

12-074

Constantino, Mike

From: Anne Irving [Alving@afscme31.org]
Sent: Monday, October 22, 2012 7:37 AM
To: Avery, Courtney
Cc: Constantino, Mike
Subject: JDC written response to staff report.docx
Attachments: JDC resident arrested.pdf; JDC written response to staff report.docx

Please find attached our response to the staff report on Jacksonville Developmental Center

Former JDC resident arrested for battery

*Current resident reportedly dies while
contract nurse on duty*

BY MONICA SEALS

MARION COUNTY EDITOR

SPRINGFIELD — According to reports from the Springfield Police Department, a 38-year-old former Jacksonville Developmental Center resident, has been arrested for alleged domestic battery of a 45-year-old fellow resident of his new group home.

Just after midnight on Sept. 17, Springfield police were dispatched to a home at 517 S. Lincoln

St., for a disturbance call. Upon arrival, officers met with Todd Buscher, who informed them the residents were from a Lincoln Group Home, for which he was staff. According to online information, the group home is part of the Individual Advocacy Group, which specializes in group home settings for the developmentally disabled.

According to Buscher, a disturbance occurred between two residents, Nathan Wainscott and

Edward Flemming. Buscher said Wainscott was angry because he was put on telephone restriction that day and decided to "pick on" Flemming. Buscher said Wainscott threw Flemming's movies on the floor and started a physical fight with the other man. He said Wainscott punched Flemming in the head and bit him on his right hand. He said Wainscott then left the scene on foot.

Officers were called into search the area, but could not locate Wainscott, but when they returned to the group home discovered that staff from the group home had found Wainscott and brought him back.

Wainscott reportedly informed officers that two days earlier he accidentally spat on his housemate Flemming and was trying to apologize, but Flemming was still angry with him and had punched him in the head. Officers said there were no visible injuries on Wainscott, but Flemming suffered a minor laceration on his right hand, apparently from Wainscott biting him.

The reporting officer placed Wainscott under arrest, handcuffed him and placed him in the back seat of the squad car. The officer notes in the report that as he was transporting Wainscott to the Sangamon County Jail, he

repeatedly asked the officer to not take him to jail, that he was not trying to cause problems and should not be taken to jail. The report says Wainscott then repeatedly asked for the amount of his bond and when he would be allowed to see a judge.

The report also notes that in spite of information provided from the group home staff, a computer check showed Wainscott had been arrested 15 times prior to the September incident. A search of online court records show Wainscott has been arrested not only in Sangamon County, but multiple

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Resident:

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times in Peoria County and Macon County, for charges ranging from criminal damage to property to fleeing and eluding police and burglary.

It is unclear if the group home provider was aware of Wainscott's criminal history, or if the guardians of his housemates were made aware of his background.

Jail records show Wainscott remained in custody of the Sangamon County Jail on his most recent arrest until posting \$2,000 bond Oct. 4. He is due in court today for a pre-trial hearing with court appointed counsel.

JDC RESIDENT DIES

Wainscott's arrest is not the only incident surrounding JDC residents recently, as a 69-year-old resident choked to death Oct. 7 at the facility.

According to reports from the Morgan County coroner, John Long died early that Sunday morning after waking and telling staff he was hungry and he was given a donut. Staff who witnessed the incident reportedly tried to resuscitate Long while emergency crews were in route.

Lonnie Johns, chairman of the committee to Protect the Residents of JDC, says the incident is an example of the first step for the JDC closure ending like the 2001 closure of Lincoln Developmental Center, in which 29 residents died after the facility closed.

"A death of this nature simply has not happened at JDC, and having contract nurses,



Submitted Photo

GROUP HOUSE — According to the Springfield Police Department the front porch of this group home for the developmentally disabled was the location of a recent incident in which a recent transfer from the Jacksonville Developmental Center allegedly battered one of his housemates. The man, who was subsequently arrested and released after posting bond, has a history of criminal arrests.

having people shifted around in jobs because the many skilled people and people that can get other jobs have left- and therefore you aren't hiring anyone new, so you're shifting people around all the time — well, that is neither a safe nor the kind of thing that can continue for long," commented Johns.

He says the Department of Human Services (DHS) signed an emergency no-bid contract in January with a nursing services company out of Albuquerque, N.M. in response to facility nurses leaving after the closure was announced.

Rep. John Cavaletto, R-Salem, has filed legislation calling for an audit of DHS, based upon the execution of contracts such as the one entered into with the nursing agency from Albuquerque and one entered into with Community Resource Alliance, who is overseeing the shutdown of JDC.

Cavaletto says CRA has been accused of ignoring advice from medical staff and family of JDC residents and rushing to transfer out residents before complete and thorough assessments are completed.

mseals@morningsentinel.com

October 22,

Dale Galassie
Chair
Illinois Health Facilities and Services Review Board
c/o Courtney R. Avery, Administrator
525 West Jefferson Street, 2nd Floor
Springfield, Illinois 62761

AFSCME Council 31 written responses to the State Board Staff Report on
The Jacksonville Developmental Center Discontinuation Permit

Dear Chair Galassie:

Our union agrees with the staff report that DHS has not met the required need to document no adverse effect upon access to care for residents of the facility's market area. The closure of JDC would prevent access to necessary, life-sustaining care for the more than 100 current residents still residing on campus for whom no appropriate alternative placement has been found.

Moreover, as JDC and other congregate care state centers provide a broader array of services than group homes or even private ICF-DDs, the closure would leave Central Illinois residents with developmental disabilities who in the future may experience extreme behavioral and medical challenges without a safety net.

Family members of JDC residents have provided eloquent and often heartrending testimony about how much their loved ones need the intensive services provided at JDC. Individuals with significant health care needs require access to healthcare professionals on a round-the-clock basis. Individuals with significant behavioral issues benefit from the significant number of highly trained staff available on a campus setting, especially staff with years of experiences who have developed a bond with the individuals, can easily communicate with them, and can anticipate behavior triggers. Beyond whether community alternatives are available currently to serve these individuals – and the staff report documents they are not – there is a question of whether community services will meet the needs of these very challenged individuals.

Many families whose loved ones received services in smaller community settings before coming to JDC experienced both high numbers of health problems and hospitalizations as well as chemical restraints (overmedication), and even police involvement in lieu of adequate staff and behavior interventions. Early outcome data from the first JDC residents to be moved to the community show the difficulty some individuals have without access to JDC. The latest JDC Monitoring Tracker documents incidents through Oct. 5 for the 52 former JDC residents discharged to or visiting community placements. There are now a total of 6 incidents of police involvement, an indicator that extreme

behavioral issues are spilling over into the surrounding community and placing these vulnerable individuals at risk of incarceration. The attached newspaper article documents the arrest of a former JDC resident in September due to an incident that occurred at his new group home. There are also 18 incidents of hospitalizations, indicating difficulty providing adequate support for extreme medical needs.

This data supports our union's position that discontinuing services at JDC would negatively impact safety net services in Central Illinois. State centers are safety net facilities, providing care to individuals who have extreme medical and behavioral needs who are not easily supported in community placements. The guardians and JDC residents fighting to keep the facility open continually reference this need for safety net services. The distant location of other state centers, and the lack of access to the remaining centers as put forward by DHS in its application, would impact care.

The DHS application fails to note that there is not another state center in Central Illinois, which means individuals in this area who need the higher level of care available at state centers will have no area safety net. DHS includes in its application the mileage and travel time for Murray Center, the next closest state center. However the application fails to note that DHS has already announced its intention to close the Murray Center, located in Centralia, next year. Once these two facilities are closed, the nearest safety net options will be Choate Developmental Center, 241 miles to the South in Anna, Fox Center which is 153 miles away in Dwight but dedicated to medically fragile individuals, and Shapiro Center in Kankakee which is 191 miles away.

The letter from DHS Deputy Director for SODC Operations is not reassuring on the question of safety net services. The letter states only that those who qualify for state center services "have the right to request placement in an SODC" [emphasis added]. Similarly, those needing state center services may access them "dependent on the needs and SODC capacity". In its Safety Net Impact Statement, the department states that it will continue to operate state centers that will accommodate safety net admissions, but makes clear that it will not increase census at the remaining centers to accommodate the needs of those in Central Illinois seeking these services. "[T]he goal in such instances is that a receiving state operated developmental center wouldtransition a proportional number of persons to a community setting". Thus safety net access will only be available farther away, and only to the degree that other state centers can reduce their census to create available beds.

As Jacksonville Developmental Center's services are in demand and as DHS has provided no specifics on how those services would be replaced for the more than 100 residents still living at JDC, as well as for those Central Illinois residents who will need the facility's safety net services in the future, we strongly urge the Board to reject this application for discontinuation.

Sincerely,

Anne Irving
Director of Public Policy
AFSCME Council 31

October 22,

Dale Galassie

Chair

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