

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Roberts</i>	DATE <i>2-3-14</i>
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DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>000265</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>cc: Liggett</i>	<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
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4.			



The Protection & Advocacy System for South Carolina

RECEIVED

FEB 03 2014

Department of Health & Human Services
OFFICE OF THE DIRECTOR

January 30, 2014

Dr. Stanley Butkus, Executive Director
South Carolina Mentor
3600 Forest Drive, Suite 100
Columbia, South Carolina 29204

Re: Recent deaths at Mentor homes

Dear Dr. Butkus:

I am writing to request all records and information related to the deaths of Forrest Carlton and Jamie Rosemond which occurred on December 8 and December 16, respectively. It is our understanding that both Mr. Carlton and Mr. Rosemond resided at facilities operated by South Carolina Mentor.

As you know, Protection and Advocacy for People with Disabilities, Inc. (P&A) is the federally and state mandated protection and advocacy system for South Carolina. P&A was established in 1977 by state law, S.C. Code Ann. §§ 43-33-310 et seq., to protect the rights of people with disabilities. Each year P&A serves thousands of South Carolinians with disabilities who have been abused, neglected or denied access to services. P&A has broad authority under state and federal law to advocate for the rights of individuals with disabilities in this state and to investigate allegations for abuse and neglect when such incidents are reported to us or when we determine that there is probable cause that abuse and neglect occurred. A report of a death of an individual is both a "complaint" and "probable cause" within the meaning of the statutes authorizing a P&A system to act.

The federal protection and advocacy statutes and regulations, as well as state law, authorize P&A to obtain a broad array of records and information related to deaths and other serious incidents involving individuals with disabilities. Consent for release of such records to P&A is not required following the death of an individual where, as here, the individual is unable to consent, any guardianship which may have existed terminated at death, and the manner of the death provides probable cause to suspect abuse or neglect. See Protection and Advocacy for Individuals with Development Disabilities Act, 42 U.S.C. §§ 15041 et seq.; Protection and Advocacy for Individual Rights Act, 29 U.S.C. § 794e (f)(2); and 45 C.F.R. § 1386.22(c) and S.C. Code §43-33-310 *et seq.*

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Dr. Stanley Butkus, Executive Director
Page Two
January 31, 2014

These same statutes and regulations permit P&A to obtain the reports prepared by other agencies charged with reviewing or investigating incidents of abuse or neglect, injury or death that describe the incident, the steps taken to investigate and the information relied on in the report.

We request that you provide copies of records related to their deaths and any care plans, service plans or behavior support plans relating to Mr. Carlton and Mr. Rosemond and any other records related to their care/services within 14 days of receipt of this letter. If you do not yet have the requested information available, please provide it within three business days of your receipt of the information. Please contact me at the Greenville office referred to below if you have any questions concerning this request. Since P&A is a non-profit organization established to protect individuals with disabilities, we request that you waive any copying fees.

Thank you for your attention to this request.

With best personal regards, I remain

Very truly yours,

PROTECTION AND ADVOCACY
FOR PEOPLE WITH DISABILITIES, INC.



Anna Maria Darwin

Protection and Independence Team Leader and Attorney

Enclosures

cc: Beverly A.H. Buscemi, Ph.D., State Director, SC Department of Disabilities and Special Needs
Anthony Keck, Director, SC Health and Human Services

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Suspect in fatal West Ashley hit-and-run out on bond, funeral set for victim

Posted: Dec 10, 2013 12:03 PM EST

Updated: Dec 11, 2013 7:05 PM EST

By Ray Rivera - email

By Corey Davis - email

WEST ASHLEY, SC (WCSC) - The funeral of hit-and-run victim Forrest Carlton will be held Thursday, December 12th. The service is scheduled for 2:30pm at the West Ashley Chapel of J. Henry Stuhr Inc.

According to the Charleston County Detention Center the 18-year-old suspected in a deadly hit-and-run in West Ashley who took the life of the 22-year-old man is out on bond.

Tuesday Daniel Shirley surrendered to investigators and his bond was set at \$50,000 later that night.

Officials with the Charleston County Sheriff's Office say Shirley will be charged with leaving the scene of an accident involving a death.

Shirley was also arrested Friday, December 6th.

According to a background check, Shirley was charged last week with possession of marijuana, alcohol, having an open container, and littering.

Tuesday the Charleston County School District confirmed the victim, Forrest Carlton graduated from West Ashley High School this year.

In a statement released Tuesday, school Principal Mary Runyon said,

"The West Ashley High School family is deeply saddened by the loss of Forrest Carlton. The pleasant smile, kind demeanor and joy that he brought to school each day will be among the lasting memories we treasure. These are gifts that have unique and special qualities. Forrest gave them freely and asked only for a smile or a high five in return. His graduation day on June 4, 2013 was a wonderful day for all of us as we celebrated Forrest's accomplishments. Our best thoughts and prayers are with his family as they mourn his loss."

Tuesday a memorial with flowers and a cross with Carlton's name on it were set up where the accident happened on Ashley River Road near Plainview Road.

Investigators with the sheriff's office announced on Monday that they found the suspect's car, a black Dodge Charger at the Middleton Cove Apartments, off Ashley River Road. Deputies say it had a car cover over it.

The apartments aren't far from where the victim, 22-year-old Forrest Carlton was hit around 3 a.m. Sunday.

Carlton died just after 1 p.m. Sunday at MUSC.

According to Stan Butkus, state director South Carolina Mentor, Carlton was receiving services from a center for adults and children with disabilities and special needs.

The organization released a statement Monday.

"All of us at MENTOR are terribly saddened by the death of a young man in our care, and we extend our condolences to his family and friends. For 30 years, we have provided high-quality, life-enhancing services to adults and children with disabilities and special needs. We care deeply about those we serve and strive every day to ensure their safety and well-being."

"We pledge our on-going cooperation to law enforcement as they investigate the circumstances surrounding this tragedy."

According to the Charleston County Sheriff's Office Selective Traffic Unit, Carlton was struck by a vehicle on Ashley River Road between Plainview and Parsonage Roads.

Deputies said around 3 a.m. a concerned citizen was traveling in the area when they saw a man lying on the right side of the road.

The caller said to the 911 operator, "He's lying on the side of the road. He's not talking. He's just breathing in and I don't know if he's been hit," the caller continued to say, "He's barely breathing, he's gasping for breath, he's not moving at all. He's gasping for breath."

Authorities said the suspect's vehicle left the scene without providing any aid to the victim or information.

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Forrest Daniel Carlton

Forrest Daniel Carlton CHARLESTON - The Funeral Service for Forrest Daniel Carlton will be held in the J. HENRY STUHR, INC., WEST ASHLEY CHAPEL, 3360 Glenn McConnell Parkway, Thursday, December 12, 2013 at 2:30 pm. Flowers will be accepted, or memorials may be made to the Autism Foundation of the Carolinas, P.O. Box 12671, Charlotte, NC 28220. A memorial message may be sent to the family by visiting our website at www.jhenrystuhr.com. Visit our guestbook at www.legacy.com/obituaries/charleston

Published in Charleston Post & Courier on Dec. 12, 2013

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Police: Caregiver did not check on group home resident

Roderick Grove arrested for neglect

UPDATED 11:27 PM EST Dec 19, 2012

Text Size: A A A

MAULDIN, S.C. — A caregiver in the Upstate is facing charges after police said his neglect of a young man resulted in his death.

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Mauldin police said they responded to Ashmore Bridge Road Monday evening because a pedestrian was wandering in the roadway. Investigators said when they arrived, 25-year-old Jamie Rosemond had been hit by multiple cars and died at the scene.

According to detectives, Rosemond had been living less than two miles away at a group home under the South Carolina Mentor program on Flanders Court.

Police said his caregiver, Roderick Grove, falsely documented he checked on Rosemond.

"Our investigation revealed that the caregiver didn't properly do what he was supposed to do by checking on the individual every 15 minutes," Detective Ben Ford said.

Police said Rosemond left the house through a window.

It's unclear why he left, but detectives said Rosemond was being treated for mental health issues.

Grove is out on bond.

We contacted the South Carolina Mentor program and are waiting for their response.

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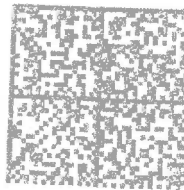
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Department of Health & Human Services
OFFICE OF THE DIRECTOR

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