



Washington State
Department of Social
& Health Services

Report to the Legislature

Expanded Community Services Proviso

Services to Persons with Disabilities who are Residents of Residential Habilitation Centers (RHC) who are Able to be Cared for and Choose to Live in Community Settings, Persons with Disabilities who are Without Residential Services and at Immediate Risk of Institutionalization, or are Children Aging Out of Other State Services, or are Community Based Waiver Clients Assessed as Having Immediate Need for Increased Services

Chapter 518, Laws of 2005, Section 205(1)(c) Uncodified

August 15, 2007

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**EXPANDED COMMUNITY SERVICES PROVISIO
EIGHTH QUARTER – APRIL THROUGH JUNE 2007**

EXECUTIVE SUMMARY

Chapter 518, Laws of 2005, Section 205(1) (c) 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 moving into community settings through this section and the actual expenditures for all community services to support those residents. In the 2005-07 Biennium, the Legislature provided funds to provide community residential and support services for a minimum of 39 clients including: 1) residents of Residential Habilitation Centers (RHC) who are able to be adequately cared for in community settings and who choose to live in those community settings; 2) clients without residential services who are in crisis or immediate risk of needing an institutional placement; 3) children who are aging out of other state services; and 4) current home and community-based waiver program clients who have been assessed as having an immediate need for residential services or increased support services. In the 2006 Supplemental Budget, the Legislature appropriated funds to support an additional 12 individuals, for a total of 51 individuals with an average daily rate of \$300.

BACKGROUND

Residents of RHCs who are able to be adequately cared for in community settings and who choose to live in those community settings: Through a process adopted by DDD to implement Olmstead during the 2001-03 Biennium and carried forward in the 2005-07 Biennium, each individual living in an RHC, their guardian or close relative(s) will be asked annually whether they want to move to the community. If a person wants to move, the division will facilitate the move.

Clients without residential services who are in crisis or immediate risk of needing an institutional placement: Providing community services options to divert the need for institutionalization for persons with developmental disabilities is a long-term state and national trend. A number of DDD clients who are eligible for, and have the right to services in an Intermediate Care Facility for the Mentally Retarded (ICF/MR) experience a crisis due to the loss of, or lack of needed supports that places their health and safety at risk. This may occur when they lose a caregiver such as an elderly parent or a contracted community provider is no longer able to meet their significant support needs. These persons are at risk of institutionalization without sufficient community supports to meet their health and safety needs.

Children who are aging out of other state services: Children age out of DSHS Children's Administration (CA) services between the ages of 18 and 21. Children age out of DSHS Juvenile Rehabilitation Administration (JRA) services at age 18. Funding for their services through CA and JRA is specific to child serving

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administrations and dependent on these federal funding sources. The funds cannot accompany the child into DDD adult services.

Children enter CA services due to abuse and/or neglect in their family home and therefore are not able to be supported by their family. A number of the youth with developmental disabilities aging out of CA have medical or behavioral issues which cannot be adequately supported in adult family homes, adult residential care facilities or with Medicaid Personal Care. These youth require a more intensive level of support such as the DDD Supported Living Program.

Children enter JRA services due to criminal charges. A number of the youth with developmental disabilities aging out of JRA services have community protection issues including sexual offenses or violent crimes. They require 24-hour close supervision in order to maximize community safety. Families generally are not able to provide this level of support. They cannot reside in adult family homes or adult residential care facilities due to the risk they would present for other residents. These youth require supports at the level of a DDD 24-hour community protection program.

Current waiver clients who have been assessed as having an immediate need for residential services or increased support services: A review of DDD's CAP Waiver was conducted by the Center for Medicare Medicaid Services (CMS) July 2001 – January 2002. The CMS report from this review states in Recommendation #4: "Remove all provisions from existing laws, regulations, policies and procedures that support or encourage denying CAP waiver clients access to needed waiver services due to funding limitations. At the same time, laws and policies should be implemented recognizing the need to fully fund the waiver services CAP participants are assessed to need." In discussions that were held about Washington's applications for the current four new DDD Home and Community Based Waivers (HCBS), federal officials in Baltimore asked for assurance that Washington State will meet waiver participant needs. As the CMS required annual Plans of Care are completed for waiver participants, clients are assessed as having unmet health and safety needs. It is imperative services be authorized in order to not jeopardize continued federal funding (FFP) for Washington State under the current four DDD HCBS waivers.

STATUS

The Governor's 2007 Supplemental Budget included funding to increase the number of Expanding Community Service Proviso placements by 56 for a total of 107 placements for the Biennium. Prior to this quarter, DDD had placed 105 individuals on this proviso leaving only two placements available for the eighth quarter. With the two proviso placements made in the current quarter, the Division of Developmental Disabilities has designated as proviso placements a

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total of 107 clients since July 2005, with an average daily rate of \$253.49 (see attached spreadsheet).

While DDD did not exceed the legislatively approved allocation for proviso placements, we did have an additional nineteen individuals who met the proviso criteria and needed residential placement during the quarter.

Following is a description of the needs of one individual who meets the criteria “current waiver clients who have been assessed as having an immediate need for residential services or increased support services” and one individual who meets the criteria “clients without residential services who are in crisis or immediate risk of needing an institutional placement”. These client descriptions are provided to offer information about this particular population.

Current waiver client who has been assessed as having an immediate need for residential services or increased support services:

Client #116 is a 27 year old female diagnosed with Severe Mental Retardation, Grand Mal Seizures, and Cortical Blindness. She has a history of physical aggression, self injurious behaviors, and property destruction. Prior to placement she resided with her family in a very rural area which made it extremely difficult to arrange for Medicaid Personal Care and respite services. Attempts at securing a placement in an adult family home were unsuccessful due to her history of violence. Funds from this proviso are being utilized to provide a supported living program and employment services.

Client without residential services who is in crisis or immediate risk of needing an institutional placement:

Client #117 is a 14 year old female diagnosed with Autism and Profound Mental Retardation. She has a history of assaults toward her parents, school staff, classmate, and strangers. She requires supervision while riding in vehicles to stop her from assaulting the driver. Her father travels frequently for work and her mother was no longer able to care for her due to her own struggles with depression and anxiety. Funds from this proviso are being utilized to provide staffed residential services.

Note:

The seventh quarter report had a total of 106 individuals on the proviso. One person was identified as being listed twice in the seventh quarter report. This additional reference was removed, bringing the seventh quarter total to 105.

**EXPANDED COMMUNITY SERVICES PROVIDO
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Community Res. & Supp.	Type of Services										Expenditures	
	Residential Start Date	Number of Days in Service	Residential Daily Rate	Day Services Daily Rate	Other Daily Rate	Therapies Daily Rate	Total Daily Expend.	Total Expend. To Date	Total Expend. To Date	Total Expend. To Date		
Moved To												
1	08/29/05	580	\$ 230.00	\$ -	\$ -	\$ -	\$ -	\$ 230.00	\$ 133,400.00	\$ 133,400.00	\$ 133,400.00	\$ 133,400.00
2	08/29/05	579	\$ 300.00	\$ -	\$ -	\$ -	\$ -	\$ 300.00	\$ 173,700.00	\$ 173,700.00	\$ 173,700.00	\$ 173,700.00
3	09/30/05	578	\$ 256.68	\$ -	\$ -	\$ 15.00	\$ -	\$ 271.68	\$ 157,031.04	\$ 157,031.04	\$ 157,031.04	\$ 157,031.04
4	09/30/05	577	\$ 296.78	\$ -	\$ -	\$ 3.22	\$ -	\$ 300.00	\$ 173,100.00	\$ 173,100.00	\$ 173,100.00	\$ 173,100.00
5	10/04/05	574	\$ 115.07	\$ 24.00	\$ 43.45	\$ -	\$ -	\$ 182.52	\$ 104,766.48	\$ 104,766.48	\$ 104,766.48	\$ 104,766.48
6	11/05/05	512	\$ 263.40	\$ -	\$ -	\$ -	\$ -	\$ 263.40	\$ 134,860.80	\$ 134,860.80	\$ 134,860.80	\$ 134,860.80
7	11/21/05	496	\$ 229.10	\$ 24.00	\$ -	\$ 1.25	\$ -	\$ 254.35	\$ 126,157.60	\$ 126,157.60	\$ 126,157.60	\$ 126,157.60
8	11/28/05	489	\$ 260.62	\$ -	\$ -	\$ 4.60	\$ -	\$ 265.22	\$ 129,692.58	\$ 129,692.58	\$ 129,692.58	\$ 129,692.58
9	01/01/06	454	\$ 163.00	\$ -	\$ -	\$ -	\$ -	\$ 163.00	\$ 74,002.00	\$ 74,002.00	\$ 74,002.00	\$ 74,002.00
10	01/01/06	455	\$ 176.90	\$ -	\$ -	\$ -	\$ -	\$ 176.90	\$ 80,489.50	\$ 80,489.50	\$ 80,489.50	\$ 80,489.50
11	01/12/06	444	\$ 250.13	\$ -	\$ -	\$ 14.79	\$ -	\$ 264.92	\$ 117,624.48	\$ 117,624.48	\$ 117,624.48	\$ 117,624.48
12	01/15/06	441	\$ 273.08	\$ 24.13	\$ -	\$ -	\$ -	\$ 297.21	\$ 131,069.61	\$ 131,069.61	\$ 131,069.61	\$ 131,069.61
13	01/26/06	430	\$ 298.12	\$ 24.13	\$ -	\$ 11.11	\$ -	\$ 333.36	\$ 143,344.80	\$ 143,344.80	\$ 143,344.80	\$ 143,344.80
14	02/09/06	416	\$ 249.05	\$ -	\$ -	\$ 14.79	\$ -	\$ 263.84	\$ 109,757.44	\$ 109,757.44	\$ 109,757.44	\$ 109,757.44
15	02/27/06	398	\$ 222.76	\$ 16.56	\$ -	\$ -	\$ -	\$ 239.32	\$ 95,249.36	\$ 95,249.36	\$ 95,249.36	\$ 95,249.36
16	03/13/06	384	\$ 260.00	\$ -	\$ -	\$ 15.00	\$ -	\$ 275.00	\$ 105,600.00	\$ 105,600.00	\$ 105,600.00	\$ 105,600.00
17	03/15/06	382	\$ 155.74	\$ -	\$ -	\$ -	\$ -	\$ 155.74	\$ 59,492.68	\$ 59,492.68	\$ 59,492.68	\$ 59,492.68
18	03/16/06	381	\$ 64.70	\$ -	\$ -	\$ -	\$ -	\$ 64.70	\$ 24,650.70	\$ 24,650.70	\$ 24,650.70	\$ 24,650.70
19	03/17/06	380	\$ 236.68	\$ -	\$ -	\$ 11.83	\$ -	\$ 248.51	\$ 94,433.80	\$ 94,433.80	\$ 94,433.80	\$ 94,433.80
20	03/23/06	376	\$ 247.94	\$ -	\$ -	\$ -	\$ -	\$ 247.94	\$ 93,225.44	\$ 93,225.44	\$ 93,225.44	\$ 93,225.44
21	03/28/06	369	\$ 160.26	\$ -	\$ -	\$ -	\$ -	\$ 160.26	\$ 59,135.94	\$ 59,135.94	\$ 59,135.94	\$ 59,135.94
22	04/01/06	365	\$ 82.12	\$ -	\$ -	\$ -	\$ -	\$ 82.12	\$ 29,973.80	\$ 29,973.80	\$ 29,973.80	\$ 29,973.80
23	04/03/06	363	\$ 166.62	\$ -	\$ -	\$ -	\$ -	\$ 166.62	\$ 60,483.06	\$ 60,483.06	\$ 60,483.06	\$ 60,483.06
24	04/11/06	355	\$ 271.36	\$ -	\$ -	\$ -	\$ -	\$ 271.36	\$ 96,332.80	\$ 96,332.80	\$ 96,332.80	\$ 96,332.80
25	04/13/06	353	\$ 240.06	\$ -	\$ -	\$ -	\$ -	\$ 240.06	\$ 84,741.18	\$ 84,741.18	\$ 84,741.18	\$ 84,741.18
26	04/13/06	353	\$ 303.20	\$ -	\$ -	\$ -	\$ -	\$ 303.20	\$ 107,029.60	\$ 107,029.60	\$ 107,029.60	\$ 107,029.60
27	04/15/06	351	\$ 404.70	\$ -	\$ -	\$ 15.12	\$ -	\$ 419.82	\$ 147,356.82	\$ 147,356.82	\$ 147,356.82	\$ 147,356.82
28	04/17/06	349	\$ 154.39	\$ -	\$ -	\$ -	\$ -	\$ 154.39	\$ 53,882.11	\$ 53,882.11	\$ 53,882.11	\$ 53,882.11
29	05/01/06	335	\$ 378.82	\$ 34.19	\$ -	\$ -	\$ -	\$ 413.01	\$ 138,358.35	\$ 138,358.35	\$ 138,358.35	\$ 138,358.35

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Community Res. & Supp.		Residential	Type of Services					Expenditures	
			Number of Days in Service	Residential Daily Rate	Day Services Daily Rate	Other Daily Rate	Therapies Daily Rate	Total Daily Expend.	Total Expend. To Date
#	Moved To	Start Date							
30	Region 2	05/01/06	335	\$ 274.41	\$ 24.76	-	-	\$ 299.17	\$ 100,221.95
31	Region 6	05/01/06	335	\$ 219.30	\$ -	-	-	\$ 219.30	\$ 73,465.50
32	Region 3	05/02/06	334	\$ 215.80	\$ -	-	-	\$ 215.80	\$ 72,077.20
33	Region 3	05/05/06	331	\$ 230.50	\$ 25.00	-	-	\$ 255.50	\$ 84,570.50
34	Region 5	05/08/06	328	\$ 145.86	\$ -	-	-	\$ 145.86	\$ 47,842.08
35	Region 4	05/15/06	321	\$ 537.57	\$ -	-	-	\$ 537.57	\$ 172,559.97
36	Region 3	05/22/06	314	\$ 311.08	\$ 16.45	-	21.00	\$ 348.53	\$ 109,438.42
37	Region 3	05/24/06	312	\$ 313.00	\$ -	-	-	\$ 313.00	\$ 97,656.00
38	Region 1	05/25/06	311	\$ 298.74	\$ -	-	-	\$ 298.74	\$ 92,908.14
39	Region 3	06/02/06	303	\$ 192.09	\$ -	-	-	\$ 192.09	\$ 58,203.27
40	Region 4	06/02/06	303	\$ 282.86	\$ -	-	-	\$ 282.86	\$ 85,706.58
41	Region 4	06/02/06	303	\$ 288.08	\$ -	-	-	\$ 288.08	\$ 87,288.24
42	Region 1	06/03/06	302	\$ 266.12	\$ -	-	11.83	\$ 277.95	\$ 83,940.90
43	Region 2	06/03/06	302	\$ 242.92	\$ 23.13	-	-	\$ 266.05	\$ 80,347.10
44	Region 3	06/04/06	301	\$ 230.39	\$ -	-	-	\$ 230.39	\$ 69,347.39
45	Region 3	06/13/06	292	\$ 260.00	\$ -	-	-	\$ 260.00	\$ 75,920.00
46	Region 3	06/15/06	290	\$ 325.24	\$ -	-	-	\$ 325.24	\$ 94,319.60
47	Region 4	06/16/06	289	\$ 283.16	\$ 23.13	-	1.95	\$ 308.24	\$ 89,081.36
48	Region 1	06/19/06	286	\$ 196.18	\$ -	-	-	\$ 196.18	\$ 56,107.48
49	Region 3	06/24/06	281	\$ 263.46	\$ -	-	-	\$ 263.46	\$ 74,032.26
50	Region 6	06/30/06	275	\$ 300.62	\$ 60.00	-	30.00	\$ 390.62	\$ 107,420.50
51	Region 6	07/01/06	274	\$ 186.90	\$ 60.00	-	30.00	\$ 276.90	\$ 75,870.60
52	Region 4	07/01/06	274	\$ 261.86	\$ -	-	1.95	\$ 263.81	\$ 72,283.94
53	Region 4	07/01/06	274	\$ 113.56	\$ -	15.14	-	\$ 128.70	\$ 35,263.80
54	Region 3	07/01/06	274	\$ 281.57	\$ -	-	-	\$ 281.57	\$ 77,150.18
55	Region 4	07/01/06	274	\$ 128.78	\$ -	-	-	\$ 128.78	\$ 35,285.72
56	Region 4	07/03/06	272	\$ 118.85	\$ -	-	-	\$ 118.85	\$ 32,327.20
57	Region 4	07/07/06	268	\$ 279.57	\$ -	-	-	\$ 279.57	\$ 74,924.76
58	Region 1	07/13/06	262	\$ 218.46	\$ -	-	-	\$ 218.46	\$ 57,236.52
59	Region 1	07/22/06	253	\$ 284.61	\$ -	-	-	\$ 284.61	\$ 72,006.33

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Community Res. & Supp.	Moved To	Type of Services										Expenditures	
		Residential	Number of Days in Service	Residential Daily Rate	Day Services Daily Rate	Other Daily Rate	Therapies Daily Rate	Total Daily Expend.	Total Expend.	To Date			
60	Region 2	07/31/06	244	\$ 106.45	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 106.45	\$ 25,973.80	
61	Region 1	08/08/06	236	\$ 205.15	\$ -	\$ -	\$ 12.13	\$ -	\$ -	\$ -	\$ 217.28	\$ 51,278.08	
62	Region 4	08/08/06	236	\$ 305.67	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 305.67	\$ 72,138.12	
63	Region 4	08/28/06	216	\$ 243.44	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 243.44	\$ 52,583.04	
64	Region 4	09/01/06	212	\$ 371.54	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 371.54	\$ 78,766.48	
65	Region 4	09/01/06	212	\$ 371.54	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 371.54	\$ 78,766.48	
66	Region 1	09/06/06	207	\$ 284.12	\$ -	\$ -	\$ 12.13	\$ -	\$ -	\$ -	\$ 296.25	\$ 61,323.75	
67	Region 5	09/14/06	199	\$ 246.46	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 246.46	\$ 49,045.54	
68	Region 2	09/15/06	198	\$ 254.31	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 254.31	\$ 50,353.38	
69	Region 2	09/15/06	198	\$ 62.74	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 62.74	\$ 12,422.52	
70	Region 2	09/15/06	198	\$ 264.06	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 264.06	\$ 52,283.88	
71	Region 2	09/18/06	195	\$ 183.97	\$ -	\$ -	\$ -	\$ 1.25	\$ -	\$ -	\$ 185.22	\$ 36,117.90	
72	Region 1	09/22/06	191	\$ 219.01	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 219.01	\$ 41,830.91	
73	Region 1	09/22/06	191	\$ 385.93	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 385.93	\$ 73,712.63	
74	Region 4	09/22/06	191	\$ 124.73	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 124.73	\$ 23,823.43	
75	Region 2	10/01/06	182	\$ 284.84	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 284.84	\$ 51,840.88	
76	Region 1	10/01/06	182	\$ 240.86	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 240.86	\$ 43,836.52	
77	Region 6	10/04/06	179	\$ 36.69	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 36.69	\$ 6,567.51	
78	Region 3	10/06/06	177	\$ 409.30	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 409.30	\$ 72,446.10	
79	Region 3	10/13/06	178	\$ 98.97	\$ 11.51	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 110.48	\$ 19,665.44	
80	Region 4	10/15/06	176	\$ 288.68	\$ 34.19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 322.87	\$ 56,825.12	
81	Region 4	10/19/06	172	\$ 124.73	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 124.73	\$ 21,453.56	
82	Region 4	11/03/06	149	\$ 341.88	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 341.88	\$ 50,940.12	
83	Region 1	11/06/06	146	\$ 123.51	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 123.51	\$ 18,032.46	
84	Region 4	11/06/06	146	\$ 353.23	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 353.23	\$ 51,571.58	
85	Region 2	11/15/06	136	\$ 216.04	\$ 17.09	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 233.13	\$ 31,705.68	
86	Region 5	11/22/06	130	\$ 240.95	\$ -	\$ -	\$ 14.79	\$ -	\$ -	\$ -	\$ 255.74	\$ 33,246.20	
87	Region 3	12/01/06	121	\$ 145.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 145.00	\$ 17,545.00	
88	Region 4	12/14/06	108	\$ 268.35	\$ 35.00	\$ -	\$ 5.92	\$ -	\$ -	\$ -	\$ 309.27	\$ 33,401.16	
89	Region 2	12/15/06	107	\$ 169.66	\$ -	\$ -	\$ 1.10	\$ -	\$ -	\$ -	\$ 170.76	\$ 18,271.32	

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Community Res. & Supp.	Residential	Number of Days in Service	Type of Services					Expenditures	
			Residential Daily Rate	Day Services Daily Rate	Other Daily Rate	Therapies Daily Rate	Total Daily Expend.	Total Expend. To Date	
# 90	Moved To Region 1	103	\$ 403.26	-	-	-	-	\$ 403.26	\$ 41,535.78
91	Region 5	90	\$ 278.44	-	-	-	-	\$ 278.44	\$ 25,059.60
92	Region 6	90	\$ 278.44	-	-	-	-	\$ 278.44	\$ 25,059.60
93	Region 4	89	\$ 271.75	\$ 23.89	-	-	-	\$ 295.64	\$ 26,311.96
94	Region 6	83	\$ 314.20	-	-	-	-	\$ 314.20	\$ 26,078.60
95	Region 3	73	\$ 343.95	-	-	-	-	\$ 343.95	\$ 25,108.35
96	Region 4	64	\$ 323.45	-	1.25	-	-	\$ 324.70	\$ 20,780.80
97	Region 6	60	\$ 158.77	-	-	-	1.50	\$ 160.27	\$ 9,616.20
98	Region 6	59	\$ 186.98	-	-	-	1.53	\$ 188.51	\$ 11,122.09
99	Region 4	53	\$ 392.27	-	-	-	-	\$ 392.27	\$ 20,790.31
100	Region 6	52	\$ 217.92	\$ 24.00	-	-	1.23	\$ 243.15	\$ 12,643.80
101	Region 6	38	\$ 279.29	\$ 24.00	-	-	1.23	\$ 304.52	\$ 11,571.76
102	Region 2	32	\$ 243.32	-	-	-	-	\$ 243.32	\$ 7,786.24
103	Region 4	31	\$ 228.36	-	-	-	-	\$ 228.36	\$ 7,079.16
104	Region 6	31	\$ 251.69	-	-	-	-	\$ 251.69	\$ 7,802.39
105	Region 2	23	\$ 195.78	\$ 17.10	-	-	-	\$ 212.88	\$ 4,896.24
106	Region 2	90	\$ 246.55	\$ 17.09	-	-	-	\$ 263.64	\$ 23,727.60
107	Region 3	86	\$ 374.91	-	-	-	-	\$ 374.91	\$ 32,242.26
Average for Proviso								\$ 253.49	\$ 7,010,726.79

Total Clients = 107
All Numbers Updated for 8th Quarter