103,459.68
6	28	Parent's Home	08/23/06	312	\$ 257.64	\$ -	\$ -	\$ 1.50	\$ -	\$ 259.14	\$ 80,851.68
4	29	DOC	08/30/06	304	\$ 253.75	\$ 30.00	\$ -	\$ 17.75	\$ -	\$ 301.50	\$ 91,656.00
5	30	Respite Foster	10/02/06	272	\$ 266.28	\$ 39.97	\$ -	\$ -	\$ -	\$ 306.25	\$ 83,300.00
4	31	Care	10/04/06	270	\$ 258.62	\$ -	\$ -	\$ -	\$ -	\$ 258.62	\$ 69,827.40
6	32	WSH	10/06/06	268	\$ 475.47	\$ -	\$ -	\$ 15.00	\$ -	\$ 490.47	\$ 131,445.96
4	33	DOC	10/10/06	263	\$ 240.94	\$ -	\$ -	\$ -	\$ -	\$ 240.94	\$ 63,367.22
4	34	WSH	10/31/06	243	\$ 309.51	\$ 35.01	\$ -	\$ 13.15	\$ -	\$ 357.67	\$ 86,913.81
5	35	Relative's Home	11/01/06	242	\$ 255.40	\$ 19.99	\$ 9.86	\$ 14.79	\$ -	\$ 300.04	\$ 72,609.68
6	36	Supported Living	11/01/06	242	\$ 263.35	\$ -	\$ -	\$ 13.15	\$ -	\$ 276.50	\$ 66,913.00
5	37	Parent's Home	11/03/06	240	\$ 255.02	\$ -	\$ -	\$ 14.79	\$ -	\$ 269.81	\$ 64,754.40
4	38	Community Hospital	11/08/06	245	\$ 265.56	\$ 24.65	\$ 12.82	\$ -	\$ -	\$ 303.03	\$ 74,242.35

2005-2007
 Proviso Tracking Outplacement Totals
 Eighth 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>To Date</u>	<u>Total Daily Rate</u>	<u>Total Expend.</u>	
4	39	WSH	11/20/06	222	\$ 90.74	\$ -	\$ -	\$ -	\$ 90.74	\$ 20,144.28	\$ 90.74	\$ 20,144.28	
2	40	DOC	11/26/06	217	\$ 412.64	\$ 17.09	\$ 18.08	\$ 8.55	\$ 456.36	\$ 99,030.12	\$ 456.36	\$ 99,030.12	
6	41	Parent's Home	12/06/06	206	\$ 218.98	\$ -	\$ -	\$ -	\$ 218.98	\$ 45,109.88	\$ 218.98	\$ 45,109.88	
6	42	Parent's Home	12/06/06	206	\$ 263.35	\$ -	\$ -	\$ -	\$ 263.35	\$ 54,250.10	\$ 263.35	\$ 54,250.10	
5	43	WSH	12/10/06	202	\$ 266.28	\$ 39.97	\$ -	\$ -	\$ 306.25	\$ 61,862.50	\$ 306.25	\$ 61,862.50	
1	44	Community Hospital	12/12/06	212	\$ 216.39	\$ -	\$ -	\$ 1.25	\$ 217.64	\$ 46,139.68	\$ 217.64	\$ 46,139.68	
2	45	ESH	12/18/06	218	\$ 263.51	\$ 16.57	\$ 5.52	\$ -	\$ 285.60	\$ 62,260.80	\$ 285.60	\$ 62,260.80	
5	46	Foster Care	12/18/06	218	\$ 291.10	\$ -	\$ -	\$ 14.79	\$ 305.89	\$ 66,684.02	\$ 305.89	\$ 66,684.02	
4	47	WSH	12/27/06	217	\$ 128.83	\$ -	\$ -	\$ -	\$ 128.83	\$ 27,956.11	\$ 128.83	\$ 27,956.11	
3	48	AFH	01/16/07	166	\$ 343.07	\$ -	\$ -	\$ -	\$ 343.07	\$ 56,949.62	\$ 343.07	\$ 56,949.62	
4	49	CSTC	01/19/07	162	\$ 273.77	\$ -	\$ -	\$ -	\$ 273.77	\$ 44,350.74	\$ 273.77	\$ 44,350.74	
6	50	Parent's Home	01/31/07	151	\$ 263.35	\$ -	\$ -	\$ -	\$ 263.35	\$ 39,765.85	\$ 263.35	\$ 39,765.85	
2	51	ESH	02/02/07	149	\$ 309.31	\$ 17.09	\$ -	\$ -	\$ 326.40	\$ 48,633.60	\$ 326.40	\$ 48,633.60	
3	52	Own Home	02/15/07	136	\$ 249.48	\$ 16.44	\$ -	\$ 14.79	\$ 280.71	\$ 38,176.56	\$ 280.71	\$ 38,176.56	
4	53	WSH	02/22/07	129	\$ 287.09	\$ 23.89	\$ -	\$ 13.15	\$ 324.13	\$ 41,812.77	\$ 324.13	\$ 41,812.77	
4	54	Supported Living	02/22/07	129	\$ 244.03	\$ 12.49	\$ -	\$ -	\$ 256.52	\$ 33,091.08	\$ 256.52	\$ 33,091.08	
6	55	Parent's Home	03/01/07	122	\$ 283.87	\$ -	\$ -	\$ -	\$ 283.87	\$ 34,632.14	\$ 283.87	\$ 34,632.14	
1	56	ESH	03/08/07	118	\$ 671.89	\$ -	\$ -	\$ 10.68	\$ 682.57	\$ 80,543.26	\$ 682.57	\$ 80,543.26	
6	57	Diversion Bed	03/09/07	118	\$ 251.69	\$ -	\$ -	\$ 45.63	\$ 297.32	\$ 35,083.76	\$ 297.32	\$ 35,083.76	

2005-2007

Proviso Tracking Outplacement Totals
Eighth Quarter Totals

<u>Hospital & 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.</u>
4	58	WSH	04/05/07	87	\$ 355.88	\$ -	\$ -	\$ 11.83	\$ 367.71	\$ 31,990.77
Average for Outplacements										\$ 324.05
Total Clients = 58										\$ 6,093,016.90

All days in service have been updated for 8th quarter

