

Protection & Advocacy for Individuals With Mental Illness

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2010 Statement of Goals and Objectives

October 1, 2009 through September 30, 2010

Approved by the PAIMI Advisory Council on February 20, 2010

Approved by the Board of Directors on March 19, 2010

Missouri Protection and Advocacy Services (Mo P&A) will conduct activities in the Protection and Advocacy for Individuals with Mental Illness (PAIMI) program in fiscal year 2010 according to the goals and objectives as established in this document. These goals govern both individual cases and systemic issues.

The goals for the PAIMI program reflect our best understanding of the overall needs expressed by consumers, their families, mental health professionals, others in Missouri's mental health community, and our PAIMI Advisory Council.

The role of Missouri Protection and Advocacy Services is necessarily limited by its resources. Funding for the PAIMI program is derived from a formula established in federal law. The objectives, case acceptance criteria, and outcome measures listed in each goal define what Missouri Protection and Advocacy Services' Board of Directors believe can reasonably be achieved during the course of the program year with the funding provided.

Advocacy cases are opened to assist consumers with problems falling within the PAIMI goals. The problem must be *directly related to the consumer's disability*. Services will be provided to resolve problems at the lowest possible level of intervention. Litigation in a court of law will be pursued only after all administrative remedies have been exhausted.

Individual Assistance & Legal Representation Limitations

Mo P&A does not duplicate advocacy or legal services already provided or available to clients or potential clients of this agency.

Attorneys for Mo P&A do not represent individuals with disabilities in criminal cases or divorce proceedings. Individuals accused of a crime have a right to representation in a court of law. Therefore, if an individual cannot afford an attorney, the court will appoint a public defender or private attorney (pro bono) to represent them.

Goal #1 Imminent Danger Abuse/Neglect

Consumers with a mental illness diagnosis will not be subject to abuse or neglect which may cause injury or death.

Objective #1 -- Imminent Danger Abuse/Neglect Investigations:

Mo P&A will conduct an Imminent Danger Investigation for every report of abuse and/or neglect of an individual with a mental illness where there is an immediate potential for loss of life or serious physical or psychological harm.

Key Outcome Measures -- Mo P&A will:

- 1. Imminent Danger Investigations:** Conduct an Imminent Danger Investigation for every report of abuse and/or neglect of an individual with a mental illness where there is an immediate potential for loss of life or serious physical or psychological harm. Mo P&A will provide advocacy (and legal representation when necessary) in order to seek remedies from administrative agencies, prosecuting agencies, and courts for substantiated allegations.
- 2. Death Investigations:** Review reports of all unexpected deaths among Department of Mental Health consumers. Conduct primary/secondary death investigations in each case where probable cause of abuse or neglect exists.
- 3. Restraint/Seclusion Deaths:** Conduct a primary death investigation for each consumer identified by the Centers for Medicare and Medicaid Services (CMS) who died while in restraints or seclusion.

Acceptance for Individual Representation Criteria

Mo P&A will accept cases alleging abuse or neglect where the allegation involves imminent loss of life or serious physical or psychological harm to a person with mental illness.

Potential Interventions in Individual Representation

Mo P&A will conduct a secondary investigation in cases where a primary investigation is being conducted by another agency.

Mo P&A will review all previous investigations that have been conducted for a reported incident or death. Mo P&A will determine if further investigation or intervention is needed to make a determination or seek a remedy.

Mo P&A will initiate a referral for an investigation to the appropriate licensing, certification or law enforcement agency if available.

When a conflict of interest for Mo P&A exists, a referral to the appropriate investigating authority will be made and a review will be conducted of how the matter was handled.

Goal #2 24-Hour Treatment & Care Residential Facilities

Consumers with mental illness living in 24-hour treatment and care residential facilities will receive appropriate treatment, care, respect, and services in the least-restrictive environment.

Objective #1 -- General Abuse/Neglect and Violation of Rights:

Consumers with a mental illness diagnosis receiving treatment and care in 24-hour residential settings will not be subject to abuse or neglect or violations of rights.

Note: Mo P&A will not intervene to override medical decisions made by a duly-licensed physician in accordance with prevailing medical standards.

Key Outcome Measures --

- 1. Abuse/Neglect Allegations:** Mo P&A will provide advocacy services or conduct primary/secondary investigations for two hundred fifty (250) allegations of non-imminent danger abuse and/or neglect. Mo P&A will provide advocacy (and legal representation when necessary) in order to seek remedies from administrative agencies, prosecuting agencies, and courts for substantiated allegations.
- 2. Violation of Rights Allegations:** Mo P&A will provide advocacy services for fifty (50) allegations citing violation of civil or human rights related to the consumer's disability. Mo P&A will provide advocacy (and legal representation when necessary) in order to seek remedies from administrative agencies, prosecuting agencies, and courts for rights violations.

Acceptance for Individual Representation Criteria

Mo P&A does not accept cases where the allegation involves client-to-client abuse. Mo P&A has a conflict of interest in these situations.

Mo P&A will accept cases where there is probable cause to believe that the client's right to a safe environment is being violated. Mo P&A will assist clients with complaints that raise probable cause to believe that involuntary treatment and restrictions are being illegally imposed or that significant rights are being improperly restricted.

Mo P&A will accept cases when the client is in a facility and is without a properly-developed plan or when a client is not allowed input to the plan. Mo P&A will represent consumers whose right to reside in the least-restrictive environment is endangered by decisions made by treatment teams, guardians, or courts which unduly restrict the environment in which the client resides. Mo P&A will not represent clients at hearings for which competent court-appointed representation is provided.

Goal #3 Community-Based Initiatives

Consumers diagnosed with significant mental illness living in the community will be free from abuse and neglect and will receive appropriate treatment which upholds their rights in the least-restrictive setting.

Objective #1 -- General Abuse/Neglect and Violation of Rights:

Consumers diagnosed with significant mental illness shall be free of abuse and neglect, have their rights protected, have meaningful involvement in, and give informed consent to, their treatment.

Key Outcome Measures --

- 1. Abuse/Neglect Allegations:** Mo P&A will provide mental health consumers residing in the community advocacy services or conduct primary/secondary investigations for thirty (30) allegations of non-imminent danger abuse and/or neglect. Mo P&A will provide advocacy or legal representation (when necessary) in order to seek remedies from administrative agencies, prosecuting agencies, and courts for substantiated allegations.

2. **Violation of Rights Allegations:** Mo P&A will provide consumers residing in the community advocacy services for thirty-five (35) allegations citing a violation of civil or human rights related to the consumer's disability. Mo P&A will provide advocacy (and legal representation where necessary) in order to seek remedies from administrative agencies, prosecuting agencies, and courts for rights violations.
 - a. **Guardianship:** Mo P&A will intervene to ensure that the rights of ten (10) consumers with guardians are protected from serious violations of the ward's rights.
 - b. **Special Education:** Mo P&A will assist twenty (20) students to ensure that they are placed in appropriate school settings, and are not excluded from school due to behaviors that are a manifestation of their disability.
 - c. **Housing:** Mo P&A will provide assistance to five (5) consumers in regard to housing rights issues, including Section 8 voucher denials.

Acceptance for Individual Representation Criteria

Mo P&A will not represent clients in a guardianship hearing unless a significant violation of the consumer's rights in the process exists. Mo P&A will attempt to resolve issues using non-legal intervention strategies prior to litigation. Mo P&A will accept cases where a guardian seeks an unnecessary restrictive placement for a ward or where the guardian's actions appear to constitute a violation of the probate code.

Goal #4 Benefits Denial

Consumers with severe mental illness need assistance in gaining access to those benefits for which they are eligible.

Objective #1 -- Case Reviews & Hearings: Consumers with severe mental illness who have been denied benefits under the Social Security Act, or who have not been provided an appropriate level of benefits under the Act, need assistance in evaluating the merits of their case and legal representation before the Office of Disability Adjudication and Review.

Key Outcome Measures -- Mo P&A will:

1. **Comprehensive Evaluations:** Conduct a comprehensive case evaluation using a standardized survey instrument for ten (10) consumers with severe mental illness who have been denied benefits under the Act, or who have not been provided an appropriate level of benefits under the Act.
2. **Hearings and Appeals:** Provide legal representation for five (5) consumers in cases before the Office of Disability Adjudication and Review.
3. **Overpayment Appeals:** Provide advocacy and/or legal representation to five (5) consumers who need to appeal overpayment determinations.

Acceptance for Individual Representation Criteria

1. Mo P&A will accept a limited number of cases in which a consumer has been denied benefits under the Social Security Act, or has not been provided an appropriate level of benefits under the Act.
2. Mo P&A will provide Information and Referral services, but not advocacy or legal representation, in cases that have yet to reach the Office of Disability Adjudication and Review level.

Potential Interventions in Individual Representation

Technical assistance and/or legal representation before the Office of Disability Adjudication and Review and appeals therefrom, as appropriate.

Goal #5 Public Policy & Systemic Initiatives

Public policy should competently address the needs of consumers with mental illness.

Objective #1 -- Educate Legislators and Other Public Policy Makers: Public policy decisions affect the lives of consumers with disabilities. Public policy should be designed and enacted to protect and ensure the rights of consumers with mental illness.

Key Outcome Measures -- Mo P&A will address the following public policy issues:

1. **Abuse & Neglect in Psychiatric Facilities:** The care and safety of consumers, especially children, residing in psychiatric facilities by reduction of inappropriate seclusion and restraint.

2. **Guardianship:** The need for reform to the probate code and the rights of wards of the state under public guardianship.
3. **Olmstead Initiatives:** The rights of consumers with mental illness to reside in the community and to have adequate and competent community-based services. Children should be able to transition seamlessly into the adult system.
4. **Deaf Mental Health Services:** Mo P&A will collaborate with attorneys in private practice and consumer advocates within the deaf community to ensure that deaf consumers diagnosed with mental illness have access to appropriate mental health treatment and care.

Goal #6 Outreach, Access, & Information and Referral

Consumers with mental illness have unique needs which require face-to-face advocacy services. Every effort should be made to facilitate access to Mo P&A services, help foster communication, and give clients the opportunity to register complaints about treatment, care, and rights violations.

Objective #1 -- Services:

Consumers with mental illness residing in 24-hour care and treatment facilities and in the community need a range of advocacy-related services. Every effort should be made to facilitate access to Mo P&A and provide clients the opportunity to register complaints about their treatment and care.

Key Outcome Measures -- Mo P&A will:

1. **Psychiatric Hospitals:** Provide ongoing, case-related face-to-face outreach to the Department of Mental Health's psychiatric hospitals for adults and children.
2. **Technical/Short-Term Assistance:** Provide PAIMI case-related technical/short-term assistance (less than four hours) by Application Unit Information Specialists to at least twenty-five (25) callers and applicants for services.
3. **Toll-Free Number:** Maintain a toll-free information line available to all consumers with disabilities to enable them to access our services and information about their rights. Mo P&A will work to ensure that this phone number remains posted at all 24-hour care and treatment facilities.
4. **Information & Referral:** Provide PAIMI-related information and referral services to at least one thousand (1,000) callers and applicants for services.

Acceptance for Individual Representation Criteria:

1. Mo P&A will accept a limited number of restricted scope technical/short-term assistance disability-related cases (as funding allows) in which a person diagnosed with mental illness is confronting an issue that can be resolved with less than four hours of general advocacy.

Potential Intervention in Individual Representation:

Mo P&A will not use advocacy or legal staff for these limited-scope cases.

Public Comment

You are encouraged to provide public comment regarding the 2010 PAIMI Statement of Goals and Objectives (SGO) by calling 1-866-777-7199, faxing comments to 573-893-4231, or mailing written comments to:

Missouri Protection & Advocacy Services
 ATTN: SOP Public Comment
 925 South Country Club Drive
 Jefferson City, MO 65109

100% of the funding for the PAIMI program is provided through an annual formula grant award from the U.S. Department of Health and Human Services, Center for Mental Health Services.