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AUSTIN SSLC SHOWS NO IMPROVEMENTS IN THIRD ROUND COMPLIANCE REVIEW

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 Austin State Supported Living Center (SSLC) remain at high risk for abuse and neglect due to the facility's continued noncompliance on basic health and safety provisions.

More than two years 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 Austin SSLC was found to be compliant in only 18 of 171 provision areas, a mere 11 percent of all areas. The Austin facility was found compliant in 18 of 171 provisions in the two previous six-month reviews as well. As such, the center has made no notable progress since the first report was issued in November 2010.

In the six months since the last report, the Austin facility actually backtracked in three provision areas, losing compliance in areas related to protection from harm – abuse, neglect and incident management; and serving institutionalized persons in the most integrated setting appropriate to their needs.

The DOJ 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 Austin SSLC already to have met standards in 138 provision areas; the facility was found to be out of compliance in 120 of those provisions, resulting in noncompliance outside of settlement agreement deadlines in 87 percent of areas.

The following significant failures were reported at the Austin SSLC:

- "Little progress had been made in some of the areas that are key to providing individuals with safe, meaningful lives with opportunities for growth and development, as well as complying with the Settlement Agreement."
- Throughout the site visit, monitors noted repeated examples of the failure to develop and implement strategies to correct environmental and other deficiencies that contributed to increased levels of risk for the individuals living at the facility.
- The Monitoring Team determined that the data regarding the use of restraint were seriously flawed and there was no evidence of improved outcomes.
- No progress was made in improving common elements of clinical care; monitors found the lack of any attempts to address this section during the last two years "striking."
- Only seven of the 351 individuals (2 percent) living at the Austin SSLC received direct physical therapy services.
- "There were no quarterly medical reviews completed," and "very few functional behavior assessments had been completed since the last visit."
- No appreciable progress was made in areas related to nursing health management plans, nursing assessments and documentation in response to changes in status, and the quality and timeliness of nursing assessments.
- Physical and nutritional management plans for the individuals identified at high risk for aspiration did not include adequate strategies to support safety in daily activities.
- "During the last two reviews, the Monitoring Team raised concerns related to the absence of resources for individuals who were deaf and/or significantly hearing impaired. This concern continued to be warranted."

“This new compliance review of the Austin facility is significant in that it indicates the facility has completely stalled in its efforts to meet the health and safety needs of residents,” said Beth Mitchell, supervising attorney for Disability Rights Texas, the federally designated legal protection and advocacy agency for Texans with disabilities.

“The facility’s lack of progress is truly disheartening, given how little time they have left to gain compliance,” Mitchell added. “It is incomprehensible to me how the facility could make the necessary improvements to the protections, supports and services provided to residents by the mandated DOJ deadline.”

For more information on the Feb. 20, 2012, Austin 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.