



Disability Law Colorado

***Colorado's Protection and Advocacy System for Individuals
with Mental Illness***

(PAIMI) Program Priorities FY19

Priority 1

Facilities

Priority:

1. Prevent abuse, neglect and rights violations, including *Olmstead* violations, in Colorado facilities, which include mental health institutes, nursing homes, assisted living residences, children's residential treatment facilities, public and private psychiatric hospitals and jails.

Objective:

1.a. DLC will investigate complaints and reports from or on behalf of PAIMI eligible residents alleging abuse, neglect and rights violations, including *Olmstead* violations having the probability of causing serious injury or death. DLC will determine whether there is probable cause to investigate the complaint or report, and if found, take action to remedy any abuse, neglect or rights violations found to exist. Action may range from advocacy on one extreme to litigation and monitoring on the other. Action will be guided by PAIMI resources, both personnel and funding, the potential for coalition building that can be brought to bear, and seeking systemic solutions when appropriate.

Target Population:

PAIMI eligible adults, adolescents and children residing in facilities.

Expected Target:

DLC will follow-up on (30) complaints or reports from PAIMI eligible residents.

Outcome:	PAIMI eligible adults, adolescents and children residing in facilities will be less likely to experience abuse, neglect and rights violations.
Objective:	1.b. Prevent serious abuse, neglect and rights violations, in Colorado facilities and settings providing educational services to youth. Disability Law Colorado will monitor and investigate complaints regarding improper use of seclusion or restraint resulting in the risk for serious injury or death from or on behalf of PAIMI eligible youth ages 5 to 21 years.
Target Population:	PAIMI eligible individuals ages 5 to 21 years who have a primary diagnosis of serious mental illness and are residing in or are at risk of being institutionalized in a facility where educational services are provided.
Expected Target:	Disability Law Colorado will monitor and/or investigate 5 facilities or settings where staff administers restraints and/or seclusion. Disability Law Colorado will recommend trainings for staff on appropriate strategies and interventions which will aid in eliminating the use of physical restraints and seclusion.
Outcome:	PAIMI eligible students will no longer be at risk of serious physical injury or death resulting from improper use of restraints an/or seclusion in facilities or settings providing educational services to youth.
Objective:	1.c. In FY17, DLC settled its second Jail-Wait lawsuit against the Colorado Department of Human Services challenging the length of time it takes for detainees in Colorado jails to receive competency evaluations or restorative treatment. The Department has violated the second settlement agreement and DLC has reopened

the case for enforcement purposes and will monitor the Department's compliance with any forthcoming judgment.

Target Population:

PAIMI eligible individuals residing in county jails.

Expected Target:

Monitor Colorado's performance under an anticipated judgment with a multi-year duration.

Outcome:

PAIMI eligible individuals in jails will not experience due process violations caused by lengthy delays in performing competency evaluations and restorative treatment.

Priority 2

Community Housing

Priority:

Prevent homelessness and promote living in the least restrictive setting for PAIMI eligible individuals.

Objective:

DLC will represent PAIMI eligible individuals in subsidized housing, who are at risk of losing their residence. Such representation may include negotiating reasonable accommodations, lease terminations, and companion and service animal cases. Representation under this priority does not extend to representation at eviction or foreclosure proceedings.

Target Population:

PAIMI eligible individuals who are at risk of becoming homeless or institutionalized.

Expected Target:

DLC will represent five (5) individuals.

Outcome: PAIMI eligible individuals will be less likely to become homeless or be placed at risk of institutionalization.

Priority 3

**Colorado Department of
Corrections, and the Colorado
Division of Youth Services**

Priority: Prevent abuse, neglect and rights violations, in Colorado correctional facilities for adults and juveniles.

Objective: DLC will investigate complaints and reports from or on behalf of PAIMI eligible adults committed to the Colorado Department of Corrections (DOC) and juveniles committed or detained by the Colorado Division of Youth Services (DYS), and juveniles placed by court order in residential treatment facilities, alleging abuse, neglect and rights violations, having the probability of causing serious injury or death. DLC will determine whether there is probable cause to investigate the complaint or report, and if found, take action to remedy any abuse, neglect or rights violations found to exist. Action may range from advocacy on one extreme to litigation and monitoring on the other. Action will be guided by PAIMI resources, both personnel and funding, the potential for coalition building that can be brought to bear, and seeking systemic solutions when appropriate. Disability Law Colorado will continue to monitor DYS's progress on changing its culture from one of violence to treatment and rehabilitation.

Target Population: PAIMI eligible adults and juveniles residing in DOC/DYS facilities including juveniles placed by court order in residential treatment facilities.

Expected Target: DLC will investigate complaints from ten (10) adults and three (3) juveniles.

Outcome: PAIMI eligible adults and juveniles will be less likely to experience abuse, neglect and rights violations.

Priority 4 **U.S. Bureau of Prisons, U.S. Penitentiary Administrative Maximum Facility in Florence, CO, known as the ADX, and the United States Penitentiary Florence, known as USP Florence.**

Priority: Prevent abuse, neglect and rights violations in the ADX and USP Florence.

Objective: In FY17, DLC settled its lawsuit against the U.S. Bureau of Prisons over Eighth Amendment violations at the ADX. The settlement agreement calls for DLC to resolve any complaints it receives from inmates during a three year monitoring duration concerning the implementation of the settlement agreement. DLC will give notice of this settlement to all new arrivals at the ADX. DLC will investigate, resolve and monitor complaints and reports concerning the implementation of the settlement agreement from or on behalf of PAIMI eligible inmates confined at ADX and USP Florence.

Target Population: PAIMI eligible individuals residing at the ADX and USP Florence.

Expected Target: DLC will conduct one multi-year systemic project, which may include investigation, advocacy, monitoring and litigation.

Outcome: PAIMI eligible individuals residing at the ADX and USP Florence will be less likely to experience abuse, neglect and rights violations.

Priority 5 **Community Mental Health Care System**

Priority: The Patient Protection and Affordable Care Act of 2010 includes provisions that establish accountable care organizations and Colorado’s mental health care delivery system is going through a transition period under its version called the Accountable Care Collaborative, Phase II (ACC 2.0). DLC has received constituent input from the PAC and from its priorities survey that access to community based mental health care during this vast transformation period is deserving of PAIMI attention. As Colorado transitions from a Medicaid model of Behavioral Health Organizations to Regional Accountable Entities (RAEs), DLC will monitor the transition to ensure rights such as continuity of care, crisis services, integration of physical and mental health care, consumer knowledge of choices, and consumer empowerment are protected.

Objective: To ensure the provision of community mental health services undergoes a smooth transition. DLC’s action will be guided by PAIMI resources, both personnel and funding, the potential for coalition building that can be brought to bear, education about rights and services while seeking systemic solutions when appropriate.

Target Population: PAIMI eligible adults, adolescents and children.

Expected Target:

DLC will conduct a multi-year monitoring and educational effort to improve the public mental health delivery system.

Outcome:

PAIMI eligible adults, adolescents and children will be better informed of programs and choices available to them in directing their mental health care.

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