



Joint Legislative Executive Committee on Planning for Aging and Disability Issues

October 14, 2020

Good afternoon.

My name is Tina Baldwin.

I am a parent of an adult daughter with a developmental disability. She is stressed about this pandemic in many of the same ways you and I are. She is stressed about getting sick, wearing a mask, the changes in schedules and routines, social distancing, contact with friends and family, and circulation in the community, etc., etc.

The CDC website advises us to "take care of [y]our mental health during the pandemic". You and I have the capacity and ability to choose OR not choose among many mental health care options --**but**--the majority people with developmental disabilities are dependent upon the decisions made by parents, caregivers, and guardians and DO NOT HAVE the choice about their mental healthcare.

I want to offer two recommendations today that I think have the potential of reducing the budget and help to insure that Washington State is complying with the Americans with Disabilities Act or ADA.

I am recommending that this committee request the state auditor, a neutral entity, to review records in a random sample of clients who are receiving services from DSHS and DDA and that interviews with clients and family be included. Areas to investigate should include such questions as:

- * Has there been a diagnosis of mental health problems?
- * Are mental health services being provided and who is providing them?
- * Have there been requests for employment and/or residential services or modification to extant services based on the need to address behavior or mental health challenges ?
- * Who has made the request-- service providers, parents, guardians, psychologists or other mental health professions?
- * Do services plans meet person centered criteria, values and policies of DDA, DSHS, Medicaid and Medicare , of Washington state and federal law.

Why a survey?

The answer to these questions will absolutely help everyone have a realistic picture of necessary and potential excessive expenditures, and to evaluate for person centered planning and compliance with the ADA.

Perhaps many cases can be handled cheaper AND more appropriately with person centered service plans which could result less restrictive services. I will also add, and this is a biggee, that pre-existing mental health issues and challenging behaviors can be **exacerbated by** inappropriate or unprofessional service plans.

When service providers makes these requests in the absence of mental health care services or review by a health care professional there is the potential of a conflict of interest. It is essential that an appropriate mental health professional needs to be involved before more expensive services are approved.

In September, 2019, in a case brought by the Department of Justice against Mississippi, a federal judge ruled that Mississippi is violating the ADA and ordered the state to improve overall delivery of mental health services. ([Link to federal decision.](#))

Therefore, my second recommendation is that a representative or representatives from this committee talk to Michael Hogan who was appointed by the federal judge to oversee Mississippi's effort to bring their mental health system in compliance with the ADA. At the end of April, legislators finalized a new budget and there have been many agency changes.

I will be sending each you an email with a copy of my remarks, Mr. Hogan's contact info, and a copy of the Mississippi case.

Every person with a development disability with mental health needs are entitled to mental health services under the ADA.

Anything less is disability discrimination with the possibility of criminal and civil liability. Not only are tax dollars at issue here but so are civil rights.

Mississippi was sued and lost so they are being forced to comply with the ADA. Washington should, and can, avoid this. A call to Michael Hogan is essential to help this committee accomplish their budgetary goals and, in fact, to help the state avoid potential litigation over compliance with the ADA. The survey is essential to justify changes in the budget.

It is for these reasons that I urge this committee to consider the two recommendations I have made today.

Thank you very much for giving me the opportunity to speak to you today. I wish you all the best during these times.

Sincerely,
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