

# Protection & Advocacy for Individuals With Mental Illness

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## 2012 Statement of Goals and Objectives

October 1, 2011 through September 30, 2012

Approved by the PAIMI Advisory Council on September 24, 2011

Approved by the Board of Directors on September 30, 2011

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 2012 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 accept cases where the allegation involves client-to-client abuse. Mo P&A has a conflict of interest in these situations. When a conflict of interest for Mo P&A exists, a referral to the appropriate authority will be made and a review will be conducted of how the matter was handled.

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, & Death Investigations**

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, & Death Investigations**

Mo P&A will conduct an investigation for every report of abuse and/or neglect of an individual with a mental illness where there is a loss of life or an allegation of 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. Abuse/Neglect Investigations: Conduct an investigation for every report of abuse and/or neglect of an individual with a mental illness where there is an allegation of 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.
3. 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.
4. 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.

#### 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.

### **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.

#### **Key Outcome Measures --**

1. Abuse/Neglect Allegations: Mo P&A will provide advocacy services for one hundred seventy-five (175) allegations of non-imminent danger abuse and/or neglect. This includes ongoing monitoring of state tracking systems for allegations of abuse and neglect, and ensuring that state-run facilities have appropriate policies and procedures in place to prevent unnecessary/abusive restraint and seclusion.
2. Violation of Rights Allegations: Mo P&A will provide advocacy services for forty (40) allegations where probable cause exists to believe that disability-related rights have been violated. Focus areas will include inappropriate placements in a more restrictive environment and violations of a ward's rights by a guardian.

#### Acceptance for Individual Representation Criteria

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 inappropriately placed in a facility. 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 for twenty-five (25) allegations of non-imminent danger abuse and/or neglect.
2. Violation of Rights Allegations: Mo P&A will provide consumers residing in the community advocacy services for twenty-five (25) allegations citing a significant violation of civil or human rights related to the consumer's disability.

**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, advocacy services, and/or representation.

**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 advocacy and/or representation for five (5) consumers appealing adverse 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 or advocacy services, but not 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 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. Olmstead Initiatives: The rights of consumers with mental illness to reside in the community and to have adequate and competent community-based services.

3. Transition-aged Services: Children should be able to transition seamlessly into the adult mental health service delivery 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, and Information & 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 one hundred (100) ongoing, case-related face-to-face outreach contacts 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 ten (10) callers and applicants for services. 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. Mo P&A will not use advocacy or legal staff for these limited-scope cases.
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 seven-hundred (700) callers and applicants for services.

**PUBLIC COMMENT**

You are encouraged to provide public comment regarding the 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: SGO Public Comment  
925 South Country Club Drive  
Jefferson City, MO 65109

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