

Department of Justice (DOJ) Findings at State Resource Centers

As of December 17, 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 Glenwood Resource Center (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 Glenwood and Woodward Resource Centers
 - Residents can receive services in their own communities
 - Little opposition from residents or guardians to transition
 - Staff lack information on community resources
 - Insufficient transition plans
 - Failure to address known deficiencies in community-based services
 - Heavy reliance on institutionalization
 - Inadequate access to IDD supports

- Lack of access to services for those with complex needs
- Insufficient oversight of 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

Deadline to appeal – February 9, 2021. Iowa did not appeal.
The state is currently in conversations with DOJ to reach a consensual resolution to these findings.