

Report on the Plan for the Closure of Agnews Developmental Center

Executive Summary

This report provides a comprehensive update on the status of the Plan for the Closure of Agnews Developmental Center (Agnews Closure Plan). This is the third statutorily required update and covers progress from April 1, 2006, through November 30, 2006. The prior reports provided updates on progress from July 1, 2004, through March 31, 2006, and are available at www.dds.ca.gov/AgnewsClosure.

Background

The Department of Developmental Services (DDS) directly operates five state developmental centers and two smaller community facilities. These facilities provide programs, treatment, and supervision in 24-hour structured health care facilities. The population of California's developmental centers has decreased over time. This decrease in the use of institutions began when the community-based system was initiated in 1969 under the newly established Lanterman Mental Services Act, now called the Lanterman Developmental Disabilities Services Act (Lanterman Act). The Lanterman Act promotes the provision of services in the least restrictive environment and emphasizes community settings as the preferred living option for most consumers. The total developmental center population declined dramatically as the community system expanded, falling from a high of 13,355 individuals in 1968 to the census of 2,895 individuals on November 30, 2006. Declining populations made it possible for the state to cease operating five facilities. Modesto State Hospital was closed in 1970, DeWitt State Hospital in 1972, Mendocino State Hospital in 1973, Stockton Developmental Center in 1995, and Camarillo State Hospital and Developmental Center in 1996.

The development of community services as an alternative to institutional care in California mirrors national trends that support the development of integrated services and the reduced reliance on state institutions. There has been a reduction in the national population of large state facilities of almost 70 percent in the last 25 years. Most states, including California, have reduced the population of their state facilities by over half since 1990. On average, ten large state facilities are closed each year across the nation. Seven states no longer operate state institutions.

In Olmstead, Commissioner, Georgia Department of Human Resources, et al. vs. L. C., by Zimring, Guardian ad Litem and next friend, et al. (1999), 527 U.S. 581, the United States Supreme Court decision stated that services should be provided in community settings when treatment professionals have determined that community placement is appropriate, when the individual does not object to community placement, and when the placement can reasonably be accommodated considering the resources available to the state and the needs of others with disabilities. Since the decision, the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), issued recommendations to the states to prepare comprehensive Olmstead plans to decrease dependency on institutional services.

Report on the Plan for the Closure of Agnews Developmental Center

The increased emphasis on the provision of services in community-based settings derives from a service philosophy embodied by the Lanterman Act and judicial interpretation. It also reflects the development of resources and expertise available in the community services system to serve individuals with complex support needs.

The plan to close Agnews Developmental Center (Agnews) was developed over a three-year period, formally submitted to the Legislature in January 2005, and approved as part of the Budget Act for Fiscal Year 2005 – 2006. Enabling legislation to support the implementation of the critical elements of the plan has been enacted. Legislation supported the development of permanent housing through the Bay Area Housing Plan (BAHP), established a pilot of community care licensed homes to serve adults with special health care needs in the Bay Area, and authorized Agnews' employees to work in the community to support the transition of Agnews' residents into community homes.

The foundation of the Agnews Closure Plan is the development of sufficient community capacity to support the transition of Agnews' consumers into the communities that are close to their families. New service and support options are being created that provide meaningful choices for each person and that are designed to provide a stable home and service system that people can count on. The administration extended the Agnews closure date from June 30, 2007, to June 30, 2008, to assure that the necessary resources would be in place.

The Agnews Closure Plan is the first significant deinstitutionalization initiative since the Coffelt settlement agreement that was reached in January, 1994. The implementation of the Coffelt settlement resulted in a reduction of the developmental center population by more than 2,320 persons between 1993 and 1998. This was accomplished by creating new community living arrangements, developing new assessment and individual service planning procedures and quality assurance systems, and by obtaining increased federal funding through the Medicaid Home and Community-Based Services (HCBS) Waiver.

Resource Development

The acquisition and development of housing is a critical element in the implementation of the Agnews Closure Plan. Over 75 percent of the current Agnews' residents will move into BAHP homes. Twenty-six homes have been acquired and two are in escrow. BAHP funds are being used to purchase SB 962 homes, which provide for persons with specialized health care needs, Family Teaching Homes (FTH), and Specialized Residential Homes (SRH), which provide for persons with behavioral challenges or other specialized needs. Bay Area regional centers have also identified organizations that will be responsible for the provision of residential and support services required for the implementation of the Agnews Closure Plan. These providers are in the process of developing and implementing a service strategy that includes program design, staff recruitment and development, and review of the needs of consumers whom they may serve. For those living arrangements that require licensure, providers are also now engaged or preparing for the licensing process. Based on our success with the

Report on the Plan for the Closure of Agnews Developmental Center

acquisition of homes, it is expected that significant progress will be achieved in transitioning consumers into the community by the end of the fiscal year. The first SB 962 homes are expected to be licensed as early as February 2007, and transition activities are underway to support consumers moving into these homes. Permit documents have been submitted for 14 properties. It is anticipated that ten property permits will be approved in January 2007. Selective demolition has begun on four properties.

AB 1378 authorizes the DDS to utilize existing Agnews' state employees as part of the Agnews Closure Plan. State employees may serve as direct care staff, provide clinical and other support services, or directly operate facilities to ensure the health and well being of Agnews' residents as they transition into the community. The DDS has reached agreements with a range of labor organizations that identify the process for the deployment of state staff to the community. Agnews has also established an Outpatient Clinic as part of its acute care hospital license. The clinic is licensed by the Department of Health Services (DHS) and vendorized by San Andreas Regional Center (SARC) to provide outpatient medical and dental services with Agnews' staff. The Agnews Outpatient Clinic was operational on May 1, 2006, and has provided over 100 services to date.

Agnews' Consumers

As of November 30, 2006, 261 residents remain at Agnews. Ninety-nine persons have transitioned into the community since the closure planning process began in July 2004. It is projected that 113 consumers will transition from Agnews into the community in Fiscal Year 2006 – 2007 and the remainder of persons that will transition from Agnews into the community will do so by June 30, 2008.

As of December 21, 2006, 17 consumers have moved from Agnews in the current year, and approximately 40 persons are in various stages of the community living options process and are expected to transition into the community over the next several months. In these instances, potential residential providers and community resources have been identified.

The profile of current Agnews' consumers has not changed significantly since the prior report. Sixty-nine percent of the residents today are over the age of 40. Sixty-five percent of them have lived at Agnews over 20 years. Fifty-four percent of the residents have extensive personal care and significant health care needs, approximately 25 percent have significant behavioral issues, and 20 percent require constant supervision and ongoing intervention to prevent self-injury.

Of the 99 consumers who have transitioned from Agnews between July 1, 2004, and November 30, 2006, 79 percent had been served in Intermediate Care Facility residences and 21 percent had been served in the Nursing Facility residences while they lived at Agnews. Of these consumers, 27 percent have moved to Community Care Facilities Negotiated (CCF Negotiated), 22 percent moved to Intermediate Care

Report on the Plan for the Closure of Agnews Developmental Center

Facilities/Developmentally Disabled-Nursing (ICF-DD-N), 19 percent moved to Community Care Facilities Level 4I (CCF L4I), 13 percent moved to Intermediate Care Facilities/Developmentally Disabled-Habilitation (ICF-DD-H), 5 percent moved to Residential Care Facilities for the Elderly (RCFE), 5 percent moved to the FTH, 5 percent returned to their parents homes, and 4 percent moved into Supported Living arrangements.

Of the consumers who have transitioned to the community, 87 percent are over the age of 30 years. Fifty-two percent had lived at Agnews for over 20 years. Fifty-one percent of the consumers who transitioned to the community have significant behavioral needs, 44 percent have significant health and extensive personal care needs, and 5 percent have protection and safety needs.

Agnews' Employees

As of November 30, 2006, there were 1,054 employees at Agnews. Of these employees, 85 percent are full-time employees. Fifty-four percent of Agnews' employees have worked at Agnews for 10 years or less. Fifty-seven percent of the employees are over 50 years of age. Fifty-three percent of the Agnews' employees provide direct care. Seventy-one percent of the employees live in Santa Clara County.

Between July 1, 2004, and November 30, 2006, 404 employees separated from employment at Agnews. Of those separating, 38 percent left state service, 29 percent retired, and 29 percent transferred to other state employment. Of the employees that separated, 69 percent had worked at Agnews 10 years or less and 47 percent were direct care staff.

Agnews continues to promote employee stability and provide opportunities for staff to strengthen the community-based developmental services system. Managing employee attrition during closure remains a high priority at Agnews to assure continuity of services and to protect our most valuable resource, the expertise and commitment of a dedicated workforce.

Sufficient Agnews' staff is needed while the facility is in operation to protect the health and safety of remaining residents and to ensure ongoing the certification of the facility and the associated federal financial participation. Annual staff attrition remains at less than 15 percent, but it is expected to increase as the closure date nears. Personnel management will remain a constant priority throughout the closure process.