

New File

OFFICE OF THE SPECIAL MASTER

FEDERAL DISTRICT COURT

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August 8, 1980

Dr. Jennifer Howse
Deputy Secretary for Mental Retardation
Office of Mental Retardation
Department of Public Welfare
Room 302
Health and Welfare Building
Harrisburg, PA 17120

Dear Jennifer:

Over the past three months there have been a number of very troublesome events with plaintiff class members who have been between the prison or mental health and the mental retardation systems. Others have been lost on "the streets", and still others have been pushed for admission or commitment to the state institutions.

I am concerned about the harm that continues to be inflicted on a number of retarded persons until the Commonwealth takes action to meet the needs of individuals with whom the mental retardation system has seldom succeeded. I am speaking particularly of the need for emergency short-term residential services, specialized in-patient psychiatric hospitalization, and specialized day and residential providers.

Recent individual situations, including requests for institutionalization under and since the Court's April 24, 1980 Order, emphasize the need for some specialized services. In the various discussions with members of your staff, there has been no dissent about the need to crank up some programs to deal with emergencies, and some additional programs to prevent emergencies.

As you remember, this Office raised our concern at our joint meeting on June 19, 1980. We have continued to bring the emergencies to the Commonwealth's attention through the Regional Office, the method preferred by your office. We have reviewed the cases which were referred to the Regional Office, and the actions which we understand were taken. In contrast to the Commonwealth's skilled intervention in the Paul G. case, the Commonwealth has contributed little to the resolution of these individual problems. To us, it appears that while the worker in the Region tracks the cases and offers moral support, it is an effort which cannot be considered "all necessary and proper monitoring" to assure the necessary quantity and quality of services as required in Paragraph 3 of the March 17, 1978 Court Order as amended; nor could it be considered

the "planning, monitoring, financial and technical assistance, and training" as required in Paragraph 7 of the March 5, 1979 Court Order as amended.

During the June discussion there was agreement between your staff and mine that additional resources were required to meet the emergency respite needs. At that time, we were told of the possible assistance from Woodhaven for emergency or crisis intervention and from Philadelphia for Mental Health Crisis Intervention and Prevention. Apparently little progress has been made since then. We know of no discussions about other resources which might be developed. In each of the crisis cases the desperation of the counties was substantially due to the lack of suitable community resources.

While the Commonwealth may be required to address these problems under the "behavior management program" section of the proposed Implementation Order for Fiscal Year 1980-81, the urgency of the situation requires immediate attention. Therefore, I am asking that the Commonwealth begin this effort now by initially drafting a plan to upgrade and expand the resources to serve individuals with behavior problems. I hope this plan will include but not be limited to:

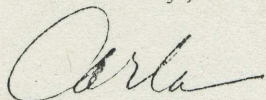
- a. The development of emergency short-term residential programs in the Region
- b. The arrangements for specialized in-patient psychiatric hospitalization
- c. The identification or development of specialized day and residential providers
- d. The actions necessary to increase the effectiveness of the core teams
- e. The upgrading of the Regional Office's ability to aid the counties in the resolution of emergencies

Please let me know who will be responsible for preparing this plan, when it will be initially drafted and when it will be finally prepared, and what my Office can do to assist you in this effort.

I raise these issues not as criticism, but rather as an initiative to make this Region's community services more responsive and more beneficial to persons with various complex behavioral needs. Please be assured that I understand that this is one of the more difficult problems to resolve; but, in my view, it is also one of the more critical issues we must face to ensure the protections guaranteed by this Court's Orders.

Thank you very much for your careful consideration of this request. I will be happy to help you in any possible way.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Carla', with a long horizontal flourish extending to the right.

Carla S. Morgan
Special Master

cc: Dottie Rowe
Russell Rice
Nahoma Tucker
Judge Raymond Broderick