



DOJ AGREEMENT UPDATE

July 11, 2018

BACKGROUND

- In 2014, the United States Department of Justice (“DOJ”) initiated an investigation of the State of Louisiana’s mental health service system to assess compliance with Title II of the Americans with Disabilities Act (“ADA”).
- Following this investigation, in 2016, the DOJ concluded that Louisiana unnecessarily relies on nursing facilities to serve people with serious mental illness instead of serving them in the most integrated setting appropriate to their needs as required by the ADA.
- In June 2018, the State of Louisiana and LDH signed an agreement with the DOJ to help ensure compliance with the ADA, which requires that the State’s services to individuals with mental illness be provided in the most integrated setting appropriate to their needs.

Link to Agreement: <https://www.justice.gov/opa/press-release/file/1068906/download>

State of Louisiana is working on plans to keep more people with serious mental illnesses out of nursing homes

Baton Rouge, La. (June 7, 2018) – The State of Louisiana and the Louisiana Department of Health announced an agreement with the U.S. Department of Justice to help ensure that people with serious mental illnesses have the opportunity to live in a community setting.

This agreement follows a review by the DOJ in December of 2016 that claimed Louisiana was unnecessarily relying on nursing facilities to serve people with serious mental illness. The Americans with Disabilities Act, or ADA, requires these individuals receive services in the most integrated setting appropriate to their needs. Based on assessments, this may mean in a setting that is less restrictive than a nursing facility such as care in a home or community-based setting.

Department of Justice

Office of Public Affairs

Wednesday, June 6, 2018

Justice Department Reaches Agreement to Resolve Americans with Disabilities Act Investigation of Louisiana's Use of Nursing Facilities to Serve People with Serious Mental Illness

The Justice Department today announced that it reached an agreement with the Louisiana Department of Health (Louisiana) to resolve its lawsuit alleging that Louisiana fails to serve people with serious mental illness in the most integrated setting appropriate to their needs in violation of the Americans with Disabilities Act (ADA). The Justice Department's complaint alleges that Louisiana places undue reliance on providing services in institutionalized settings such as nursing facilities, instead of in the community, for people with serious mental illness.

JUNE 6, 2018 AGREEMENT REACHED WITH DOJ AND
FILED IN COURT

AGREEMENT GOALS

“With this Agreement, the Parties intend to achieve the goals of serving individuals with serious mental illness in the most integrated setting appropriate to their needs, to honor the principles of self-determination and choice, and to provide quality services in integrated settings to achieve these goals.”

- 1) Divert individuals with serious mental illness away from inappropriate nursing facility placements by requiring comprehensive evaluations and services designed to enable them to live in community-based settings; and
- 2) Identify people with serious mental illness who have been admitted to nursing facilities but are able to and would like to transition to the community, and provide them with transition and discharge planning and community-based services sufficient to meet their needs.

TIMELINE

September 14, 2018

Initial implementation plan due to the DOJ
and the Subject Matter Expert (SME)

June 6, 2018 – December 6, 2018

Outreach/In-reach plan development

June 6, 2018 – December 6, 2019

Phase One/Initial Implementation Phase

December 6, 2019

Phase Two schedule released

INITIAL PROCESS IMPROVEMENTS

- LDH has implemented changes to the screening process for nursing home admissions and is now authorizing more temporary stays rather than long-term “permanent” stays. This means that the need for continued stay in a nursing facility will have to be justified and will come under review more often.
- OBH has formally standardized the utilization of temporary authorizations. For pre-admission PASRR Level II requests, authorization requests will not exceed 90 days (or 100 days for persons approved for convalescent care by LDH). Additionally, all individuals will receive a new PASRR Level II evaluation annually.
- Newly hired LDH Transition Coordinators have begun to perform face-to-face transition assessments with members of the target population. The pace of these assessments will increase over the next several months as staff who have already been hired become more proficient and as additional staff are on-boarded.

Questions?