

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR**

ACTION REFERRAL

TO <i>Waldrop</i>	DATE <i>8-27-12</i>
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DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>100060</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR 	<input type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____ <input type="checkbox"/> FOIA DATE DUE _____ <input checked="" type="checkbox"/> Necessary Action

APPROVALS (Only when prepared for director's signature)	APPROVE	* DISAPPROVE (Note reason for disapproval and return to preparer.)	COMMENT
1.			
2.			
3.			
4.			



The Protection & Advocacy System for South Carolina

Jan

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AUG 27 2012

Department of Health & Human Services
OFFICE OF THE DIRECTOR

August 24, 2012

Mr. Anthony E. Keck, Director
South Carolina Department of Health and Human Services
P.O. Box 8206
Columbia, SC 29202-8206

Re: Comments for OSS CRCF Meetings

Dear Director Keck:

I am writing to express appreciation for the Department's sponsorship of the regional stakeholder meetings to focus on issues related to Community Residential Care Facilities (CRCF) and to provide the comments and recommendations of Protection and Advocacy for People with Disabilities, Inc. (P&A).

It is important to remember the goal of CRCFs. This language is included in the definition of CRCF in DHEC Regulation 61-84:

Community Residential Care Facility (CRCF). ... It is designed to accommodate residents' changing needs and preferences, maximize residents' dignity, autonomy, privacy, independence, and safety, and encourage family and community involvement. Included in this definition is any facility (other than a hospital), which offers or represents to the public that it offers a beneficial or protected environment specifically for individuals who have mental illness or disabilities.... The goals of this regulation are too often ignored

Protection and Advocacy for People with Disabilities, Inc. (P&A) has inspected hundreds of CRCFs through its Team Advocacy program since it was established by the General Assembly in 1986. Team Advocacy sends P&A staff and trained volunteers to make unannounced visits to CRCFs. In 2009 we issued a report, *No Place to Call Home: How South Carolina Has Failed Residents of Community Residential Care Facilities*, which clearly showed the need for increased, coordinated oversight of these poorly-regulated facilities. The facilities discussed in that report are those that serve residents with disabilities and low incomes, including Supplemental Security Income, Social Security Disability Income, or veterans' benefits. About 80% of CRCFs receive Optional State Supplement funds from the SC Department of Health and Human Services.

In addition to our ongoing unannounced inspections facilities, P&A has been closely involved in efforts to enforce existing regulations. These hearings and scrutiny of the system should lead steps to correct the unsafe and unsanitary conditions which have continued for months or even years in many facilities.

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Oversight of CRCFs is fragmented, inconsistent and often ineffective, with devastating results for many of the residents. An investigation of a CRCF may involve five or more agencies with overlapping roles and responsibilities

The Department of Health and Environmental Control, which regulates CRCFs, is seriously understaffed—50% of staff responsible for CRCF inspections has been lost. DHEC frequently settles cases for a fraction of the assessed fines. Individuals have no easy way to find out whether a CRCF has had violations or been fined.

Residents of CRCFs often have no family or friends to speak for them and lead isolated lives. Most facilities have little or no access to public transportation. These isolated residents are at a high risk of abuse, neglect and exploitation

Based on our over two decades of experience with CRCFs, P&A recommends:

1. Information from DHEC about problem facilities should be more readily available to the public and concerned parties. This should include posting of facility inspection reports and corrective actions on the agency's website and at the facility.
2. The state should create an Adult Abuse Registry of individuals who have substantiated allegations of abuse or neglect of vulnerable adults against them. Facilities should be required to check the Registry before hiring a prospective employee.
3. The General Assembly should adequately fund DHEC and the SC Department of Labor, Licensing and Regulations (LLR) to assure prompt investigations and action when complaints are made against CRCFs and CRCF administrators.
4. The right of residents to voluntarily relocate to another facility without financial penalty should be protected, especially in cases of immediate jeopardy.
5. The General Assembly should request an objective study of financial cost for a CRCF to provide care for residents that meets the requirements of the statute and regulations.

We appreciate the interest of the Departments of Health and Human Services and Mental Health and the Adult Protection Coordination Council in improving the quality of care in these facilities and look forward to working collaboratively to bring about much needed changes.

Sincerely,



Gloria M. Prevost
Executive Director

P&A

**PROTECTION & ADVOCACY
FOR PEOPLE WITH DISABILITIES, INC.**

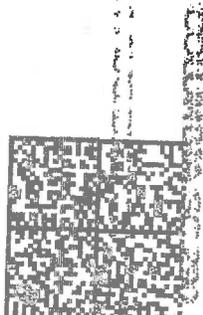
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