



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

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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.

**COMMUNITY PROTECTION PROVISIO
FOURTH QUARTER – APRIL THRU JUNE 2008**

In the 2007-09 Biennium, the Legislature provided funds to provide community residential and support services for 112 clients. Funding for sixteen (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 April thru June 2008 quarter, DDD placed thirteen (13) individuals on this proviso for a fiscal year total of 36 new proviso placements that have utilized funding at an average daily rate of \$351.66 (see attached spreadsheet). There are also 16 individuals from the 2007 Supplemental Budget group that utilize funding from this proviso for a total of 52 people. There are currently 48 active people on this proviso.

We have started tracking people that leave the proviso and of the 52 people that have utilized funding under this proviso there have been three people from the new placements and one 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 thirteen (13) individuals placed this quarter: four (4) individuals met the criteria of state hospital outplacement, two (2) met the criteria of diversion from state hospital and seven (7) 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 #27 is a 43 year old female diagnosed with schizoaffective disorder, post traumatic stress disorder, panic disorder with mild agoraphobia, mild mental retardation, hypothyroidism, and allergic rhinitis. She has a history of assaultive behavior, conflicts with housemates and eloping when stressed and/or frustrated. Funds from this proviso are being utilized to provide supported living services.

**COMMUNITY PROTECTION PROVISIO
FOURTH QUARTER – APRIL THRU JUNE 2008**

Client #28 is a 19 year old male diagnosed with post traumatic stress disorder, depression, moderate mental retardation, fetal alcohol effects, static encephalopathy, and acne. He has a history of arrests for trespassing, burglary, assault, and malicious mischief. He also has a history of inappropriate and abusive behavior towards children and animals as well as eloping from supervision. Funds from this proviso are being utilized to provide community protection supported living services and therapy.

Client #29 is a 47 year old male diagnosed with bipolar affective disorder with mixed psychotic features, Asperger's syndrome, fetal alcohol syndrome, and mild mental retardation. He has a history of two convictions of unlawful imprisonment. He also has a history of harassment, physical assault, making bomb threats, and threats to harm women and children. Funds from this proviso are being utilized to provide community protection supported living services, therapy and employment services.

Client #34 is a 23 year old male diagnosed with polysubstance dependence, dysthymia, and mild mental retardation. He has a history of arrests for assault, minor in possession of alcohol, and disorderly conduct. He received treatment for alcohol and substance abuse as a teenager. Funds from this proviso are being utilized to provide supported living services, therapy and employment services.

Diversions from state hospital:

Client #24 is a 37 year old female diagnosed with paranoid schizophrenia, mild mental retardation, obesity, gastroesophageal reflux disease, and iron deficiency. She has a history of aggression toward housemates during times of increased paranoia. She has been supported in several adult family homes, however, these providers terminated services due to her aggression. Funds from this proviso are being utilized to provide supported living services and employment services.

Client #30 is a 22 year old female diagnosed with mood disorder, not otherwise specified, polysubstance abuse, and mild mental retardation. She has been convicted of false reporting of an emergency and assault (which was pled down from child molestation and furnishing liquor to a minor). She is a high utilize of hospital emergency room services and is at high risk for victimization without intensive support. Funds from this proviso are being utilized to provide community protection supported living services and therapy.

Individual residing in the community with community protection needs:

Client #25 is a 19 year old female diagnosed with attention deficit disorder, impulse control disorder, moderate mental retardation, and seizure disorder. She has a history of assault toward others, abusing animals, property destruction, and self-injurious behaviors. She has been supported in approximately 20 different

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foster homes due to her profound behavioral needs. Funds from this proviso are being utilized to provide community protection supported living services and therapy.

Client #26 is an 18 year old male diagnosed with fetal alcohol syndrome, mood disorder, post traumatic stress disorder, and mild mental retardation. He has admitted to raping his younger sister (charges pending) and attempting to molest children in his neighborhood. He also admitted to starting a fire while playing with a lighter. Funds from this proviso are being utilized to provide community protection supported living services and therapy.

Client #31 is an 18 year old male diagnosed with autism and mild mental retardation. He has a history of sexual contact with his younger sister and animals, wandering into stranger's homes, and exposing himself in public. Funds from this proviso are being utilized to provide community protection supported living services.

Client #32 is a 21 year old male diagnosed with attention deficit disorder, depression, and mild mental retardation. He was convicted of assault with sexual motivation is currently on probation. He was supported in an adult family home, however, this service is no longer available due to his behavioral issues. Funds from this proviso are being utilized to provide community protection supported living services, therapy and employment services.

Client #33 is a 29 year old male diagnosed with mild mental retardation and antisocial personality disorder. He was charged with Rape in the Third Degree, however, charges were dropped after he was found to be incompetent to stand trial. Funds from this proviso are being utilized to provide community protection supported living services, therapy and employment services.

Client #35 is a 35 year old male diagnosed with mild mental retardation. He is a Level 2 Registered Sex Offender due to a conviction of child molestation. He has also been convicted of burglary (pled down from attempted rape). This client had been supported in community protection programs in Region 2 (in 2002) and Region 4 (from 2003-2005), however, he left both programs to reside with his father. He requested to reenter the program in 2008. An updated psychosexual assessment found him to be at high risk to reoffend without therapy and treatment for substance abuse. Funds from this proviso are being utilized to provide community protection supported living services, therapy and employment services.

Client #36 is a 31 year old male diagnosed with attention deficit hyperactivity disorder and mild mental retardation. He has a history of numerous arrests for assault against staff and housemates. Funds from this proviso are being utilized to provide community protection supported living services, therapy and employment services.

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The following are descriptions of three (3) clients inadvertently left off previous reports:

State Hospital Outplacement:

Client #21 is 50 year old male diagnosed with schizoaffective disorder, Tourette syndrome, mental retardation, post hernia repair, bilateral hearing impairment, rheumatoid arthritis in both knees and hands and hypertension. He had lived successfully in the community with minor supports, however, his increasing mental and physical health needs now require more intensive supports. Funds from this proviso are being utilized to provide supported living services, therapy and employment services.

Individual residing in the community with community protection:

Client #22 is an 18 year old male diagnosed with attention deficit disorder, anxiety disorder, depression, conduct disorder, and mild mental retardation. He has a history of sexually assault toward siblings, sexually inappropriate behavior toward peers at school, physical assault, property destruction, fire setting, and verbal abuse. Funds from this proviso are being utilized to provide community protection supported living services and therapy.

Client #23 is an 18 year old male diagnosed with Asperger's syndrome and mild mental retardation. He was found incompetent to stand trial on a charge of Attempted First Degree Arson. He has a history of verbal threats toward family members, property destruction, exposing himself in public, inappropriate touching of peers, and elopement. Funds from this proviso are being utilized to provide community protection supported living services and therapy.

STATE HOSPITAL ADMISSIONS ACTIVITY

There were five (5) admissions to WSH in the April through June 2008 reporting period. Two (2) admissions were for court-ordered competency restoration under Chapter 10.77 RCW and three (3) clients 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 four (4) discharges during the reporting period.

At Eastern State Hospital, for the same reporting period, three (3) individuals were admitted for court-ordered competency restoration under Chapter 10.77 RCW and four individuals were admitted for involuntary psychiatric treatment under Chapter 71.05 RCW. There were six (6) discharges during the reporting period.

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

<u>Hospital & CPP Outplacements</u>		<u>Previous</u>		<u>Residential</u>		<u>Number of Days in Service</u>	<u>Type of Services</u>				<u>Expenditures</u>		<u>Type of Proviso Request</u>
<u>Number</u>	<u>Region</u>	<u>Residence</u>	<u>Supports</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		366	\$ 505.18	\$ -	\$ -	\$ -	\$ 505.18	\$ 184,895.88	2
2	4	Own Home	Supported Living	08/16/07		319	\$ 284.30	\$ 24.33	\$ -	\$ 11.83	\$ 320.46	\$ 102,226.74	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		305	\$ 238.59	\$ -	\$ -	\$ -	\$ 238.59	\$ 72,769.95	2
5	6	Relative's Home	Community Protection	08/31/07		304	\$ 309.17	\$ -	\$ 1.25	\$ -	\$ 310.42	\$ 94,367.68	4
6	3	Parent's Home	Community Protection	09/07/07	10/17/07	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		274	\$ 280.53	\$ 24.65	\$ -	\$ 11.83	\$ 317.01	\$ 86,860.74	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		245	\$ 262.51	\$ 30.00	\$ 0.66	\$ 0.82	\$ 293.99	\$ 72,027.55	2
10	6	Foster Home	Foster Care	10/30/07		245	\$ 309.17	\$ -	\$ 1.25	\$ -	\$ 310.42	\$ 76,052.90	4
11	5	Own Home	Inpatient Psychiatric	11/09/07		233	\$ 462.58	\$ 19.99	\$ 10.19	\$ -	\$ 492.76	\$ 114,813.08	1
12	4	Parent's Home	Community Protection	11/28/07		215	\$ 256.25	\$ -	\$ -	\$ 11.83	\$ 268.08	\$ 57,637.20	4
13	1	Supported Living	Residential	12/01/07		212	\$ 188.40	\$ -	\$ -		\$ 188.40	\$ 39,940.80	4
14	2	Parent's Home	Vocational	12/21/07		191	\$ 263.27	\$ 17.09	\$ 1.28	\$ 4.27	\$ 285.91	\$ 54,608.81	2
15	6	Relative's Home	Family Support	01/24/08		159	\$ 236.52	\$ -	\$ -	\$ 11.51	\$ 248.03	\$ 39,436.77	4
16	2	Adult Family Home	Residential	01/28/08		155	\$ 263.52	\$ 24.65	\$ -	\$ 11.15	\$ 299.32	\$ 46,394.60	4

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<u>Number</u>	<u>Region</u>	<u>Residence</u>	<u>Supports</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>	
17	4	Relative's Home	Community Protection	02/01/08		152	\$ 293.41	\$ -	\$ -	\$ -	\$ 293.41	\$ 44,598.32	4
18	6	Supported Living	Inpatient Psychiatric	02/06/08		147	\$ 417.26	\$ 30.00	\$ -	\$ 15.00	\$ 462.26	\$ 67,952.22	1
19	1	Foster Home	Foster Care	02/11/08		142	\$ 314.59	\$ -	\$ -	\$ 11.77	\$ 326.36	\$ 46,343.12	4
20	1	Foster Home	Residential	02/20/08		133	\$ 482.20	\$ -	\$ -	\$ 17.03	\$ 499.23	\$ 66,397.59	4
21	6	Adult Family Home	Inpatient Psychiatric	03/13/08		108	\$ 292.01	\$ 30.00	\$ -	\$ 9.88	\$ 331.89	\$ 35,844.12	1
22	4	Foster Home	Residential	03/14/08		107	\$ 268.18	\$ -	\$ -	\$ 11.83	\$ 280.01	\$ 29,961.07	4
23	5	Family Home	Respite	03/14/08		107	\$ 304.49	\$ -	\$ 6.57	\$ 14.79	\$ 325.85	\$ 34,865.95	4
24	6	Adult Family Home	Residential	04/01/08		91	\$ 259.27	\$ 16.93	\$ 11.51	\$ -	\$ 287.71	\$ 26,181.61	2
25	6	Foster Home	Foster Care	04/01/08		91	\$ 471.15	\$ -	\$ 19.72	\$ 12.16	\$ 503.03	\$ 45,775.73	4
26	4	Foster Home	Foster Care	04/07/08		84	\$ 240.81	\$ -	\$ -	\$ 11.83	\$ 252.64	\$ 21,221.76	4
27	1	Supported Living	Inpatient Psychiatric	04/10/08		81	\$ 341.19	\$ -	\$ -	\$ -	\$ 341.19	\$ 27,636.39	1
28	1	Supported Living	Inpatient Psychiatric	04/14/08		77	\$ 395.40	\$ -	\$ -	\$ 23.67	\$ 419.07	\$ 32,268.39	1
29	1	Supported Living	Inpatient Psychiatric	04/25/08		66	\$ 794.63	\$ 17.06	\$ -	\$ 13.15	\$ 824.84	\$ 54,439.44	1
30	3	Family Home	Diversion	05/02/08		60	\$ 293.54	\$ -	\$ -	\$ 31.56	\$ 325.10	\$ 19,506.00	2
31	4	Family Home	Inpatient Psychiatric	05/07/08		55	\$ 269.22	\$ -	\$ -	\$ -	\$ 269.22	\$ 14,807.10	4
32	5	MH Housing	Residential	05/07/08		55	\$ 273.40	\$ 19.69	\$ -	\$ 14.79	\$ 307.88	\$ 16,933.40	4
33	4	Family Home	Inpatient Psychiatric	05/08/08		54	\$ 275.63	\$ 29.59	\$ -	\$ 11.83	\$ 317.05	\$ 17,120.70	4
34	3	Family Home	Inpatient Psychiatric	05/09/08		53	\$ 284.08	\$ 14.79	\$ -	\$ 34.00	\$ 332.87	\$ 17,642.11	1

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<u>Number</u>	<u>Region</u>	<u>Residence</u>	<u>Supports</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>	
35	2	Friend's Home	Payee	05/19/08		43	\$ 219.71	\$ 24.65	\$ -	\$ 15.94	\$ 260.30	\$ 11,192.90	4
36	5	Supported Living	Residential	06/04/08		26	\$ 461.94	\$ 19.69	\$ -	\$ 9.86	\$ 491.49	\$ 12,778.74	4
							\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Average for Proviso											\$ 351.66	\$ 1,719,009.49	

Total clients = 36

All days in service have been updated for 4th 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