

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	1:10-CV-249-CAP
THE STATE OF GEORGIA, et al.,	)	
	)	
Defendants.	)	
_____	)	

**NOTICE OF JOINT FILING OF THE SUPPLEMENTAL REPORT OF
THE INDEPENDENT REVIEWER**

Plaintiff United States and Defendants State of Georgia, et al., jointly file the Supplemental Report of the Independent Reviewer pursuant to ¶ VI.B of the Settlement Agreement in this case [Doc. Nos. 112, 115, 151 & 171]. The Independent Reviewer's Supplemental Report (with its referenced attachments) is included as Attachment A.

The Supplemental Report assesses the State of Georgia's compliance with the provisions of the Settlement Agreement that require developing and implementing support coordination services for individuals with developmental disabilities placed from Georgia's State Hospitals into the community. §§ III.A.2.b.iii.(A)-(C). Preparation of the Supplemental Report was agreed to by

the parties and ordered by this Court. [Doc. No. 171]. As the Supplemental Report notes, while the State has taken significant steps in the past six months to reorganize and reform the support coordination system, additional expertise is needed to assist the State in coming into compliance with §§ III.A.2.b.iii.(A)-(C) of the Settlement Agreement, which governs the placement of persons with developmental disabilities.

To address the Independent Reviewer's findings of non-compliance, the parties have agreed that the State will enlist the support of one or more nationally-recognized experts in the developmental disabilities field to assist the State in addressing the identified deficiencies and achieving compliance with the Settlement Agreement. The State's expert(s) will work with the State to write a plan by June 30, 2014 that is designed to bring the State's support coordination system into compliance with §§ III.A.2.b.iii.(A)-(C) of the Settlement Agreement. The Independent Reviewer will provide input on the plan prior to and after June 30, 2014. The State will provide additional opportunities to comment on the plan, pursuant to the following schedule:

- On June 30, 2014, the plan will be shared with the Independent Reviewer and the Department of Justice. They will then have 5 business days to provide comments to the State.
- On July 7, 2014, the plan will be shared with the Amici, who will have 5 business days to provide comments to the State.

- On July 21, 2014, the State's Department of Behavioral Health and Developmental Disabilities (DBHDD) will publish a copy of the plan on its website.

The parties agree that the State's plan is not a modification to the Settlement Agreement. The parties also agree that the State's plan may be amended or revised at any time, before or after the plan is published on the DBHDD's website, and the State will publish the revised plan on DBHDD's website.

The parties also agree that the State's expert(s) will prepare a plan that addresses the findings and recommendations laid out in the Independent Reviewer's Supplemental Report including:

- 1) Realigning the responsibilities and competencies of support coordinators, to include developing and implementing an individualized plan of supports, revising the plan to address changing needs, and oversight to ensure needed services are delivered and outcomes are achieved;
- 2) Strengthening the transition process from the State Hospitals to community-based settings, including providing individualized and relevant competency based training for community providers.
- 3) Ensuring competent and sufficient health practitioner oversight of medically fragile individuals including providing competency-based training on writing and implementing nursing plans of care, proper positioning techniques, and proper monitoring of food and fluid intakes.

- 4) Designing and implementing Intensive Support Coordination for high risk individuals, including pursuing an amendment to the Home and Community Based Services waiver.
- 5) Restructuring the roles and responsibilities of regional offices, including examining how the regional offices inter-relate with the DD Division and with community providers, including Support Coordination agencies.
- 6) Developing and implementing sustainable strategies for the ongoing monitoring and evaluation of community placements to remedy issues such as lack of communication, information sharing, and feedback.
- 7) Recruiting and retaining provider agencies with requisite experience with individuals with medical and behavioral complexities.
- 8) Conducting independent mortality reviews of all deaths of individuals receiving Home and Community Based Services Waivers who meet the criteria for the target population of individuals with intellectual disabilities in the Settlement Agreement, § III.A.2.a.
- 9) Creating exit criteria to enable the State to reach identifiable goals necessary to achieve compliance with the Settlement Agreement.

The Independent Reviewer supports this proposed path forward.

The Independent Reviewer will include a section in her yearly compliance report to the Court regarding progress made on the State's plan.

The parties will continue to keep the Court apprised of the State's ongoing efforts to transform its service system in order to reduce its historic reliance on institutions and develop appropriate community-based services for its citizens with developmental disabilities.

Respectfully submitted,

FOR THE UNITED STATES:

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Local Rule 7.1D Certification

By signature below, counsel certifies that the foregoing document was prepared in Century Schoolbook, 13-point font in compliance with Local Rule 5.1B.

/s/ Katherine Houston

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U.S. Department of Justice

Civil Rights Division

Special Litigation Section

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of March, 2014, I electronically filed the JOINT FILING OF THE SUPPLEMENTAL REPORT OF THE INDEPENDENT REVIEWER with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record.

/s/ Katherine Houston
KATHERINE HOUSTON