



Georgia Department of Behavioral Health & Developmental Disabilities

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Office of Communications

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CRIPA Overview:

In 2007, the Department of Justice (DOJ) initiated an investigation of our then seven state hospitals for alleged violations of patient civil rights. On January 15, 2009, Governor Sonny Perdue and DOJ signed a settlement agreement attempting to resolve all issues under the investigation and the lawsuit filed against the State. Below are frequently asked questions about the CRIPA Settlement Agreement.

FAQs:

What is the Civil Rights for Institutionalized Persons Act (CRIPA) Settlement? The CRIPA Settlement focuses on safety and effectiveness of treatment in state hospitals.

What lead up to this settlement agreement with DBHDD? In April 2007, Georgia was notified that the US Department of Justice (DOJ) had concerns about conditions in its state psychiatric hospitals. Medical experts toured Georgia's mental health hospitals to evaluate their safety and the effectiveness of treatment. In September of 2008, the State and the DOJ began negotiating a series of changes to address the state hospital system. In January 2009, DOJ and DBHDD signed an agreement that settled a federal lawsuit under CRIPA.

What does the CRIPA Agreement require the state to do? The CRIPA Settlement Agreement requires the State to make changes in staffing, training, policies, procedures, and physical structure to achieve compliance in a number of areas:

- **Protection from Harm**, including quality management, incident management, risk management, and management of medical/clinical records.
- **Mental Health Care**, including assessment and diagnoses, treatment planning and interventions, care of individuals with dual disorders, use of restrictive interventions, psychotropic medication usage, and psychological assessments.
- **Seclusion or Restraint**, including revising policies and procedures around the planned use of seclusion and restraint as a restrictive intervention method.
- **Medical and Nursing Care**, including sufficient staff, trained staff, clinical oversight of patient care, medication administration, infection control, physical nutritional management, and emergency medical preparedness.
- **Services to Populations with Specialized Needs**, including patients with limited English proficiency, patients with sensory impairments, and education and special education for qualified students.
- **Discharge Planning**, including actively pursuing discharge of patients, identifying barriers to discharge, providing opportunities for skills necessary for successful discharge, providing transition services, and incorporating quality assurance and utilization review into the discharge process.

When does the CRIPA Settlement Agreement end? The CRIPA Settlement will conclude in 2014 provided that all areas of the agreement are in substantial compliance and compliance is sustained.

- Substantial compliance is achieved when any violations in any of the six state hospitals are minor, occasional, and not systemic, and when deviations within the entire hospital system do not bring care below generally accepted professional standards.
- Each hospital is reviewed separately for substantial compliance.
- Sustained compliance is achieved when substantial compliance is found as determined by the DOJ on two consecutive visits not more than eighteen months apart.
- The CRIPA Settlement Agreement is binding on the State and its agencies, departments, and contracted parties providing services.
- The CRIPA Agreement can be re-negotiated if full resolution is not reached or the DOJ can sue in Federal Court for reasonable cause if it is believed the state is not (and does not show good faith demonstrating intent) to bring resolution to issues under the agreement.

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