

PAIMI Advisory Council Meeting Minutes

The PAIMI Advisory Council (PAC) met at 9:30 a.m. on June 7, 2011 at the Office of Protection and Advocacy for Persons with Disabilities.

Present: Elizabeth Larsen, Barbara Sloan, Alicia Woodsby, Kirk Lowry, Marcia McIntosh, Jennifer Henry, Marisa Walls, Tom Behrendt and Jerilyn Newson

Absent Muriel Tomer, Sandy Chapman, Wallace Peterson, Lorna Grivois, Roy Lee, and Kim Guy

Staff: Bruce Garrison, PAIMI Assistant Program Director, James McGaughey, Executive Director, Gretchen Knauff, Assistant Director and Nancy Alisberg, Managing Attorney, Kathleen Tetreault, Legal Intern

CALL TO ORDER

The PAIMI Advisory Council (PAC) meeting was called to order at 9:40 a.m. The minutes from the March 8, 2011 and April 5, 2011 meetings were approved as written.

There was an introduction of the PAIMI Advisory Council and OPA and PAIMI staff.

Work Plan Implementation: Identifying Priorities and Work Groups

Bruce G. explained the work plan and stated that the matrix expands on what the advocates are doing in the PAIMI unit. The following are 4 priority related workgroups/subcommittees that have been identified. PAC members are asked to join one or more of these groups.

1. Restraint and Seclusion Work Group

Bruce G. stated that PAIMI receives reports of serious injury or death related to restraint and/or seclusion of children in residential treatment facilities or in the care and custody of certain state agencies. PAIMI staff reviews and has investigated incidents that come to the agency's attention. The use of prone restraint is causing serious injury to children. The goal of the work group is to change the way children are being treated in these facilities and bring in consultants to help develop plans to decrease with the goal of eliminating restraint.

Tom B. asked if PAIMI looked at out of state placements. Bruce G. said yes. Bruce mentioned a report from a facility in MA that was received on 5/19/2011 and 5/25/2011.

Tom B. recommended that Riverview be used as a model facility to work toward eliminating the use of restraints. He suggested giving Riverview an award if they continue decreasing the use of restraints. Bruce stated that one goal is to get the children not to be referred to the Psychiatric Residential treatment Facility (PTRF) in the first place – See the PAIMI Assistant Program Director’s report.

2. Forum Work Group

The priorities include a forum on health care issues for people with mental illness. Bruce stated that one forum has already been completed. PAIMI staff met with members of a social club to discuss issues they have experienced in trying to access healthcare. The forum discussion included topics such as physical health care, mental health services, entitlements and how the consumer can deal with his or her own care.

PAC members related different experiences with the health care system. One member reported going to the hospital for a physical illness and ended up in the psychiatric hospital. Other agreed that they have been treated as incompetent by emergency room staff because they have a mental illness.

Tom described a project to address issues at various hospitals.

3. Parent Training Work Group

Members of the PAIMI staff have been collaborating with various agencies to develop a curriculum for training parents of children with mental illness. The group has convened and is now ready to develop the actual training.

4. Facility Report Card Work Group

PAC members developed a “report card” instrument that is used to assess certain aspects and conditions at inpatient treatment facilities at hospitals in Connecticut. The workgroup will continue the site visits and look at the data to identify trends and make recommendations.

Elizabeth L. spoke about the final summarization of the Backus Hospital review. She commended Jennifer H. volunteering to assist with the follow up and for her skill in completing the review. She also stated that the hospital did a phenomenal job at developing changes.

Barbara S. will be going to Bridgeport Hospital. Elizabeth L. and Jennifer H. will be reviewing Natchaug Hospital.

Assignment of Council Members to Work Group and Meeting Schedule

- 1. Restraint and Seclusion Work Group** – Alicia W., Kirk L., Jerilyn N. and Tom B.
- 2. Forum Work Group** – Tom B., Alicia W. and Barbara S.
- 3. Parent Training Work Group** – Marissa W. and Marcia McI. (Tom B. recommended Martha Stone, Center for Children Advocacy and Ann Blanchard)
- 4. Facility Report Card Work Group** – Elizabeth L. and Jennifer H., Alicia W. and Jerilyn N., Barbara S. and Marcia McI., Muriel T. and Kimberly G

James McGaughey – Executive Director’s Report

- James McG. thanked the PAC members for calling the Governor’s Office to request that he not eliminate OPA. It has yet to be ratified and the issue may be back to Plan B at the end of June.
- OPA pursued the issues revealed in the agency’s investigation reports of children seriously injured when being restrained or placed in seclusion. OPA/PAIMI staff had a meeting with representatives of the Department of Children and Families and Klingberg. There are a number of issues with leadership in both agencies; both agencies are in a state of flux. There may have to be more meetings. OPA/PAIMI would like to host a conference on eliminating restraint and seclusion including speakers from other parts of the country.
- OPA is involved with a family that is seeking answers in the death of a family member in a facility that has been investigated by other protection and advocacy agencies in the United States. There are a lot of questions about what the facility is doing. OPA has probable cause to investigate this institution. There are a number of people who are in this facility through DMHAS.
- James McG. sent a letter to the State Department of Education (SDE). He will send the PAC a copy of the letter and the response from SDE –
- The Residential Care Homes bill died during the 2011 Legislative Session. It would have allowed lay advocates the right to represent individuals at hearings with the Department of Public Health. Jan VanTassel and James McG. will get together and figure out what happened and how to be more successful in 2012. Elizabeth L. volunteered to assist in whatever capacity she is needed.

Nancy Alisberg – Managing Attorney’s Report

OPA v CT – Unable to speak about the case at the moment.

Bolmer v. Oliveira – Nancy gave a brief description of the case. The case against Danbury Hospital was lost in 2008 in the District Court when the judge granted Danbury Hospital’s Motion for a Summary Judgment. We appealed the case in April, 2011 and Danbury Hospital claims that the appeal was filed too late. For a variety of reasons we do not believe that the

appeal was filed too late, and the district court judge agreed with us. However, at the urging of the Second Circuit staff attorney, Danbury Hospital is going to file a motion in the Second Circuit to dismiss the case. Waiting for Danbury to file a motion to appeal.

Gross v. Rell – Still waiting for an argument date. The argument will not happen until the fall.

VOPA v. Stewart – The Supreme Court reversed the Fourth Circuit Court ruling and said the 11th amendment doesn't prohibit this kind of action. The vote was 6 to 2. P&A may now sue state agencies.

Bruce Garrison – Assistant Program Director's Report

There was no time at the end of the meeting. The following is taken from a written report given to members of the PAC.

Restraint and Seclusion

Mid April I attended a meeting with the State Department of Education with Ann Louise Thompson and Acting Commissioner George Coleman. I made available the completed PRTF Investigation reports and Jim invited them to the table with DCF to address the provision of Positive Behavioral Supports as a means to reduce and eliminate the use of restraints and seclusion in programs they fund. Data collection and developing a reliable way to measure and report incidents of injury through the use of aversive procedures were discussed. A return meeting is planned to follow up the report recommendations.

Avoiding PRTF Placement

E.W. a 15 year old girl attending an area high school with psychiatric disabilities was having great difficulty functioning in the regular education environment. Her needs were described as unsafe and out of control. The district was trying to establish a case for why E.W. should be placed in a PRTF where her needs could be met in a "more specialized facility". I contacted a specialist with knowledge and experience working with children with mental health needs in the school setting. The specialist completed a functional assessment of E.W. and the needs of school personnel who were instrumental in supporting the student. She made recommendations for an appropriate behavior plan, coordination with mental health services, and training for the school and parent. E.W. continues to enjoy a regular education at public school.

DOC Discharge Planners

I attended a Department of Corrections Discharge Planners meeting in May at the invitation of Vickie Alston, Health Services Administrator/Manager of Transitional Services Program at DOC. We reported on the Medicaid Waivers available in the state including Money Follows the Person and discussed how waivers can assist discharge planners with establishing appropriate transitions to the community. Caught in the revolving door of Skilled Nursing Homes and Incarceration in DOC facilities are individuals with mental health and other disability needs. Other agency partners reporting were DSS and DHMAS. Darryl LeCours, Administrator at Westside Care Center, is very interested in partnering with MFP and DOC to work out a system to receive discharging inmates and immediately begin the discharge process through MFP.

Partnering with CCADV

Planning with GERALYN O'NEIL-WILD Coordinator of the Connecticut Coalition Against Domestic Violence to develop a curriculum and schedule training for staff members in all the state regions working with families in 150 shelters. The training will focus on disability rights and accessing mental health services for families, especially women and children with post traumatic stress disorder and other psychiatric disabilities who resort to Hospital ERs and shelters run by CCADV.

MFP and nursing homes

The purpose of the nursing home project is to fulfill P&A and PAIMI mandates and goals for the year 2011. Specifically, Goal #2: Safe guard the rights of persons with disabilities living in congregate institutions at risk of institutionalization and Goal#1: Enforced the patient's bill of rights and other safeguards afforded by law.

The above goals will be met by advocating on behalf of individuals with mental illness who reside in nursing homes that have applied to the Money Follows the Person Program and the Mental Health Waiver but have not received response or have been denied services under the above mentioned waivers.

Keep the Promise Children's Committee

Attended Keep the Promise Children's Committee meeting on May 26, 2011 to participate with the Committee as Deputy Commissioner Janice Gruendel presented the new DCF. The DCF Deputy Commissioner Jan Gruendel and Dr. Michael Schultz attended. Discussed were school-based mental health, school-based arrests, Riverview Report Letter to Commissioner Katz, policy and budget updates, and the Blueprint Fact Sheet. Bringing Riverview and CCP together into a new redesigned Residential Placement for children presently served in Out of state residential facilities. (Partly in reaction to the closing of many of these facilities by Massachusetts as they transition children's mental health services to the community.

Plan B

In May the fallout from the Governor's plan to eliminate state funding from P&A as the worst case scenario in his budget negotiation with the Unions has left staff feeling despondent at best. Federal funding for PAIMI could continue, however configured differently with the most senior staff taking these positions to avoid layoff. PAIMI Staff members have rallied quickly and continue to do the business of the Council and agency serving those of us without a voice.

ADJOURNMENT

The PAIMI Advisory Council Meeting adjourned at 11:35 a.m. The next meeting is scheduled for Tuesday, August 2, 2011 from 9:30 – 12:30 p.m.

Respectfully submitted,
Sherri Martin

c: James McGaughey
Gretchen Knauff
Nancy Alisberg