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September 13, 2010

Stephen T. Baron, Director
Department of Mental Health
64 New York Avenue NE
Fourth Floor
Washington, DC 20002

Re: Evidence of Compliance with Exit Criterion #15– Provision of Services to Children and Youth with SED Living in Their Own or Surrogate Homes

Dear Mr. Baron,

I write in response to your letter of March 9, 2010, with supplemental letters on March 25, 2010 and July 22, 2010. These letters request that the Court Monitor cease active monitoring on Exit Criteria #15– Provision of Services to Children and Youth with SED Living in Their Own or Surrogate Homes. I have reviewed all of the relevant information and data re: EC #15 and have had multiple conversations with the parties regarding same.

Per the Consent Order of December 12, 2003, this Exit Criterion requires that 85% of all children/youth served by DMH with SED will be living in their own home or a surrogate home. The measurement of this criterion is conditioned upon DMH first achieving a penetration rate for SED children/youth of at least 2.5%. The Court Monitor finds that for the four consecutive quarters beginning on April 1, 2009 and ending on March 31, 2010, DMH achieved a penetration rate for children/youth with SED of 2.61%--thus exceeding the penetration rate pre-condition of 2.5%. For this same time period, DMH served 2663 children/youth in their own or surrogate home out of the total of 2977 SED children/youth who were served. This translates to a performance level of 89.45% which exceeds the Court-approved requirement.

The Court Monitor also finds that DMH has developed policies and practices that are essential to the goal of maintaining children/youth in their own (or surrogate) home or returning them to home as soon as possible if they are placed in a Psychiatric Residential Treatment Facility (PRTF). The Court Monitor particularly notes the positive ongoing role of the RTC Reinvestment Unit (RTCR) in assessing (for appropriateness) all out-of-home placements for Medicaid fee-for-service children/youth. The RTCR also monitors all fee-for-service Medicaid PRTF placements to assure adequate treatment, ongoing medical necessity, and connectivity to needed community services upon discharge. As the Court Monitor has

noted in multiple reports to the Court, the remaining gap is for non-Medicaid children/youth who bypass the DMH system and are placed without DMH review or services intervention. DMH has made significant efforts to determine the number of children/youth who were in PRTF's but did not receive an MHRS service. The best available estimate is 235 for FY '09 (October 1, 2008 – September 30, 2009). It should be noted that 87 of this total were from DCPS but DMH was not provided with unique identifiers; hence DMH could not match to its MHRS data base to determine if these children received an MHRS service. If all of the 235 children/youth were included in the denominator for the FY '09 period, (i.e. all SED children/youth who were served inclusive of all PRTF admissions), the percentage of compliance would be 85.9% (2716 served in own/surrogate home out of 3160 total children served).

In review of all this, the Court Monitor finds that the DMH has met the Court-approved criterion on Exit Criteria #15 and is recommended to move to inactive status. At the same time, it is recognized that additional work remains for the District as part of the larger systems of care requirement for children and youth.

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Cc : Anthony Herman, Plaintiffs Counsel
Iris Gonzales, Plaintiffs Counsel
Robert Duncan, Counsel for Court Monitor
Grace Graham, Counsel for District of Columbia