



2023 Biannual Report

January — June



Duties and Activities
of the Office

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Executive Summary

The Office of the Independent Ombudsman evaluates services at the SSLCs and supplies the state's leadership with independent findings. The statute that established our office, Senate Bill 643 of the 81st legislature, stipulates that we submit a biannual report of the work of the ombudsman, results of our reviews or investigations, and any recommendations to the governor, the lieutenant governor, the speaker of the House of Representatives, and the chairs of the standing committees of the Senate and the House of Representatives with primary jurisdiction over SSLCs. It also states that the independent ombudsman shall prepare an annual report of findings of the statutorily mandated audits. All audit findings completed for 2022 will be published in an upcoming report.

Each time we develop a report of the office's activities, I am moved to appreciate the independence of the ombudsman's role and mission. Residents, families, guardians, and staff turn to the office for assistance and for answers to complex questions concerning their needs. However, the Assistant Independent Ombudsmen initiated more cases this biannual period than other sources of complaints. This underscores the assertive stance the office takes in identifying and addressing concerns, rather than waiting for others to bring forth a complaint for investigation. Certainly, the AIO's presence at the SSLC contributes to our ability to observe service delivery and resident experiences first-hand.

Additionally, the collaborative approach of the office and administration of the centers has fostered a positive environment of respect. One of the essential duties of the office is to provide recommendations to the administration of each center. This ongoing responsibility provides each SSLC the opportunity to gain insight from the ombudsman's objective point of view. In this way, we can collaboratively address specific concerns as well as possible systemic issues to prevent reoccurrence. Some of these recommendations have been highlighted in this report.

During the recent legislative session, our office communicated to legislators the crucial need for staffing resources to address the frontline worker shortage at state facilities. Fortunately, the state approved and provided funding to Texas Health and Human Services, specifically for direct care staff recruitment and retention. The residents of the SSLCs are beginning to benefit from the improved stability of this workforce.

In Gratitude,

Candace Jennings
Independent Ombudsman for State Supported Living Centers

Office of the Independent Ombudsman for State Supported Living Centers



Front row left to right: Adam Parks, Talya Hines, Isabel Ponce, Kellen Davis, Jill Antilley, Susan Aguilar, Deatrice Potlow, Jessica Rosa, Gevona Hicks, Candace Jennings. Second row left to right: Brenda Fausto, James Clark, Horacio Flores, Edward Leal, Brian Morton, Brianna Teague, Carrie Martin, Seth Bowman. Not pictured: Harrison Jensen.

The office was established for the purpose of investigating, evaluating, and securing the rights of residents of state supported living centers. The duties and powers of the Independent Ombudsman are mandated by Texas Health and Safety Code, Title 7, §555. The mission of the Office of the Independent Ombudsman is to serve as an independent, impartial, and confidential resource.

Principles

Independence

Flexibility

Accessibility

Confidentiality

Integrity

Credibility

Central Office



Candace Jennings

Independent Ombudsman

Mrs. Jennings has over 25 years of experience supporting people with intellectual and developmental disabilities. She found her passion supporting people as a direct care specialist while attending college in San Marcos, Texas. She earned a bachelors from Southwest Texas State University School of Social Work. In her professional experience, she served the San Antonio community as a Child Protective Services investigator, Local IDD Authority service coordinator and manager, and Rights Protection Officer at the San Antonio SSLC. After 12 years of serving in the role of Deputy Independent Ombudsman, Mrs. Jennings was appointed by the governor of Texas to lead the office in June 2021. Ms. Jennings has earned a Master of Public Administration degree and is currently pursuing a PhD in Applied Demography from University of Texas at San Antonio. She is certified by The Learning Community for Person Centered Practices as a Person-Centered Thinking trainer and leads organizational change through a person-centered perspective.



Carrie Martin

Deputy Independent Ombudsman

Carrie Martin has pursued social justice for over 15 years and has 10+ years' experience serving in various roles advocating on behalf of those living with IDD. She is a champion of change, is skilled in process improvement practices and strategic planning, and values systemic problem solving, open communication, and enhancing our community. She is passionate about leading the ombudsmen across the state and creating a culture that facilitates meaningful change and improves the lives of the residents of the SSLCs. Mrs. Martin formerly served as the Lead Assistant Independent Ombudsman for the OIO, then Operations Manager. In August 2021, she was hired as the Deputy Independent Ombudsman.



Brianna Teague

Project Specialist

Brianna Teague was born and raised in the Houston, Texas area. After receiving a Bachelor of Arts Degree in Anthropology with a minor in English from Texas A&M University, she obtained a master's degree at the University of Houston in Anthropology, specializing in Medical Anthropology. She has previous experience as a research assistant in the Health and Human Performances department at the University of Houston and as a disability specialist with the Social Security Administration. Additionally, she is an Adjunct Professor at Austin Community College. Ms. Teague specializes in research, data analysis and management support. She joined the OIO in December 2021.



Harrison Jensen

Project Specialist

Harrison Jensen was born in Salt Lake City, Utah and raised in Southern Oregon. He received his bachelor's degree in Planning, Public Policy and Management at the University of Oregon. Subsequently, Mr. Jensen worked for the Louisiana Department of Health, where he helped improve health care quality and accessibility for Medicaid-enrolled Louisianans. Mr. Jensen joined the OIO in June 2023.



Jessica Rosa

Administrative Assistant

Jessica Rosa was born and raised in Austin, Texas. She attended Austin Community College and Concordia University where she studied Finance. She began her professional career working for several financial institutions providing banking services for the community. She eventually moved on to provide billing and money management assistance for D&S Community Services, a leading provider of residential services and supports for individuals with intellectual and developmental disabilities where she experienced how rewarding it was to help others in need. She then transitioned to Excel Finance Company where her results driven personality led her to effectively streamline processes and provide administrative and accounting support for over 30 offices across Texas, New Mexico, and Louisiana. Ms. Rosa has experience in report development, data management, and administrative operations. After years of tenure and much experience gained, she joined the OIO central office team in 2019.

SSLC Resident Population

There are 13 state supported living centers across the state of Texas, which are home to 2,591 people with intellectual and developmental disabilities. Residents of the SSLCs are provided with life skills training and occupational, physical, and speech therapies. Additionally, each SSLC offers 24-hour residential services, comprehensive behavioral treatment, and healthcare including medical and dental services. Many residents are employed by local businesses, and children and adults up to age 22 can receive public education through local school districts. The demographic data provided in this report was obtained on July 3, 2023, from the Health and Specialty Care System division of Texas Health and Human Services, which manages the centers.

When the Office of the Independent Ombudsman for SSLCs began in 2010, the SSLC population was 4,342; since then, the SSLC population has declined by 1,751 residents. This is because the number of residents moving out of the SSLC system or passing away is greater than the number of new admissions. There has been a consistent year-to-year decline in the number of residents living at the SSLCs, with San Angelo and Austin SSLCs experiencing the greatest percentage decrease since 2010. However, centers continue to regularly admit new residents who may be best served by the SSLCs. From January to June of 2023, there were 69 admissions. There were 52 residents who passed away. During this biannual period, 41 were discharged to an alternate living environment such as home and community-based services.

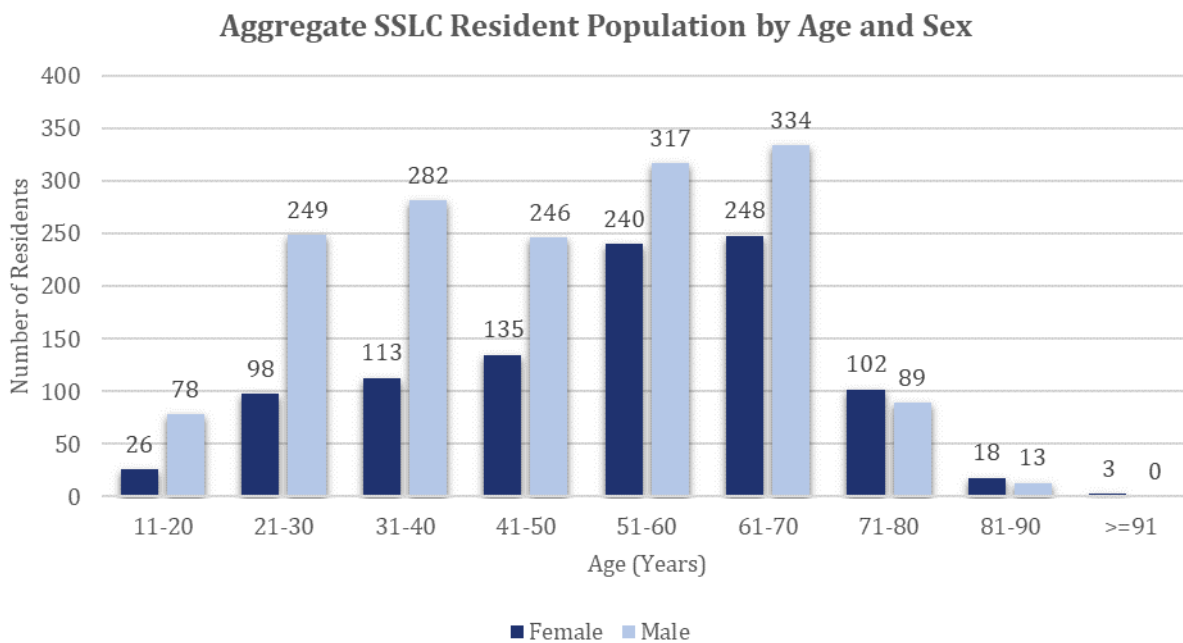
Resident Census 2023

SSLC	2023
Abilene	239
Austin	161
Brenham	225
Corpus Christi	168
Denton	373
El Paso	98
Lubbock	192
Lufkin	233
Mexia	225
Richmond	297
Rio Grande	69
San Angelo	126
San Antonio	185
Total	2591

Source: The Health and Specialty Care System division of Texas Health and Human Services, July 3, 2023

The Mexia SSLC admits and discharges residents more frequently than other SSLCs due its designation as a forensic facility, which provides services to individuals who have been committed under criminal statute. Individuals who are committed under criminal statute are referred to as alleged criminal offenders because they have not been convicted of the crime for which they have been charged. These residents are committed to an SSLC when a judge determines the individual has a diagnosed intellectual or developmental disability and would be better served at an SSLC than in a prison. which reflects its designation as a forensic center. Therefore, it admits and discharges residents more frequently than other centers. Mexia SSLC has admitted 18 residents in 2023, which is the highest number of admissions at any center in this period.

Currently, there are 153 residents who have been admitted to a facility as an alleged criminal offender. Although nine SSLCs serve at least one resident who is alleged to have committed a criminal offense, 67% of the SSLC residents who are alleged offenders reside at Mexia SSLC, and 18% reside at San Angelo SSLC. Seven of those individuals have been determined to be at high risk of danger to themselves or others, all of whom reside at Mexia. These individuals are legally required to live in a highly restrictive environment. Mexia SSLC and San Angelo SSLC have been designated as forensic centers to serve the high-risk population.

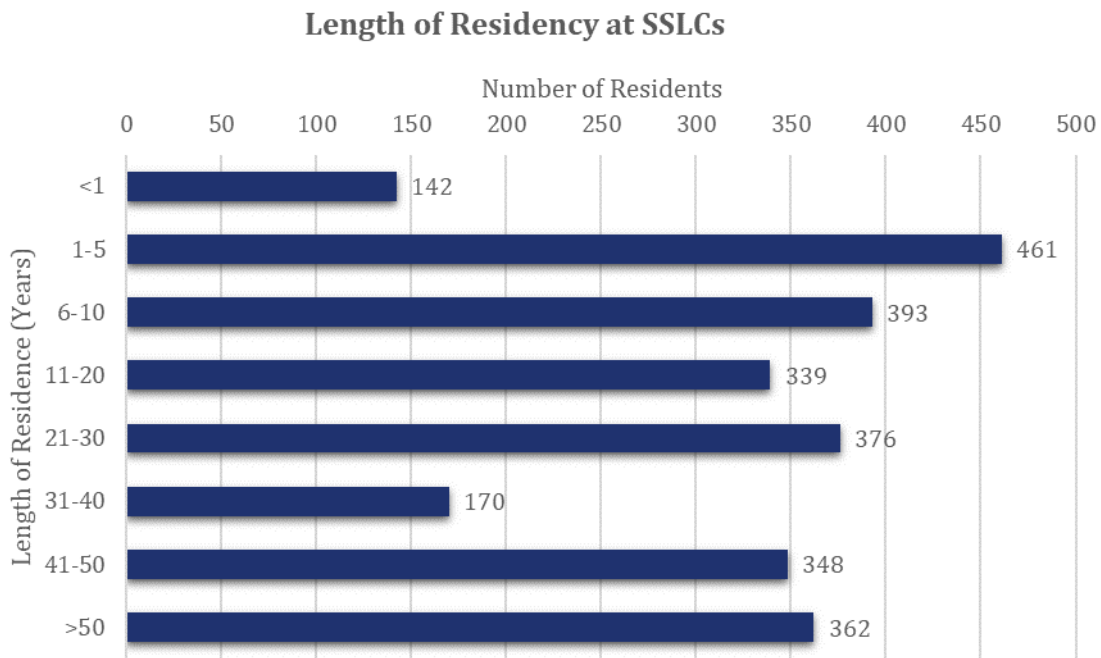


Source: The Health and Specialty Care System division of Texas Health and Human Services, July 3, 2023.

The SSLC resident population consisted of 1,608 males and 983 females. There are more males residing at the SSLCs than females in every age group except for those 71 and older. There are 554 residents ages 65 and older, which is 21% of the total population. There are 160 residents who are

ages 22 and younger, which is the maximum age of eligibility to attend public school, including 46 residents under the age of 18. The majority of adult residents have a legal guardian or conservator, which is usually a family member. 871 adult residents, or 35% of the total population of adult residents, do not have any type of guardianship or conservatorship.

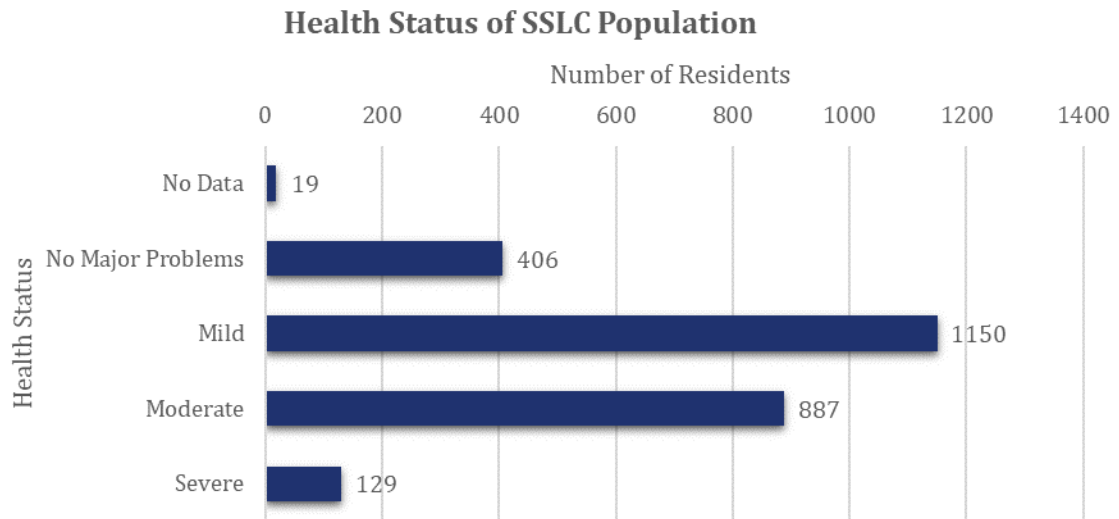
The average number of years a resident has lived at a SSLC is 24 years and half of all residents have lived at a SSLC for 20 or more years. However, 33% were admitted less than ten years ago with the majority of those admitted in the last 5 years. There are 278 current residents who were admitted to the SSLC when they were under the age of ten, which reflects the limited residential service options during that time. The earliest admission by a current resident took place in 1942 when the resident was 9 years old. Among current residents, the average age at the time of admission was 26 years old, which is significantly younger than the age of the general SSLC population, historically. The median age of residents admitted in 2023 is 53, and the youngest resident admitted in 2023 was 11 years old.



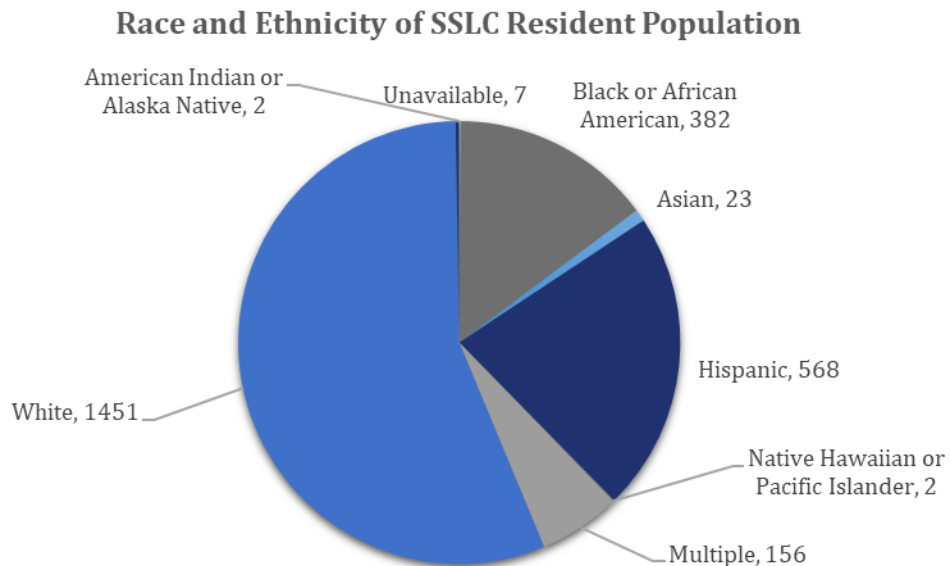
Source: The Health and Specialty Care System division of Texas Health and Human Services, July 3, 2023

In the entire SSLC population, 39% of residents have a moderate or severe health status. A moderate health status is defined by HHS as having chronic health problems which require less than daily professional intervention. HHS defines a severe health status as an individual that is unstable and/or has multiple serious health problems, and which may be life threatening, requiring daily professional intervention. A total of 129 residents are classified as having a severe health status.

Race and ethnicity demographic data are provided to acknowledge the identity of residents. The majority of the SSLC population, 56%, identify as White; 22% identify as Hispanic, and 15% identify as Black or African American. 6% of the SSLC population identify as multi-racial.



Source: The Health and Specialty Care System division of Texas Health and Human Services, July 3, 2023



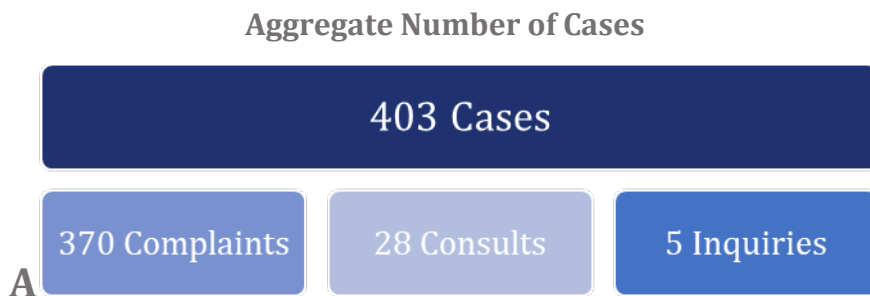
Source: The Health and Specialty Care System division of Texas Health and Human Services, July 3, 2023

Duties and Activity of the Office

Overview

The OIO has ombudsman stationed at each SSLC who maintains a visible presence and is engaged in the SSLC's operations. The ombudsman routinely provides meaningful input and expertise to and collaborates with SSLC administration. Documentation of all contacts and investigations initiated by the ombudsman are recorded and tracked in a secure online database. Any contact received that is beyond the scope of the office is referred to the appropriate entity. Documentation of investigations and actions of the ombudsman are recorded and kept confidential, except by special court order. The office documented 22 contacts that were referred and not included in the data used in this report.

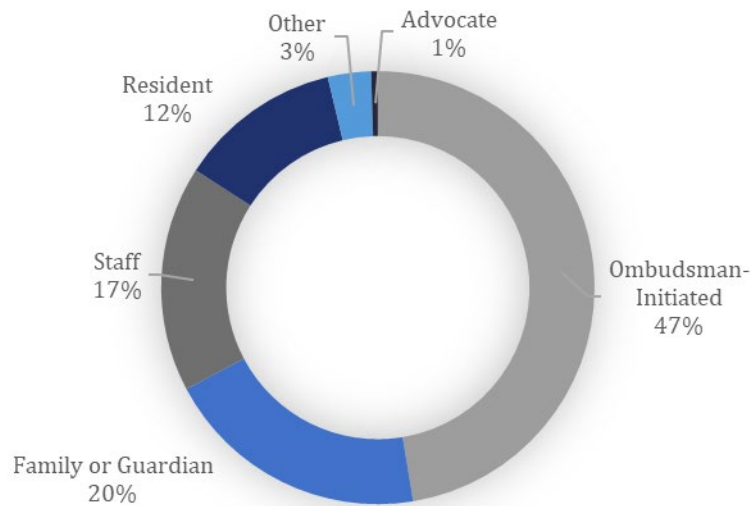
For the biannual period of January through June 2023, the ombudsmen opened 403 cases in accordance with the statute. There are three types of cases: consults, inquiries, and complaints. Consults and inquiries are concerns that do not require an investigation, but that the ombudsman provides their expertise and insight on to assist those who contact the office. Complaints are concerns that require an investigation by the ombudsman. Complaints made up 92% of all cases for this biannual period.



Source: OIO - HHS Enterprise Administrative Report and Tracking

The most common source of cases during this biannual period were concerns identified by the ombudsmen, followed by family or guardians. The large amount of ombudsmen-identified cases demonstrates the unique value of the ombudsmen's presence at SSLCs.

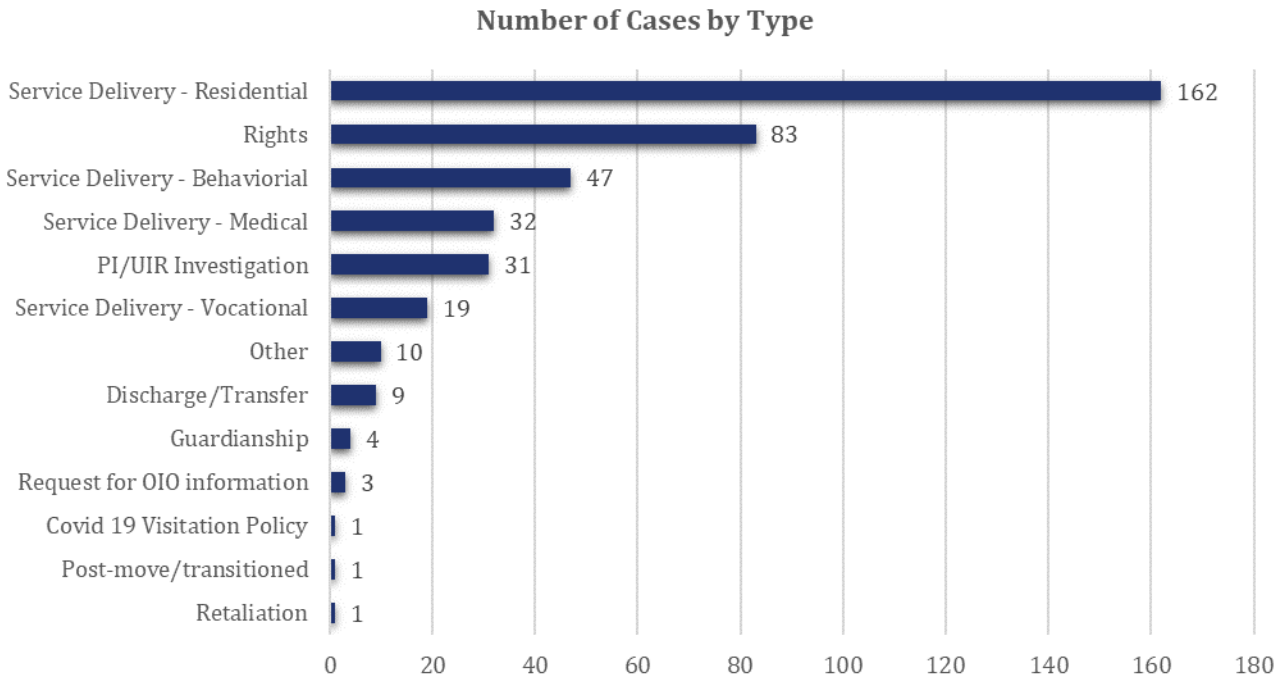
Who Contacted the Ombudsman?



Source: OIO - HHS Enterprise Administrative Report and Tracking System

The ombudsmen continue to receive more complaints and requests for assistance from family members and/or guardians than historically experienced. This trend has been ongoing for several biannual periods and may reflect greater awareness of the ombudsmen among residents' families and guardians or that families and guardians have more concerns than in the past.

Staff, residents, family members, and others contact the ombudsman about concerns that impact residents' lives. The most common concerns investigated by the ombudsmen were issues related to residential service delivery, followed by rights-related issues. Following an investigation, the ombudsman may provide recommendations which they then monitor to evaluate if, and how, the issue is addressed by the facility.

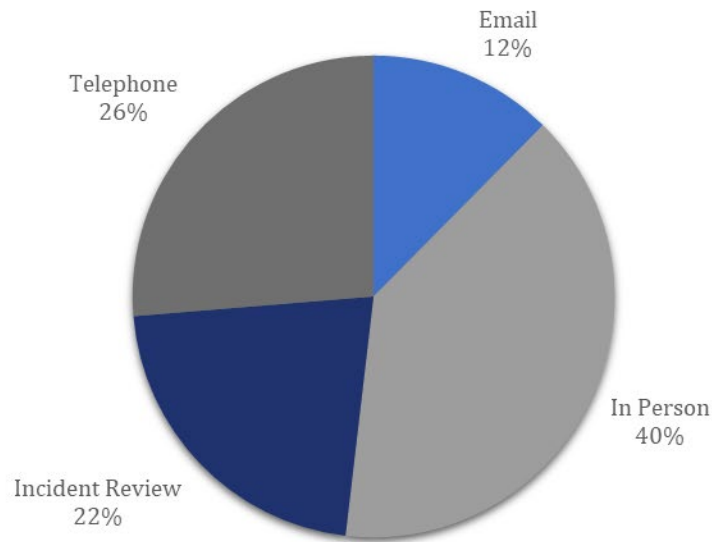


Source: OIO - HHS Enterprise Administrative Report and Tracking System

In addition to monitoring service delivery and investigating complaints, the ombudsman at each SSLC evaluates the way the center investigates serious incidents. Each ombudsman attends incident meetings, reads all SSLC investigation reports, and monitors actions taken by the SSLC after each incident. In total, the ombudsmen reviewed 1,262 incident investigations this biannual period.

There were 88 cases initiated through incident review during the biannual period. While reviewing final investigation reports or attending incident management meetings, the ombudsman may identify and investigate issues from incident reviews that relate to service delivery. The ombudsman may also identify that an investigation is not thorough enough and recommend that the facility conduct additional investigatory efforts to adequately complete the investigation.

How was the Ombudsman Contacted?



Source: OIO - HHS Enterprise Administrative Report and Tracking System

The ombudsmen do not investigate abuse and neglect. Allegations of abuse and neglect are reported to and investigated by the HHSC Provider Investigations (HHSC PI) unit. When a report is made, the SSLC is responsible for protecting the alleged victim and taking precautions to prevent further incidents or allegations. When an allegation is confirmed, the ombudsman at each SSLC monitors recommendations made to SSLC administration by HHSC PI.

Each ombudsman has an office at the SSLC and is easily accessible to residents and staff. Most contacts are made in person, but contacts may also be made by phone or email. The office maintains a toll-free number which directly connects to the ombudsman's office phone. The toll-free number, the ombudsman's name, direct phone line, office location, and email address are displayed prominently in common areas at each SSLC on posters and brochures. The office also maintains a website that provides contact information and explains the role of the office.

Systemic Investigations

Beginning in 2022, the OIO created three senior AIO positions. One of the responsibilities of these senior AIOs is to identify and investigate systemic issues at SSLCs and make recommendations to Texas Health and Human Services based on the findings.

Systemic Case Study Update: Psychotropic Medication Reviews in HRC

The last biannual report included a systemic case study completed by the three senior AIOs under the guidance of the Deputy Independent Ombudsman. The investigation focused on systemic due process issues regarding the manner in which Human Rights Committees (HRC) reviewed psychotropic medications. Upon completion of the investigation, the OIO provided a case summary report with findings and recommendations to SSLC State Office.

To review the details of this systemic case study, please refer to the [July – December 2022 Biannual Report](#).

In response to the systemic report and recommendations, SSLC State Office conducted the following activities and directives to each local SSLC:

- Initial HRC member and ongoing member training was revised to include clarification on how the HRC should review psychotropic medication.
- Local and statewide tracking of HRC member training was implemented to ensure all members have received current HRC member training.
- The psychotropic medication consent form was updated to include specific information regarding the reduction or removal of medication.
- HRC members were trained and given the directive that Subject Matter Experts (SME) must be invited and available to participate in HRC when reviewing a restrictive practice.
- SSLC staff were trained and directed to include supporting documentation, in addition to the psychotropic medication consent form, for HRC review.

Systemic Case Study: New Admissions Restrictions without Proper Due Process

The Senior AIOs, Jill Antilley, Adam Parks and Gevona Hicks, under the guidance of Deputy Ombudsman, completed an investigation into admission practices across facilities to determine if centers were providing adequate due process for restrictions imposed upon an individual at the time of their admission to the facility.

Abstract

The Ombudsmen regularly observe HRC meetings and review residents' restrictions and documentation. Many residents were identified as having been placed on an increased level of supervision (LOS), with the only information provided to support the restriction being the individual's status as a "new admission." This led the Senior AIOs to initiate a systemic investigation to determine if blanket LOS restrictions were regularly applied to new admissions and if there was evidence of appropriate due process efforts. The Senior AIOs reviewed records of all admissions between September 2021 to August 2022. Additionally, the Ombudsmen reviewed statewide and localized policies and procedures related to admissions, rights, and an individual's level of supervision.

Findings

During the review period, there were 162 admissions across all SSLCs. Of those admitted during this period, seven were community placement returns, 36 were individuals who transferred from another SSLC, and 119 were "true" new admissions to the center. The Ombudsmen found differences in the SSLC's practices and procedures for implementing an individual's restrictions at the time of, or prior to, admission. It also appeared to be common practice to use a person's status as a "new admission" as the sole or primary justification for restricting rights upon admission. Despite several existing policies, including the Rights policy, which requires centers to "ensure that each restriction of an individual's rights strictly adheres to due process and occurs solely based upon the individual's needs and capabilities," these policies are not consistently observed when admitting new residents.

- Of the 162 residents admitted, restrictions were implemented upon admission for 132 (81%) individuals.
- Freedom of movement restrictions, most commonly an increased LOS, were implemented upon admission for 94% (124 out of 132) of all individuals admitted with restrictions.
- "New admission" was the only justification and reason listed for 23% of the individuals admitted with restrictions during the timeframe reviewed.

- It was particularly concerning that transfers and community placement returns used “new admission” as the only justification listed, despite the SSLC’s involvement in providing services to these individuals.

Recommendations

Upon completion of their investigation, the Senior AIOs provided the following recommendations to the Deputy and Independent Ombudsman, which were shared with SSLC State Office (SO):

1. Establish administrative procedures for determining and implementing individualized restrictions for newly admitted residents that ensures effective due process with adequate justification for restrictions.
2. Provide training to team members and admission departments on established procedures that ensures, upon admission, that residents are free to exercise their rights and that restrictive practices are only implemented on an individualized basis.

SSLC SO was receptive to the findings and recommendations from the investigation. The response and actions taken by SSLC SO to address the OIO’s concerns and recommendations in this case will be provided in the July - December 2023 Biannual Report.

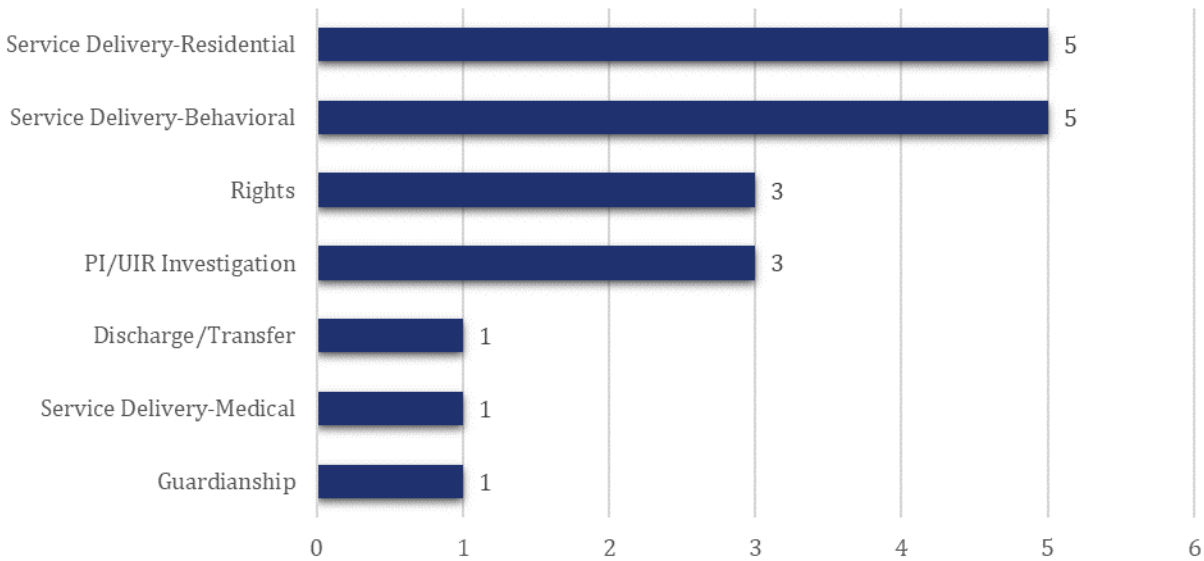
Abilene State Supported Living Center



Jill Antilley, Senior Assistant Independent Ombudsman

Ms. Antilley has served residents at the Abilene SSLC for over 20 years. Her career began in the Recreation Department as a direct care staff in 2000 while attending college at Hardin Simmons University (HSU). Ms. Antilley graduated from HSU in 2000 with a bachelor's degree in Police Administration and worked at a juvenile correctional facility as a case manager and as a juvenile probation officer. Antilley returned to the Abilene SSLC in 2002 to serve as a Qualified Developmental Disability Professional and as the Human Rights Officer. She joined the OIO as the Assistant Independent Ombudsman for the Abilene SSLC in 2010.

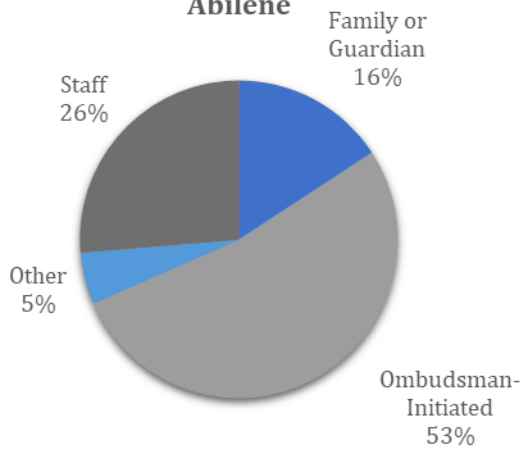
Number of Cases by Type: Abilene



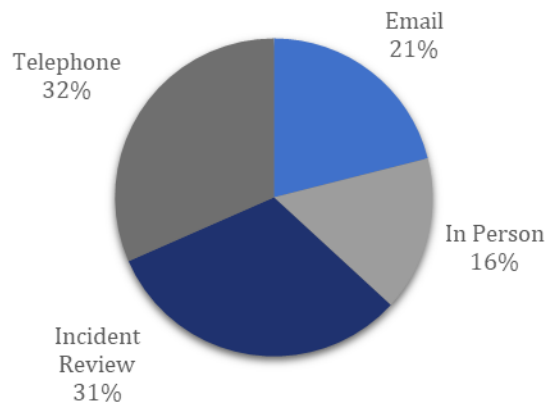
Cases Opened this Biannual Period: Abilene



**Who Contacted the Ombudsman?
Abilene**



**How Was the Contact Made?
Abilene**



Case Study: Abilene

Action Type:	Case Type:	How Complaint was Received:	Complainant Relationship to Resident:
Complaint	Unusual Incident Review Investigation	Incident Review	Ombudsman-Initiated

A primary charge of the OIO includes reviewing final incident reports to evaluate the process by which a center investigates and reviews unusual incidents. Unusual incidents are events or situations that seriously threaten the health, safety, or life of an individual. The AIO reviewed an incident report of a physical abuse allegation which was found to be unconfirmed. The facility incident management

team had completed their review of the investigation and findings, however the Ombudsman discovered conflicting information upon their independent review of the final written report.

The AIO identified inconsistencies in witness testimony regarding the estimated age of the injury which had not been noticed during the facility's review of the case. In discussing conflicting information found by the AIO, facility staff also discovered that video evidence identified additional witnesses who had not been interviewed as part of the investigation. The Ombudsman recommended a methodology review of the investigation which facility Administration agreed was appropriate. Upon further review, the allegations of physical abuse were confirmed. The resident involved in this incident was informed of the findings and expressed that they felt safer since the staff person who committed the abuse was no longer employed at the facility. This helped to further strengthen the relationship between the Ombudsman and facility staff to ensure adequate protections for people who live at the center.

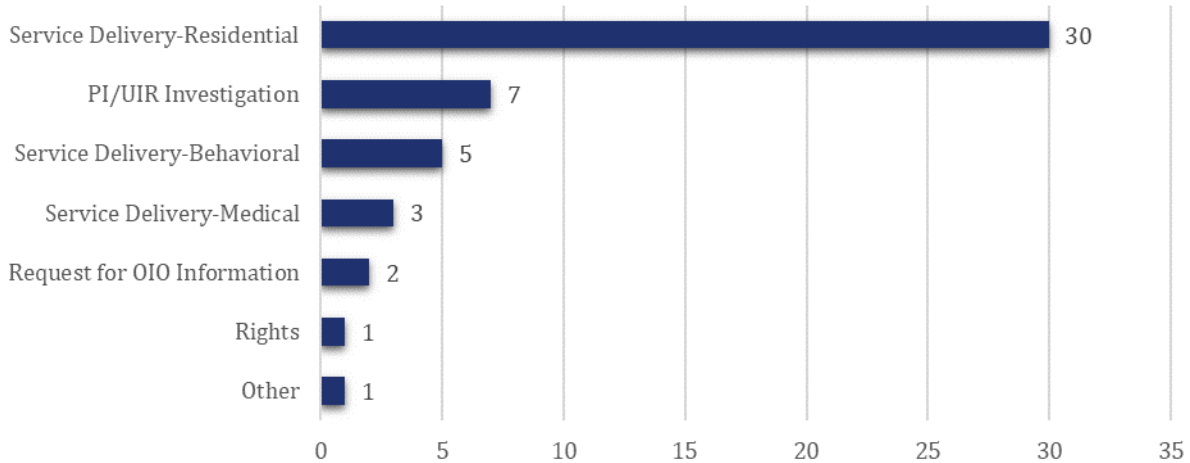
Austin State Supported Living Center



Talya Hines, Assistant Independent Ombudsman

Ms. Hines was born and raised in Grayson County, Texas, and resides in Pflugerville with her family. Ms. Hines earned a Bachelor of Arts Degree in Sociology and a Master of Science Degree in Rehabilitation Counseling from the University of North Texas. She began her professional career at the Department of Family and Protective Services as a Child Care Licensing Specialist in Dallas. Ms. Hines then moved to Austin where she helped individuals with disabilities maintain independence through their environment and employment as a case manager for the Department of Assistive and Rehabilitative Services. Following her passion to help others, Ms. Hines obtained the position of Post-Move Monitor at the Austin SSLC, where she supported individuals who had transitioned into a community setting. Before she began serving as the Assistant Independent Ombudsman for the Austin SSLC in 2018, she developed online and instructor-led curricula for Local Authorities as a Curriculum Developer for HHS. Ms. Hines is certified as a Person-Centered Thinking trainer with The Learning Community for Person Centered Practices.

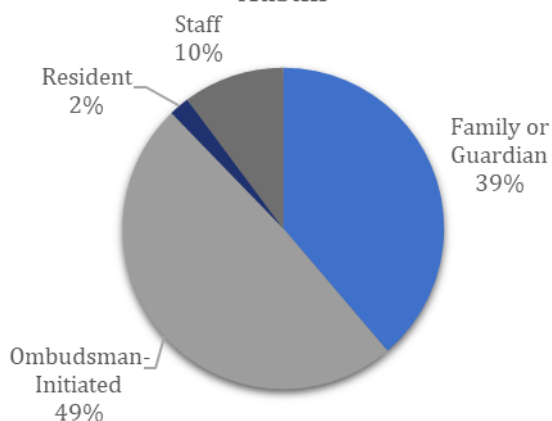
Number of Cases by Type: Austin



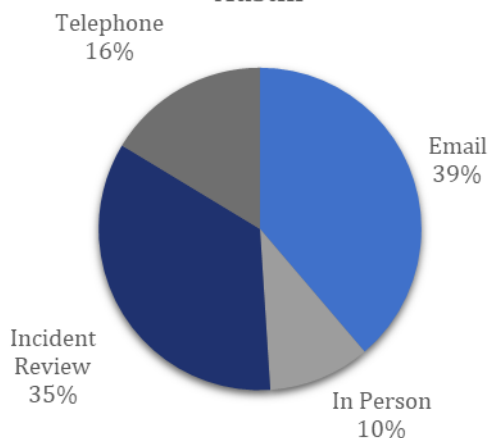
Cases Opened this Biannual Period: Austin



**Who Contacted the Ombudsman?
Austin**



**How was the Contact Made?
Austin**



Case Study: Austin

Action Type:	Case Type:	How Complaint was Received:	Complainant Relationship to Resident:
Complaint	Service Delivery - Residential	In-Person	Ombudsman

The Ombudsman observed a block meeting where a staff member explained to a resident’s guardian that the facility could not purchase diabetic shoes for the individual. The staff member explained that the resident would need to pay for the shoes using their own money.

The Ombudsman asked the Interdisciplinary Team (IDT) for clarification on why the facility could not purchase the shoes. The Ombudsman was told that for the facility to pay for the shoes, they would need a doctor's order, but that Austin did not write orders for diabetic shoes. The Ombudsman asked for further clarification given the shoes were identified as a necessary support for the individual. The IDT stated that the facility had previously bought the individual shoes and that they didn't wear them, and the resident only wanted a new pair of shoes. While the IDT continued to meet, the Ombudsman phoned administrative staff to ask about policies related to purchasing items identified by the IDT as necessary supports. Administration directed the IDT to examine the resident's existing shoes. The Ombudsman accompanied the IDT member to the resident's home to look at the shoes and found that the shoes were worn. The Ombudsman was informed that the IDT determined that new diabetic shoes were needed, and that the facility had purchased them for the individual. The IDT also provided training to the resident about the importance of maintain and wearing the shoes for support when walking.

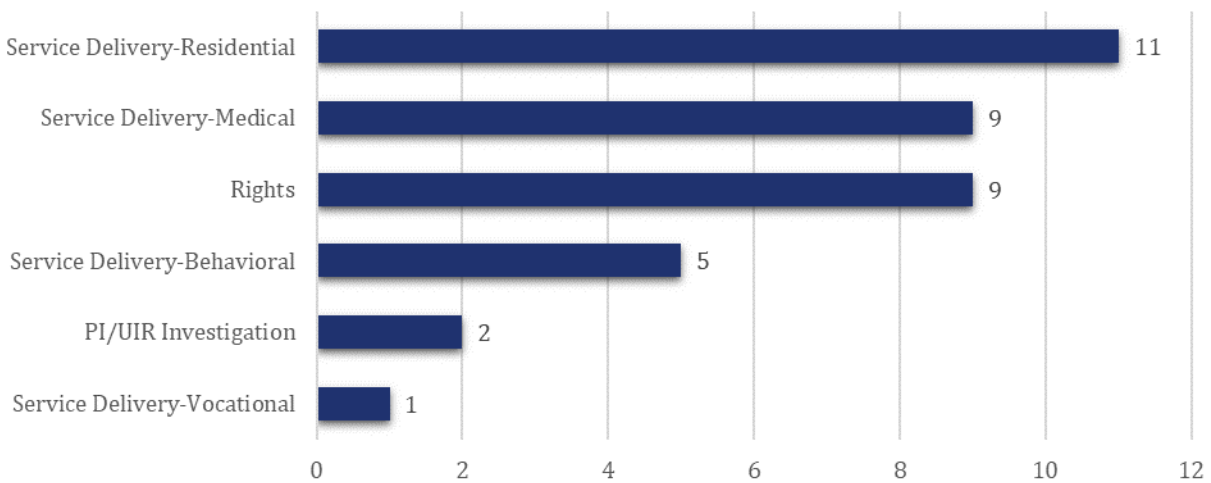
Brenham State Supported Living Center



Susan Aguilar, Assistant Independent Ombudsman

Ms. Aguilar earned a Bachelor of Arts degree in Political Science from Texas Lutheran University. She worked in the field of early childhood intervention prior to obtaining the position of Qualified Developmentally Disabled Professional at the Brenham SSLC. While at the Center, Ms. Aguilar also served as program facilitator, person-directed planning coordinator, level of need coordinator and interim rights protection officer. She has held the position of Assistant Independent Ombudsman since 2010.

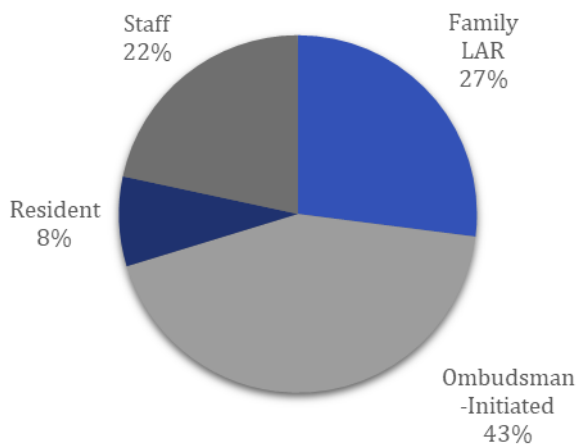
Number of Cases by Type: Brenham



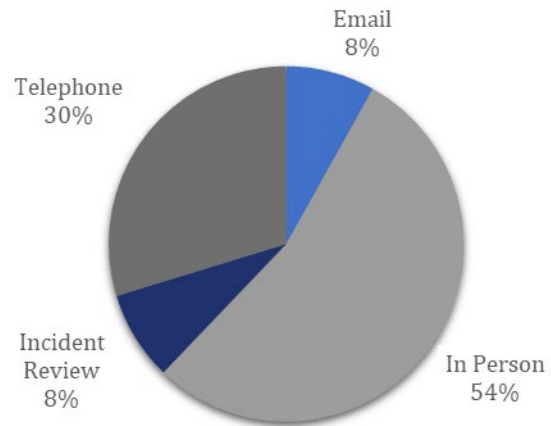
Cases Opened this Biannual Period: Brenham



**Who Contacted the Ombudsman?
Brenham**



**How was the Contact Made?
Brenham**



Case Study: Brenham

Action Type:	Case Type:	How Complaint was Received:	Complainant Relationship to Resident:
Consult	Service Delivery - Residential	Telephone	Staff

The AIO was contacted by an Interdisciplinary Team (IDT) member to discuss their concern and request guidance regarding an increase in the number of injuries to a resident with medical and physical management needs. The Ombudsman spoke with staff, attended individual support meetings, reviewed documentation, and observed the resident while they were at home and at day programming locations.

The Ombudsman’s findings supported the team’s concern that the current living environment and daily program areas presented challenges to the resident’s safety, in view of their activity level, lack of vision, and need for physical supports. The AIO found that the positioning room provided the necessary support for the resident to move about safely. However there was no availability to allow the resident more time in this area. The AIO found that other residents who had been referred for positioning were also unable to access the room due to a lack of availability.

The AIO provided the IDT with several recommendations. The Ombudsman asked the IDT to consider the resident's needs and supports by designing living and program spaces that allow for the residents to engage in their desired activities while maintaining safety in less crowded environments. Additionally, they suggested that the facility use the same material on the walls in the positioning room as was in the resident's bedroom, as well as requested that leadership consider expanding positioning services. The Ombudsman was recently informed that the center is in the beginning stages of arranging space to expand positioning programming, which the Ombudsman will continue to monitor for completion.

Corpus Christi State Supported Living Center

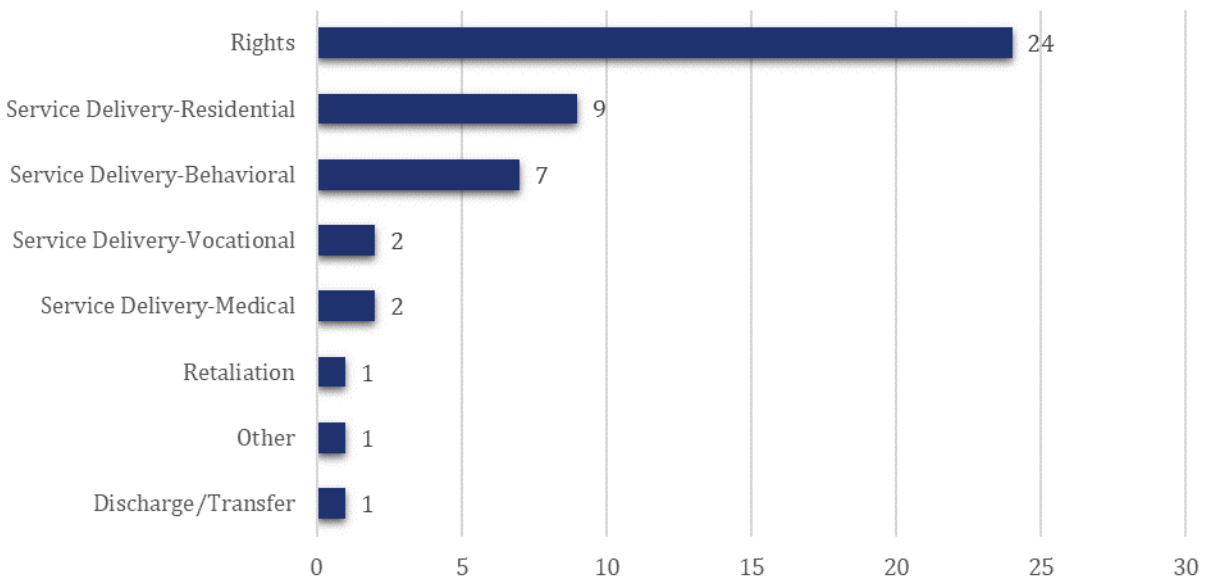


Kellen Davis, Assistant Independent Ombudsman

Ms. Davis's career began in 1988 while attending Howard Payne University. She worked for the Texas Youth Commission (TYC) as the Recreation Supervisor. She graduated from HPU with a degree in Physical Education and a minor in English. She went on to work for the TYC for 15 years in various roles. Ms. Davis also worked as an LVN for the University of Texas Medical Branch. She was a respite supervisor for the local MHMR and owned her own business, a doughnut coffee shop. Ms. Davis worked at the Mexia SSLC for 4 and a half years as a Transition Specialist. She joined the OIO as the Assistant Independent Ombudsman for the Corpus Christi

SSLC in 2017.

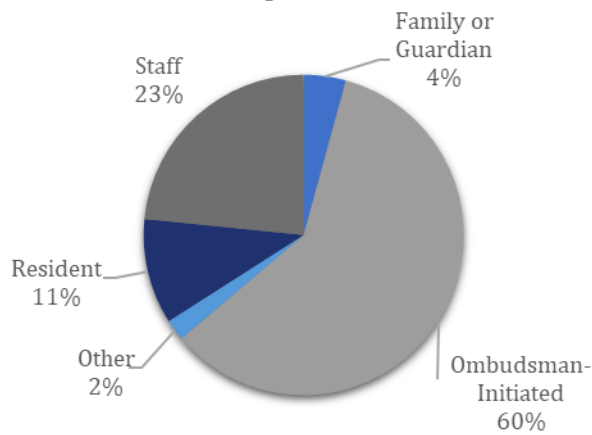
Number of Cases by Type: Corpus Christi



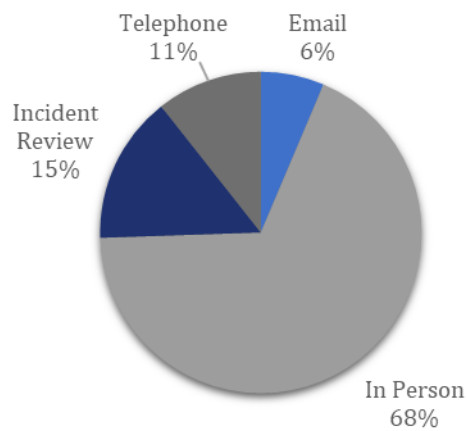
Cases Opened this Biannual Period: Corpus Christi



**Who Contacted the Ombudsman?
Corpus Christi**



**How was the Contact Made?
Corpus Christi**



Case Study: Corpus Christi

Action Type:	Case Type:	How Complaint was Received:	Complainant Relationship to Resident:
Complaint	Rights	In-Person	Ombudsman-Initiated

The AIO learned about an alarm attached to a resident’s bed which alerted staff when the individual would get up. Alarms that alert a staff person of an individual’s movement are a restriction which requires due process and HRC review and approval. The individual’s roommate also reported to the AIO that they did not like the noise from the alarm. The AIO found that the Human Rights Committee

(HRC) had not reviewed or approved the alarm. The AIO recommended that HRC review the restriction for the bed alarm prior to implementation

Facility staff sent an email stating the alarms were not a restriction, but that they would verify with SSLC State Office (SO). SSLC SO agreed with the Ombudsman that the alarms were a restriction, and they required due process through HRC prior to implementation. Home staff were then notified by administration to review the records of all residents who used bed alarms in the home and to ensure each restriction had received HRC review. The individual's bed alarm, which prompted this investigation, along with the bed alarms of four other individuals, were reviewed by HRC within the week.

Denton State Supported Living Center

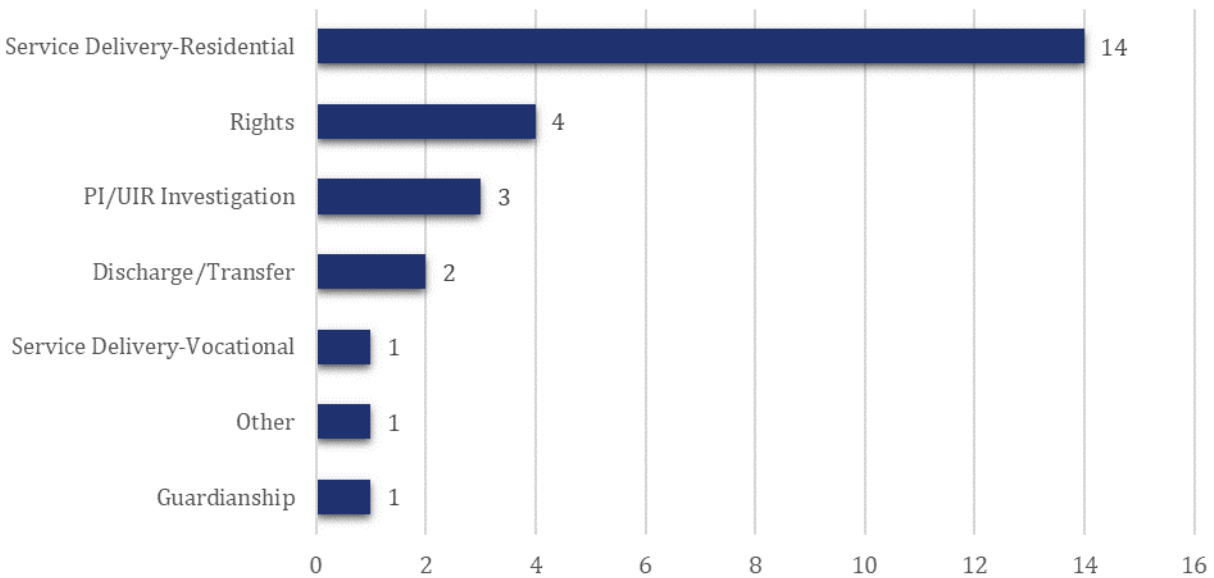


Edward Leal, Assistant Independent Ombudsman

Mr. Leal began his career in 2009 at the Denton SSLC where he served both as a Direct Support Professional and the Administrative Assistant to the Center Director for almost a decade. Edward then served as a Civil Rights Specialist where he received extensive training and experience conducting complex investigations of employment discrimination complaints. He has a Bachelor of Applied Arts and Sciences degree from the University of North Texas with an emphasis in Applied Behavior Analysis and Clinical Psychology and has a Master of Business Administration degree. Edward has served as the Assistant Independent

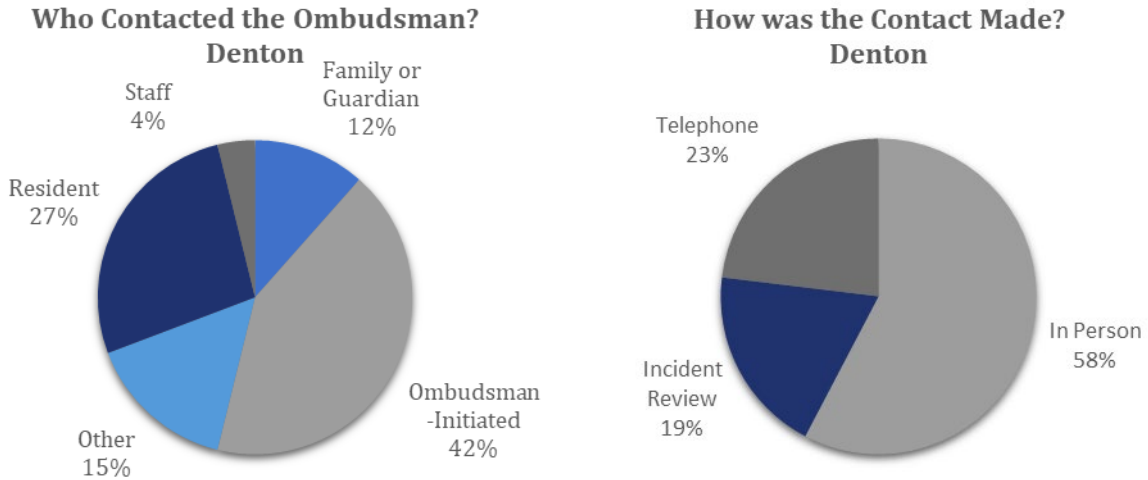
Ombudsman at the Denton SSLC since February 2020.

Number of Cases by Type: Denton



Cases Opened this Biannual Period: Denton





Case Study: Denton

Action Type:	Case Type:	How Complaint was Received:	Complaint Relationship to Resident:
Complaint	Rights	In-Person	Ombudsman-Initiated

During Denton’s Program Review audit, the Ombudsmen discovered that most of the residents in the sample did not have many of the required rights and consent documents filed in their electronic record (e-record). AIOs requested 100+ consent forms that were not available in the e-records of the residents in the Program Review Sample.

The Ombudsman was concerned that the facility’s record keeping was inadequate and could result in residents being restricted without documented consent in their file. The Ombudsman was also concerned that staff may not be able to access current, accurate information in the resident’s record. The AIO recommended that the facility conduct a review to ensure that all consents were current, and that staff scan all rights and consent forms into each residents’ e-record. In response, facility administration assembled a team to review residents’ e-records and verify current consent for restrictions and upload missing forms. Administration indicated it would be a large project and would take several months to complete. The AIO continues to monitor their progress.

El Paso State Supported Living Center

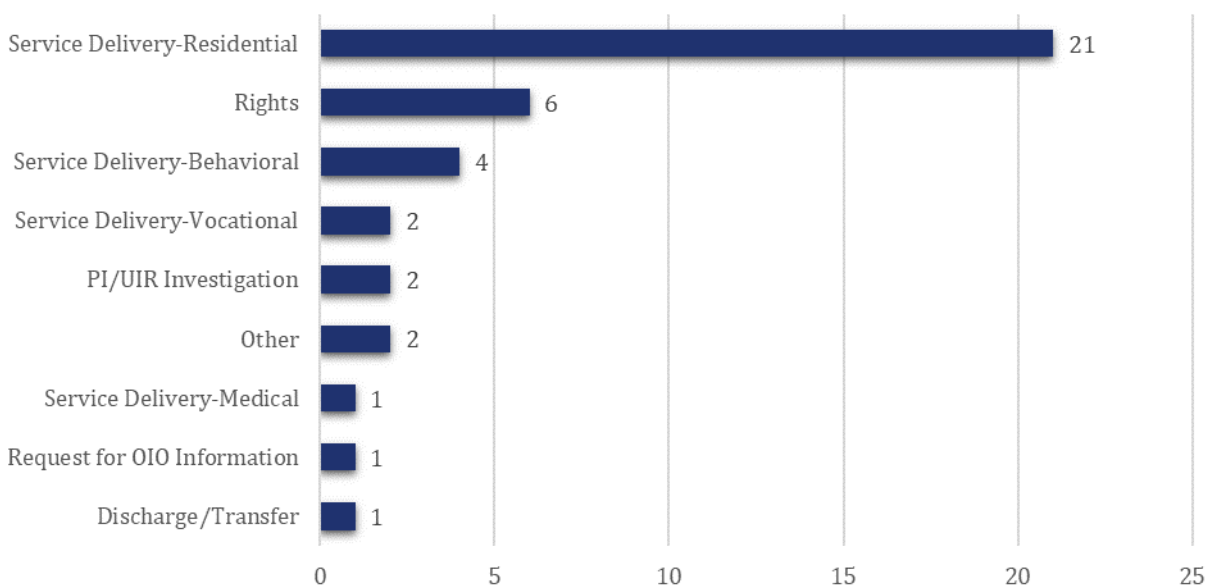


Isabel Ponce, Assistant Independent Ombudsman

Born and raised in the Sun City, Ms. Ponce has worked in services and advocacy for the elderly, children, and individuals with disabilities for over 20 years. She was employed in nursing homes as a certified nursing assistant and then certified medication assistant before working with the El Paso Headstart program where she provided social services to children and their families through community outreach. She then went on to serve adults with developmental disabilities as a Residential Director in a Home and Community Service program in the private sector. Soon after, Ms. Ponce became a Certified Internal Investigator and

began working as a Case Manager for the same HCS Provider. After seven years with the community program, she joined the OIO in December 2010 as the Assistant Independent Ombudsman for the El Paso SSLC. She has been trained in mediation and person-centered practices.

Number of Cases by Type: El Paso



El Paso: Cases Opened this Biannual Period

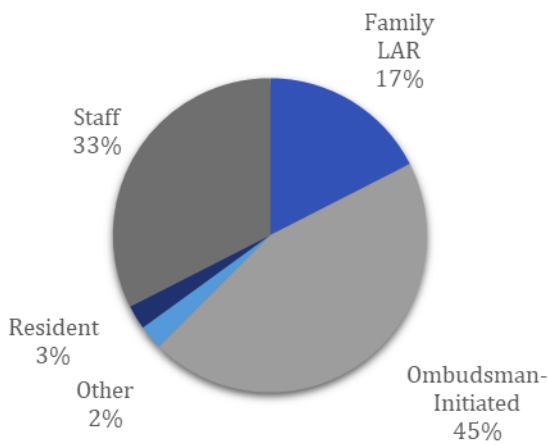
40 Cases

36 Complaints

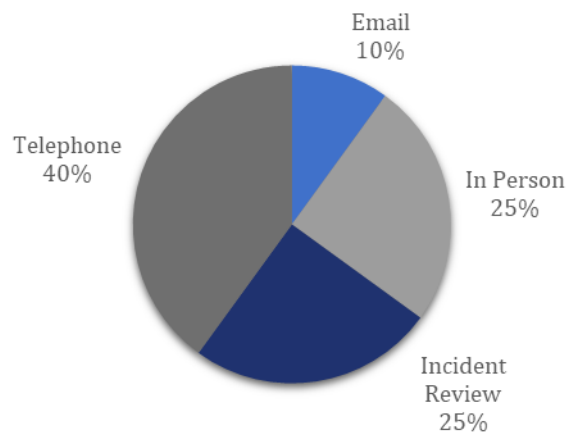
3 Consults

1 Inquiry

**Who Contacted the Ombudsman?
El Paso**



**How was the Contact Made?
El Paso**



Case Study: El Paso

Action Type:	Case Type:	How Complaint was Received:	Complainant Relationship to Resident:
Complaint	Rights	Phone	Ombudsman-Initiated

The Ombudsman found that individuals' rights were violated when they were driven around campus for over two hours to allow staff to deep clean their home. Unless a resident has had a specific, individualized restriction approved by HRC, individuals have the right to move about the facility and

engage in activities as they choose. After speaking to the Human Rights Officer (HRO), the Ombudsman found that the restriction that limited the individuals to the van while their home was cleaned, had not been reviewed by HRC. The Ombudsman also discovered that the residents' Interdisciplinary Teams (IDT) had not been informed of this restriction, and it had been implemented by a staff person who was not a member of the IDT.

The AIO verified that the individuals involved had been assessed by facility staff, who indicated they did not appear to have experienced any adverse effects as a result of the restriction. The Ombudsman recommended that specific staff be trained to ensure that they consult with individuals' IDTs when there is an unanticipated event on campus or when residents require alternate accommodations. Administrative staff agreed and stated that they would continue to educate staff on rights restrictions and their role in communicating with IDTs, department heads, and the HRO for rights-related questions.

Lubbock State Supported Living Center

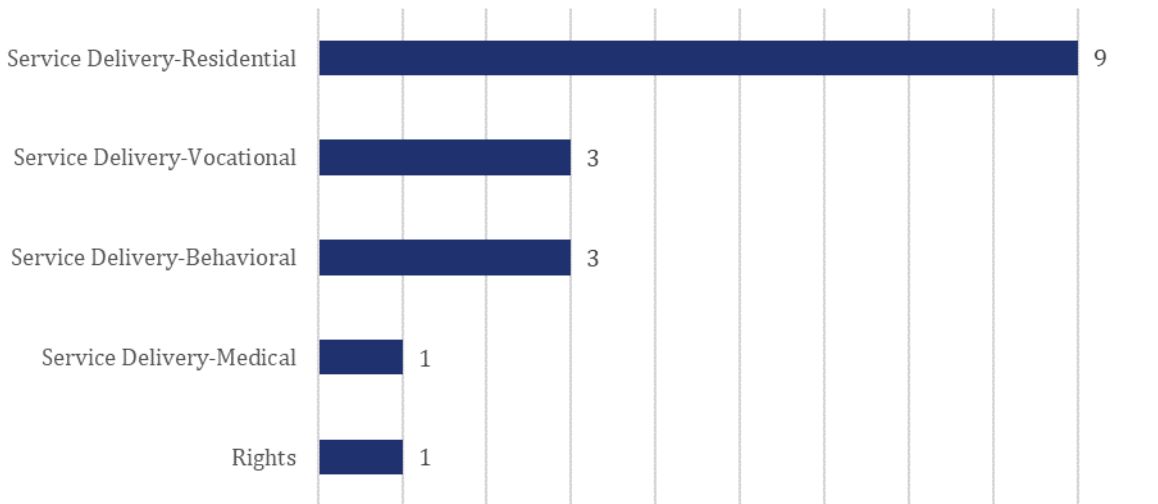


James Clark, Assistant Independent Ombudsman

Mr. Clark was born and raised in Lubbock, Texas, and resides in Lubbock with his family. Mr. Clark earned a Bachelor of Applied Science degree in Human Services from Wayland Baptist University. He began his career with the State of Texas at the Lubbock State School as a Direct Support Professional in 1999, where he worked 14 years in roles including Unit Director, Campus Administrator, and Qualified Intellectual Disability Professional. In 2013, Mr. Clark's endeavors for career advancement led him to the Department of Family and Protective Services (Adult Protective Services) where he worked for 6 years as an APS Specialist to advocate for elderly and disabled Texans. In April of 2020, Mr.

Clark's career path led him back to the place he began his career with the State of Texas when he accepted the position of Assistant Independent Ombudsman for the Lubbock SSLC with the OIO.

Number of Cases by Type: Lubbock

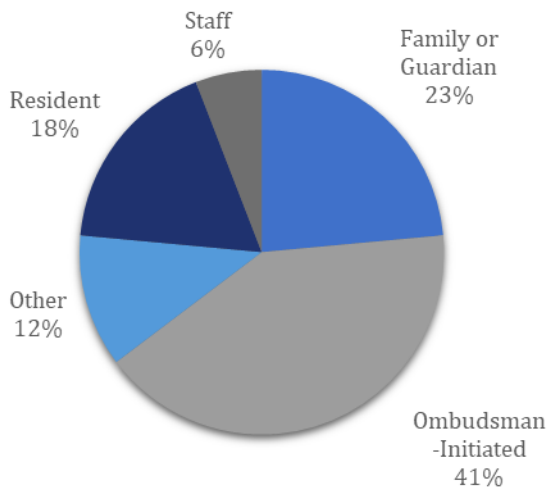


Cases Opened this Biannual Period: Lubbock

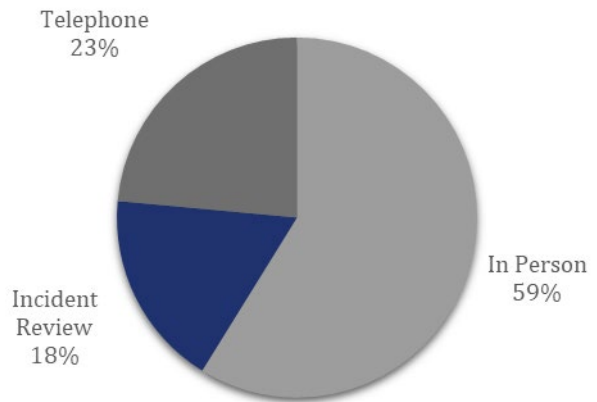
17 Cases

17 Complaints

**Who Contacted the Ombudsman?
Lubbock**



**How was the Contact Made?
Lubbock**



Case Study: Lubbock

Action Type:	Case Type:	How Complaint was Received:	Complainant Relationship to Resident:
Complaint	Service Delivery - Residential	In-Person	Advocate

An advocate contacted the AIO about a resident who complained that they had not been receiving seconds at mealtime as they had been told they would. The AIO spoke with the resident’s guardian

who expressed concerns about the resident not receiving seconds as well as the resident's food allergies. The AIO monitored mealtime and spoke with staff who worked in the home. During this observation, staff stated that they did not have a way of knowing if seconds were provided with the meal and that everything arrived in one container for each resident. Staff stated that they evaluate if a resident receives second portions based on the portion sizes provided in their container. Staff also provided the individual's dining card that showed that the resident was only supposed to receive second helpings of vegetables.

The AIO spoke with food service staff and determined that seconds are supposed to arrive in a second box. Facility staff stated that they would follow up with the effected home to ensure this occurred and correct any issues they found. The Ombudsman followed up with the resident to inform him of his findings and confirmed that the resident was now receiving second helpings of vegetables.



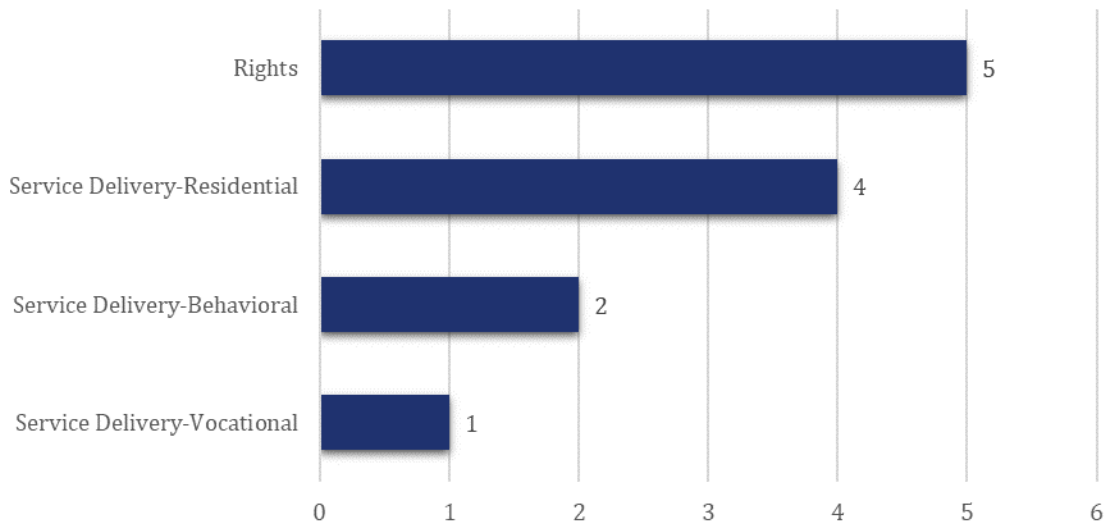
Lufkin State Supported Living Center

Seth Bowman, Assistant Independent Ombudsman

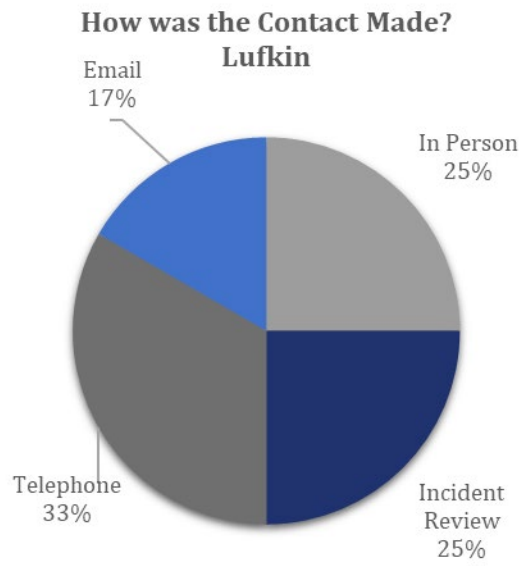
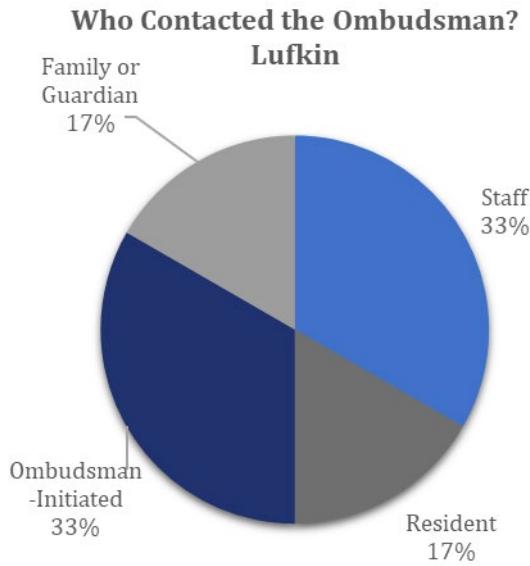
Raised in Lufkin, Texas, Mr. Bowman attended Stephen F. Austin State University where he earned a Bachelor of Arts in Communication. After graduation in 2011, he began his professional career with Texas Health and Human Services as a Qualified Intellectual Disability Professional for the Lufkin SSLC. He then served as a training specialist in the Competency and Training Department where he trained employees on policies and procedures. While in this role, he was a faculty member and helped develop curriculum for the Safe Use of Restraints (SUR) program. Mr. Bowman joined the OIO as the Assistant Independent

Ombudsman for the Lufkin SSLC in May 2020.

Number of Cases by Type: Lufkin



Cases Opened this Biannual Period: Lufkin



Case Study: Lufkin

Action Type:	Case Type:	How Complaint was Received:	Complainant Relationship to Resident:
Complaint	Service Delivery - Behavioral	Email	Ombudsman-Initiated

The Ombudsman was informed that an individual had eaten inedible objects and was concerned that staff may not have followed proper protocol to support the resident with a Pica diagnosis. Pica is an eating disorder where people compulsively chew and swallow non-food items that have no nutritional value. The AIO reviewed the resident's records and found that the individual was not on an increased level of supervision and that the behavior support plan did not include Pica as a target behavior. In speaking with the IDT and in response to the incident, Pica was added as a target behavior. The IDT also increased the individual's level of supervision and updated plans to monitored active treatment. The Ombudsman also recommended that the IDT ensure that the active treatment options did not enable the resident to access items that were small enough to swallow.

Mexia State Supported Living Center

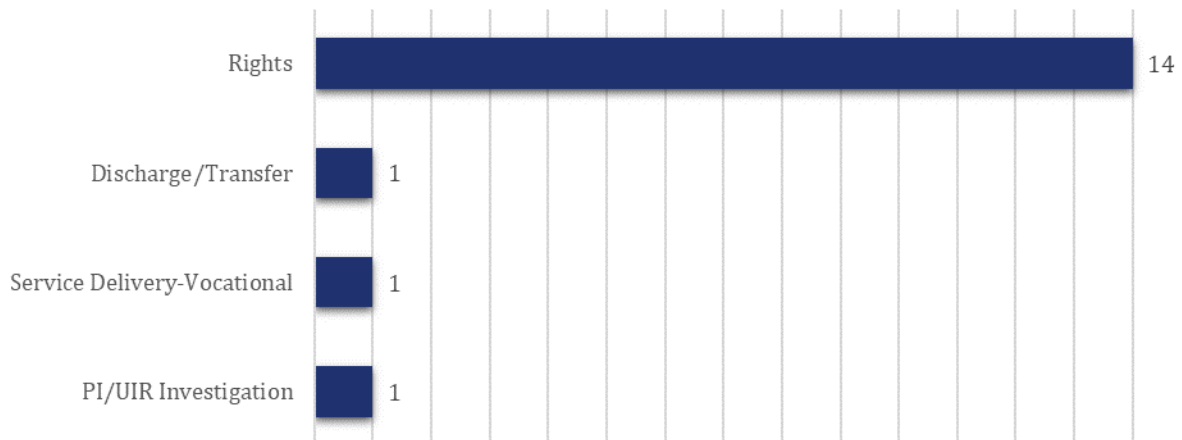


Adam Parks, Senior Assistant Independent Ombudsman

Mr. Parks was raised in Mexia, Texas. He attended Stephen F. Austin State University where he earned a Bachelor of Arts in Psychology. After graduation, he began his professional career as a conservatorship caseworker for the Department of Family and Protective Services in Angelina and Shelby Counties. Mr. Parks then accepted the position of Qualified Intellectual Disability Professional (QIDP) at Lufkin SSLC. He was later appointed Lead QIDP for the Oak Hill Unit. He also served as a standing member of the Human Rights Committee during his time working at Lufkin SSLC. Parks accepted the position of Assistant Independent

Ombudsman for the Mexia SSLC in February 2014.

Number of Cases by Type: Mexia



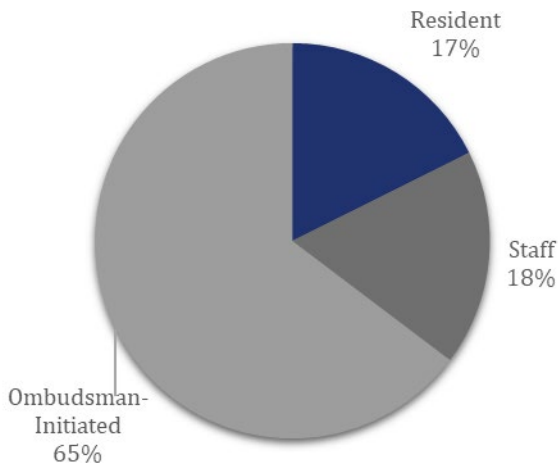
Cases Opened this Biannual Period: Mexia

17 Cases

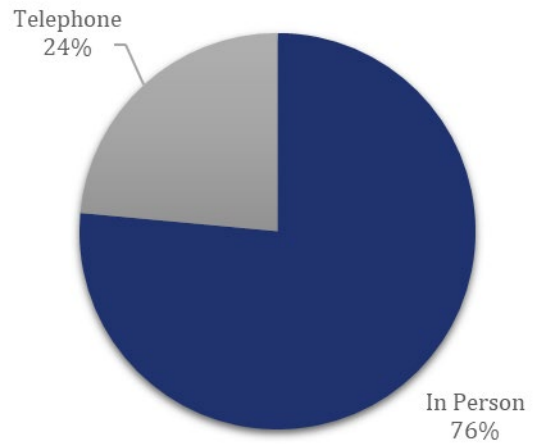
15 Complaints

2 Consults

**Who Contacted the Ombudsman?
Mexia**



**How was the Contact Made?
Mexia**



Case Study: Mexia

Action Type:	Case Type:	How Complaint was Received:	Complainant Relationship to Resident:
Complaint	Service Delivery - Vocational	In-Person	Self (Resident reported)

An individual reported that they wanted a different job. Their current job location was too loud, crowded, and hot and they were not happy. The Ombudsman reviewed documentation related to their work and found that there had been a discussion but that there had not been any follow up from the Interdisciplinary Team (IDT) about what to do to help support this individual with their employment interests. When the Ombudsman spoke with the individual about the issue, the individual stated that they still wanted to move jobs but that nothing had been done and they didn't understand why. The resident stated that they remembered putting in an application but didn't know how long it would take until they could be considered for the new job. The Ombudsman spoke with an IDT member who stated that the job the resident wanted did not have any openings and that they would have to wait. The Ombudsman contacted the IDT and recommended that they speak with the individual about his employment options and ensure they provided them with regular updates regarding the status of their application and any available employment opportunities.

Richmond State Supported Living Center

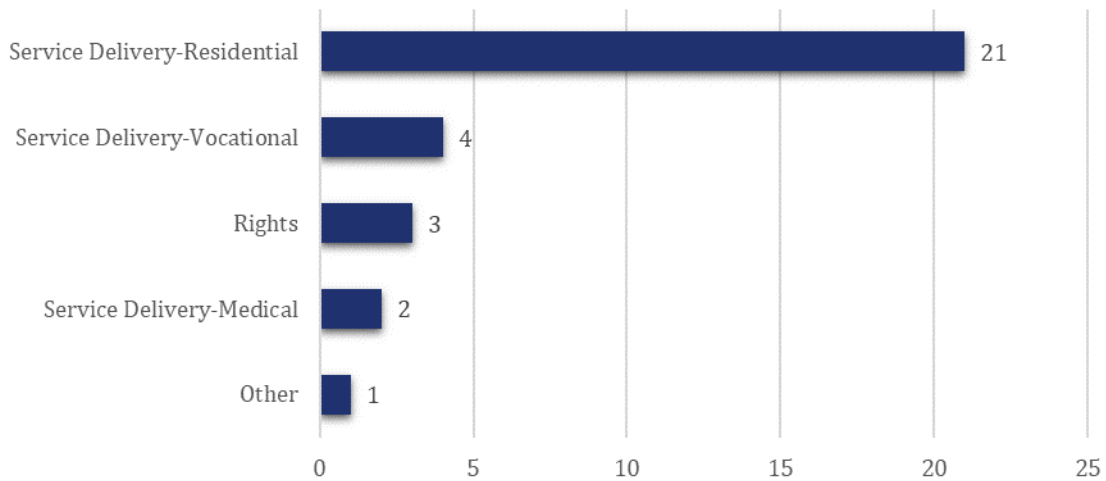
Deatrice Potlow, Assistant Independent Ombudsman



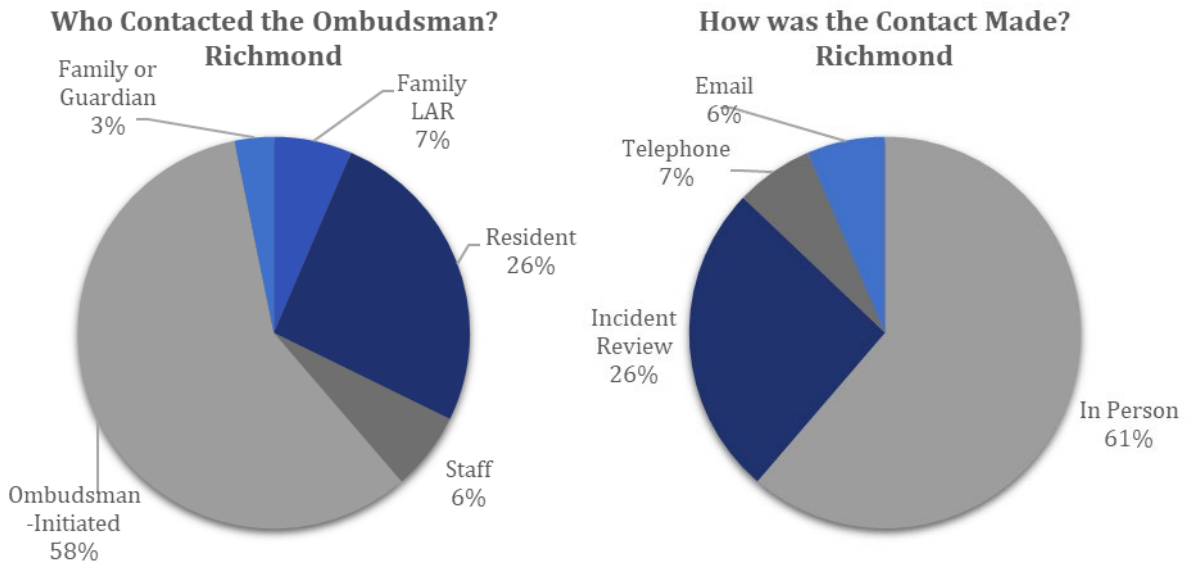
Born and raised in Greenwood, Mississippi, Ms. Potlow earned a Bachelor of Science in Office Administration in 1997. Shortly after graduating she began working at a local hospital as a Medical Transcriptionist. She relocated to Houston, Texas, for career advancement and began a career with the State of Texas. During her tenure of employment, she served as an Investigator for children, adults, and persons with disabilities. Prior to joining the OIO as an Assistant Independent Ombudsman in 2012, she worked as a facility investigator responsible for investigating allegations of abuse, neglect, and exploitation at the Richmond

SSLC.

Number of Cases by Type: Richmond



Cases Opened this Biannual Period: Richmond



Case Study: Richmond

Action Type:	Case Type:	How Complaint was Received:	Complainant Relationship to Resident:
Complaint	Rights	In-Person	Family - LAR (Legally Authorized Representative)

A family member expressed concern to the Ombudsman that the Interdisciplinary Team (IDT) was not able to provide them with a current document that identified the topics, services and support

areas that would be discussed in the resident's upcoming annual planning meeting. IDT staff explained to the family member that the requested document could not be printed from the electronic record and instead provided the family member with forms from the previous year. Upon receipt of the outdated documents, the family member reached out to the Ombudsman for further assistance.

The Ombudsman contacted the IDT to discuss the family member's request and explained that the family was intending to obtain the current annual planning documents so that they could prepare and participate in the meeting. The Ombudsman verified that the annual planning document that was initially requested by the family member could not be printed from the electronic record. However, the Ombudsman was able to locate other documents that referenced the requested information that were current and printable. During the discovery for these documents, the Ombudsman explained to the IDT that families may not know which documents to request and recommended that they educate families on how to properly request information from the facility to ensure requests are sufficiently fulfilled.

Rio Grande State Center

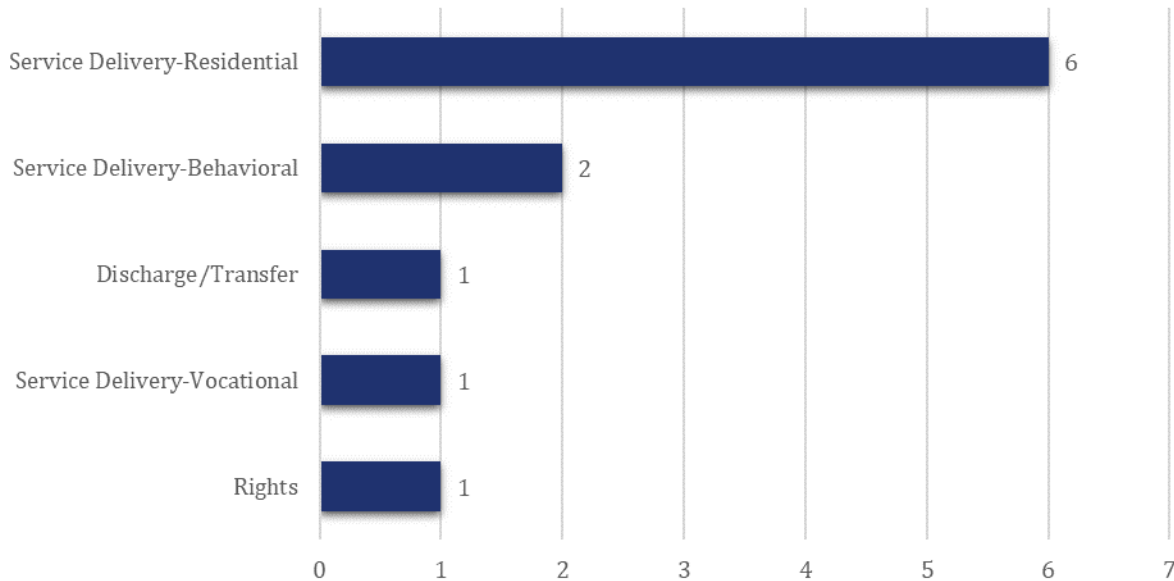


Horacio Flores, Assistant Independent Ombudsman

Mr. Flores hails from the Rio Grande Valley and attended Texas A&M Kingsville where he earned his Bachelor of Arts in Psychology. He began his career with the State of Texas working for the Department of Family and Protective Services as an Investigator for Child Protective Services in Nueces, Kleberg, Duval and Jim Hogg counties. Mr. Flores then accepted the position of Qualified Intellectual Disabilities Professional (QIDP) at the Corpus Christi SSLC. Shortly thereafter he was appointed as a Lead QIDP. Mr. Flores then relocated to the Rio Grande Valley and accepted the position of QIDP at the Rio Grande State Center in Harlingen. Mr.

Flores accepted the position of Assistant Independent Ombudsman of the Rio Grande Center in April 2017.

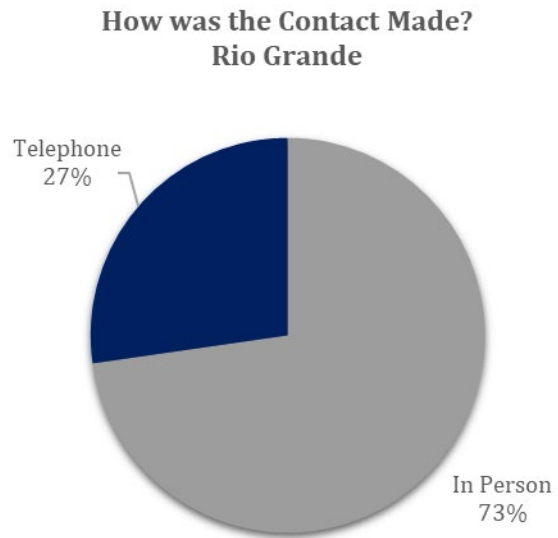
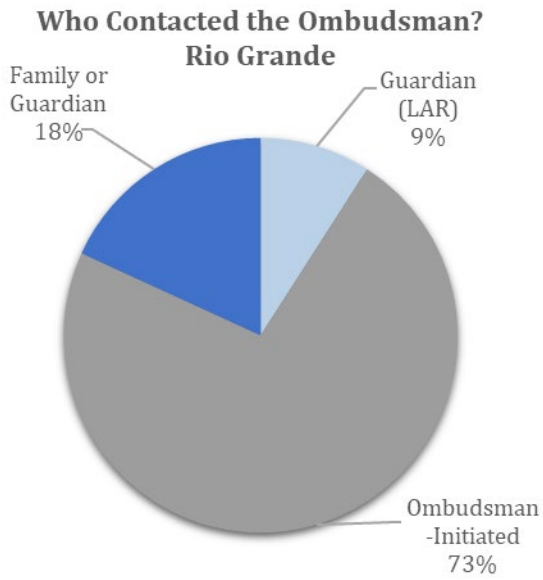
Number of Cases by Type: Rio Grande



Cases Opened this Biannual Period: Rio Grande

11 Cases

11 Complaints



Case Study: Rio Grande

Action Type:	Case Type:	How Complaint was Received:	Complainant Relationship to Resident:
Complaint	Service Delivery - Residential	Telephone	Family

The Ombudsman received a phone call from a concerned family member that a resident had been hospitalized and had not been accompanied by a staff person from the facility. The family member stated it had been standard practice at the facility to send staff along with residents who were hospitalized. The Ombudsman spoke with staff from the resident's home who stated that they were spread thin due to COVID-19 and that the determination to send staff to the hospital with a resident was now made on a case-by-case basis. The Ombudsman brought this issue to facility administration, who stated that COVID had, in fact, caused staffing issues and that they were no longer able to have staff accompany individuals to the hospital. Administration added that the determination to have staff accompany residents to the hospital would be made on an individualized basis and that they were working on a hospital staffing policy to address this issue. The Ombudsman advised administration that family members would likely expect staff to accompany their loved ones to the hospital, as this has been the long-standing practice at the Rio Grande facility. The Ombudsman suggested that administration notify the parent association about the change to hospital staffing practices and inform them once the new policy was in effect.

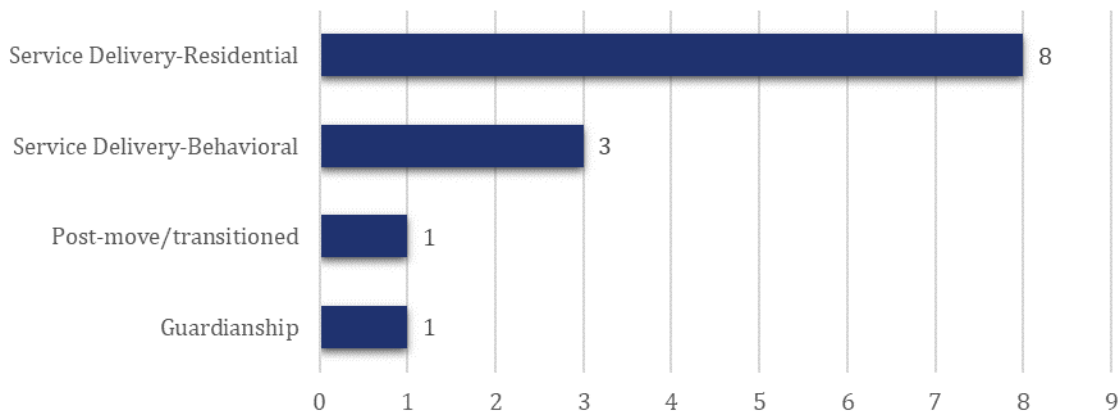
San Angelo State Supported Living Center



Brenda Frausto, Assistant Independent Ombudsman

Ms. Frausto obtained a Bachelor of Science in Psychology with a minor in Sociology from Angelo State University. She began her career at the San Angelo SSLC in 1991 as an active treatment provider, then later assumed the role of Admission and Placement Coordinator. Ms. Frausto was also the Admission Coordinator for MHMR Service of the Concho Valley. For 13 years, Ms. Frausto worked for the Texas Department of Family and Protective Services as an Adult Protective Services Specialist where she earned the reputation of going above and beyond to protect and serve Texas' most vulnerable adults. Ms. Frausto has served as a Guardian Advocate with Guardianship Alliance of the Concho Valley and was a member of the Tom Green County Coalition Against Violence. She joined the OIO in 2016. Ms. Frausto is certified as a Person-Centered Thinking trainer with The Learning Community for Person Centered Practices.

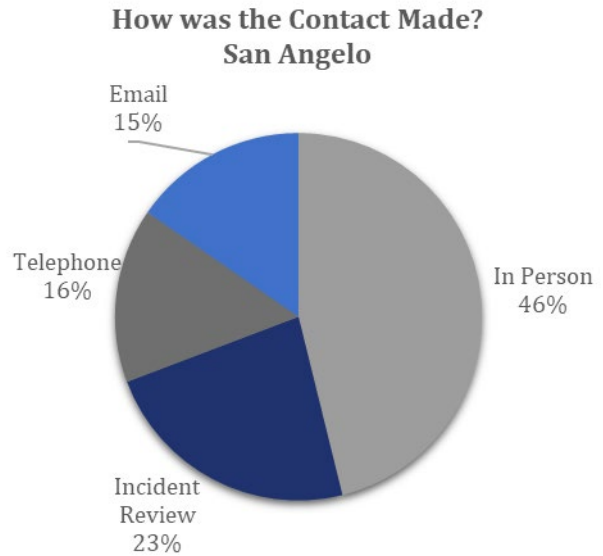
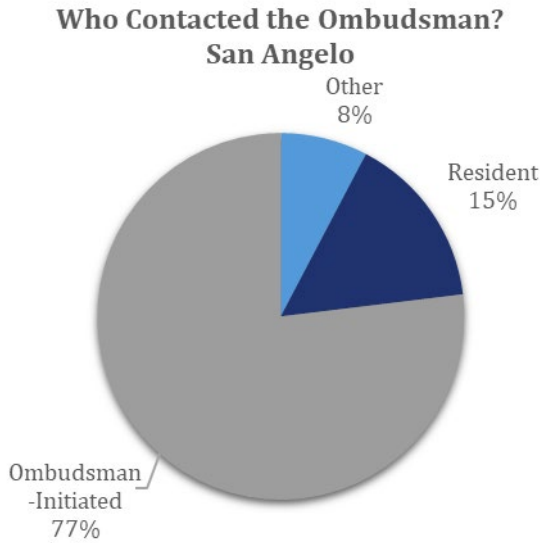
Number of Cases by Type: San Angelo



Cases Opened this Biannual Period: San Angelo

13 Cases

13 Complaints



Case Study: San Angelo

Action Type:	Case Type:	How Complaint was Received:	Complainant Relationship to Resident:
Complaint	Service Delivery - Residential	In-Person	Ombudsman-Initiated

The Ombudsman was concerned that a home did not have sufficient staff coverage during mealtimes to provide residents with adequate support and supervision. While the Ombudsman was monitoring a home, a resident began to engage in self-injurious behavior and physical aggression. The Ombudsman noted only one Direct Support Professional (DSP) in the room providing supervision. The Ombudsman asked the DSP what had happened to make the resident feel agitated. As another resident began to engage in physical aggression, the DSP explained it was past the resident's scheduled lunch time and they did not know why there was a delay.

The DSP decided to take the agitated individuals to the dining room but was told by staff that they needed to wait, since the group before them had not finished eating. In response, the two residents again became physically aggressive, which caused the other individuals in the dining room to become upset. Although the DSP was able to redirect these individuals, the Ombudsman observed that the home lacked sufficient staff to assist all residents with their meals and provide adequate supervision.

The Ombudsman contacted Administration regarding the meal process, the lack of staff, and the effect the lack of staff had on residents in that home. Administration stated that the facility had made some improvements to mealtime processes, but that they would provide additional monitoring. Administration also reported that they would assign more staff in that home when they knew there would be additional demands around scheduled mealtimes. During subsequent observations, the Ombudsman found that the number of staff working during mealtimes appeared to be sufficient to provide adequate support and supervision for the residents.

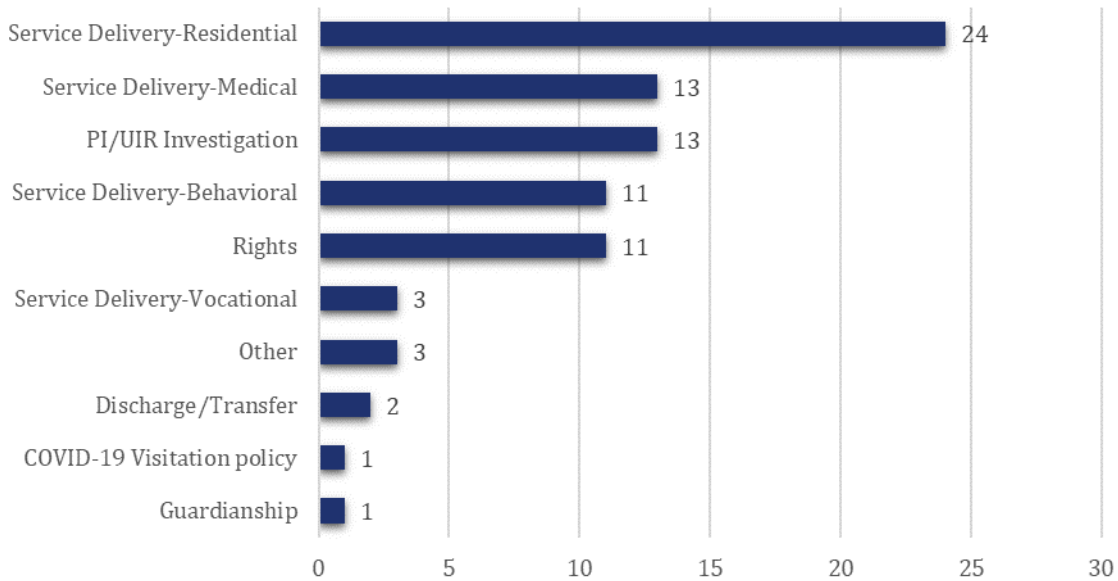
San Antonio State Supported Living Center



Gevona Hicks, Senior Assistant Independent Ombudsman

A native of Birmingham, Alabama, Ms. Hicks received her Bachelor of Science in Psychology and a certificate in Gerontology from the University of Alabama at Birmingham. She relocated to San Antonio, Texas, in 2001 and worked with infants and toddlers at a local children's shelter. Before joining the OIO in April 2014, she supported people with IDD by coordinating services for state and community intermediate care facilities as well as home and community-based service providers. She also served as a Qualified IDD Professional and the Human Rights Officer at the San Antonio SSLC. Ms. Hicks is a certified Person-Centered Thinking trainer and People Planning Together trainer with The Learning Community for Person Centered Practices. Ms. Hicks supports Texans to live the lives they envision for themselves and is a valued resource for Texans with disabilities, their families and service providers, and the community.

Number of Cases by Type: San Antonio



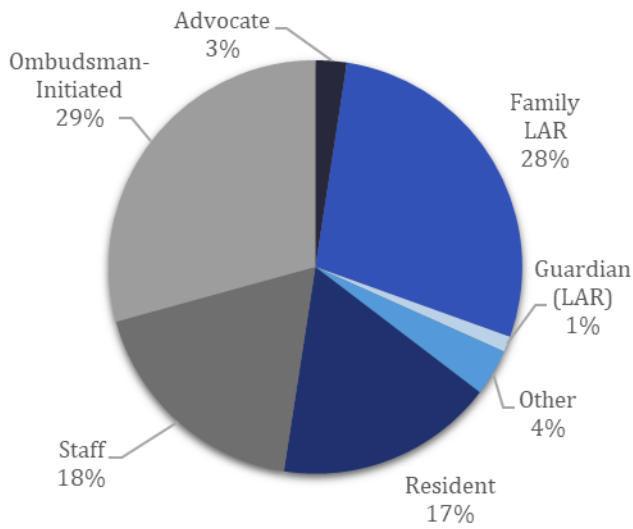
Cases Opened this Biannual Period: San Antonio

82 Cases

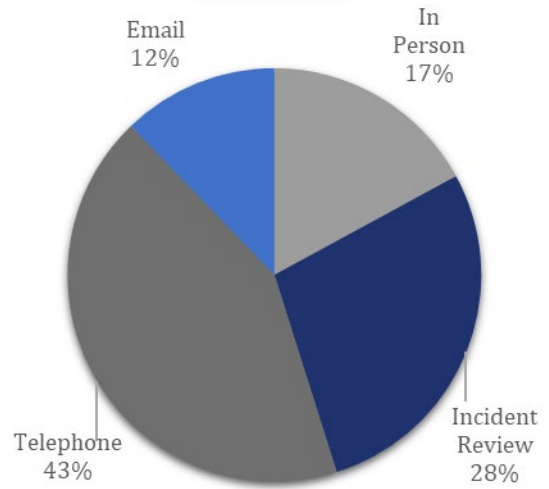
76 Complaints

6 Consults

**Who Contacted the Ombudsman?
San Antonio**



**How was the Contact Made?
San Antonio**



Case Study: San Antonio

Action Type:	Case Type:	How Complaint was Received:	Complainant Relationship to Resident:
Complaint	Rights	Incident Review	Ombudsman-Initiated

A review was conducted of a tragic incident in which a resident choked while eating in a facility vehicle. The Ombudsman found that the individual had a highly restrictive dining plan and that it had not been reviewed or approved by the Human Rights Committee (HRC). The Ombudsman was concerned that the Interdisciplinary Team (IDT) considered the dining plan to be a support and did not recognize the highly restrictive nature of the plan; the IDT also did not provide opportunities for training or consider less restrictive approaches prior to implementing the dining plan. The Ombudsman also expressed concern that the same dining plan was being used for multiple residents, and that the plan required a significant amount of staff dependency to implement, which the AIO felt could increase the risk of a person choking.

The Ombudsman recommended that the IDT review and evaluate the necessity of supports and restrictions in all restrictive dining plans and determine if all other options had been exhausted prior to implementation. The Ombudsman also recommended that IDTs ensure adherence with established due process procedures when considering supports versus restrictions, and that Human Rights Committee and IDT members receive training on identifying restrictive dining plans and due process procedures.

In response to the choking incident in the facility vehicle, SSLC administration directed staff to take residents' dining plans and adaptive equipment with them when dining in places other than the facility dining room. The AIO shared with administration that providing the same restrictive facility structure for residents dining in the community is not inclusion or normalization and is taking the institution into the community. The Ombudsman asked the facility to consider evaluating and implementing best practices utilized in community settings to support the residents when dining in places other than at the facility.

Toll-Free 1-877-323-6466

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sslc-independent-ombudsman.texas.gov

