

T. 12/21/94

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DLP:AEP:RF:RJF:KW:CR
DJ 168-67-86

CRIPA Investigation



MR-SC-001-002

The Honorable David M. Beasley
Governor of South Carolina
Governor's Office
State House
P.O. Box 11369
Columbia, SC 29211

Re: Investigation of Whitten Center
Clinton, South Carolina

Dear Governor Beasley:

I am writing to inform you of our intention to investigate conditions at Whitten Center ("Whitten") in Clinton, South Carolina. This investigation will be conducted pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997 et seq.

The purpose of the investigation will be to determine whether conditions at Whitten violate the residents' federal constitutional and statutory rights. We will be looking at, among other things, resident safety, the adequacy of medical care, training, staffing, the use of psychotropic medication, and issues involving community placement. The initiation of this investigation does not indicate a prejudgment on our part that federal rights have been violated. If any violations are found, we intend to confer with you and your staff concerning any appropriate corrective action.

We would like to initiate this investigation as soon as possible. In that regard, an attorney from my office will contact your staff within the next week to arrange a tour of Whitten by our consultants and Civil Rights Division personnel. The attorney responsible for this matter is Richard Farano, (202) 307-3116.

cc: Records Chrono Peabody Frohboese Farano Wilkinson Hold

Thank you for your cooperation.

Sincerely,

Deval L. Patrick
Assistant Attorney General
Civil Rights Division

cc: The Honorable Charles Condon
Attorney General
State of South Carolina

Mr. Philip S. Massey
State Director
Department of Disabilities
and Special Needs

Judy E. Johnson, Ph.D.
Director
Whitten Center

J. Preston Strom, Jr., Esquire
United States Attorney
District of South Carolina

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The Honorable Richard Riley
Secretary
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-0100

Re: Investigation of Whitten Center
Clinton, South Carolina

Dear Secretary Riley:

I wish to advise you, pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997h, of our intent to investigate Whitten Center ("Whitten"), a state-run facility for people with developmental disabilities, in Clinton, South Carolina.

We have received information that calls into question the constitutionality of conditions at Whitten. If you have received any complaints regarding this facility, please advise us. If this facility is serving children and information is available regarding compliance with the Individuals with Disabilities Education Act, we would appreciate receiving such information.

We will cooperate fully with your Department in this matter and will consult with you regarding the status of our investigation. If you have any information and/or questions,

cc: Records Chrono Peabody Frohboese Farano Wilkinson Hold

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please call the attorney assigned to this matter, Richard Farano,
at (202) 307-3116. Thank you for your assistance.

Sincerely,

Deval L. Patrick
Assistant Attorney General
Civil Rights Division

cc: Ms. Judith E. Heumann
Assistant Secretary
Office of Special Education and
Rehabilitative Services

Mr. Tom Hehir
Director
Office of Special Education Programs

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The Honorable Donna E. Shalala
Secretary
U.S. Department of Health
and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Re: Investigation of Whitten Center
Clinton, South Carolina

Dear Madam Secretary:

I wish to advise you, pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997h, of our intent to investigate Whitten Center ("Whitten"), a state-run facility for people with developmental disabilities, in Clinton, South Carolina.

We have received information that calls into question the constitutionality of the conditions at Whitten. If you have received any complaints regarding this facility or have any other information you believe would be helpful in the conduct of this investigation, please advise us. We understand that this facility is fully certified for participation in the Medicaid program.

We will cooperate fully with your Department in this matter and will consult with you regarding the status of our investigation. If you have any information and/or questions,

cc: Records Chrono Peabody Farano Frohboese Wilkinson Hold

please call the attorney assigned to this matter, Richard Farano,
at (202) 307-3116. Thank you for your assistance.

Sincerely,

Deval L. Patrick
Assistant Attorney General
Civil Rights Division

cc: Harriet Raab, Esquire
General Counsel

Bruce C. Vladeck, Ph.D.
Administrator
Health Care Financing Administration

Mr. Anthony J. Tirone
Director
Office of Survey & Certification
Health Standards Quality Bureau