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FOR IMMEDIATE RELEASE

December 5, 2008

## **Advocacy, Inc. Urges State Officials to Take Immediate Action to Protect Vulnerable State School Residents with Developmental Disabilities**

***U.S. Department of Justice Report\* Upholds Advocacy's Findings: State School Residents Health and Safety Is At Imminent Risk***

### **\*REPORT HIGHLIGHTS:**

- There were 450 confirmed incidents of abuse of residents in FY 2007.
- More than 114 deaths in Texas' State Schools have been reported since September 2007.
- More than 800 employees have been suspended or fired since 2004 for abusing residents.
- Serious problems and deficiencies in care exist at 12 State Schools and State Centers in Texas.
- Until the Facilities can successfully retain, train, and supervise their staff, they will face enormous difficulties in addressing the identified deficiencies.

AUSTIN, TX. – In light of U.S. Department of Justice findings released Dec. 1<sup>st</sup> documenting serious health and safety problems in Texas' 12 State Schools and State Centers, attorneys for Advocacy, Inc. today called on state officials to take immediate action to protect residents with developmental disabilities living in these facilities.

“The days of rampant abuse and neglect of State School residents, poor medical care, unnecessary use of restraint, and poor behavioral services must end before any other residents are harmed or die,” said Mary Faithfull, executive director of Advocacy, Inc.

Advocacy Inc. is requesting that the State of Texas take *immediate steps* to ensure the safety of residents' while reviewing the remedial measures proposed by the Justice Department. These steps include:

- Placing a *Moratorium on all Admissions* to all State Schools and State Centers;
- Establishing an *independent, state-funded Immediate Needs Assessment Team* to develop plans and

recommendations to address those residents deemed most at risk, especially children and the medically fragile;

- ***Prohibiting the use of mechanical restraints, papoose boards, and straightjackets*** on residents with developmental disabilities; and
- ***Prohibiting the dispensing of psychiatric medication without a comprehensive psychiatric assessment***, a comprehensive behavioral assessment, a written order by a physician, and the consent of the resident or their legally authorized guardian. If a resident is unable to consent, a second opinion should be obtained from an independent psychiatrist.

“The state must move swiftly to implement these common sense actions to protect the States most vulnerable residents that are entrusted to its care,” said Beth Mitchell, attorney with Advocacy, Inc.

Earlier this week, the Civil Rights Division of the U.S. Department of Justice served the results of its investigation on Governor Rick Perry; Attorney General Greg Abbott; and Adelaide Horn, Commissioner of the Texas Department of Aging and Disability Services, the agency that owns and operates the State Schools and State Centers, as well as on the superintendent of each facility.

The Justice Department’s 62-page report confirms Advocacy’s earlier findings: that these facilities are failing to provide residents’ constitutional right to adequate protection, health care and behavioral and mental health services, and other supports. The report found that “residents have suffered significant injuries from inadequate supervision, neglect, and possible abuse, and improper use of restraints.” Many of the problems in State Schools are due to “high staff attrition rates and from staff vacancies, especially for direct care staff and clinicians,” according to the report.

Advocacy wrote to Commissioner Horn three months ago about the problems caused by State School staffing shortages, but she refused to meet with Advocacy representatives to discuss actions needed to ensure residents’ health and safety, Mitchell said.

**A copy of Advocacy’s letters to the Commissioner, her response, and the U.S. Department of Justice report are available at [www.advocacyinc.org](http://www.advocacyinc.org).**

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