



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 2007, Section 205(1)(d) Uncodified

November 15, 2008

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EXECUTIVE SUMMARY

Chapter 518, Laws of 2007, 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 1996-98, 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, Disability Rights Washington (DRW), formerly Washington Protection and Advocacy System (WPAS), 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 2001-03 Biennium.

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In the 2007-09 Biennium, the Legislature provided funds to provide community residential and support services for 112 clients. Funding for 16 of those clients is for individuals the Legislature allocated resources for in the FY 2007 Supplemental Budget and were approved for the proviso toward the end of the 2005-07 Biennium. There are 96 “new” proviso placements available for the 2007-09 Biennium which will be tracked in the quarterly legislative proviso reports. The Legislature has directed the department to utilize these proviso placements for individuals with developmental disabilities who are: 1) discharged from the state psychiatric hospitals (outplacement), 2) being diverted from state psychiatric hospitals, 3) leaving the Department of Corrections custody and participating in the Dangerous Mentally Ill Offender program (DMIO), or 4) individuals with community protection issues. These funds authorize an average daily rate of \$349 per client for FY08 and \$356 per client for FY09.

STATUS

For the July through September 2008 quarter, DDD placed 13 individuals on this proviso. Four (4) additional individuals were added to this report since their information was not available in time for inclusion in the previous quarterly report. A total of 53 new proviso placements for this Biennium have utilized funding at an average daily rate of \$357.41 (see attached spreadsheet). There are also 16 individuals from the 2007 Supplemental Budget group that utilize funding from this proviso for a total of 69 people. There are currently 65 active people on this proviso.

We have started tracking people that leave the proviso and of the 69 people that have utilized funding under this proviso there have been three (3) people from the new placements and one (1) person from the 2007 Supplemental Budget group that have exited the program. People in the Community Protection Program leave the proviso for a variety of reasons (for example they go back to a state hospital, to jail, or voluntarily exit the program). Many times these individuals will reenter the program within a few months.

Following are descriptions of the needs of the 13 individuals placed this quarter: four (4) individuals met the criteria of state hospital outplacement and nine (9) individuals met the criteria of individuals residing in the community with community protection issues. These client descriptions are provided to offer information about this particular population.

State Hospital Outplacement:

Client #42 is a 52-year-old male diagnosed with psychotic disorder secondary to traumatic brain injury, paraphilia, mild mental retardation, schizoid personality traits, lupus, and a Baker’s cyst. He was charged with Rape 2 in 1987 and determined to be incompetent to stand trial. He was subsequently detained to

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WSH and released in 1991. He was readmitted to WSH three months later after assaulting a care provider. While at WSH, he participated in vocational training, anger management classes, and non-violent communication classes. Funds from this proviso are being utilized to provide community protection supported living services, therapy and employment services.

Client #45 is a 27-year-old male diagnosed with impulse control disorder, mild mental retardation, and Prader Willi syndrome. He has an extensive history of highly aggressive behavior and assaults against family members, care providers and peers as well as significant self-injurious behaviors. He was admitted to Eastern State Hospital (ESH) in 2001, and soon after transferred to WSH, after numerous attempts at support in the community and utilization of diversion services. He requires a minimum of 2:1 staffing in the community at all times due to his highly impulsive and aggressive behaviors. Funds from this proviso are being utilized to provide supported living services, therapy and employment services.

Client #49 is a 22-year-old male diagnosed with psychosis, autism, and moderate mental retardation. He has a history of aggression, assault, and elopement from support. He was found not competent to stand trial after being charged with felony assault and criminal trespass. Funds from this proviso are being utilized to provide community protection supported living services and employment services.

Client #51 is a 26-year-old female diagnosed with mood disorder, post traumatic stress disorder, mild mental retardation, personality disorder with Cluster B traits, history of epilepsy, bilateral hearing loss, visual impairment, hyperlipidemia, and borderline insulin resistant. She was found incompetent to stand trial in 2006 after being charged with Attempted Murder after using a cigarette lighter to light fire to a housemate's bed while the housemate was sleeping, causing her to endure burns over 20 percent of her body. Funds from this proviso are being utilized to provide community protection supported living services, therapy and employment services.

Individual residing in the community with community protection needs:

Client #41 is a 19-year-old female diagnosed with attention deficit disorder, depression, and mild mental retardation. She has been convicted of child rape and false reporting and served time at Echo Glen. Funds from this proviso are being utilized to provide community protection supported living services and therapy.

Client #43 is an 18-year-old male diagnosed with post traumatic stress disorder, oppositional defiant disorder, attention deficit hyperactivity disorder, Asperger's syndrome, and mild mental retardation. Fetal alcohol syndrome/effects are suspected as well. He has a history of being sexually victimized as a child while in foster care and is now displaying sexually inappropriate and aggressive

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behavior toward females as well as very limited impulse control. A risk assessment found him to be at high risk to offend without intensive supports. Funds from this proviso are being utilized to provide community protection supported living services, therapy and employment services.

Client #44 is an 18-year-old male diagnosed with mild mental retardation. He has a history of sexually molesting young females and his sister as well as fire-setting behaviors. He pled guilty to first degree child molestation. He served approximately one year at Echo Glen and now must register as a Level 2 Sex Offender. Funds from this proviso are being utilized to provide community protection supported living services.

Client #46 is a 28-year-old male diagnosed with mild mental retardation and personality disorder with Cluster B traits. He has a history of alcohol and methamphetamine abuse. He is a Level 2 Sex Offender due to convictions of first degree child rape and first degree child molestation. Funds from this proviso are being utilized to provide community protection supported living services and employment services.

Client #47 is an 18-year-old male diagnosed with attention deficit disorder, mild mental retardation, and fetal damage. He has a long history of alleged abuse by various services providers and his foster parents. He has a history of physical aggression toward others and has been charged with fourth degree assault after assaulting his mother with a knife. He requires 1:1 supervision due to his history of physical aggression toward others and eloping from supervision. Funds from this proviso are being utilized to provide community protection supported living services and therapy.

Client #48 is a 49-year-old female diagnosed with anxiety disorder, borderline personality disorder, psychotic disorder, mild mental retardation, seizure disorder, and hearing loss. She has a history of assaulting support providers, family, and friends, as well as multiple suicide attempts by overdosing on her seizure medications. She was charged with arson after being found guilty of intentionally starting 13 fires. Funds from this proviso are being utilized to provide community protection supported living services and therapy.

Client #50 is a 34-year-old male diagnosed with schizophrenia, personality disorder, obsessive compulsive disorder, mild mental retardation, and seizure disorder. He has a long and significant history of aggressive and violent behavior towards family members and support providers to include poisoning and stabbing and homicidal ideation. He also has a history of eloping from supports. Funds from this proviso are being utilized to provide community protection supported living services, therapy and employment services.

Client #52 is a 23-year-old male diagnosed with attention deficit disorder, mild mental retardation, and chronic sinusitis. He also has a history of drug and

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alcohol abuse. He has been identified as a Level 2 Sex Offender after being convicted of child molestation against a 13-year-old female and a 16-year-old female. Funds from this proviso are being utilized to provide community protection supported living services, therapy and employment services.

Client #53 is a 20-year-old male diagnosed with mild mental retardation. He has a history of assault toward family members, fire-setting, car theft, property destruction, and stealing. His mother is no longer able to support him in the family home due to her own declining health. Funds from this proviso are being utilized to provide community protection supported living services, therapy and employment services.

The following are descriptions of the four (4) individuals added to this report whose information was not available for inclusion in the last report:

Diversion from state hospital:

Client #39 is an 18-year-old female diagnosed with bipolar disorder and autism. She has a history of numerous inpatient psychiatric hospitalizations, assault on peers, elopement from supports and self injurious behaviors. She was supported briefly in an AFH. This service ended after she assaulted a roommate. She was placed in a diversion bed to avoid an admission to ESH. Funds from this proviso are being utilized to provide supported living services.

Individual residing in the community with community protection:

Client #30 is a 26-year-old male diagnosed with mild mental retardation, hearing loss and seizure disorder. He has a history of attempting to engage in sexual activities with males and females and then become violent if and when his advances are rejected. Services from two AFHs and one boarding home have ended due to his sexually inappropriate and violent behaviors. Funds from this proviso are being utilized to provide community protection supported living services.

Client #37 is a 24-year-old male diagnosed with attention deficit disorder, conduct disorder, pedophilia, and mild mental retardation. He has two convictions for felony harassment and fourth degree assault. He has a history of fire-setting behaviors, animal abuse, and allegedly sexually abusing both male and female children ages 5-13. Funds from this proviso are being utilized to provide community protection supported living services, therapy, and employment services.

Client #40 is a 17-year-old male diagnosed with attention deficit disorder and mild mental retardation. He has a history of fire-setting behavior, indecent exposure, and stealing. While he has not had a known incident of sexual assault in the last four years due to intense supervision, he remains sexually preoccupied.

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STATE HOSPITAL ADMISSIONS ACTIVITY

There were six (6) admissions to WSH in the July through September 2008 reporting period. Five (5) admissions were for court-ordered competency restoration under Chapter 10.77 RCW and one (1) client was 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 8 discharges during the reporting period.

At ESH, for the same reporting period, five (5) individuals were admitted for court-ordered competency restoration under Chapter 10.77 RCW and four (4) individuals were admitted for involuntary psychiatric treatment under Chapter 71.05 RCW. There were nine (9) discharges during the reporting period.

**2007-09
Proviso Tracking Outplacement Totals
Fifth Quarter Totals**

<u>Hospital & CPP Outplacements</u>		Previous Residence	Previous Supports	Residential		Number of Days in Service	Type of Services				Expenditures		Type of Proviso Request
<u>Number</u>	<u>Region</u>			<u>Start Date</u>	<u>End Date</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>	
1	6	Own Home	Supported Living	07/01/07		458	\$ 505.18	\$ -	\$ -	\$ -	\$ 505.18	\$ 231,372.44	2
2	4	Own Home	Supported Living	08/16/07		411	\$ 284.30	\$ 24.33	\$ -	\$ 11.83	\$ 320.46	\$ 131,709.06	4
3	5	ARC	Residential	08/20/07	09/26/07	37	\$ 295.65	\$ 19.99	\$ -	\$ 15.29	\$ 330.93	\$ 12,244.41	2
4	4	Parent's Home	MPC	08/30/07		397	\$ 238.59	\$ -	\$ -	\$ -	\$ 238.59	\$ 94,720.23	2
5	6	Relative's Home	Community Protection	08/31/07		396	\$ 309.17	\$ -	\$ 1.25	\$ -	\$ 310.42	\$ 122,926.32	4
6	3	Parent's Home	Community Protection	09/07/07	10/17/08	30	\$ 430.51	\$ 16.44	\$ 1.25	\$ 13.15	\$ 461.35	\$ 13,840.50	4
7	4	Parent's Home	Inpatient Psychiatric	10/01/07		366	\$ 280.53	\$ 24.65	\$ -	\$ 11.83	\$ 317.01	\$ 116,025.66	1
8	1	Own Home	Inpatient Psychiatric	10/05/07	10/27/07	22	\$ 312.56	\$ 17.06	\$ -	\$ 7.89	\$ 337.51	\$ 7,425.22	1
9	6	Own Home	Diversion	10/30/07		337	\$ 262.51	\$ 30.00	\$ 0.66	\$ 0.82	\$ 293.99	\$ 99,074.63	2
10	6	Foster Home	Foster Care	10/30/07		337	\$ 309.17	\$ -	\$ 1.25	\$ -	\$ 310.42	\$ 104,611.54	4
11	5	Own Home	Inpatient Psychiatric	11/09/07		325	\$ 462.58	\$ 19.99	\$ 10.19	\$ -	\$ 492.76	\$ 160,147.00	1
12	4	Parent's Home	Community Protection	11/28/07		307	\$ 256.25	\$ -	\$ -	\$ 11.83	\$ 268.08	\$ 82,300.56	4
13	1	Supported Living	Residential	12/01/07		304	\$ 188.40	\$ -	\$ -		\$ 188.40	\$ 57,273.60	4
14	2	Parent's Home	Vocational	12/21/07		283	\$ 263.27	\$ 17.09	\$ 1.28	\$ 4.27	\$ 285.91	\$ 80,912.53	2
15	6	Relative's Home	Family Support	01/24/08		251	\$ 236.52	\$ -	\$ -	\$ 11.51	\$ 248.03	\$ 62,255.53	4
16	2	Adult Family Home	Residential	01/28/08		247	\$ 263.52	\$ 24.65	\$ -	\$ 11.15	\$ 299.32	\$ 73,932.04	4
17	4	Relative's Home	Community Protection	02/01/08		244	\$ 293.41	\$ -	\$ -	\$ -	\$ 293.41	\$ 71,592.04	4
18	6	Supported Living	Inpatient Psychiatric	02/06/08		239	\$ 417.26	\$ 30.00	\$ -	\$ 15.00	\$ 462.26	\$ 110,480.14	1
19	1	Foster Home	Foster Care	02/11/08		234	\$ 314.59	\$ -	\$ -	\$ 11.77	\$ 326.36	\$ 76,368.24	4

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<u>Number</u>	<u>Region</u>			<u>Start Date</u>	<u>End Date</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>	
20	1	Foster Home	Residential	02/20/08		225	\$ 482.20	\$ -	\$ -	\$ 17.03	\$ 499.23	\$ 112,326.75	4
21	6	AFH	Inpatient Psychiatric	03/13/08		200	\$ 292.01	\$ 30.00	\$ -	\$ 9.88	\$ 331.89	\$ 66,378.00	1
22	4	Foster Home	Residential	03/14/08		199	\$ 268.18	\$ -	\$ -	\$ 11.83	\$ 280.01	\$ 55,721.99	4
23	5	Family Home	Respite	03/14/08		199	\$ 304.49	\$ -	\$ 6.57	\$ 14.79	\$ 325.85	\$ 64,844.15	4
24	6	Adult Family Home	Residential	04/01/08		183	\$ 259.27	\$ 16.93	\$ 11.51	\$ -	\$ 287.71	\$ 52,650.93	2
25	6	Foster Home	Foster Care	04/01/08		183	\$ 471.15	\$ -	\$ 19.72	\$ 12.16	\$ 503.03	\$ 92,054.49	4
26	4	Foster Home	Foster Care	04/07/08		176	\$ 240.81	\$ -	\$ -	\$ 11.83	\$ 252.64	\$ 44,464.64	4
27	1	Supported Living	Inpatient Psychiatric	04/10/08		173	\$ 341.19	\$ -	\$ -	\$ -	\$ 341.19	\$ 59,025.87	1
28	1	Supported Living	Inpatient Psychiatric	04/14/08		169	\$ 395.40	\$ -	\$ -	\$ 23.67	\$ 419.07	\$ 70,822.83	1
29	1	Supported Living	Inpatient Psychiatric	04/25/08		158	\$ 794.63	\$ 17.06	\$ -	\$ 13.15	\$ 824.84	\$ 130,324.72	1
30	1	Boarding Home	MPC	05/01/08		153	\$ 324.78	\$ -	\$ -	\$ -	\$ 324.78	\$ 49,691.34	4
31	3	Family Home	Diversion	05/02/08		152	\$ 293.54	\$ -	\$ -	\$ 31.56	\$ 325.10	\$ 49,415.20	2
32	4	Family Home	Inpatient Psychiatric	05/07/08		147	\$ 269.22	\$ -	\$ -	\$ -	\$ 269.22	\$ 39,575.34	4
33	5	MH housing	Residential	05/07/08		147	\$ 273.40	\$ 19.69	\$ -	\$ 14.79	\$ 307.88	\$ 45,258.36	4
34	4	Family Home	Inpatient Psychiatric	05/08/08		146	\$ 275.63	\$ 29.59	\$ -	\$ 11.83	\$ 317.05	\$ 46,289.30	4
35	3	Family Home	Inpatient Psychiatric	05/09/08		145	\$ 284.08	\$ 14.79	\$ -	\$ 34.00	\$ 332.87	\$ 48,266.15	1
36	2	Friend's Home	Payee	05/19/08		135	\$ 219.71	\$ 24.65	\$ -	\$ 15.94	\$ 260.30	\$ 35,140.50	4
37	6	Own Home	Community Protection	06/03/08	07/29/08	56	\$ 282.99	\$ 30.00	\$ -	\$ 20.00	\$ 332.99	\$ 18,647.44	4
38	5	Supported Living	Residential	06/04/08		118	\$ 461.94	\$ 19.69	\$ -	\$ 9.86	\$ 491.49	\$ 57,995.82	4
39	1	Grandparent's Home	Respite	06/18/08		106	\$ 239.32	\$ -	\$ 1.25	\$ -	\$ 240.57	\$ 25,500.42	2

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<u>Number</u>	<u>Region</u>			<u>Start Date</u>	<u>End Date</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>	
40	6	Parent's Home	Therapy	06/27/08		96	\$ 265.17	\$ 30.00	\$ 1.48	\$ 9.86	\$ 306.51	\$ 29,424.96	4
41	5	Family Home	JRA facility	07/01/08		92	\$ 341.73	\$ -	\$ 20.38	\$ 14.79	\$ 376.90	\$ 34,674.80	4
42	5	Supported Living	Inpatient Psychiatric	07/01/08		92	\$ 300.61	\$ 20.00	\$ 3.29	\$ 14.79	\$ 338.69	\$ 31,159.48	1
43	5	Foster Home	Foster Care	07/01/08		91	\$ 299.10	\$ 20.00	\$ 2.96	\$ 14.79	\$ 336.85	\$ 30,653.35	4
44	3	Foster Home	Foster Care	07/02/08		90	\$ 282.21	\$ -	\$ 6.18	\$ -	\$ 288.39	\$ 25,955.10	4
45	1	Supported Living	Inpatient Psychiatric	07/07/08		85	\$ 733.52	\$ 19.72	\$ -	\$ 5.59	\$ 758.83	\$ 64,500.55	1
46	1	Grandparent's Home	None	07/15/08		77	\$ 227.64	\$ 17.23	\$ 1.25	\$ -	\$ 246.12	\$ 18,951.24	4
47	6	Foster Home	Foster Care	07/17/08		75	\$ 554.70	\$ -	\$ -	\$ 9.86	\$ 564.56	\$ 42,342.00	4
48	4	Own Home	MPC	08/02/08		60	\$ 283.81	\$ -	\$ -	\$ 9.86	\$ 293.67	\$ 17,620.20	4
49	5	Parent's Home	Inpatient Psychiatric	08/13/08		49	\$ 258.60	\$ 55.62	\$ -	\$ -	\$ 314.22	\$ 15,396.78	1
50	6	Family Home	Diversion	08/13/08		49	\$ 269.48	\$ 30.00	\$ -	\$ 11.01	\$ 310.49	\$ 15,214.01	4
51	6	Supported Living	Inpatient Psychiatric	08/14/08		48	\$ 512.55	\$ 30.00	\$ -	\$ 9.86	\$ 552.41	\$ 26,515.68	1
52	3	Family Home	None	08/31/08		31	\$ 272.20	\$ 24.65	\$ 4.14	\$ 19.72	\$ 320.71	\$ 9,942.01	4
53	4	Family Home	Mental Health	08/31/08		31	\$ 306.94	\$ 55.98	\$ 1.31	\$ 11.83	\$ 376.06	\$ 11,657.86	4
Average for Proviso											\$ 357.41	\$3,247,613.95	
Total Clients = 53													
All days in service have been updated for 5th quarter.													

Code Type of Proviso Request

- 1 State hospital outplacement
- 2 Diversion for state hospital
- 3 Dangerously mentally ill offender
- 4 Individual residing in the community with community protection needs