

Colorado's Protection and Advocacy System for Individuals with Mental Illness
(PAIMI) Program Priorities FY 22

Priority 1

Facilities

Priority:

1. Investigate incidents of abuse, neglect and rights violations, including violations brought on by events related to COVID-19 and *Olmstead* violations, in Colorado facilities, which include mental health institutes, nursing homes, assisted living residences, children's residential treatment facilities, public and private psychiatric hospitals and jails.

Objective:

1.a. DLC will investigate complaints and reports from or on behalf of PAIMI eligible residents alleging abuse, neglect and rights violations, including violations brought on by events related to COVID-19 and *Olmstead* violations. DLC will determine whether there is probable cause to investigate the complaint or report, and if found, take action to remedy any abuse, neglect or rights violations found to exist. Action may range from advocacy on one extreme to litigation and monitoring on the other. Action will be guided by PAIMI resources, both personnel and funding, the potential for coalition building that can be brought to bear, and seeking systemic solutions when appropriate.

Target Population:

PAIMI eligible adults, adolescents and children residing in facilities.

Expected Target:

DLC will assess and investigate ten (10) complaints or reports from PAIMI eligible residents to determine whether further action is needed to adequately address the complaint or report .

Outcome:

PAIMI eligible adults, adolescents and children residing in facilities will be less likely to experience abuse, neglect and rights violations.

Objective: **1.b.** Investigate incidents of serious abuse, neglect and rights violations, in Colorado facilities and settings providing educational services to youth. Disability Law Colorado will monitor and investigate complaints regarding improper use of seclusion or restraint and violations brought on by events related to COVID-19 resulting in the risk for serious injury or death from or on behalf of PAIMI eligible youth ages 5 to 21 years.

Target Population: PAIMI eligible individuals ages 5 to 21 years who have a primary diagnosis of serious mental illness and are residing in or are at risk of being institutionalized in a facility including the Division of Youth Services, Youth Offender System and Jails where educational services should be provided.

Expected Target: Disability Law Colorado will monitor and/or investigate 2 facilities or settings where staff administers restraints and/or seclusion. Disability Law Colorado will recommend trainings for staff on appropriate strategies and interventions which will aid in eliminating the use of physical restraints and seclusion.

Outcome: PAIMI eligible students will no longer be at risk of serious physical injury or death resulting from improper use of restraints and/or seclusion in facilities or settings providing educational services to youth.

Objective: **1.c.** In FY19, DLC settled the Jail-Wait lawsuit against the Colorado Department of Human Services by means of a Consent Decree challenging the length of time it takes for detainees in Colorado jails to receive competency evaluations or restorative treatment. As a result, DLC is switching from a litigation posture to a monitoring posture to ensure that the Department performs its obligations under the consent decree.

Priority 3

**Colorado Department of
Corrections, and the Colorado
Division of Youth Services**

Priority:

Investigate incidents of abuse, neglect and rights violations, in Colorado correctional facilities for adults and juveniles.

Objective:

DLC will investigate complaints and reports from or on behalf of PAIMI eligible adults committed to the Colorado Department of Corrections (DOC) and juveniles committed or detained by the Colorado Division of Youth Services (DYS), and juveniles placed by court order in residential treatment facilities, alleging abuse, neglect and rights violations, and violations brought on by events related to COVID-19 having the probability of causing serious injury or death. DLC will determine whether there is probable cause to investigate the complaint or report, and if found, take action to remedy any abuse, neglect or rights violations found to exist. Action may range from advocacy on one extreme to litigation and monitoring on the other. Action will be guided by PAIMI resources, both personnel and funding, the potential for coalition building that can be brought to bear, and seeking systemic solutions when appropriate. Disability Law Colorado will continue to monitor DYS's progress on changing its culture from one of violence to treatment and rehabilitation.

Target Population:

PAIMI eligible adults and juveniles residing in DOC/DYS facilities including juveniles placed by court order in residential treatment facilities.

Expected Target:

DLC will investigate complaints from ten (10) adults and three (3) juveniles.

Outcome: PAIMI eligible adults and juveniles will be less likely to experience abuse, neglect and rights violations.

Priority 4 **Community Mental Health Care System**

Priority: Disability Law Colorado will monitor to ensure access to community mental health treatment and services such as Medicaid, crisis services, integration of physical and mental health care, parity, consumer knowledge of choices, consumer empowerment, and continuity of care.

Objective: To ensure the provision of community mental health treatment and services to PAIMI eligible individuals, to include Medicaid mental health services.

Target Population: PAIMI eligible adults, adolescents and children.

Expected Target: DLC will conduct a multi-year monitoring and educational effort to improve the public mental health delivery system.

Outcome: PAIMI eligible adults, adolescents and children will be better informed of programs and choices available to them in directing their mental health care.

PAC approval: August 26, 2021
Board approval: September 23, 2021

About Disability Law Colorado: Disability Law Colorado is a nonprofit organization that protects and promotes the rights of people with disabilities and older people in Colorado through direct legal representation, advocacy, education and legislative analysis. We work to protect the human, civil and legal rights of people with disabilities and older people. As Colorado’s Protection and Advocacy System, we have authority under federal law to gain access to facilities and records to investigate allegations of abuse and neglect. www.disabilitylawco.org