



# United States v. Georgia

**NASMHPD Legal Division**  
**April 14, 2011**

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# History

1. Voluntary Compliance Agreement with HHS Office for Civil Rights signed July 1, 2008 on Olmstead claims.
  2. CRIPA Settlement Agreement with US DOJ signed January 15, 2009 for 7 hospitals with MH, DD, and Forensic units.
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# 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VCA with OCR is superceded by ADA Agreement.

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# 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

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# 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
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# Developmental Disability Services

## 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.

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# Developmental Disability Services

- 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).
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# Developmental Disability Services

## □ 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.
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# Developmental Disability Services

## □ 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.
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# 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.
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# 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.
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# Mental Health Services FY '11

- 18 ACT Teams (up 2 from status quo)
  - 1 Intensive Case Management Team
  - 100 persons receiving state funded housing assistance
  - 90 persons receiving bridge funding
  - 70 persons receiving supported employment
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# Mental Health Services FY '12

- ❑ 20 ACT Teams (+2)
  - ❑ 2 Community Support Teams (new)
  - ❑ 2 Intensive Case Management Teams (+1)
  - ❑ 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
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# Mental Health Services FY '13

- ❑ 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)
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# Mental Health Services FY '14

- ❑ 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)
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# Mental Health Services FY '15

- 14 Intensive Case Management Teams (+6)
  - 45 Case Management Services (+20)
  - 6 new crisis service centers (+3)
  - 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)
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# 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.
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# 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
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# Termination of Agreement

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