

Commitments to the Mexia State Supported Living Center (MSSLC)

Intermediate Care Facility for Individuals with
Intellectual Disabilities (ICF/IID)

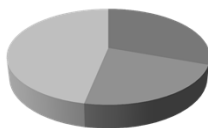
Department of Aging and Disability Services (DADS)
designated Forensic Facility (Texas Health & Safety Code Sec. 555.002)



Mexia State Supported Living Center

MSSLC provides the structure and intensive person-centered services that assists individuals with an intellectual disability, including those with significant behavioral health needs, transition to a richer, and more fulfilling life.

Mexia SSLC Demographics



- Adult Male Alleged Offenders
- Juvenile Male Alleged Offenders
- Civil-Involuntary and Voluntary

Mexia SSLC serves:

Individuals with severe or profound intellectual disabilities.

People with an intellectual disability who have significant behavioral health needs as well as those who are medically fragile.

Adult male alleged offenders who are admitted for evaluation of competency to stand trial under Chapter 46B of the Code of Criminal Procedure.

Juvenile male alleged offenders who are admitted for evaluation of fitness to proceed under Chapter 53 of the Family Code.

Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID)

- ▶ Mexia State Supported Living Center (MSSLC) is certified to participate in the Medicaid program as an intermediate care facility for individuals with intellectual disabilities (ICF/IID) and receives the same funding as all other State Supported Living Centers. The facility receives the majority of its funding from Medicaid Funds. As a Medicaid certified provider, the facility must comply with the ICF/IID rules, regulations and guidelines just as any other state supported living center.

Mexia SSLC Forensic Designation

SB 643, 81st Legislature, Regular Session, 2009

Required DADS to establish a separate forensic state supported living center for the treatment of high risk alleged offender residents apart from other individuals residing at the facility.

SB 643, 81st Legislature, Regular Session, 2009 Additional Requirements

- ▶ **SB 643 additionally required DADS to:**
 - Identify and transfer high-risk alleged offender residents from other facilities to the forensic facility
 - Place high-risk alleged offenders in separate homes at the forensic facility based on age and gender
 - Place alleged offenders in the forensic facility at the time they are initially committed for evaluation
 - Transfer all residents, other than high-risk alleged offenders and certain other alleged offenders, who request a transfer from the forensic facility
 - Provide specialized training regarding service delivery for high-risk alleged offenders to direct care staff at the forensic facility

Purpose of an ICF/IID

- ▶ An ICF/IID, including MSSLC, is not a correctional facility.
- ▶ The primary purpose of the ICF/IID is to furnish health or rehabilitative services to persons with an intellectual disability or persons with related conditions. (42 CFR 440.150(a)(2))
- ▶ ICFs/IID must provide active treatment to all residents.

Intellectual Disability

- ▶ MSSLC serves individuals with an intellectual disability.
- ▶ An intellectual disability:
 - Originates before age 18
 - Results in significant limitations in intellectual functioning and adaptive behavior as expressed in conceptual, social and practical adaptive skills
 - Is diagnosed through the use of standardized tests of intelligence and adaptive behavior
- ▶ Intellectual disability ranges from mild to profound:
 - Mild - IQ is typically between 50 and 70
 - Moderate - IQ is typically between 35 and 49
 - Severe - IQ is typically between 20 and 34
 - Profound - IQ is typically below 20

Specialized Services

- ▶ Specialized services at Mexia State Supported Living Center are available to both adult and juvenile alleged offenders, as well as non-alleged offenders who have been identified as individuals who would benefit from participation.
- ▶ Specialized programs and services include:
 - STARS - Specialized Treatment and Rehabilitation Services
 - Behavior programming
 - Counseling services
 - Three specialized centers
 - Skills-Based Training for Employment Preparedness (STEP)
 - Programmed Activities for Community Engagement (PACE)
 - Practical Adaptive Work Skills (PAWS)

ICF/IID Resident Rights–Federal Regulations

§483.420 (a)(9) Ensure individuals the opportunity to communicate, associate and meet privately with the individuals of their choice.

§483.420(a)(9) To send and receive unopened mail.

§483.420(a)(10) Ensure that individuals have access to telephones with privacy for incoming and outgoing local and long distance calls except as contraindicated by factors identified within their individual program plans;

§483.420(a)(11) Ensure individuals the opportunity to participate in social, religious and community activities:

ICF/IID Resident Rights–Federal Regulations cont.

▶ **§483.420(c)(3)** Promote visits by individuals with a relationship to the individual(such as family, close friends, legal guardians and advocates) at any reasonable hour, without prior notice, consistent with the right of that individual's and other individual's privacy, unless the interdisciplinary team determines that the visit would not be appropriate;

▶ **§483.420(c)(5)** Promote frequent and informal leaves from the facility for visits, trips, or vacations;

Person Centered Planning

At an ICF/IID facility, individualized decisions regarding all aspects of treatment and care are made by an Interdisciplinary Team (IDT.)

An Interdisciplinary Team (IDT) is:

- ▶ A team consisting of the individual served, the individual's legally authorized representative (LAR) and qualified intellectual disabilities professional, other professionals dictated by the individual's strengths, preferences, and needs, and staff who regularly and directly provide services and supports to the individual. The team is responsible for assessing the individual's treatment, training, and habilitation needs and making recommendations for services based on the personal goals and preferences of the individual using a person-directed planning process, including recommendations on whether the individual is best served in a facility or community setting.

Rights of an Individual under the Constitution of the United States

- ▶ **The United States Supreme Court says that the United States Constitution guarantees certain rights to each person who lives in an institution for people with intellectual and developmental disabilities, such as a state center.**

These constitutional rights include:

- 1. The right to adequate food, shelter, clothing and medical care.**
Medical care means not only emergency care, but also regular and preventive care.
- 2. The right to reasonably safe conditions of confinement.**
This includes the right to be protected from abuse, neglect and exploitation.
- 3. The right to be free from undue bodily restraint.**
A resident may not be restrained unless a trained staff member determines the restraint is necessary to assure his/her safety or the safety of others.

- ▶ **4. The right to receive training and develop skills you need to ensure safety and to facilitate your ability to function free of bodily restraint.**
- ▶ *Individuals must be provided with training to ensure their safety and to help them be free of bodily restraints. Training should also be provided to prevent individuals from losing self-care skills they had before entering the facility.*

The United States Supreme Court also says people living in a state center have these additional rights:

- 5. You have the right to move to the community when:**
 - the center's professionals determine the placement is appropriate.
 - the individual, his/her guardian or LAR do not oppose the placement.
 - the placement can be reasonably accommodated, taking into account the resources available to the state and the needs of others with intellectual disabilities.

- 6. You have the right to due process if the individual, his/her guardian or LAR object to the administration of psychotropic medications.**
If the individual, his/her guardian or LAR objects to taking psychotropic medications, the state center must follow the due process requirements of the state law.

Persons with an Intellectual Disability Act

- ▶ Texas Health and Safety Code, Title 7, Subtitle D provides additional protection for individuals with intellectual disabilities including:
 - ▶ 1. The same rights all citizens have, unless some of these rights have been taken away by a court. These rights include the right to register to vote and to vote, to practice a religion, to keep one's own possessions, to agree to enter into contracts (such as buying a house, or car) and to get married. An individual with an intellectual disability cannot be treated differently because of their disability.
 - ▶ 2. The right to be free from abuse, neglect, or exploitation.
 - ▶ 3. The right to live in the least restrictive environment.
 - ▶ 4. The right to go to public school until age 22.

- ▶ 5. The right to presumption of competency.
- ▶ 6. The right to due process in guardianship proceedings.
- ▶ 7. The right to fair compensation for their labor.
- ▶ 8. The right to have treatment and services suited to the individual's needs.

Least Restrictive Environment

- ▶ Individuals with an intellectual disability have the right to live in the least restrictive setting appropriate to the person's individual needs and abilities and in a variety of living situations, including living:
 - ▶ (1) alone;
 - ▶ (2) in a group home;
 - ▶ (3) with a family; or
 - ▶ (4) in a supervised, protective environment. (Health and Safety Code 592.013)

Facility Oversight

- ▶ **Department of Aging and Disability Services–Regulatory Services**
 - Surveys SSLCs for compliance with ICF/IID Medicaid requirements in Title 42, Code of Federal Regulations, Chapter 483
- ▶ **Department of Family and Protective Services**
 - Investigates allegations of abuse, neglect, or exploitation of residents
- ▶ **Office of Inspector General**
 - Assists state and local law enforcement in investigating allegations of criminal offenses involving residents
- ▶ **Centers for Medicare and Medicaid Services**
 - May survey SSLCs for compliance with ICF/IID Medicaid requirements independently of DADS–Regulatory Services
- ▶ **Department of Justice**
 - Monitors SSLC compliance with settlement agreement related to the Civil Rights of Institutionalized Persons Act



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