

**UNITED STATES DISTRICT COURT DISTRICT OF RHODE ISLAND**

**UNITED STATES OF AMERICA**

Plaintiff

v.

C.A. No. 13-442L

**STATE OF RHODE ISLAND and**

**CITY OF PROVIDENCE**

Defendants

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**COURT MONITOR'S THIRD REVIEW OF STATE ACTIVITIES**  
**IN RESPONSE TO THE ORDER OF COMPLIANCE WITH OUTSTANDING**  
**INTERIM SETTLEMENT AGREEMENT REQUIREMENTS FILED JUNE 23, 2017**

**Introduction**

This is the third report documenting the State of Rhode Island's progress on meeting the Interim Settlement Agreement's (ISA) performance requirements as specified by the Court's Order issued on June 23, 2017. This report updates the *Court Monitor's Second Review of State Activities in Response to the Order of Compliance with Outstanding Interim Settlement Agreement Requirements* issued by the Monitor on November 29, 2017. It reviews the State's progress relative to the completion of the nine benchmarks identified in the four sections of the Order plus additional recommended actions resulting from an in-depth review of the services received by a sample of CWS participants that was conducted by the Monitor and an independent reviewer on October 4-6, 2017.

This report is organized into five Sections: Section I Action Dates, Section II Placement Status, Section III Job Placements, Section IV Compliance Dates, and Section V Site Visit Review. Findings and conclusions are based on documentation provided by the State through December 31, 2017, with additional information updating progress through February 28, 2018 in key areas. Information was gathered through regularly scheduled bi-weekly conference calls with the State's Consent Decree Coordinator and staff from the Division of Developmental Disabilities (DDD) and the Department of Behavioral Health Developmental Disabilities and Hospitals (BHDDH), the Office of Rehabilitative Services (ORS), the Rhode Island Department of Education (RIDE), the City of Providence Public Schools Department (PPSD) and the U.S. Department of Justice (DOJ). Additional data and materials were received through direct conversations with DDD staff, regular reports and email correspondence with State officials regarding progress on meeting each of the provisions of this Order. A site visit to Community Work Services' (CWS) administrative offices was conducted by the Court Monitor in

collaboration with DOJ staff on February 28, 2018. Interviews were conducted with Lori Norris, the CWS program director, and administrative staff. Additional interviews were completed by the Monitor with two individuals receiving integrated day supports from CWS in community locations. The assessment of progress is based on documentation provided by the DDD, ORS and RIDE as a part of the State's quarterly report to the Monitor for the period ending December 31, 2017.

At the Monitor's request, and with full agreement of the Parties, the State is now documenting progress relative to ISA benchmarks and required activities in a comprehensive quarterly report submitted 30 days following the end of each calendar quarter. The Monitor and the State are collaborating on the identification of reporting deadlines and timeframes to fit this schedule.

## **I. Action Dates**

- 1. DDD will implement the variance and retirement policy by June 30, 2017 to specifically discern those who do not identify with either current or long-term employment goals. ORS will assist DDD with ORS-related service implementation.**

**Current Status and Progress Made:** The State's Variance Policies and Application Procedures, and DDD's Retirement Policy were written and posted on the State's website by June 30, 2017 as required. DDD reports that two ISA Target Population members have been identified with an expressed interest in receiving a variance and two have chosen retirement. To date one individual has applied for and was granted a variance to receive an integrated day program placement. Case notes in the files of some CWS participants indicate that they are not interested in working in integrated employment at this time but no requests for a variance have been received from CWS participants.

### **Assessment: Requirements Met**

- 2. DDD will ensure quality Career Development Plans (CDP) / Person-centered Planning (PCP) for all active members through a comprehensive review of each plan no later than July 30, 2017. This review will include confirmation that goals and services align with current employment interest. ORS will assist DDD with any ORS-related service implementation for CDPs/PCPs.**

**Current Status and Progress Made:** As detailed in the Monitor's November report, DDD completed a comprehensive review of each ISA target population member's CDP and person-centered individual support plan (ISP) by July 30, 2017 as required. The assessment revealed that in a majority of cases, (58%) personal and employment related interests, goals and preferences were not in alignment across individuals' ISPs, CDPs and the services that they received. Furthermore, there was little evidence in the record documenting that

individuals' plans and services were being developed and provided in a person-centered manner as required by the ISA.

Table 1 summarizes the results of reviews completed by DDD through July 30, 2017. Across all service providers only 42% of ISA target population members were determined to have acceptable plans. Notably, only 30% of the plans of individuals receiving services from CWS were found to meet acceptable criteria and only one of the four individuals served by Fogarty had an acceptable plan. DDD is working with CWS to revise and remediate all 44 unacceptable plans in coordination with each participants' annual review date

<b>Agency</b>	<b>Total CDPs</b>	<b>Acceptable</b>	<b>Not Acceptable</b>	<b>% Acceptable</b>
CWS	63	19	44	30%
PERSPECTIVES	12	9	3	75%
FOGARTY	4	1	3	25%
RE-FOCUS	3	2	1	67%
ABE	1		1	0%
GOODWILL	1	1		100%
RICLAS	2	2		100%
CLRI	1	1		100%
LIVING INNOVATIONS	1	1		100%
WEST BAY	1	1		100%
<b>Total</b>	<b>89</b>	<b>37</b>	<b>52</b>	<b>42%</b>

with a goal of resolving deficiencies in individual records and CWS program operations within six months, by May 31, 2018. Completion deadlines need to be set for the remaining 8 individuals receiving services from the other organizations by this same time period.

The data reported in Table 1 describes activities through July 31, 2017 and does not reflect continued efforts on the part of DDD and CWS to review and improve the quality and consistency of ISPs and CDPs for the individuals that they serve. A description of the ISP and CDP development and planning processes currently being implemented by CWS is included in the agency's *Action Plan for Implementing an Employment Without Walls Project* (November 2017). This plan does not specifically detail the steps being taken to address the 44 plans that were determined to be unacceptable. It does, however, provide information on the approach the agency is taking to ensure plans are appropriately developed from November 2017 forward. No data was provided by DDD on efforts being taken to improve the plans and planning processes of ISA target population members served by provider organizations other than CWS.

DDD has not updated the information in Table 1 since July 2017 and needs to do so by May 31, 2018.

During the current reporting period DDD provided oversight and technical assistance to CWS to improve its person-centered planning process and the alignment of each target population members' CDP, ISP, and MAPS/PATH Plan goals with the supports that they are receiving. Additional technical assistance is being provided on increasing the numbers

of individuals participating in integrated supported employment and individualized person-centered day activities. CWS has strengthened the training, support and oversight that it provides to its own staff on person-centered thinking and planning, plan writing and ongoing review. The agency has stated its intention to hire two additional support coordinators to improve services and coordination.

An update from DDD received by the Monitor on March 31, 2018 indicates that the quality of CWS person-centered planning at CWS is improving as a result of the ongoing technical assistance and review being provided. DDD reports that since November 2017 three (3) persons left the program reducing the total number of plans that needed to be revised to 41. Of this number, 12 plans have been revised but have not been submitted to DDD for review and approval, leaving 29 plans yet to be revised. The Division is providing technical assistance to CWS to address the challenge of coordinating and aligning plans for target population members who receive additional services from other agencies. DDD staff have concluded that previous planning tools do not meet current expectations for person-centeredness. The quality of plans submitted in the new format developed in collaboration with the Sherlock Center is much improved.

In November 2017, DDD developed a rubric for assisting in the evaluation of the quality and content of ISPs and CDPs. However, the tool is not currently in use to assess program plans for ISA target population members. The Division reports that the rubric is being offered to providers as a guide to meeting the ISA's quality requirements for person-centered individual support and career development planning.

DDD is working to expand the use of person-centered practices throughout the comprehensive ISP/CDP/Medicaid Plan of Care development process. One of the goals of this activity is to link the allocation of waiver funds to services and supports identified in the person-centered plan. The Sherlock Center is developing a guide to person-centered planning to fully describe the purpose, focus and operation of the anticipated person-centered planning and service delivery practices. DDD is involving stakeholders in these activities through the newly established Quality Advisory Council that was launched in September 2017 consistent with the state's quality management work plan. The Division reports that it will prepare an Interim Summary Report by May 31, 2018 covering the calendar quarters ending December 31, 2017 and March 31, 2018 on the status of person-centered planning implementation in the ISP and CDP development process. Recognizing that the interim report will document progress on person-centered planning throughout the DD system it is believed that the information will provide important context for assessing progress with the ISA population. It is requested that the Division provide a copy of this report to the Monitor and DOJ when it is complete.

As indicated in the in previous Monitor's report (issued 11/29/17), DDD required CWS to review the files of every ISA target population member served by the agency to ensure that

each person's expressed goals and preferences are aligned across his/her/their ISP, CDP and the services received.

**Assessment: Requirement Not Met.** This provision requires DDD to ensure the quality of Career Development Plans (CDP) and Person-centered Planning (PCP) for all active target population members and to confirm that individuals' goals and services align with their current employment interests by July 30, 2017. The Monitor's two reports issued on September 9, 2017 and November 29, 2017 stated that the requirements of this provision would be met when ISP/CDP content and alignment issues are fully resolved for all active ISA target population members. It is recognized that DDD is providing oversight and technical assistance to CWS and that CWS is working to remediate all deficient and unacceptable ISPs and CDPs by May 31, 2018. It is further recognized that DDD has insufficient staff to assure the quality of services and supports furnished to ISA and Consent Decree target population members (see the Consent Decree Report of the Court Monitor for the Period August 1, 2017 to December 31, 2017).

**Recommended Actions:** The Monitor's Report issued on November 29, 2017 included two recommendations for this Action Item. These recommendations are revised and replaced as follows:

- a. DDD is requested to ensure that ISA target population members' goals and preferences are aligned across their CDPs and ISPs and are reflected in the services they receive from CWS, Perspectives, Fogarty, Re-Focus, and Action Based Enterprises not later than May 31, 2018.
- b. DDD is requested to provide the Monitor and the U.S. Department of Justice with a Summary Report by May 31, 2018 covering the period ending March 31, 2018 that identifies by provider agency:
  - i. The numbers of ISPs and CDPs of ISA target population members that were determined to be unacceptable on July 31, 2017 (52).
  - ii. The number of plans that were fully remediated with services appropriately aligned with individuals' goals and plans.
  - iii. The number and names of any individuals whose plans were not revised and fully remediated by March 31, 2018, and the date by which the plans will be fully acceptable.
- c. DDD is requested to provide to the Monitor a copy of its Interim Summary Report with information on the status of person-centered planning implementation during the calendar quarters ending December 31, 2017 and March 31, 2018 by May 31, 2018.

- d. DDD is requested to confirm that CWS has hired two additional support coordinators to improve services and coordination.

*Note:* It is recognized that the May 31<sup>st</sup> deadline for the activities described above does not comport with efforts by the Monitor and the State to move to a quarterly reporting schedule. It is recommended, however, that this deadline be kept in place to ensure ongoing progress on the various actions outlined above.

3. **DDD will prioritize placement through its performance-based person centered supported employment program (PCSEPP) for all interested active class members before June 30, 2017. This will include outreach to each member identified in this order as not employed (46) to confirm interest in participation or satisfaction with current supported employment services received through the PCSEPP.**

**Current Status and Progress Made:** DDD prioritized placement through the PCSEP program for all of the previously identified individuals as required. At the conclusion of the quarter ending December 31, 2017, 14 individuals were participating in the PCSEP program. DDD updated its data on the status of each of the 46 individuals with respect to supported employment placements, integrated day and other services received, and the preferences of the individual and family regarding work, services and related activities (see Table 2). The data falls into three broad categories reflecting individuals who are: (a) engaged in employment and/or employment services (27); (b) receiving integrated community-based day or retirement services (7); and (c) not interested in participating, have closed cases or have not responded to multiple attempts to contact them (12).

<b>Table 2</b>					
<b>Employment Status of the 46 Unemployed ISA Class Members</b>					
<b>March 2018</b>					
<i>Updated March 2018</i>	<b>Target Population</b>			<b>%</b>	<b>Services Received</b>
<b>Placement Status</b>	<b>TTP</b>	<b>Birch</b>	<b>Total</b>	<b>Total</b>	
Employer Paid Employment	9	5	<b>14</b>	30%	Job Coaching & Retention, Integrated Day
Employment Services	10	3	<b>13</b>	28%	SES, Job Development, Integrated Day
Retired	2	0	<b>2</b>	4%	Integrated Day
Not Seeking Employment <sup>1</sup>	5	0	<b>5</b>	11%	Integrated Day
Closed Cases	2	5	<b>7</b>	15%	
Not Active, No Response	4	1	<b>5</b>	11%	No response to contacts
<b>Total</b>	<b>32</b>	<b>14</b>	<b>46</b>		
<sup>1</sup> Individuals with medical conditions, requesting a variance, receiving integrated day services					

Considering each of the three categories separately, the “Employment Group” of 27 individuals (59% of the 46), are interested in actively pursuing employment. Of this number, 14 are currently working in employer paid jobs and 13 are receiving a variety of supported



employment services. Both of these groups also are receiving integrated day services. It is important to note that one individual reported in Table 2 above in the Employment Services group was recently offered a job and will become employed in April. The second, "Day Services Group" of 7 persons (15% of the 46) comprises those persons who have made the decision to retire (2), and individuals who have medical conditions, are requesting a variance or prefer to receive integrated day services and are not seeking employment at this time (5). The final "Not Active Group" of 12 individuals (26% of 46) includes target population members whose cases have been closed (7) and those who have not responded to repeated contacts by the State (5).

Updated information on the services and supports furnished by ORS to the 46 individuals reveals the following:

- 3 Cases closed as successfully employed after 90+ consecutive days of employment.
- 1 Employed, moving to successful closure
- 11 Open and actively receiving employment services
- 1 On ORS' wait list (reported to BHDDH)
- 29 Cases closed after employment plan and services were provided, individuals not employed.
- 1 Case never opened

**Assessment: Requirements Met.** In summary, of the 46 individuals, 27 (59%) are employed or are receiving employment services, 7 (15%) are retired, have medical conditions or have otherwise made the decision to receive only day services. Variances should be requested for individuals 62 years or older who are not choosing retirement. The remaining 12 (46%) persons are individuals whose cases have been closed or who have refused all attempts to contact them and are not actively receiving supports and services.

As noted above, by March 31, 2018, 14 individuals had received a supported employment placement. One additional person received an offer for employment and will start work on April 1, 2018. DDD is considered to have met the placement benchmark of 15 individuals by the March deadline. This leaves 12 individuals who are required to be placed according to the Placement Schedule below (see below, Section IV Compliance Dates).

4. **DDD will provide continued oversight of the CWS quality management plan, in compliance with the requirements of the ISA and Consent Decree as well as technical assistance in the areas of supported employment, integrated day, CDP development, and staff training on person-centered planning. ORS will assist DDD with quality management and review of ORS-related services.**

**Current Status and Progress Made:** DDD, in collaboration with ORS, reports that the oversight of CWS' quality management plan is being provided through on-site visits, weekly telephone contacts and regular email correspondence. Testimony provided by Kerri

Zanchi, the Director of the Division of Developmental Disabilities, during the ISA Status Hearing on November 30, 2017 detailed multiple on-site monitoring and technical assistance visits to CWS. DDD staff conducted 21 on-site monitoring visits with CWS between June and November 30, 2017. ORS VR counselor liaisons assigned to CWS met with CWS staff at least monthly during the reporting period ending December 31, 2017. ORS conducted 6 on-site visits between June and November 2017 to review open cases, consult on individuals and monitor reports, evaluations and employment services. It is noted that DDD in its efforts to oversee CWS' quality management plan is carrying out many of the quality assurance and improvement responsibilities that are required in Section XV of the ISA and the Consent Decree regarding the development and implementation of a comprehensive quality improvement initiative. For a review of DDD's progress on developing its quality improvement initiative see Section G of the Monitor's Consent Decree Compliance Report issued in April, 2018.

**Assessment: Requirements Met**

- 5. DDD will develop guidance and standards for integrated day services by June 30, 2017. This guidance will be reviewed internally and externally and will be disseminated through the provider network no later than July 30, 2017.**

**Current Status and Progress Made:** As noted in the Monitor's November report, guidance and standards for integrated day services were finalized, disseminated to provider agencies, shared with stakeholders and posted on the BHDDH/DDD website in September 2017 ([http://www.bhddh.ri.gov/developmentaldisabilities/forms\\_provider.php](http://www.bhddh.ri.gov/developmentaldisabilities/forms_provider.php)).

**Assessment: Requirements Met**

- 6. DDD will require completion of Personal Action Towards Health (PATH) and McGill Acton Planning Systems (MAPS) for all Birch and TTP members at CWS who have not been provided this self-discovery opportunity by July 30, 2017.**

**Current Status and Progress Made:** As noted in the Monitor's report issued November 29, 2017, PATH plans were completed for all Birch and TTP members at CWS who agreed to participate in the process.

**Assessment: Requirements Met.** PATH plans are in place for each Target Population member (None of the CWS participants currently have plans developed through the MAPS process). The lack of alignment of PATH plans with ISP/CDP plans and individuals' service preferences continues to be reviewed by DDD and addressed by CWS (see Provision #2 described above).



7. **DDD will have a fully developed interim and long-term quality improvement plan, in accord with the requirements of the ISA and Consent Decree, complete with timelines and strategies by July 30, 2017. ORS will assist DDD with implementation and monitoring on ORS-related services.**

**Status:** This provision has been met; DDD developed the interim and long-term Quality Improvement Plan as required. An update provided by DDD on October 31, 2017 indicates that the Quality Improvement Plan is being implemented. For information on the status of the Plan's implementation, issues and concerns please see the Monitor's Consent Decree Report issued in April, 2018.

**Assessment: Requirement Met.**

8. **DDD will complete an in-depth review of all class members by June 30, 2017 to ensure the validity of data from multiple sources.**

**Current Status and Progress Made:** With agreement from the Monitor and DOJ, DDD has initiated a process for gathering and reporting quarterly data on the service received and outcomes achieved by all adult ISA target population members across CWS and the other provider agencies serving this population, including the Providence Public Schools Department and the members of the Birch Look Back Population. The State reports that it has developed a tracking tool that includes the following data fields: (a) individual demographics, (b) information on participation in the PCSEP program, (c) data on services and training related to job preparation, (d) details on job placements and (e) information on transportation, next steps and additional activities. The individual data points that are identified within each field addresses much of the data needed to track ISA performance. What appears to be omitted, however, is the very important information on the status and dates of each individual's career development plan and the hours per week that the person participates in integrated day services.

**Assessment: Requirement Met.** DDD has completed the in-depth data review as required. DDD and PPSD are collaborating on the development of a single data set and reporting format for adult ISA target population members. The first comprehensive quarterly ISA Data Report documenting services and outcomes across all ISA Target Populations will cover the quarter ending March 31, 2018 and be submitted with the State's quarterly report on April 30, 2018.

9. **DDD will amend its contract with Sherlock Center to include \$50,000 for FY 18 for the purpose of benefits planning.**

**Current Status and Progress Made:** The amendment to the contract with the Sherlock Center was executed during the week of September 28, 2017 (see Court Monitor's Report issued on November 29, 2017).

**Assessment: Requirement Met.**

### **Section III. Job Placements**

**In order to comply with employment placements, the forty-six (46) individuals requiring current action will be provided the level of employment supports and services in accordance with each individual's person-centered plan. In addition to integrated day services, these supports and services may include any or all of the following in accordance with the PCP: job exploration/discovery, job trials, placement, job coaching, and retention.**

**Current Status and Progress Made:** Current actions regarding job placements and the delivery of supports to the 46 individuals needing supported employment placement, related services and follow-up are described above in the sections addressing the State's progress on meeting Provision 3 of the Court Order. Table 2 lists the services and supports being provided to 34 of the 46 identified individuals, including job exploration, discovery, job trials, placement, job coaching, retention, and integrated day services.

**Assessment: Requirements Met.**

### **Section IV. Compliance Dates**

**The State expects to place thirty-one (31) individuals, or two-thirds of those requiring employment placements, within twelve months. Of these thirty-one (31) placements, the State's goal is to place fifteen (15) individuals within 6 - 9 months and another sixteen (16) within the twelve-month period. The remaining fifteen (15) individuals, or one-third of the forty-six (46) requiring action, are likely to occur after twelve months.**

**For each individual, the State will demonstrate its provision of person centered planning, job exploration, discovery, work trials, and vocational supports that align with the individual's preferences and needs. Data, including outcomes, regarding the forty-six (46) individuals, will be made available on a quarterly basis. The State will identify the specific individuals not placed within twelve months on a confidential basis and the reasons for lack of placement, if necessary. The Court will later address a definitive timeframe for any individuals who have not been placed within twelve months.**

**Current Status and Progress Made:** The original schedule for placing unemployed ISA Target Population members is summarized in Table 3. Placement data is being provided by DDD on a quarterly basis. As described above in Section 3 and summarized in Table 2, the number of ISA target population members

who are actively engaged in or pursuing employment and employment related activities is 27, 59% of the original 46 who were identified. Of this number, 14 currently dare working in employer paid jobs and 13 are receiving a variety of supported employment services.

Placement Goal	Timeframe	Target Date	Placements Made to Date
15	6 - 9 months	March 23, 2018	15
12	9 – 12 months	June 23, 2018	*
TBD	After 12 months	TBD	*
T = 27	* <i>To be completed</i>		

For the purposes of this report, the single individual who has been offered a job but is not yet working (see above) is counted toward the State’s placement benchmark for the period ending March 31, 2018. The original placement schedule set by the June 23, 2017 Order was based on the assumption that all of the 46 individuals who were not participating in employment or receiving employment services needed to be placed on the timeline that was provided. It is clear that the current plan needs to be revised to address the remaining 12 individuals receiving employment services.

A snapshot of the services and supports received by the 12 individuals interested in receiving a supported employment placement appears in Figure 1 below. The list shows that 7 of the 12 persons are actively participating in DDD’s PCSEP initiative, as well as the presence of parental concerns in two instances and information on the individual circumstances of each person that must be taken into consideration. The original placement schedule called for 15 individuals to be placed by June 23, 2018 and an additional 16 individuals to receive placements by June 23, 2018. The final group of 15 individuals were to receive placements after the 12 month period ending June 23, 2018.

Person	Age	Status
1	57	Participating in Dept. of Labor and Training pilot program, looking for a job
2	39	Case is open with ORS, in PCSEPP, looking for a job; just completed CBWE; only wants employment services, no day services
3	25	100% community-based day activities, working on physical conditioning, provider is getting to know what he likes, in discovery and exploration for environments he thrives in
4	52	Family is reluctant but now cautiously open to a job, in PCSEPP; looking for a job; 100% community-based day
5	25	Exhibiting more adaptive behavior in the community, identifying areas of employment interest, working with staff to use new communication tool

6	25	Family has concerns about where she might work, would like to have her work at Miriam Hospital where she did Project Search; volunteering
7	48	Participating in PCSEPP, looking for a job
8	23	Participating in PCSEPP, wants to work, looking for a job; volunteers at RW Botanical Gardens; 100% community-based day
9	50	Participating in PCSEPP, looking for a job
10	24	Now interested in employment, looking for a job, but family reluctant
11	36	Participating in PCSEPP
12	59	Participating in PCSEPP; trying to get felony record expunged

It is requested that the State set a goal of placing all remaining 12 individuals by June 30, 2018 with the provision that the deadline be extended on an individual basis for an additional 6 - month period based on the particular placement needs and preferences of each person (see Recommended Actions below) who was not placed by this deadline.

Additional requirements of this provision obligate the State to provide person-centered planning, job exploration, discovery, work trials and vocational supports that align with each individual's preferences and needs. The State has not provided person specific data documenting the provision of these supports for the 34 members of this group who are actively engaged in services. It is requested provide this information in the upcoming ISA Data Report for the period ending March 31, 2018 being submitted on April 30, 2018.

**Assessment: Deferred.** The State has achieved the first placement benchmark of 15 individuals by March 23, 2017 and has provided information on the needs, preferences and life situations of the 12 persons receiving employment services.

**Recommended Actions:**

- a. The original placement schedule called for an additional group of 16 individuals to receive placements by June 23, 2018 with the final 15 persons being placed after 12 months. DDD has reviewed the program and service needs of the 46 individuals and found that only 27 of the original 46 individuals are interested in becoming employed. Accordingly, it is recommended that the 12 individuals who are interested in participating in vocational activities and services receive supported employment placements by June 30, 2018 - with the provision that this deadline will be extended for an additional 6 month period to December 31, 2018 for any individual who is unable to receive a supported employment placement by June 30, 2017 notwithstanding the best efforts of the State and the provider organization to meet his/her/their needs and preferences.
- b. DDD and ORS are requested to provide (a) documentation of the provision of person-centered planning, job exploration, discovery, work trials and vocational supports and (b) confirmation that the aforementioned services are in alignment

with the service preferences and needs of each of the 34 actively engaged individuals identified in this section. It is requested the DDD and ORS provide this information in the upcoming ISA Data Report for the period ending March 31, 2018 being submitted to the Monitor on April 30, 2018.

## **Section V Site Visit Review**

The Court Monitor's second review of State activities issued on November 29, 2017 included recommendations based on an on-site assessment and records review by the Court Monitor and expert reviewer on October 4-6, 2017. The following describes the current status, progress made and further recommended actions that need to take place to meet the ISA requirements.

### **1. Develop a Written Plan for Organizational Change.**

**Current Status and Progress Made:** In October 2017, CWS developed a written plan for change that was reviewed and approved by the state and revised with feedback from the Department of Justice and the Court Monitor. The final CWS program plan is referenced in the Court Monitor's November 28, 2017 report and was attached as an exhibit. The state team and CWS meet regularly on the plan's implementation to ensure progress and make adjustments when necessary. The state is using the actions and timelines outlined in the plan to monitor the progress and challenges.

#### **Assessment: Requirements Met**

### **2. Provide Training on Person Centered Planning and Person Centered Thinking.**

**Current Status and Progress Made:** DDD and CWS identified and described the following training opportunities and activities:

- Training from the Sherlock Center Conversion Institute on person-centered practice. One Case Manager attended a workshop at the Sherlock Center on October 24, 2017 entitled "A Framework for Investing in People" presented by Patti Scott and began discussions within CWS on the presented material.
- CWS' Director met with the Sherlock Center staff to discuss access to training resources on person-centered practices. Sherlock Center staff shared the material that was presented by Angela Amado and Patti Scott at their workshops and provided training to CWS on this material in February 2018. Future trainings will include instruction on John O'Brien's Five Accomplishments that provide a guide for the development of a personal plan and vision.

- Rhode Island Developmental Disabilities Council hosted Doug Crandall on December 11 – 16, 2017 to provide individualized consultation to 8 individuals. This consultation used evidence-based supported employment practices and “discovery” to identify “ideal conditions of employment” as a strategy to support people with complex barriers to successful work. He also conducted an afternoon session titled “National Perspective on Customized Employment and Self-Employment,” in which CWS leadership staff participated.

During the past six months CWS leadership staff provided training on person-centered practices and strategies for translating practice into case notes. CWS is developing a comprehensive training course on person-centered practice that will be required for all staff.

**Assessment: Requirements Not Met.** The focus of this recommendation is on the need to expand person-centered training to all CWS staff to ensure, “*Everyone in the organization should be well trained in both areas and an in-depth understanding of person-centered practices.*” The documentation indicates that CWS administrators and some staff received training in person-centered practices and attended workshops from subject matter experts. And, that CWS administrators met with Sherlock Center staff to discuss future training needs and opportunities. It appears, however, that a comprehensive training course on person-centered practices has not yet been implemented, nor has training in person-centered planning and practices been made a requirement for all staff.

**Recommended Actions:** Please confirm that CWS has developed and is implementing a comprehensive training plan or course on person-centered practices for CWS staff and the date that training was made a requirement for all CWS staff.

### **3. Develop and Implement a Coherent Person-Centered Planning Process.**

**Current Status and Progress Made:** CWS is revamping its ISP/CDP and PATH processes to ensure consistency and the alignment of personal goals, preferences and services for each individual. As indicated above, DDD is working with CWS to revise and remediate all 44 unacceptable plans in coordination with each participants’ annual review date with a goal of resolving deficiencies in individual records, and in CWS program operations, by May 31, 2018.

**Assessment: Requirements Not Met.** CWS’s Person-centered planning process is being developed to include all of the necessary components and procedures but it is not yet being fully implemented for all individuals receiving support.

### **4. Define the Required Person-centered Plan Content Including Specialized Supports.**



**Current Status and Progress Made:** CWS is developing a comprehensive training on creating vision statements, goals and plans for each participant. This training is being designed to provide staff, case managers and business developers with the opportunity to create vision, goals and plans for case examples whose profiles are similar to individuals served at CWS. Learning will occur through role modeling, mock ISP development sessions and developing sample plans for review and revision.

**Assessment: Requirement Not Met.** CWS is taking steps to address this recommendation but has not yet defined and described the person-centered planning process for TTP program participants. CWS is in the early stages of implementing staff training programs that will address this recommendation by building staff member' skills to enable them to respond to the needs of each person receiving supports.

**5. Develop the Capacity to Provide Meaningful Integrated Non-Work Day Services; Train Staff on a Model of Inclusion.**

**Current Status and Progress Made:** DDD is providing technical assistance to CWS to improve integrated day services and documentation and is assisting the agency in clearly defining the nature and desired outcomes of each community activity for each participant. CWS reports that their case workers have embraced the idea of person-centered community activities and are working with direct support staff to address needs and interests of participants in daily activities. Additional activities include limiting the size of groups engaged in community activities to no more than three participants per staff member and requirements that staff maintain daily logs indicating for each individual the nature and purpose of each activity. DDD reports that progress is being made and BHDDH licensing and program staff are beginning to notice changes in service delivery practices.

In November, 2017, CWS issued an *Action Plan for Implementing an Employment Without Walls Pilot* outlining its plans to begin to transition to a service model that will enable the agency to achieve the full inclusion of individuals with disabilities in the community. The approach is based on the design used by KFI, a nationally recognized developmental disability service provider in Maine. CWS director, Lori Norris, visited the program in the fall of this year. CWS has started implementing this approach with a group of seven program participants. The new approach is designed to ensure that each participant's daily activities lead to the development of long-term, authentic connections to their own community. The individualized nature of the activities is determined by the participant's vision, goals and objectives. CWS is working to decrease the arbitrary nature of the activities and create a more purposeful day-to-day life experience.

A description of the current status integrated day services is provided in the current Report of the Court Monitor on Rhode Island's Consent Decree Compliance (see Section B Integrated Day Services and Placements). The findings and observations made in the Consent Decree accurately

describe the current status of integrated day services offered by CWS to members of the ISA target population.

**Assessment: Recommendation Not Met; Progress is being made.** The Employment Without Walls Pilot offers a promising format for the design and delivery of employment services, with the potential for increasing: employment opportunities for individuals who are not currently working, the hours worked among individuals who have jobs, and new opportunities for community involvement and participation.

**Recommended Actions:**

- a. DDD needs to ensure the full implementation of person-centered practices in individual service planning, career development planning and throughout the delivery of integrated day services to all members of the ISA target population by May 31, 2018.
- b. DDD is requested to update the Monitor on CWS' progress on implementing the Employment Without Walls Pilot in conjunction with the State's Quarterly Progress Report to be submitted on April 30, 2018.
- c. DDD is requested to ensure that CWS extend the strategies, principles and practices used in the Employment Without Walls Pilot to the development of a similar initiative to improve integrated community-based day services, consistent with the requirements outlined in ISA §VI(B). DDD is requested to report to the Monitor on CWS's progress on addressing this recommendation in its Quarterly Status Report for the quarter ending June 30, 2018.

**6. Assure that each ISA Target Population member served by CWS receives Benefit Planning and includes a written summary of the plan in the Individual's Records.**

**Current Status and Progress Made:** DDD reports that 49 CWS participants have received benefits planning. In the past two months, CWS has referred 11 participants to the Sherlock Center or ORS for benefits planning. Copies of the referral are kept in each individual's file. DDD is working with the Sherlock Center to expand access to benefits plans and will receive monthly updates on the completed plans directly from the Sherlock Center. DDD has not made completed benefits plans available to the Monitor for review, stating that because the plans belong to the individual and contain personal information, participants are not required to share the contents of a benefits plan with the State or with their Provider Agencies.

**Assessment: Requirements Not Met; Progress is Being Made.** DDD reports that CWS intends to keep a copy of the referral to benefits planning in each person's file but not a copy of the completed plan. A referral does not indicate that the service was in fact provided and the plan

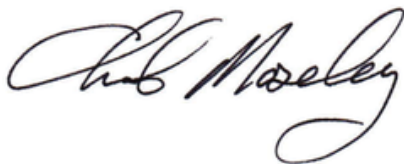
completed. DDD must ensure that benefits planning has occurred for each individual, consistent with the persons wishes, and provide documentation that the plan does or does not exist. Individual's Benefits Plans must be available for inspection by the Monitor, consistent with the requirements of the ISA. Because individual's benefits plans have not been provided the Monitor has been unable to assess progress in this area.

#### **7. Select and Implement a Coherent Record System**

**Status:** DDD reports that CWS intends to adopt the ETO Client Management system by the end of February 2018 to improve the consistency of the documentation in individual files. DDD reported on the process CWS will use for data migration including the structure and format for case records and service documentation. Division staff will review individual files and continue to provide technical assistance regarding documentation as needed. The Division will additionally review the new record system once it is fully implemented to ensure CWS has met their commitment to address this issue.

**Assessment: Requirements Met.** CWS has selected an electronic recordkeeping format and begun the process of migrating individual's information to the new system. DDD is requested to report to the Monitor on the status of the full implementation of the ETO Client Management System at CWS in its Quarterly Progress Report for the quarter ending June 30, 2018.

Respectfully Submitted

A handwritten signature in cursive script, appearing to read "Charles Moseley".

Charles Moseley EdD  
Court Monitor  
April 6, 2018