

Perry makes schools for mentally disabled priority

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AUSTIN, Texas (AP) — Gov. Rick Perry on Tuesday declared protecting residents of Texas institutions for the mentally disabled an emergency issue for lawmakers, a move that comes after a federal report found negligent and abusive care and conditions that contributed to dozens of deaths. The state has "a duty to ensure the safety" of those living in those facilities, Perry spokeswoman Allison Castle said.

Sen. Jane Nelson, R-Flower Mound, working with Perry's office, filed a bill that would create a governor-appointed ombudsman to investigate injuries and deaths and oversee the institutions known as state schools.

Other proposed changes include better background checks for staff, audits of the schools twice a year and other safety measures.

The bill does not call for a moratorium on enrollment or closing schools that some advocates for the disabled have demanded.

Texas houses nearly 5,000 residents in 13 state schools. Critics of the system say the state is stuck in an era when the mentally disabled were hidden away in large, impersonal facilities far from relatives and communities.

Nelson said while lawmakers will debate those issues, she intentionally left them out of the bill to help pass these changes.

"There are people who feel we should eliminate them, there are people who strongly believe they should continue to exist," Nelson said. "Emotions fly on that issue. We'll look at all that."

A Justice Department report released in December found at least 53 patients in Texas' large residential facilities died in 2007 from preventable conditions that were often the result of lapses in care.

It concluded that the Texas facilities violate residents' rights and called the number of injuries to patients "disturbingly high."

The report also noted hundreds of state investigations of allegations of abuse and mistreatment of residents, the danger of more than half of state facilities losing Medicaid funding because of care and safety problems and more than 800 workers fired or suspended for mistreating patients since 2004.

"We must never tolerate the abuse or neglect of our most vulnerable citizens," Nelson said.

"These special Texans deserve to be protected and treated with dignity and respect."

Other changes proposed by Perry's office and Nelson's bill include moving residents charged with crimes to a special facility away from the rest of the population, creation of an abuse-and-neglect hotline and surveillance cameras in common areas.

Nelson also said the state should spend more on salaries and training for institution workers.

Some of the changes are modeled after sweeping reform made in the state juvenile prison system in 2007 when the Texas Youth Commission was wracked by allegations of staff abuse of inmates and a coverup.

Perry's chief of staff Jay Kimbrough, who was a central figure in the TYC reforms, is now tackling the state schools issue for the governor's office.

Susan Payne of College Station is the vice president of the Parent Association for the Retarded of Texas and a defender of keeping the state schools open. Payne's 47-year-old sister lives in the Denton school.

Payne applauded some of the proposed changes, saying they will help ensure residents get quality care.

"There will be a need for these state schools for the severely and profoundly retarded. That's just common sense," Payne said.

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Richard LaVallo, interim legal director for Advocacy Inc., which has called for a moratorium on admissions, said his group supports the changes in the bill.

But Advocacy Inc. also wants a ban on use of mechanical restraints and straight jackets and restrictions on the use of psychiatric drugs on residents.

It also wants advocacy groups to be allowed better access to state schools to act as watchdogs. "The more open and transparent they are could help enhance safety in those facilities," LaVallo said.

The state schools bill is SB643.

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