

## Department of Justice (DOJ) Findings at State Resource Centers

*As of December 29, 2021*

*The following is a summary of DOJ findings from their investigation into the State Resource Centers, Glenwood Resource Center (GRC) and Woodward Resource Center (WRC).*

### **Previous Investigation of GRC and WRC: 1999 to 2002**

- Remedial Plan spanned 2004-2010 (including extension)
- Provisions around restraint, behavior support plans, integrated support plans, general clinical care, nursing, medical care, and quality assurance (among other things).

### **Notice of Investigation: November 21, 2019**

- Source of Authority:
  - 42 USC 1997 (CRIPA - Civil Rights for Institutionalized Persons)
  - 42 USC 12101 (ADA - Americans with Disabilities Act)
- **Findings: December 22, 2020**, related to GRC (ADA, community integration, component remains under investigation)
  - Conducting human subject experimentation without consent
    - Optimal hydration study
  - Inadequate physical care
    - Lack of timely and appropriate clinical assessments
    - Concerning medication practices
    - Disjointed clinical care
  - Inadequate behavioral supports
    - Overuse and misuse of restraint practices
    - Poor coordination
    - Poorly trained staff
  - Lack of Quality Assurance
    - No real oversight
    - Efforts taken to mask findings in mortality reviews
    - No system to report concerns, concerns were reported but not acted upon
- **Findings: December 8, 2021**, regarding investigation of state resource centers
  - Resource center residents should receive services in their own communities
    - Little opposition from residents or guardians to transition
    - Staff lack information on community resources
    - Resource centers lack sufficient transition plans to effectively move residents
  - Iowa failed to address known deficiencies in community-based services
    - Inadequate access to intellectual and developmental disability (IDD) supports
    - Lack of access to services for those with complex needs
    - Heavy reliance on institutionalization
  - Iowa lacks sufficient oversight of Managed Care Organizations (MCOs) and home- and community-based services to prevent institutionalization
    - Failure to use MCO-reported data effectively

**Key Provisions to Negotiate**

- What does “substantial compliance” look like?
  - Date certain for remedial plan to conclude
  - Crisp benchmarks by which to measure compliance
- Opportunity for negotiation and remediation before litigation if noncompliance

**Key Deadlines:**

- Iowa will not be appealing either set of findings and is currently in negotiations on the legal framework, or consent decree, that establishes the parameters for substantial compliance.