

## MEMORANDUM

TO: Interested Parties

FROM: Kim Swain

RE: PASRR Settlement in *Davis v. CHHS* Case to Begin on October 1, 2004

DATE: September 20, 2004

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### **Davis Class Action Suit Settled**

On March 31, 2004, the federal court approved settlement of the class action law suit, *Davis, et al. v. CHHS, et al.*, which alleged violations of the American with Disabilities Act, the Nursing Home Reform Act and other statutes by failing to provide information, assess for, and provide community alternatives to individuals institutionalized at Laguna Honda Hospital, a 1000-bed skilled nursing facility in San Francisco. For a complete copy of the settlement documents, see our website at [www.pai-ca.org](http://www.pai-ca.org).

### **Mental Health Evaluations Look at Client Goals and Community Alternatives**

A significant part of the Settlement Agreement changed the way in which the California Department of Mental Health (DMH) conducts its Pre-Admission Screening and Resident Review (PASRR) Level II evaluations, which evaluate clients with a mental health diagnosis who are at risk of or placed in certified nursing facilities (including Institutes for the Mentally Diseased (IMDs) which serve at least one Medi-Cal funded resident). DMH agreed to revise its PASRR Level II evaluation tool, its contractor manual, and its training to contractors who will be conducting these evaluations, to include, for the first time, consideration of clients' goals and preferences and the community supports and services which could serve as an alternative to institutionalization. The new evaluation process is scheduled to begin on October 1, 2004.

"Advancing the human and legal rights of people with disabilities."

## **Key Provisions of the New PASRR Level II Evaluation**

Changes to the DMH PASRR Level II Evaluation Tool and Contractor Operations Manual include:

- **Description of the ADA and the Supreme Court decision in *Olmstead***, a case prohibiting discrimination by the State by unnecessarily institutionalizing individuals with mental health and other disabilities.
- **Description of the broad spectrum of community-based services and supports** to be considered in making a decision about whether an individual with a psychiatric disability could live in the community or needs institutional placement.
- **Questions about and consideration of the client's individual goals** in the areas of where s/he would like to live, money management, contact with friends and family, and health decisions, including mental health.
- **Consideration of the level of assistance and type of services and supports** that an individual would need to successfully live in the community.
- **List of housing alternatives**, including independent living, supportive housing, and group housing.
- **List of community supports** to be considered, including specialty mental health services, day treatment, rehabilitation, individual mental health rehabilitation services, case management, medication supports, home health services, durable medical equipments, therapy, attendant care, peer support, home delivered meals, vocational services, and home and community based waiver services through Medi-Cal.

## **How Can I Learn More?**

You can obtain a complete copy of the new Contractor Operation Manual and PASRR Level II Evaluation Tool at PAI's website, [www.pai-ca.org](http://www.pai-ca.org). If you have further questions, you can contact PAI at our toll-free number, 800/776-5746.