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VOR Weekly E-Mail Update

May 15, 2009

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STATE NEWS

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- =====

1. Massachusetts: Monson Developmental Center Amendment praised, criticized

Note: Advocates in Wisconsin (see article below) and Washington State achieved similar budget victories, defeating budget proposals that would have closed Southern Wisconsin Center (WI) and Yakima Valley School (WA) .

By Nancy H. Gonter
The Republican
April 30, 2009

The House of Representatives approval of an amendment that would slow or block the closing of four state institutions, including the Monson Developmental Center, drew praise from some and criticism from others on Thursday.

Supporters of the amendment, which calls for the state to conduct a study of the costs and expenses of closing the institutions as well as how services will be provided if they close, said their work is far from done.

The amendment also bars the state from taking steps to reduce the number of residents of any institutions, or lay off employees. It calls for the study to be done by December 2011.

The House of Representatives passed the amendment, which was part of the state budget, on a voice vote. The issue will come before the Senate later this month and then go to Gov. Deval L. Patrick, who in December 2008 proposed closing the four institutions by 2013.

"One of my first reactions is it has put a little bit of air back in the room for the residents, the families and for the current administration," said Kathleen C. Norbut, chairman of the town of Monson's Transition Advisory Committee that is studying the proposed closure.

The Committee will meet today at 1 p.m. at the Monson Developmental Center and is expected to get updates from state officials, including the Division of Capital Asset Management which has been assigned to oversee the closure of the facility.

Jane E. Arthur, director of the Monson Developmental Center, said she was aware of the House amendment, but was not prepared to comment.

However, Jennifer L. Kritz, spokeswoman for the state Department of Mental Retardation, said the amendment takes away the department's authority to manage the services it provides.

"Particularly in this challenging budget climate, it is vital for the department to maintain the flexibility and authority to move forward in implementing the 'Community First' policy initiative and manage its own budget," Kritz said.

Monson Developmental Center, located on more than 680 acres, has more than 130 residents with mental retardation or developmental disabilities. The center has about 400 employees.

Also slated for closure are the Fernald Developmental Center in Waltham, Glavin Regional Center in Shrewsbury, and the Templeton Developmental Center in Baldwinville. The Wrentham Developmental Center and the Hogan Regional Center, both in eastern Massachusetts, are slated to remain open.

Current residents of the four institutions are expected to be placed in community settings or the eastern Massachusetts facilities.

State Reps. Todd M. Smola, R-Palmer and Anne M. Gobi, D-Spencer, and several other legislators spoke Wednesday to their colleagues to gain support for the amendment from the House of Representatives.

Gobi said in a press release that it is critical a detailed study be done to guarantee residents of the institutions will receive the highest quality of care and how it will be provided.

Smola, whose great uncle lived at Monson Developmental Center until his death, said the amendment will force the administration to do more research about the closures. He was optimistic about its passage in the Senate.

"We're giving the governor an opportunity to do homework and come up with the facts," Smola said.

Questions have arisen over whether the cost of creating and maintaining the group homes would be as much as keeping the four institutions open, Smola said. Also, having the two remaining institutions in eastern Massachusetts is not fair to families who live on this side of the state, he said.

State Sen. Stephen M. Brewer, D-Barre, would not speculate on whether such an amendment would succeed in the Senate, but said he is drafting his own proposal. He declined to reveal the specifics, but said it will be part of the Senate's debate on the budget which will start May 18.

Brewer, whose district includes both the Monson and Templeton

Developmental Centers, said he looks at three criteria: The well-being of the clients in the centers, the quality of employment for those who work at the centers, and the re-use of the facilities.

The issue of closure of the institutions has put two organizations that support families with relatives who are mentally retarded at opposite sides of the issues.

The Arc of Massachusetts, a 55-year-old organization, supports the closures and believes the amendment hurts people who receive care, Leo V. Sarkissian, its executive director said.

"Institutions are a model of the past. There is no demand for these facilities. People today can be served in the community," Sarkissian said.

Colleen M. Lutkevich, executive director of the Coalition of Advocates and Families which represents people across the state with loved ones who are developmentally disabled, said she was moved to tears as she watched state representatives discuss the closure of the four institutions.

"Eight or nine legislators from varying backgrounds spoke on behalf of our relatives. They understood where we are coming from. They see that there are some great things going on in these facilities," said Lutkevich, whose sister has been in the Wrentham Developmental Center for nearly 50 years.

The coalition supports giving families a choice about whether their relatives stay in an institution or moved out into the community, she said.

2. Nebraska: Governor, Beatrice center leaders sued

By Martha Stoddard
The World-Herald
May 5, 2009

LINCOLN - A federal lawsuit filed Monday alleges that Gov. Dave Heineman "set out to trample" on the constitutional rights of six people ordered out of the troubled Beatrice State Developmental Center.

The suit claims that the governor and four top state officials discriminated against six former residents by allowing care at the center to become substandard, then forcing them out.

The six were among 47 people with serious health complications who were transferred out of the state institution in February.

Nebraska's chief medical officer, Dr. Joann Schaefer, ordered the transfers after an 18-year-old resident considered "medically fragile" died in January after not getting proper emergency care.

State officials recently agreed to pay \$600,000 to settle a wrongful death suit filed by the 18-year-old's parents.

Parents and guardians of the six transferred residents filed the new lawsuit in U.S. District Court.

The lead plaintiff is Joan O'Meara of Lincoln, president of the Beatrice State Developmental Center Friends and Family Association. Other plaintiffs are: Marvin and Ruth Gerdes, Ann Thurmond, Barbara Hyde, Kathleen Seiler and Judith Botts.

Those named as defendants are the governor, Schaefer, John Wyvill, the state director of developmental disability services, Ron Stegemann, former chief executive officer at the Beatrice center, and Clare Mahon, interim CEO at the center.

Kathie Osterman, spokeswoman for the state Department of Health and Human Services, which runs the Beatrice center, said state officials could not comment until they review the suit.

The suit alleges that defendants "caused or permitted" the Beatrice center to deteriorate to the point it no longer met federal Medicaid care standards or complied with federal civil rights laws.

"Instead of fixing the facility to comply with Constitutional, statutory and other lawful obligations, the defendants permitted the wards' rights to be trampled upon by moving them without warning and without alternatives being provided," the suit said.

"This is tantamount to a corn farmer letting the weeds grow so he can file a crop loss claim," the suit said.

As a result of the officials' actions, the suit alleges, the six transferred residents were frightened and have regressed, deteriorating and developing health difficulties.

The suit seeks general, specific and punitive damages from the state, along with attorney fees.

The Beatrice center now houses 189 people with mental retardation and other developmental disabilities. Most have physical disabilities or mental illnesses as well.

The center housed about 240 residents in January, before the 47 were transferred.

3. Wisconsin: Southern Wisconsin Center residents spared in budget talks

By Paul Sloth
The Journal Times
Friday, May 1, 2009

DOVER - Families of residents living at the Southern Wisconsin Center can breathe a sigh of relief. They'll have a say in whether their disabled family members are moved out of the facility and into the community.

The three Racine area lawmakers on the Legislature's Joint Finance Committee worked together to change the proposal in Gov. Jim Doyle's budget to move 154 residents, many of whom have severe disabilities, out of the facility at 21425 Spring St. and into the community.

Sen. John Lehman, D-Racine, and reps. Robin Vos, R-Caledonia and Cory Mason, D-Racine, drafted a proposal to cut that number in half and required that any community placement be voluntary. The 16-member committee unanimously approved the proposal early Friday.

"We want to make sure that the families are satisfied, that the outplacements are voluntary and that this is done very, very carefully," Lehman said. "Anyone who goes to visit Southern Wisconsin Center will know that the individuals there are very old, very frail individuals and are receiving the best of care."

The approved changes reduced the number of community placements to 70. Many of the seriously disabled individuals have lived for many years at the facility, one of three in the state, Lehman said. The center hasn't received any new residents in more than a decade, Lehman said.

The Racine-area lawmakers' proposal also means a change in Doyle's proposed cuts at the facility. Doyle planned to cut more than \$8.8 million from the facility's budget. The governor also planned to cut 310 jobs in 2010-11 in response to the number of residents moved out of the facility and into the community.

Most recently the Southern Wisconsin Center had an annual budget of more than \$44 million, 524 employees and 189 residents, according to the Legislative Fiscal Bureau.

Another change would require the state's Department of Health Services to track all individuals from the facility that are placed in the community as part of the restructuring process and submit an annual report to the Finance Committee.

The proposal from the Racine-area lawmakers also included a provision that would allow families to opt out of any planned community placement.

"As the plan of outplacements takes place, we want to assure the family, friends, relatives, that these placements are definitely voluntary, definitely in the best interest of the individuals," Lehman said.

4. Maryland: Community Resource Center at Holly Center proposed; VOR letter of support

Update: Maryland Bill HB 1552 proposed developing a community resource center at Holly Center, as a pilot program. Although the bill was not considered in the recent Maryland Legislative Session, Maryland state officials supported the legislation. The following is VOR's letter in support of HB 1552.

March 23, 2009

The Honorable Peter A. Hammen
Chairman - House HGO Committee
240 House Office Building
6 Bladen Street
Annapolis, MD 21401

RE: SUPPORT FOR HB 1552: Developmental Disabilities - Holly Center - Community Resource Center Pilot Program

Dear Chairman Hammen and members of the Committee:

On Wednesday, March 25, the HGO Committee will consider H.R. 1552, a bill to develop a pilot-"Community Resource Center" at Holly Resource Center, introduced by Eastern Shore Delegates Conway, Cane, Eckardt, Elmore, Haddaway, Mathias, Rudolph, Smigiel, Sossi, and Walkup.

VOR, a national advocacy organization for persons with developmental disabilities and their families, strongly supports HB 1552 and urges you to help pass this important legislation. Individuals with severe disabilities living on Maryland's Eastern Shore, in community and family homes, and other individuals with developmental disabilities across the state, will benefit significantly if HB 1552 is passed.

HB 1552, which proposes to expand access to health and dental services for eastern Maryland citizens with developmental disabilities, is a welcome vision at a time when more and more families are lacking critically necessary health care services and other supports for their seriously disabled loved ones.

HB 1552 is a fiscally-sound, forward-thinking proposal that permits the existing medical and clinical expertise at Holly Resource Center to serve people in the surrounding area who desperately need access to specialized, skilled care. If passed, HR 1552 will ensure that the quality professional services received by Holly residents will be expanded to people living at home or in community settings who presently experience significant barriers to medical care and other services.

This model has been a success in Massachusetts, Virginia, Kentucky, Florida, Missouri, North Carolina, Washington State and Florida. With more than 2,200 individuals with developmental disabilities on the crisis waiting list throughout Maryland, and many more with undocumented

health, dental and other health care needs, utilizing the existing infrastructure of Holly Resource Center is a cost effective way to provide for critical needs.

HB 1552 must be supported. This legislation provides promise for citizens in the Eastern Maryland, and across the state, by providing a more centralized solution to non-residential, medical, dental, respite and related ancillary services. It's cost effective. It's needed and passage of this bill ensures that services can be provided without delay. It addresses current needs and provides for a more responsive, robust community system of care in the future.

The only question remaining, it seems, is "why not?"

On behalf of VOR members in Maryland and throughout the country, thank you in advance for your Committee's support for HR 1552. We strongly urge its passage.

Sincerely,
Robin Sims
VOR President

Tamie Hopp

THANK YOU FOR YOUR SUPPORT!

TO JOIN OR CONTRIBUTE: \$25 per individual, \$150 per family organization, or \$200 per provider/professional organization. Extra donations are welcome!

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