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FOR IMMEDIATE RELEASE

November 7, 2011

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BREHAM SSLC SHOWS LITTLE IMPROVEMENT 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 Brenham 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 Brenham SSLC was found to be compliant in only 31 of 171 provision areas, a mere 18 percent of all areas.

In the six months since the last compliance review, the Brenham backtracked in two critical provision areas, losing compliance in areas related to protection from harm – abuse, neglect and incident management, and psychiatric care and services.

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 Brenham SSLC already to have met standards in 144 provision areas; the facility was found to be out of compliance in 113 of those provisions, resulting in noncompliance outside of settlement agreement deadlines in 78 percent of those areas.

Monitors indicated the following significant failures at the Brenham SSLC:

- The use of restraints for crisis intervention increased at the facility. In addition, little improvement had been made in the management processes associated with medical restraints and little data were being tracked.
- Investigations of abuse and neglect were not initiated within the required 24 hour time period (or sooner, if necessary) for discovery/reporting.
- The investigation process for reviewing serious injuries needs significant improvements.
- "In 76 percent of records sampled, risk assessments were not conducted within five working days of risk identification or a change in circumstances" for at-risk individuals.
- Personal support plans did not consistently specify individualized, observable and/or measurable goals/objectives, the treatments or strategies to be employed, and the necessary supports needed to attain identified goals.
- "Only about 55 percent of individuals who received psychotropic medication had received psychiatric evaluations; only 31 evaluations had been completed, but there were 168 individuals who needed them."
- Dental policies and procedures were inadequate; oral health and dental services were not properly provided.
- Individuals were not provided with a comprehensive assessment that focused on nutritional health status, oral care, medication administration, mealtime strategies, proper alignment, and positioning during the course of the day and during nutritional intake.
- Staff was observed not using safe practices that minimize the risk of physical and nutritional management decline. Individuals were poorly positioned during meals, and staff did not use safe dining strategies.

"The Brenham facility's continued lack of progress in meeting the health and safety needs of residents is alarming, given how little time they have left to gain compliance," said Beth Mitchell, supervising attorney for Disability Rights Texas, the federally designated legal protection and advocacy agency for Texans with disabilities.

"To date, the Brenham facility remains outside the compliance deadline in 78 percent of all provision areas," Mitchell noted. "It seems improbable that the necessary improvements can be made to bring the Brenham facility into compliance within the mandated DOJ timelines."

For more information on the Oct. 12, 2011, Brenham 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.