



STATE OF CONNECTICUT
OFFICE OF PROTECTION AND ADVOCACY FOR PERSONS WITH DISABILITIES

PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH MENTAL ILLNESS

Authorized by Federal Law (42 U.S.C.A. 10801-10826) to protect and advocate for the rights of individuals with mental illness

PAIMI Advisory Council Meeting Minutes

The PAIMI Advisory Council met at 9:30 a.m. on October 4, 2011 at the Office of Protection and Advocacy for Persons with Disabilities.

Present: Muriel Tomer, Kirk Lowry, Marcia McIntosh, Marisa Walls, Tom Behrendt and Jerilyn Newson

Absence: Sandy Chapman, Elizabeth Larsen, Barbara Sloan, Wallace Peterson, Alicia Woodsby, Lorna Grivois, Roy Lee, Jennifer Henry, and Kim Guy

Staff: Bruce Garrison, PAIMI Assistant Program Director, James McGaughey, Executive Director, Gretchen Knauff, Assistant Director, Nancy Alisberg, Managing Attorney, Colin Milne, Intern, Jessica Rival, Human Services Advocate, Wiley Rutledge, Human Services Advocate and Maria V. Cruz, Human Services Advocate

CALL TO ORDER

The PAIMI Advisory Council Meeting was called to order at 9:45 a.m. The minutes were from the June 7, 2011 meeting and August 2, 2011 annual meeting. The minutes could not be approved due to a lack of quorum. Attorney Nancy Alisberg questioned if transportation issues play any role the council member absences. She asked Muriel Tomer, PAIMI Chairwoman and Bruce Garrison, PAIMI Assistant Director to look into the issue.

Bruce Garrison informed the PAIMI Council that Gretchen Knauff completed the PAIMI Application.

The council members agree to review the PAIMI Goals and Objectives for next year.

Attorney Tom Behrendt stated that the August 2011 Minutes needed some corrections. For example, Goal #2 is missing the word "meeting" and the meeting adjournment time needs to be corrected.

Muriel Tomer talked about the DMHAS Wrap Program. She stated that the Copland Center has a good position paper on the subject of restrains and seclusion.

Muriel Tomer suggested that the council presents the reports.

OLD BUSINESS

James McGaughey – Executive Director’s Report

- P&A received five additional reports of children injured in restrains. The Copland Report did not address what is the responsibility of the Department of Children and Families (DCF) higher level management in preventing or reducing restrains and seclusion in facilities.
- State Department of Education and Department of Children and Families (DCF) report comes from Psychiatric Residential Treatment Facilities.
- P&A will continue to receive reports on restrain and seclusion until there is change in the culture of restraining children.
- Attorney Kurt Lowry stated that although restrains are legal people continued to be hurt and there seems to be a need for training on this matter.
- Attorney Alisberg states that unfortunately the 14th amendment (Jonesburg vs Romeo) is a tough standard to prove.
- Restraints are the result of: a) the facility’s failure to implement best practices prior to restrain, b) the lack of functional assessment to prevent restrains, c) lack of consistency between what is contained in the treatment plan and the assessments, d) lack of positive behavioral supports and e) the lack of best practices guidelines and progress reports.
- Tom Behrendt stated that in the absence of good legal strategies to reduce restrains and seclusion maybe the way to go is to resort to publically shame the offenders in order to force them to change their practices.
- In Connecticut, there is a line between what are educational and mental health services when it comes to children DCF has a policy in place that does not allow prone restrains on children. However, DCF funding facilitates the use prone restrains in private facilities that provide therapeutic services to children. There is a contradiction between DCF policies and the funding recipients when it comes to the use of prone restrains in a therapeutic milieu.
- Raymond Hill High Road-Children do not get the supports they need in Public schools. The IEP’s are used to remediate the academic issues but they fail to address the behavioral issues.
- The restrain incidents of children are on the increase and there is a need for the leadership needs to step up to the issue. The statistics showed that out of 20 children restrained only 2 were white. There are some concerns about possible racial and cultural biases that contribute to the use of children in some children.
- Last year P&A produced 5 reports and this year the agency is working on new ones. When P&A makes an investigation involving restrains they do interview the child, the staff, review the medical record and look at the agency policies.
- Gretchen Knauff states that James McGaughey, P&A Executive Director is aware of the five new reports of restrains and is in the process of dealing with this issue. Gretchen Knauff also suggested that Bruce Garrison meet with the P&A Executive Director about the information presented by Jessica Rival and the PAIMI Advisory Council.

Nancy Alisberg – Managing Attorney’s Report

- Danbury Hospital: A case regarding a person illegally restrained at Danbury Hospital was appealed to the 2nd Circuit Court. The appeal was rejected in the 2nd Circuit Court alleges that the petition was not entered on a timely fashion. P&A disagreed with the decision and the agency has filed for reconsideration. However, P&A is not very confident that the 2nd Circuit Court will change its decision.

Attorney Alisberg also informed that the client and the law firm who provided legal representation in the case are facing new problems. State of Connecticut is threatening to take away the client’s trust fund and move to conversion. In order to do move to conversion the State will have to prove intent. Attorney Alisberg states that although the State admits they have done wrong by the client they will take the money from the client that was obtained thru the lawsuit. Attorney Alisberg states that the State is going back after they have already reached a settlement.

- OPA vs New Horizons: The settlement agreement has expired. P&A attended a training that took place on August 2011.
- OPA vs VA in Connecticut- P&A is hoping to engage in a settlement discussion. The class members in this lawsuit are residents from Bidwell Health Care Center in Manchester and Chelsea Place in Hartford. Attorney Alisberg informed the council that there is a nursing home case in NY State that has recently settled on a similar matter.

Bruce Garrison, PAIMI Assistant Director’s Report

Death Reports: P&A needs to find out what are DMHAS recommendations and see what they have done with the proposed recommendations. A discussion ensued in the council regarding the following questions: 1) What happens with the family of the dead? 2) Are they provided with a lawyer referral? 3) What is P&A’s policy concerning this matter? 4) What about a panel of lawyers to look at clients?

Prisoners: Discharge plans (something that needs to be corrected in Hartford). There was a question on whether prisoners with mental illness could use Money Follows the Person Program to get services when they are released from prison.

High Meadows Facility: There was a concern about the status of the children that were taken out of state and are they been receiving some follow-up. There are 90 children from CT Children Place (CCP) who are coming back to Connecticut.

Murriel Tomer - She states that there is a problem with DMHAS lack of oversight of the quality of services they fund in the community (i.e. representative payee services, the time that the psychiatrist spends with clients and case management services). She states that the Rushford Center case management services left much to be desired. She stated that the lack of response or untimely response of case managers often results in unnecessary and added stress to the clients who lose their entitlements or services.

ADJOURNMENT

The PAIMI Advisory Council Meeting adjourned at 11:30 a.m. The next meeting is scheduled for Tuesday, December 6, 2011 from 9:30 – 11:30 a.m.

Respectfully submitted,
Maria V. Cruz

c: James McGaughey
Gretchen Knauff
Nancy Alisberg