

**DISABILITIES LAW PROGRAM
PROPOSED FOCUS AREAS AND CASE
ACCEPTANCE STANDARDS
Protection & Advocacy for Individuals with Mental
Illness (PAIMI) Program
FY 2024 (10/1/2023-9/30/23)**

I. ADVOCACY IN FACILITIES AND INSTITUTIONS

Priority/Goal Description:

Individuals with significant mental illness (SMI) / emotional impairment (EI) in facilities will be free from abuse and neglect and live in healthier, safer, or otherwise improved environments.

Objectives:

1. DLP will monitor facilities, including psychiatric hospitals, corrections, nursing homes and other facilities, to ensure that individuals with SMI/EI are receiving appropriate treatment services, are not subjected to inappropriate discipline, restraint or seclusion, and are free from abuse, neglect, criminalization of disability, and disability rights violations, through monitoring visits, office hours, and other monitoring activities. If monitoring uncovers issues of public interest or that require intervention, monitoring activity may include public reports and/or encouraging appropriate intervention by oversight agencies.

➔ Target: 125 contacts with facilities
2. DLP will seek to ensure appropriate access to and review reports, critical incident reports and data from public and private facilities to facilitate effective monitoring and abuse and neglect investigations.

➔ Target: 325 reports or data reviewed
3. DLP will screen and investigate, on a case by case basis, any reported or discovered incidents of neglect, injury, or death of an individual with SMI/EI living in a facility.

➔ Target: 18 cases
4. DLP will participate in the DPC Patient Rights Committee to address abuse, neglect, or quality of care issues at DPC.

➔ Target: 4 meetings

5. DLP staff will, as appropriate, attend treatment team meetings to foster choice, treatment options consistent with client wishes, and enforcement of patient rights.

➔ Target: 8 meetings
6. DLP staff will, as appropriate, assist clients in transitioning to community life from facilities (psychiatric or acute care hospitals, corrections, and other settings), including facilitating effective discharge planning, addressing violations of state and federal regulations related to notice and due process. discharges, and on a case-by-case basis, removing barriers to discharge including, legal impediments, housing, public benefits, credit history, or denial of key public benefits.

➔ Target: 8 individuals
7. DLP will prompt review and transfer or discharge, of long-term patients at DPC with NGRI status, to less restrictive treatment settings. DLP will also address issues with delays in the pre-trial competency restoration process and other issues relating to mental health support for individuals awaiting trial or participating in specialty courts, particularly those where detention or incarceration may be prolonged due to lack of services or supports, on a case-by-case basis. If resources allow, DLP may also provide technical assistance to court-appointed attorneys or the court, for individuals involved in involuntary commitment proceedings.

➔ Target: 4 individuals or group matters
8. DLP will ensure the availability of DLP-sponsored patient rights materials upon admission to DPC and mental health facilities.

➔ Target: 200 materials given to new admissions
9. DLP will offer self-advocacy and patient rights' training and training of peers at DPC, and other sites as time and opportunity allows, and collaborate with peer education initiatives with the Mental Health Association of Delaware and/or NAMI-Delaware.

➔ Target: 6 trainings
10. DLP will promote the development and use of grievance system within DPC and at private facilities as appropriate and will assist residents in filing and pursuing grievances.

➔ Target: 5 individuals or group cases

II. COMMUNITY-BASED SERVICES

Priority/Goal Description:

Individuals with SMI/EI will have access to appropriate and individualized community-based services that will enhance their ability to live independently and reduce risk of institutionalization and homelessness, free from abuse and neglect in community settings.

Objectives:

1. DLP will screen and on a case-by-case basis investigate complaints of abuse and neglect including neglect, serious injuries or deaths, and rights violations of individuals with SMI/EI living in non-facility based and community settings.

➔ Target: 8 incidents
2. DLP will promote access to less restrictive settings and/or help individuals with SMI/EI to receive services that will enable them to participate more fully in their community living through removal of barriers including lack of access to technology, transportation, access to key public benefits including Veteran's Benefits, threats to familial integrity, access to employment supports, addressing acts of discrimination related to housing and other community living arrangements, and other barriers to being housed and otherwise supported in the community.

➔ Target: 10 individuals or group cases
3. DLP will assist individuals with SMI/EI in addressing treatment issues in the community, particularly lack of capacity and waiting lists. Activities may include participation in treatment team meetings and coordination with community agencies and providers, with a particular focus on services and supports for homeless individuals with SMI/EI, improvements to crisis intervention services such as the 988 system, diversion from law enforcement intervention in crisis situations, and assisting individuals warehoused at acute care hospitals who are denied admission to less restrictive settings, including nursing facilities.

➔ Target: 5 individuals or group cases
4. DLP will assist children with EI, and with co-occurring developmental disabilities and EI, to receive behavioral supports and services including home-based services and transitional planning services through Medicaid, PBH, DDDS

and the Delaware Department of Education.

➔ Target: 3 individuals

5. DLP will help individuals with SMI/EI understand supports and services available in the community by advocating for a more robust and responsive grievance and quality assurance system and the provision of training (including peer training) technical assistance and/or information and referral.

➔ Target: 40 individuals trained

III. ACCESS TO FREE APPROPRIATE PUBLIC EDUCATION

Priority/Goal Description: Youth with EI will be provided a free and appropriate public education (“FAPE”) in their least restrictive environment to move them toward independent living, and depending on their goals and interests, secondary education, training, or employment.

Objectives:

1. DLP will investigate allegations that students have been exposed to illegal disciplinary measures, the use of inadequate behavioral planning including the use of seclusion and restraint, and/or are being denied FAPE in the least restrictive environment with appropriate supports. DLP will also assist students in facilities, including corrections, who have been deprived FAPE and other disability rights in education protections. DLP will provide legal assistance, technical assistance, or referral as appropriate.

➔ Target: 6 individuals

2. DLP will educate parents of students with EI about self-determination, age of majority and guardianship and its alternatives, due process rights and remedies for inappropriate or excessive use of seclusion and restraint.

➔ Target: 10 parents trained

IV. SYSTEMIC ADVOCACY

Priority/Goal Description: Promote safe and adequate residential and non-residential community-based services, integrated housing, and options for individuals with SMI/EI through active participation in systemic advocacy.

Objectives:

1. DLP will monitor and as appropriate influence through policy analysis and

participation in DSAMH, DPC, DPBHS, and/or Department of Corrections policy and planning affecting recipients of services by participating on councils and committees, and in meetings with administration and key staff.

➔ Target: 15 meetings or written recommendations

2. DLP will co-sponsor and/or present at seminars, conferences and other events on topics related to mental health and behavioral health in the state.

➔ Target: 2000 individuals receiving training or access to materials

V. PAIMI STAFF AND ADVISORY COUNCIL TRAINING AND SUPPORT

Priority/Goal: Provide robust training and education to staff and advisory council to enhance understanding of client needs and improve quality of services provided to PAIMI-eligible clients.

Objectives:

1. DLP will provide PAIMI staff with opportunities for internal and external training to improve skills and understanding.

➔ Target: 20 trainings

2. DLP will conduct regular meetings of PAIMI staff to promote coordination and progress in goals and objectives.

➔ Target: 3 staff meetings

3. DLP will provide PAIMI AC with training at meetings and offer attendance at outside events.

➔ Target: 10 PAC members trained