



## **Behavioral Health Coordinating Council Presentation**

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Ombudsman and Olmstead Coordinator

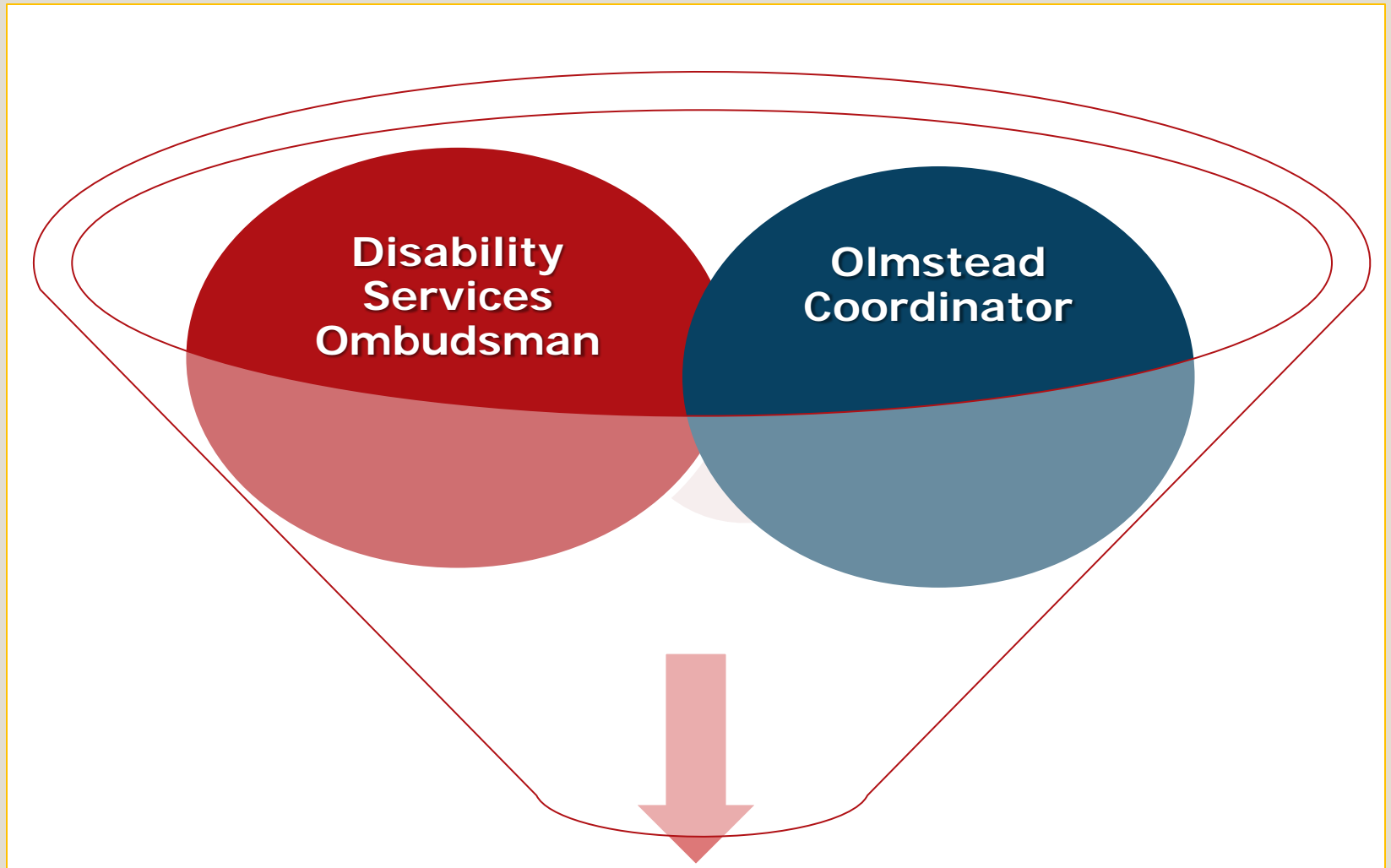
March 26, 2014

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### **Office of Disability Services Ombudsman**

Governor Nathan Deal





## **Governor's Office of Disability Services Ombudsman**

In 2011, Governor Nathan Deal combined the roles of Ombudsman and Olmstead Coordinator.

# The Role of an Ombudsman

*At the most fundamental level, an ombudsman is one who assists individuals and groups in the resolution of conflicts or concerns.*

**~International Ombudsman Association~**

*A public sector ombudsman is an impartial and independent investigator of citizens' complaints and provides a fair, informal, and accessible avenue of redress.*

**~United States Ombudsman Association~**

# Governor's Office of Disability Services Ombudsman

## **Disability Services Ombudsman**

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- Appointed by the Governor.
- Supported by legislation. (O.C.G.A. §37-2-35)
- Promotes the safety, well-being and rights of individuals with disabilities.
- Establishes procedures to investigate complaints.
- Responds to complaints as well as requests for assistance and information.
- Reports suspected criminal activity, abuse, neglect, exploitation, abandonment, or violation of professional codes.
- Makes a biennial report.
- Serves as Chairman of the Medical Review Group. (O.C.G.A. §37-2-45)

# Disability Services Ombudsman

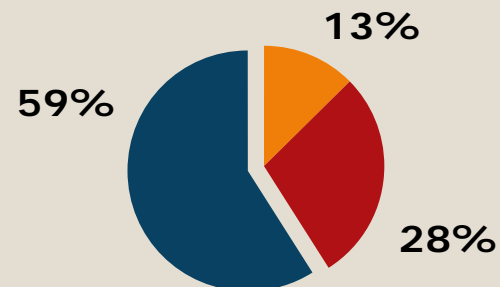
## Intake Categories

<b>Information Requests</b>	<b>Assistance Requests</b>	<b>Complaints</b>
Most often concern issues related to benefits, treatment, or employment.	Often require extensive work by Ombudsman staff in facilitating the connection to appropriate agency and services.	Normally require an investigation to determine the facts, and if applicable, the necessary corrective action.

# Disability Services Ombudsman

## Overview of Intake

FY 2012 - FY 2013  
Intake Categories



■ Complaints
 ■ Assistance Requests  
■ Information Requests

Top 10 Most Frequent Issues Across all Intake Categories	FY 2012 and 2013	Percentage
Benefits	249	19%
Treatment	215	16%
Employment	124	9%
Legal	122	9%
Discharge	106	8%
Housing	71	5%
Client Rights	37	3%
Financial	33	3%
Abuse/Neglect	30	2%
Safety	28	2%
<b>Subtotal (10 most frequent issues)</b>	<b>1,015</b>	<b>76% of total</b>
<b>Total (of all issues responded to)</b>	<b>1,308</b>	<b>100%</b>

# Disability Services Ombudsman Investigation of Complaints

The Office of Disability Services Ombudsman investigates complaints and makes reports and recommendations to:

- The Governor
- The General Assembly
- State Agency Commissioners
- Other appropriate agencies and organizations.

## Complaints Related to:

Complaints Related to:	FY 2012	FY 2013
State Hospitals	15	28
DBHDD Providers	9	17
Other	11	19

The majority of complaints investigated in FY '12 & '13 were unsubstantiated or inconclusive.

FY 2012 and 2013 Complaint Outcomes	% of Complaints
Substantiated	13%
Partially Substantiated	6%
Unsubstantiated	46%
Inconclusive	17%
Referred to another agency	15%
Pending (still open)	2%

# Disability Services Ombudsman

## Medical Review Group (O.C.G.A. §37-2-45)

The Governor appoints a Medical Review Group (MRG) to review all deaths of individuals with disabilities in state hospitals or state operated community residential services or deaths occurring within two weeks of discharge.

The Ombudsman serves as the chair and her staff provide administrative support to the MRG.

### **The MRG makes four (4) determinations as to whether:**

1. the death was the result of natural causes or may have resulted from other than natural causes;
2. the death requires further investigation or review;
3. to make confidential recommendations;
4. to report suspected criminal activity or suspected abuse or suspected violation of professional code.



Governor's Office of Disability Services Ombudsman

## **Olmstead Coordinator**

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Appointed by the Governor.

Monitors state compliance with the 1999 U.S. Supreme Court Olmstead decision.

Serves as Chairman of the Olmstead Planning Committee (OPC).

# U.S. Supreme Court Olmstead Decision

**June 1999** – the U.S. Supreme Court issued a decision in the case of *Olmstead v. L.C.*, finding that the unjustified institutionalization of individuals with disabilities violated ADA.

(Bench Opinion)

OCTOBER TERM, 1998

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## Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

## SUPREME COURT OF THE UNITED STATES

### Syllabus

OLMSTEAD, COMMISSIONER, GEORGIA DEPARTMENT OF HUMAN RESOURCES, ET AL. *v.* L. C.,  
BY ZIMRING, GUARDIAN AD LITEM AND NEXT  
FRIEND, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR  
THE ELEVENTH CIRCUIT

No. 98–536. Argued April 21, 1999—Decided June 22, 1999

In the Americans with Disabilities Act of 1990 (ADA), Congress described the isolation and segregation of individuals with disabilities as a serious and pervasive form of discrimination. 42 U. S. C. §§12101(a)(2), (5). Title II of the ADA, which proscribes discrimination in the provision of public services, specifies, *inter alia*, that no qualified individual with a disability shall, “by reason of such disability,” be excluded from participation in, or be denied the benefits of, a public entity’s services, programs, or activities. §12132. Congress instructed the Attorney General to issue regulations implementing Title II’s discrimination proscription. See §12134(a). One such regulation, known as the “integration regulation,” requires a “public entity [to] administer . . . programs . . . in the most integrated setting appropriate to the needs of qualified individuals with disabilities.” 28 CFR §35.130(d). A further prescription, here called the “reasonable-modifications regulation,” requires public entities to “make reasonable modifications” to avoid “discrimination on the basis of disability,” but does not require measures that would “fundamentally alter” the nature of the entity’s programs. §35.130(b)(7).

Respondents L. C. and E. W. are mentally retarded women; L. C. has also been diagnosed with schizophrenia, and E. W., with a personality disorder. Both women were voluntarily admitted to Georgia Regional Hospital at Atlanta (GRH), where they were confined for treatment in a psychiatric unit. Although their treatment professionals eventually concluded that each of the women could be cared

# 2010 Georgia/DOJ ADA Settlement Agreement

**October 2010** – The State of Georgia and the Department of Justice (DOJ) signed a Settlement Agreement which is the priority Olmstead action in Georgia and a national model.

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.	)	
_____	)	

SETTLEMENT AGREEMENT

I. Introduction

- A. The United States brought this action by the filing of a complaint seeking declaratory and injunctive relief against Defendants based upon alleged violations of the Title II of Americans with Disabilities ADA, codified at 42 U.S.C. § 12101 (“ADA”), and implementing regulations at 28 C.F.R. Part 35, and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and implementing regulations at 45 C.F.R. Part 84 (“Section 504”).
- B. In order to resolve all issues pending between these parties without the expense, risks, delays, and uncertainties of a trial and any appeals that might follow such a trial, the United States and Defendants agree to the terms of this Settlement Agreement as stated below.
- C. On January 15, 2009, the United States Department of Justice (“DOJ”) and the State entered into a settlement agreement which the United States District Court for the Northern District of Georgia entered as an order of the Court on September 24, 2010, in Civil Action No. 1:09-CV-119-CAP. This Settlement Agreement does not affect the validity of the January 15, 2009 agreement between the parties.
- D. On July 1, 2008, the State entered a Voluntary Compliance Agreement (“VCA”) with the United States Department of Health and Human Services’ Office for Civil Rights (“OCR”). This agreement supersedes the VCA.

# **2010 Georgia/DOJ ADA Settlement Agreement**



**Our current Olmstead Priority**

# Olmstead – ADA Settlement Highlights for DD

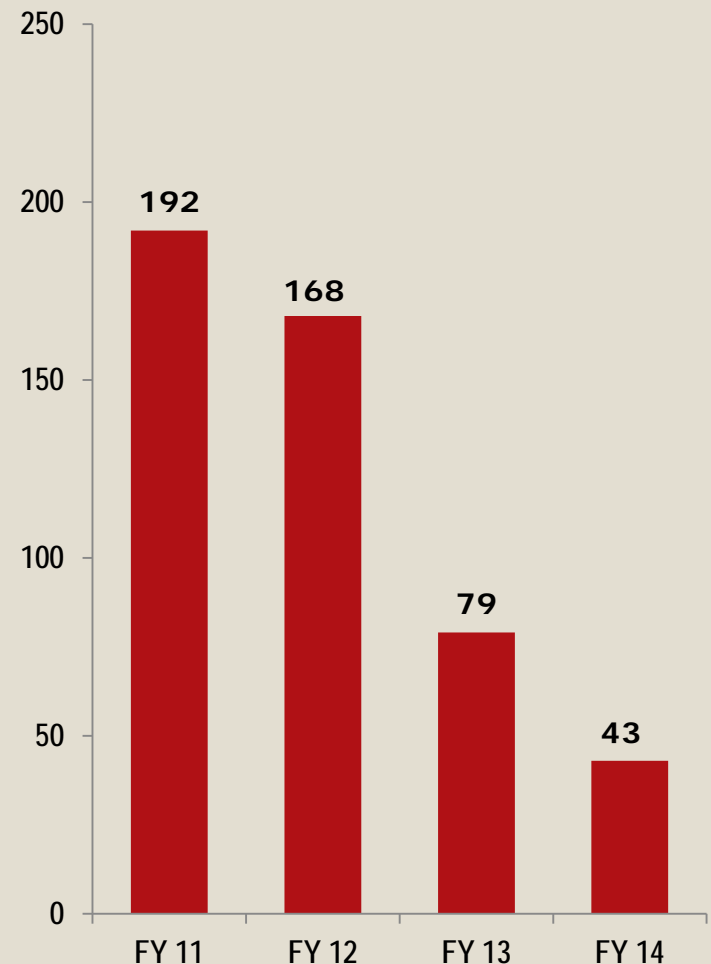
## Hospital Transition Work for Individuals with DD

The Olmstead Decision specifically requires the state to move individuals with developmental disabilities to a less restrictive environment and to integrate them into the community.

### Statistics

- There were 482 DD individuals transitioned from state hospitals after the ADA Settlement
- Over 90% were enrolled in Money Follows the Person (MFP)
- 422 out of 482 transitioned to community homes
- 49 out of 482 transitioned to Host Homes
- 11 out of 482 transitioned to live with their families

**Transitions from State Hospitals**



# Olmstead – ADA Settlement Highlights

## Supported Employment Services for individuals with DD

An important part of the community integration process is to allow individuals with developmental disabilities to work in typical jobs in the community at competitive wages in support of living an independent life.

### Fiscal Year 2013 Highlights

**2,430** individuals were enrolled into Supported Employment Services

- ▶ 1,729 were in DD waiver services
- ▶ 701 were in a state funded service

**1,493** individuals were employed in the community at or above minimum wage

- ▶ 961 were in DD waiver services
- ▶ 532 were in a state funded service

# Olmstead – ADA Settlement Highlights

## Family Support for individuals with DD

The successful life of DD individuals in community relies on many factors. Family is a major one. Providing strong support to families will lead to successful outcome of community integration. Here are the data:



- **\$9.8** million Family Support funding in 2013
- **\$2.8** million increase from 2012
- Average Family Support is around **\$3,000**.
- **43** providers throughout the state
- **622** new families were enrolled into services in FY 13.
- Total of **3,909** families are supported



# Olmstead – ADA Settlement Highlights for BH

## Build-up of Community Services for Individuals with BH Disabilities

### **Mobile Crisis Response Service**

- Over 1,300 dispatches per month

### **Crisis Stabilization Units and Crisis Service Centers**

- Recently expanded in DBHDD Regions 4 and 6

### **Housing Vouchers**

- Over 1,400 individuals served

### **Intensive Community Treatment Services**

- 22 state funded ACT teams and 8 CST teams

### **Case Management Services**

- 60 Case Managers recently added

### **Supported Employment**

- Will expand to 500 slots this year



# Department of Community Affairs

## Housing Options for Individuals with Disabilities

**DCA plays a vital role in promoting Olmstead initiatives:**

- [www.GeorgiaHousingSearch.org](http://www.GeorgiaHousingSearch.org)
- Housing Choice Vouchers
- Section 811 Project Rental Assistance
- Shelter Plus Program
- HOME Tenant Based Rental Assistance
- Exploring community integrated housing for individuals with disabilities being released from prison
- Leading the SAMHSA Policy Academy to End Chronic Homelessness in Georgia

## New and Continuing Olmstead Initiatives

Supporting Family

Integrated and Customized Employment

Integrated and Independent Housing (Housing Vouchers)

Community Resource Development

Mental Health and Accountability Courts

*These new initiatives are in support of Olmstead's philosophies.*

# State Hospital Census

The overall hospital census has declined due to:

**No New DD Admissions**

**Hospital Closures**

**Successful Transitions into the Community**

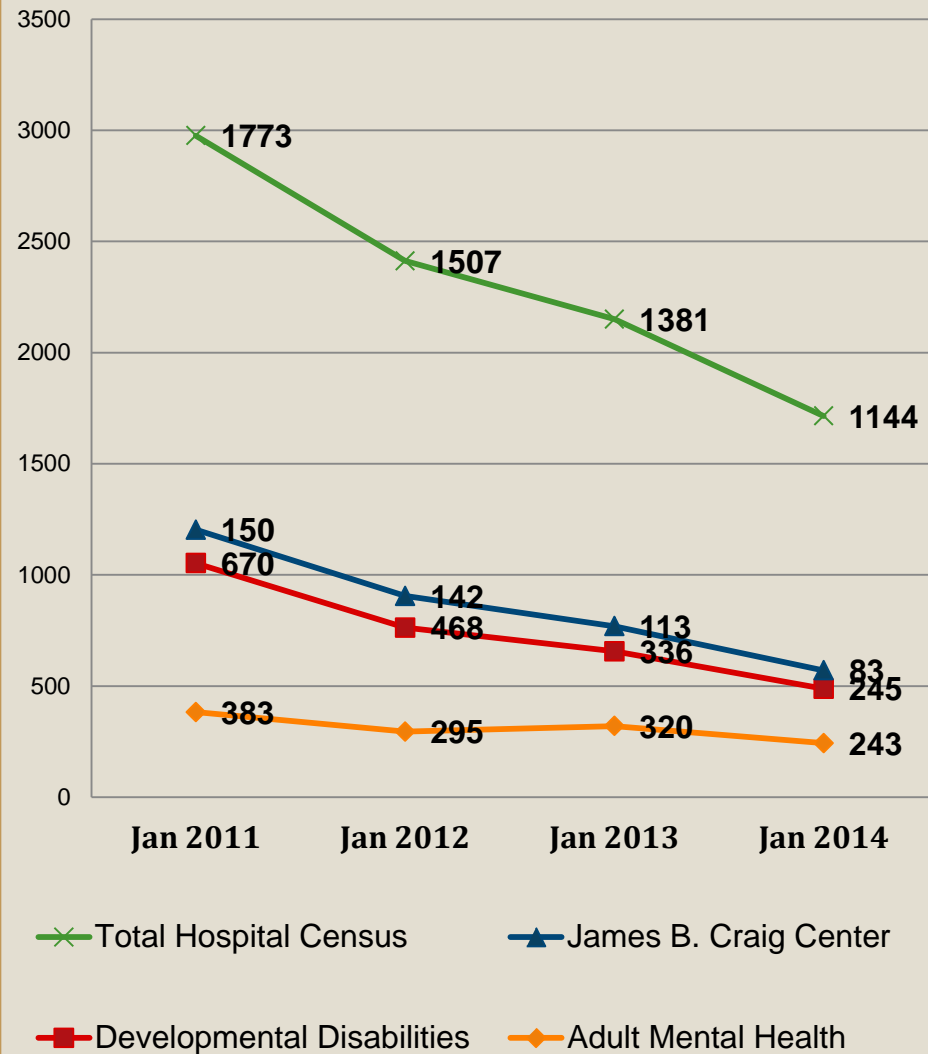
**Improved Community System of Care**

**Fewer Mental Health Admissions**

Increased funding and the emphasis on home and community-based services have been major factors in this success.

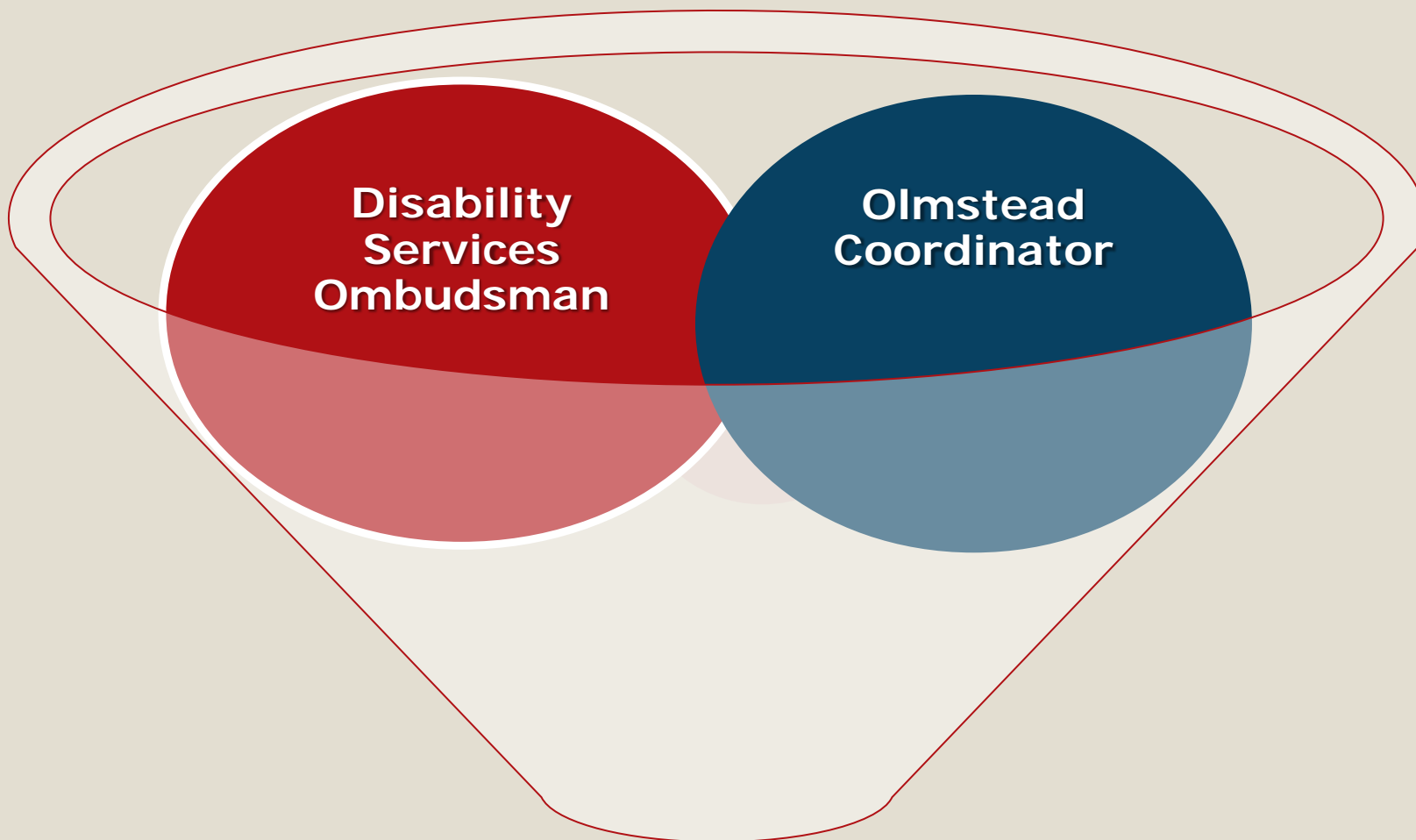
The Settlement Agreement includes requirements for continued reductions through 2015.

## Decline of Hospital Census



*Figures based on census count at the end of January of each year reported.*

# Governor's Office of Disability Services Ombudsman



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**Questions?**