



7800 Shoal Creek Blvd., Suite 171-E
Austin, TX 78757
voice: 512.454.4816
fax: 512.323.0902
www.DisabilityRightsTx.org

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CONTACT: Haley Watkins, advocate supervisor, 512-407-2714

DOJ COMPLIANCE REVIEW SHOWS NO IMPROVEMENTS AT RICHMOND SSLC

Austin, TX – The Texas Department of Aging and Disability Services (DADS) has released a monitoring report indicating people with intellectual and developmental disabilities living in the Richmond State Supported Living Center (SSLC) are at high risk for abuse and neglect due to the facility's significant noncompliance on basic health and safety provisions.

A year and a half since the implementation of the U.S. Department of Justice (DOJ) settlement agreement with DADS, which was established to ensure residents' mental and physical health and safety, the Richmond SSLC was found to be compliant in only 17 of 171 provision areas. The previous report, from December 2010, showed compliance in the exact same number of provisions, indicating absolutely no progress since the last review

During the last six months, the Richmond facility gained compliance in four areas, but simultaneously lost it in four others, resulting in no increase in overall compliance. Lapsed provision areas were related to protection from harm – abuse, neglect and incident management.

The settlement agreement delineates specific deadlines by which compliance must be met for each of the 171 provisions, ranging from 2009 through 2013. These deadlines require the Richmond SSLC already to have met standards in 149 provision areas; the facility was found to be out of compliance in 126 of those provisions, resulting in noncompliance outside of settlement agreement deadlines in 85 percent of those areas.

Monitors indicated the following significant failures at the Richmond SSLC:

- The facility's use of restraints, especially the use of chemical restraint, remained high. Further, nursing staff were not correctly monitoring individuals in restraints, placing them at risk.
- Staff members were not found competent in understanding signs and symptoms of abuse, their responsibilities with regard to reporting abuse and the reporting procedures.
- Assessments of residents' behavior, intellectual ability, adaptive ability and mental illness continued to reflect the same weaknesses noted during the baseline site visit (conducted 18 months prior).
- The facility did not have a sufficient number of psychiatrists to provide adequate levels of care to residents.
- Clinical records often did not indicate the reasons that various psychotropic medications were prescribed, and medication treatments were not linked to specific behavioral characteristics of proposed disorders.
- The facility did not track new prescriptions of psychotropic medications or changes in dosage and could not ensure side effects were properly tracked.
- Staff did not implement physical and nutritional management interventions designed to prevent swallowing difficulties and/or increased risk of aspiration, resulting in increased risk of harm.
- The facility was not providing quality oral hygiene services to residents in the living areas. Further, since January 2011, more than 350 residents had not received scheduled dental services.

"The new Richmond report indicates a complete failure to improve the health and safety needs of residents at the facility," said Haley Watkins, advocate supervisor at Disability Rights Texas, the federally designated legal protection and advocacy agency for Texans with disabilities.

“After more than 18 months, the Richmond facility remains outside the compliance deadline in 149 provision areas,” Watkins added. “With no progress made in the last six months, it seems unlikely that improvements can be made to bring the Richmond facility into compliance within the mandated timelines.”

Numerous organizations have joined Disability Rights Texas in calling for a moratorium on new civil admissions to SSLCs, including The Arc of Texas, Texas Council for Developmental Disabilities, Easter Seals Central Texas, Coalition of Texans with Disabilities, Texas Advocates, University of Texas Center for Disability Studies, Texas A&M Center on Disability and Development, Community Now! and ADAPT of Texas.

In 2009, the DOJ and the state of Texas entered into a settlement agreement covering all 13 state-run facilities. The settlement agreement requires the state of Texas to ensure that protections, supports and services in medical, therapeutic and habilitative services (among other areas) do not substantially depart from the generally accepted professional standards of care. It also requires that residents of state supported living centers receive the most appropriate level of care and service while they are in the institution and that they have the choice to transition to the most integrated community placement possible, as is appropriate to their individual needs.

In accordance with the agreement, three teams of intellectual and developmental disabilities professionals are to conduct on-site compliance monitoring visits every six months at each of the 13 state facilities providing services to people with disabilities. Following these visits, the teams issue monitoring reports indicating the facilities’ level of compliance in providing generally accepted professional standards of care to residents.

Monitors continue to find significant gaps in care and safety at each of these facilities, including the Richmond SSLC.

For more information on the July 21, 2011, Richmond SSLC Monitoring Team Report, visit www.dads.state.tx.us/monitors/reports/index.html.

For additional information on how all the state supported living centers are performing, visit the Disability Rights Texas onsite Press Room at www.disabilityrightstx.org/who-we-are/press-room/.

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Disability Rights Texas is a nonprofit disability advocacy organization that protects and advances the legal, human and service rights of Texans with a broad range of disabilities. Disability Rights Texas is federally funded and designated as the protection and advocacy agency (P&A) for the state of Texas. In March 2011, the agency changed its name from Advocacy Inc. to Disability Rights Texas.