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MEXIA SSLC BACKTRACKS 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 Mexia 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 Mexia SSLC was found to be compliant in only 28 of 171 provision areas, a mere 16 percent of all areas. The previous six-month report indicated compliance in 24 provision areas.

During the period between reports, the Mexia facility gained compliance in four new areas, but simultaneously lost it in four others, including protection from harm – restraints; protection from harm – abuse, neglect and incident management; integrated protection, services, treatment and supports; and pharmacy services and safe medication practices.

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 Mexia SSLC already to have met standards in 139 provision areas; the facility was found to be out of compliance in 111 of those provisions, resulting in noncompliance outside of settlement agreement deadlines in 80 percent of those areas.

The following significant failures were reported at the Mexia SSLC:

- Monitors expressed concern that "individuals at the facility were at high risk for harm in their current environment."
- A total of 1,590 injuries reported between Feb. 1, 2011 and July 31, 2011, including 25 serious injuries resulting in fractures or sutures.
- DFPS conducted investigations of 818 allegation of abuse, neglect or exploitation in the past six months.
- During the same time period, restraints were used 499 times; of them, 312 were physical restraints, 150 were the use of mittens or helmets, and 37 were chemical restraints.
- "There were many occasions when nurses, as well as direct care staff members, failed to properly implement planned interventions, policies and procedures to ensure individuals' health and safety."
- Monitors found the facility had made "little progress toward establishing a comprehensive quality assurance program."
- "Medication errors remained a serious cause for concern." The pharmacy department demonstrated limited progress, and several areas showed signs of regression.

"The Mexia facility has lost significant ground in meeting 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 shocking, given how little time they have left to gain compliance,” Mitchell added. “To date, the Mexia facility remains outside the compliance deadline in 80 percent of all provision areas. It seems all but impossible for them to obtain compliance by the mandated DOJ deadline.”

For more information on the Dec. 6, 2011, Mexia 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.