

Summary of the Remedial Plan for the Boys State Training School (BSTS) in Eldora

As of August 3, 2021

The following is a summary of progress toward fulfilling the remedial plan, which was designed to address the court order from the United States District Court for the Southern District of Iowa in response to a class action suit brought by former BSTS students. The remedial plan was approved by the Court on July 27, 2020.

The BSTS has been prompt in completing provisions (deliverables) per the agreed upon timeline. To date, the Monitor has submitted one report with recommended compliance ratings (the Initial Monitor's Report was submitted to the Court on February 1, 2021). Substantial compliance must be maintained for two years before monitoring can cease.

Of the 19 mental health treatment program provisions, the Monitor recommended substantial compliance ratings for 7 provisions and partial compliance ratings for 9 provisions. The Monitor did not recommend a non-compliance rating for any provision. The Monitor did not recommend compliance ratings for 3 provisions because they were not yet due by the filing of the Initial Monitor's Report.

Of the 6 room confinement and restraints provisions, the Monitor recommended substantial compliance ratings for 3 provisions and partial compliance ratings for 2 provisions. The Monitor did not recommend a compliance rating for 1 provision because it was not yet due by the filing of the Initial Monitor's Report. The Monitor did not recommend a non-compliance rating for any of the room confinement and restraint provisions.

Below, please find more information on the specific provisions of the Remedial Plan, including a summary of what has been completed and the Monitor's recommended compliance rating per the Initial Monitor's Report dated February 1, 2021. Although compliance ratings are expected to improve over time as BSTS refines implementation and service delivery, they may also change if performance has deteriorated or subsequent information reveals problems that were not initially visible. The BSTS continues to work closely with the Monitor and other stakeholders to achieve and maintain substantial compliance for all provisions of the Remedial Plan.

MENTAL HEALTH TREATMENT PROGRAM:

The BSTS will develop integrated (therapeutic, skills-based, rehabilitative-based, and psychiatric care) mental health treatment plans that are based on information obtained from a screening/assessment/evaluation process that is implemented and defined by policy and procedure.

Multi-disciplinary Treatment Team

The BSTS will utilize a multi-disciplinary treatment team approach to provide integrated mental health treatment services to students who have mental health treatment plans or are in the process of developing a mental health treatment plan.

The multidisciplinary treatment team will:

- Be comprised of the director of the mental health department; psychotherapists, social workers, psychiatric provider(s); and a non-psychiatric medical provider;
- Ensure that relevant information from other BSTS staff is obtained and considered through in-person or written communication;
- Ensure that the student and their parent or guardian are involved in the treatment planning and review process and are aware of treatment progress;
- Have a facilitator that will ensure that members actively participate to develop, monitor, and revise treatments and supports as needed;
- Meet regularly and as needed to review cases and discuss treatment progress and planning to ensure that each student's progress toward treatment goals is reviewed at least monthly.

Status: Monitor's Recommended Compliance Rating – Partial Compliance.

Mental Health Treatment Plans

BSTS will develop integrated mental health treatment plans that address the needed interventions, including therapeutic and skills-based services focusing on evidence-based practices, rehabilitative services, and the psychiatric interventions the student is receiving.

Status: Monitor's Recommended Compliance Rating – Partial Compliance.

As-Needed Referrals and Treatment Refusals

Students who initially are not referred for therapeutic, skills-based, or rehabilitative-based services through the Mental Health Department may be referred for subsequent assessment or evaluation at any time by following the referral process that will be described in the Mental Health Services policy and procedure.

Students who were not taking medication upon admission or were not evaluated for medication may be referred for an evaluation at any time by following the referral process that will be described in the Mental Health Services policy and procedure.

Status: Monitor's Recommended Compliance Rating – Partial Compliance.

Mental Health Services Policy and Procedure

BSTS will create a policy and procedure regarding delivery of mental health services, which will provide protocols for therapeutic, skills-based, rehabilitative, and psychiatric services. Staff will be trained on this policy and procedures. The policy will be reviewed at least annually and revised as needed.

Status: Monitor's Recommended Compliance Rating – Substantial Compliance.

Therapeutic Services

BSTS will provide individual and group psychotherapy to students whose screening, assessment or evaluation identifies a diagnosable mental illness or otherwise identifies significant personal distress or functional impairment that may benefit from psychotherapy. The psychotherapy provided will be person-centered and focus on evidence-based therapeutic and skills-based practices that address the student's individual needs. BSTS will also provide rehabilitative-based services and supports as needed to further address the student's clinical needs.

BSTS will offer students individual or group psychotherapy at the appropriate frequency and duration when students' screening, assessment or evaluation identifies a diagnosable mental illness or other clinical need that can be treated effectively with psychotherapy. BSTS will provide individual or group psychotherapy to students who request it at any time throughout their BSTS admission. BSTS will ensure that the individual and group psychotherapy provided is consistent with the student's mental health treatment plan.

If a student requires individual or group psychotherapeutic services, but declines them in full or in part, ongoing attempts at rapport building and motivational engagement will be made and documented to determine and address the student's objections to entering into treatment. The goal of this intervention is to provide psychotherapy at the duration and frequency needed to address students' individual needs.

Status: Monitor's Recommended Compliance Rating – Partial Compliance.

Skill-based and Rehabilitative-based Services

BSTS will assess student's clinical and support needs and develop skills-based and rehabilitation-based services as needed. This review will include consideration of and integration with the behavior management and motivation approach discussed in the Seclusion and Room Confinement section below to ensure the varied clinical-based services offered to students at BSTS are aligned and supportive of each other.

Status: Monitor's Recommended Compliance Rating – Partial Compliance.

Staffing

Throughout the duration of the remedial plan, BSTS will hire and maintain a sufficient number of *professionals in the mental health department* to evaluate and assess students and to provide the individual psychotherapy, group psychotherapy, skills-based and rehabilitative-based services needed to meet their individual needs. For *psychotherapeutic services*, the BSTS will ensure a psychotherapist-student ratio no greater than 1:15 for the duration of the remedial plan.

Status: Monitor's Recommended Compliance Rating – Substantial Compliance.

Student Health Records

The BSTS will ensure that mental health records regarding screening/assessment/evaluation, therapeutic, skills-based, rehabilitative-based, and psychiatric/medication services are defined, stored, protected, and shared in a manner that is consistent with policy and

procedure, relevant professional standards, and state and federal laws. This involves creation of policy and procedure, as well as training staff.

Status: Monitor's Recommended Compliance Rating – Partial Compliance.

24/7 Crisis Response

BSTS will have a professional in the mental health department on-call to provide 24/7 crisis intervention during business and non-business hours. During non-business hours, these crisis response and intervention services will be provided through electronic or telephonic means.

Status: Monitor's Recommended Compliance Rating – Substantial Compliance.

Suicide Prevention and Intervention

Psychotherapists or the director of the mental health department will be primarily responsible for evaluating students who express suicidal ideation, engage in self-harming behavior, or attempt suicide. This response and evaluation will occur as soon as possible barring conflict with other clinical tasks.

If a student is placed in a 'seclusion room' for an act of self-harm or suicidal ideation, a professional in the mental health department will be required to meet with the student as soon as possible, whether in-person or via telephone or electronic means consistent with their 24/7 coverage plan, and such meetings will take priority over non-clinical tasks.

Professionals in the mental health department who respond to students in suicidal or self-harm crisis will develop and implement an individualized care, support and safety plan.

Status: Monitor's Recommended Compliance Rating – Partial Compliance.

Multi-sensory De-escalation Tools and Spaces

BSTS will continue to secure sensory-based tools and equipment, and develop multi-sensory spaces for de-escalation and self-soothing for students to use to assist them in modulating their emotions and behavior and practicing coping skills. This trauma-informed service is designed to provide students with a safe, non-adversarial space to "cool off," re-focus, and develop and practice skills for de-escalation.

Status: Monitor's Recommended Compliance Rating – Partial Compliance.

Therapeutic Crisis Response Unit

BSTS will develop a short-term, crisis response and stabilization unit/program/space for students who experience significant emotional, physical, or behavior distress such that they cannot be safely managed in their cottage and require further assessment/evaluation, targeted and intensive skill development, and/or extra therapeutic intervention or support to stabilize before returning to their normal cottage/programming. This unit/program/space will be operated and facilitated by the Mental Health Department, in conjunction with the BSTS Treatment Program Administrator and Treatment Services Director. Admission criteria will be based solely on acute mental or behavioral health needs such that it will not be used to

manage safety and security concerns or act as a consequence or punishment for rule violations or negative behavior. Clinical services and interventions will focus on: intensive therapeutic and skill-building sessions based on student's immediate need or presenting concern; crisis or safety planning; increased individual therapy and/or skill building sessions; ongoing clinical observation across settings; and therapeutic "wrap-around" meetings to reintegrate student to their cottage and programming as soon as they have stabilized, or until a higher level of care can be obtained. This transitional, short-term program will be designed to adequately care for students who cannot regain the necessary emotional, cognitive, or behavioral control needed to engage in typical programming or services despite attempts at de-escalation and skill building.

Status: Monitor's Recommended Compliance Rating – Not Yet Rated.

Hospital Level of Care

BSTS will coordinate with the MHDS Mental Health Institutes (MHI), county attorney associations, Hardin County Attorney and University of Iowa Hospitals and Clinics regarding the procedures for transfer of a student to a hospital level of care for further evaluation or treatment as needed.

Status: Monitor's Recommended Compliance Rating – Substantial Compliance.

Discharge Planning for Mental Health Services in the Community

BSTS will engage in a practice where a professional from the mental health department connects with existing discharge and transition-planning teams at BSTS to advance continuity of care and ensure that transitional services earnestly attempt to arrange mental health care services in the community upon discharge.

Status: Monitor's Recommended Compliance Rating – Partial Compliance.

Ongoing Training

BSTS will develop a training or didactic program and policy for psychotherapists in the mental health department designed to advance their clinical expertise in providing evidence-based psychotherapy to adolescents in the juvenile justice system. For fully-licensed professionals, proof of relevant continuing education credits may help fulfill this training requirement. Temporary or provisionally licensed professionals may use their licensure-based clinical supervision to fulfill part of this training requirement. Non-licensed professionals shall be required to fulfill this training.

Status: Monitor's Recommended Compliance Rating – Not Yet Rated.

SECLUSION AND ROOM CONFINEMENT

BSTS will use room confinement as a time-limited, last resort to help students de-escalate or 'cool off' in situations where they pose a serious and immediate risk of physical harm to a person when less restrictive interventions have been attempted and found unsuccessful or would be unsafe or otherwise inappropriate given the student's acute risk.

Seclusion & Room Confinement Policy

The use of seclusion or room confinement must be based on a serious and immediate risk of harm to a person, may not be used as a disciplinary sanction, and may not be used in response to a violation of rules or destruction of property or theft.

The expectation is that a staff member will be present with the student, either in or out of a room depending on the circumstances, to verbally assist the student in de-escalation and to document the de-escalation efforts or interventions made to assist the student in regaining behavioral control as soon as possible.

The student will be removed from the seclusion room as soon as the student is calm, and no later than one (1) hour, unless staff working with the student determines he continues to pose a serious and immediate risk of physical harm to any person.

Staff will be provided guidance, through policy and procedure and staff training, on how to effectively identify and assess serious and immediate risk of physical harm to a person, and on how to effectively help a student de-escalate.

Students placed in room confinement will be requested to provide a report, in their own words, describing the behavior that resulted in room confinement.

Status: Monitor's Recommended Compliance Rating – Partial Compliance.

Behavior Management/Motivation

BSTS will revise their behavior management approach to focus less singularly on control and compliance and more dynamically on skill building and relationship development to help students better manage stressors, maintain emotional and behavioral control and engage effectively with others so they are less likely to need seclusion to calm down or otherwise control their behavior. This approach to behavior management will go beyond mere compliance and include a significant focus on motivation. It will align with the therapeutic, crisis response, skills-based and rehabilitation-based services the school develops and provides.

Status: Monitor's Recommended Compliance Rating – Partial Compliance.

Staffing

Throughout the duration of this Remedial Plan and monitoring, the BSTS will hire and maintain a sufficient number of professionals to effectively implement and practice this *behavioral management/motivation* approach by helping students develop and practice skills necessary for them and others to remain safe. For *direct care staff*, the BSTS will continue to use a 1:8 (daytime) / 1:16 (nighttime) staffing ratio for general population consistent with the Prison Rape Elimination Act (PREA).

Status: Monitor's Recommended Compliance Rating – Substantial Compliance.

Corbett-Miller Hall (CMH)

BSTS will disband the CMH program and its practices as described in the Court Order (e.g., administrative segregation, extended room confinement, room restrictions, denial of recreation time).

Status: Monitor's Recommended Compliance Rating – Substantial Compliance.

Restraint Policy and Practice

Effective April 1, 2020, 'the wrap' was removed from BSTS. Students were notified on April 7, 2020.

Status: Monitor's Recommended Compliance Rating – Substantial Compliance.

Introduction of Fixed Mechanical Restraints

For BSTS to use fixed mechanical restraints instead of the wrap, they will only do so with leave from the Court. If the Court approves a mechanical restraint, a mental health professional must be physically present with the student and attempt to help him calm down or otherwise regain self-control. If approved by the Court, BSTS will document, including through video, all uses of the fixed mechanical restraint to ensure its use complies with the Court Order.

Status: Monitor's Recommended Compliance Rating – Not Yet Rated.

MONITORING

The remedial plan will be monitored by Kelly Dedel, Ph.D., whose work will be supported by her designated Mental Health Consultant, Daphne Glindmeyer, M.D. The Court appointed Drs. Dedel and Glindmeyer on April 22, 2020.

Monitor Duties and Facilitation of Monitoring

The Monitor will complete all duties as noted in the Court Order. BSTS will comply with all requirements for facilitation of monitoring as noted in the Court Order. The Monitor will assess compliance with the remedial plan that is ordered by the Court.

The Monitor shall assess compliance with each element of the remedial plan using the following three categories: substantially compliant, partially compliant or not compliant. The Monitor's assessment shall include an identification of actual and potential areas of non-compliance with the remedial plan.

If the Monitor's assessment of each element is not compliant or partially compliant, the monitor will also indicate whether they determine that good faith and satisfactory progress is being made. In each area where BSTS is partially compliant or not compliant, the Monitor will list recommended steps for obtaining compliance and distinguish between constitutional minimums and best practices as needed.

Status:

- The Initial (6 month) Monitor's Report was submitted to the Court on February 1, 2021.
- The Monitor visited BSTS in-person for the first time from March 23 – 25, 2021.

- The Monitor submitted an Interim Status Report in June 2021 related to her March 2021 visit and interviews with students and staff.
- The Monitor plans on conducting their second in-person visit of BSTS from August 17-19, 2021.