

United States v. Georgia

NASMHPD Legal Division April 14, 2011

History

 Voluntary Compliance Agreement with HHS Office for Civil Rights signed July 1, 2008 on <u>Olmstead</u> claims.

 CRIPA Settlement Agreement with US DOJ signed January 15, 2009 for 7 hospitals with MH, DD, and Forensic units.

History

ADA lawsuit filed January 28, 2010, while CRIPA compliance monitoring was ongoing.

ADA Settlement Agreement signed October 29, 2010.

CRIPA Agreement still stands -VCA with OCR is superceded by ADA Agreement.

Georgia by the Numbers

9.7 million people in 2010
5 cities of 100,000+
159 counties, many of which are rural
Largest state east of Mississippi River

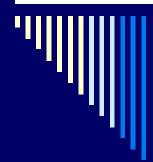
6 Regions for Department of Behavioral Health and Developmental Disabilities (DBHDD)7 State Hospitals, most with DD, MH and Forensic units

DD hospital population during negotiations = 790 MH hospital population = about 430 ACL Forensic Beds = 590

Georgia ADA Agreement

Substantive Provisions:

- 1. Serving persons with Developmental Disabilities in the community
- 2. Serving persons with Mental Illness in the community
- 3. Transition Planning
- 4. Quality Management



Target Population:

Individuals with a primary diagnosis of DD who are currently in State Hospitals and those who are at risk of hospitalization in State Hospitals.

□ FY 2011

- Cease new DD admissions to State Hospitals.
- 150 waivers for persons in hospitals.
- 400 family supports.
- □ FY 2012
 - 150 waivers for persons in hospitals.
 - 100 waivers for persons in community.
 - 450 additional family supports.
 - 6 mobile crisis teams.
 - 5 crisis respite homes (4 beds per home).

FY 2013

- 150 waivers for persons in hospitals.
- 100 waivers for persons in community.
- 500 additional family supports.
- 4 additional crisis respite homes.
- Program to educate judges about community placements.

□ FY 2014

- 150 waivers for persons in hospitals.
- 100 waivers for persons in community.
- 500 additional family supports.
- 3 additional crisis respite homes.

□ FY 2015 – Final Year

- 150 waivers for persons in hospitals.
- 100 waivers for persons in community.
- 500 additional family supports.
- DD persons remaining in hospitals to be served in a setting most appropriate to their needs.

Mental Health Services

Target population: approximately 9,000 people with Serious and Persistent Mental Illness ("SPMI") by July 1, 2015 who are:

- Currently served in hospitals
- Frequently readmitted
- Frequently seen in Emergency Rooms
- Chronically homeless
- Released from jails or prisons.

Mental Health Services

Housing
July 1, 2015: capacity for 9,000.
60%: two-bedroom apartment.
50% scattered site housing (no more than 20%).

Must be a DBHDD and state housing agency collaboration.

- 18 ACT Teams (up 2 from status quo)
- Intensive Case Management Team
- 100 persons receiving state funded housing assistance
- 90 persons receiving bridge funding
- 70 persons receiving supported employment

□ 20 ACT Teams (+2) 2 Community Support Teams (new) <u>2 Intensive Case Management Teams (+1)</u> 5 Case Management Services (new) 1 additional crisis stabilization program 500 state-funded assisted housing (+400) 360 bridge funding (+270) 170 supported employment (+100) 235 persons receiving peer supports (new) 35 community beds funded (new) Statewide network analysis

- 22 ACT Teams (+2)
- 4 Community Support Teams (+2)
- □ 4 Intensive Case Management Teams (+2)
- □ 15 Case Management Services (+10)
- □ 2 new crisis stabilization programs (+1)
- □ 1 additional crisis service center (new)
- □ 800 state-funded assisted housing (+300)
- **270 bridge funding (-90)**
- □ 440 supported employment (+270)
- **535 persons receiving peer supports (+300)**
- □ 6 crisis apartments (new)
- 91/159 counties with mobile crisis service coverage (new)

- 8 Community Support Teams (+4)
- 8 Intensive Case Management Teams (+4)
- □ 25 Case Management Services (+10)
- □ 3 new crisis stabilization programs (+1)
- □ 3 additional crisis service center (+2)
- □ 1,400 state-funded assisted housing (+600)
- □ 540 bridge funding (+270)
- □ 500 supported employment (+60)
- □ 835 persons receiving peer supports
- □ 12 crisis apartments (+6)
- 126/159 counties with mobile crisis service coverage (+35)

14 Intensive Case Management Teams (+6) 45 Case Management Services (+20) 6 new crisis service centers (+3) \square 2,000 state-funded assisted housing (+600) 540 bridge funding (+0) 550 supported employment (+50) 18 crisis apartments (+6) All 159 counties with mobile crisis service coverage (+33)

Mental Health Services

- DBHDD to establish responsibilities of CSBs and community providers through contracting.
- Conduct a cost rate study of provider reimbursement rates.
- Require and/or provide training to CSBs and other community providers.
- Quality management plan and implementation.
- Enhanced coordination for transition planning.

Independent Reviewer

Dr. Elizabeth Jones, Washington DC
No authority of the court
Issue annual report of compliance
Must confer with parties before filing reports or budget with the court
FY 2012 budget: expected at \$250,000

Termination of Agreement

July 1, 2015: anticipated date of compliance
45 day notice-and-cure provision
Lack of funds defense
Non-compliance →relitigate