

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 (Plan). This is the second statutorily required update and covers progress from December 1, 2005, through March 31, 2006.

The January 2006 Agnews Report provided an update on progress from July 1, 2004, through November 30, 2005, and serves as the foundation for this report. The January 2006 Agnews Report is available at www.dds.ca.gov/AgnewsClosure.

Background

The Department of Developmental Services (Department) directly operates five state developmental centers and two smaller community facilities that will serve an average of 3,071 consumers with developmental disabilities in the 2005 – 2006 Fiscal Year. 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 mirroring national trends. In the case of California, 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 2,980 individuals on May 1, 2006. Declining populations made it possible for the Department to cease using three state hospitals that had served both persons with developmental disabilities and those with mental illness. DeWitt State Hospital was closed in 1972, Stockton Developmental Center in 1995, and Camarillo State Hospital and Developmental Center in 1996. Patton and Napa State Hospitals were both dedicated specifically to the care and treatment of persons with mental illness. Two other state facilities serving persons with mental illness were closed during this period: Modesto State Hospital in 1970, and Mendocino State Hospital in 1973.

In January 1994, the Department entered into an agreement to settle the Coffelt lawsuit, which alleged that the Department and several regional centers had not taken sufficient action to develop community-based services, thereby denying developmental center residents the opportunity to live in the community. The implementation of this agreement resulted in a reduction of the developmental centers' 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.

The United States Supreme Court issued its ruling in *Olmstead v. LC* (1999) 527 U.S. 581. This decision stated that services should be provided in community settings when treatment professionals have determined that community placement is appropriate;

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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 requiring them to prepare comprehensive Olmstead plans to decrease dependency on institutional services.

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

The Administration-sponsored Plan to close 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. The foundation of the Plan is building community capacity and successfully transitioning consumers into the community. Consistent with the Plan, new service and support options are being created aimed at ensuring consumer health and safety throughout the transition and permanent housing capacity in the Bay Area.

In 2004, the Administration began introducing legislation that served as the policy framework for the Plan. In January 2005, AB 2100 modified by SB 643 was enacted to allow the Bay Area regional centers to secure and assure lease payments for Agnews' residents moving into Bay Area Housing Plan (BAHP) homes and added family teaching homes as a new service delivery option. In January 2006, SB 962 established a pilot of community care licensed homes to serve adults with special health care needs in the Bay Area. Additionally, AB 1378 authorized Agnews' employees to work in the community to support the transition of Agnews' residents into community homes.

The Plan projected a closure date of June 30, 2007, for Agnews Developmental Center. The complexities of negotiating construction and permanent financing among the lenders and private entities have resulted in delays in implementing the BAHP. Also affecting the closure process is the fact that three of the four pieces of legislation needed to fully implement the Plan became operational as of January 1, 2006.

The Department evaluated the progress of implementing the approved Plan and determined it is not possible to implement the Plan and close Agnews by June 30, 2007. The Department concluded that a June 30, 2008, closure date was more appropriate. This revised closure date was based on a detailed evaluation of existing work plans and the associated time frames and on extensive discussions with the Bay Area regional centers and the housing developer. Through a finance letter dated March 30, 2006, the Administration extended the closure date to June 30, 2008.

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Resource Development

The Department, the Bay Area regional centers, Agnews and the housing developer have prepared housing roll-out schedules based on consumer-centered planning underway at Agnews. In early April, the housing developer trained regional center staff and the non-profit housing organizations on the housing acquisition and approval process. The non-profit housing organizations started identifying properties for purchase in March. As of April 30, 2006, there are three pending offers and five homes in escrow. It is projected that it will take six to eight months to renovate these properties. BAHF housing funds will be used to purchase SB 962, Family Teaching, and Specialized Residential Homes.

AB 1378 authorizes the Department to utilize existing Agnews' state employees as part of the Administration's Plan for the closure. State employees may serve as direct care staff, provide clinical and other support services, and directly operate facilities to ensure the health and well being of Agnews residents as they transition into the community. Toward this end, Agnews has 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 when generic services are not available or are inaccessible. The Agnews Outpatient began providing services on May 1, 2006.

Agnews' Consumers

As of March 31, 2006, 285 residents remain at Agnews. In Fiscal Year 2005-2006, it is projected that 63 consumers will transition from Agnews into the community. As of March 31, 2006, 35 consumers have moved from Agnews into the community in the current year. Sixty-six percent of the Agnews' residents are over the age of forty. Sixty percent of the Agnews' residents have lived at Agnews over 20 years. Fifty-five percent of the residents at Agnews have extensive personal care and significant health care needs, approximately 24 percent of the residents have significant behavioral issues, and 19 percent of the residents require constant supervision and ongoing intervention to prevent self-injury.

Between July 1, 2004, and March 31, 2006, 80 consumers moved from Agnews into the community. Of the consumers who have transitioned from Agnews, 84 percent had been served in Intermediate Care Facility Residences and 16 percent had been served in the Nursing Facility Residences while they lived at Agnews. Seventy-one percent of the Agnews' consumers who have transitioned to the community were over the age of thirty.

Of the consumers who have transitioned to the community 50 percent had lived at Agnews for over 20 years. Fifty-five percent of the consumers who transitioned to the community had significant behavioral needs, 39 percent had significant health and extensive personal care needs, and six percent had protection and safety needs. Of the 80 consumers who transitioned to the community, 28 percent of the consumers moved

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to Community Care Facilities Negotiated Rate, 21 percent moved to Community Care Facilities Level 4I, 20 percent moved to Intermediate Care Facilities/Developmentally Disabled-Nursing, 15 percent moved to Intermediate Care Facilities/Developmentally Disabled-Habilitation, six percent moved to Residential Care Facilities for the Elderly, two percent moved to Supported Living, and two percent moved to their parents' home.

Agnews' Employees

As of March 31, 2006, there were 1,129 employees at Agnews. Of these employees, 86 percent are full-time employees. Fifty-three percent of Agnews' employees have worked at Agnews for 10 years or less. Fifty-three percent of the employees are 50 years of age or older. Fifty-three percent of the Agnews' employees provide direct care and 73 percent of the employees live in Santa Clara County.

Between July 1, 2004, and March 31, 2006, 308 employees separated from employment at Agnews. Of those separating, 42 percent left state services, 30 percent retired, and 26 percent transferred to other state employment. Of the employees that separated, 72 percent had worked at Agnews ten years or less and 49 percent were direct care staff.

Agnews continues to implement a system that promotes employee stability and provides opportunities for employees to build on their expertise and strengthen the developmental services system. Employee retention during closure remains a high priority to assure continuity of services and to protect our most valuable resource, the expertise and commitment of a dedicated workforce. As many of the Agnews' employees have dedicated their entire career to providing services and supports to persons with developmental disabilities, it is our hope that many of them will be interested in continuing to work in the developmental services field. Toward this end, Agnews is coordinating multiple strategies to recruit these employees to continue their career in the community-based developmental services system.