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SAN ANTONIO STATE SUPPORTED LIVING CENTER SHOWN TO BE LOSING GROUND IN LATEST COMPLIANCE REVIEW

Austin, TX – The Texas Department of Aging and Disability Services (DADS) recently released a monitoring report that indicated people with intellectual and developmental disabilities living in the San Antonio State Supported Living Center (SSLC) are at greater risk of abuse and neglect due to significant noncompliance in basic health and safety provisions. Most worrisome, the facility actually lost compliance in five areas since the last six-month review.

The report showed the San Antonio facility was compliant in only 16 of 162 provisions addressed in the U.S. Department of Justice (DOJ) settlement with DADS, which was established to ensure residents' mental and physical health and safety while confined to the facility. The previous report, dated Oct. 8, 2010, showed compliance in 21 of the 162 areas. Compliance was lost in areas related to protection from harm abuse, neglect and incident management, as well as integrated protections, services, treatments and supports.

According to the latest report, the San Antonio SSLC has failed to attain or sustain compliance in psychological care and services; medical, dental and nursing care; pharmacy services and safe medication practices; minimum common elements of physical and nutritional management; physical and occupational therapy; habilitation, training, education and skills acquisition programs; integrated clinical services; minimum common elements of clinical care; care policies for at-risk individuals; communication; consent; record keeping and general plan implementation; integrated protections, services, treatments and supports; and quality assurance.

Monitors indicated the following significant failures:

- The number of restraints, particularly chemical restraints, had increased since the last monitoring visit.
- During the second half of 2010, investigations were conducted for 114 cases of abuse, neglect or exploitation. These 114 cases included 191 allegations involving 102 individuals identified as potential victims and 127 staff identified as possible perpetrators.
- Records indicated more than 100 medication errors at the facility each month.
- Feeding errors routinely occurred during meals, primarily related to position and alignment, as well as assistance techniques, adaptive equipment, and diet texture and liquid consistency.
- Not all individuals who needed alternative and augmentative communication (ACC) supports and services received them; at least 160 individuals were identified as nonverbal or minimally verbal who would benefit from AAC supports and services.
- Psychologists at the facility did not appear to be competent in applied behavior analysis, as evidenced by the absence of professional certification and quality behavior support plans for residents.

"This new monitoring report underscores the major health and human rights violations of the people residing in Texas' state supported living centers," said Beth Mitchell, supervising attorney for Disability Rights Texas, the federally designated legal protection and advocacy agency for Texans with disabilities. "Given the budget crunch our state is facing, I fear these violations will only worsen."

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, among other areas, medical, therapeutic, and habilitative services do not substantially depart from the generally accepted professional standards of care. It also requires that residents of SSLCs 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 San Antonio State Supported Living Center.

"The disability rights community will continue to hold these facilities accountable for providing inadequate levels of care and service to their residents," said Mary Faithfull, executive director of Disability Rights Texas. "More than 4,200 people live in Texas' SSLCs. They are the invisible members of our community, but their dignity, their worth is as great as yours or mine."

For more information on the April 11, 2011, San Antonio SSLC Monitoring Team Report, visit www.dads.state.tx.us/monitors/reports/index.html.

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Disability Rights Texas is a nonprofit disability rights 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.