

MESSAGE FROM JAMES R. HARDMAN, FoF PRESIDENT

Dear Friends of Fircrest,

Placement decisions can be a **minefield** of conflicting interests. I refer to where a person with intellectual disability **should** live.

The family of an RHC [Residential Habilitation Center] resident recently "placed" with a private residential vendor has been in **turmoil** over conditions and outcomes. This family is not alone.

On July 5, 2004 a hearing was held in Lacey WA. concerning the Fircrest residents who had recently been removed from Fircrest in a DSHS 'downsizing' exercise. The hearing specifically had to do with a Christmas Eve DSHS rule change which deprived those residents of important hearing rights where their 'removals' could be contested. It was a fearful and cynical rule change. The change had been instituted as an "emergency" on or about Dec. 24, 2003. The July 5, 2004 hearing was about making the change permanent.

The hearing room was packed with families and guardians, many of whom testified against the rule. **No one** testified in favor of the rule change. Those opposed testified as to the great harm and suffering of those who had been removed from Fircrest. It was heart wrenching. The testimonies were apparently **ignored** because the rule was made permanent despite the evidence presented.

DSHS has recently been offering official **staff Declarations** in routine court proceedings where RHC resident Care Plans call for continued RHC placement. These Care Plans are done by guardians and presented to the Court and are not the RHC care plans called Individual Habilitation Plans [IHPs] in the Intermediate Care Facility and Individual Plans of Care [IPOC] in the Skilled Nursing Facility. In the DSHS Declarations for the Court, directors and/or other facility staff claim that the resident subject of the proceeding can be served perfectly well elsewhere.

While the Declarations may accurately state the opinion of the signer, DSHS uses them to, in effect, mislead the courts. It's a **shame**. The facility does very good work in providing high quality services then provides Declarations saying the facility is no better than the private vendor programs. The deceit also comes from the implication that the resident could be 'relocated' without adverse consequences.

On October 17, 2011 Don Clintsman, a DSHS/DDD spokesman, admitted to the RHCs Futures Task Force that relocations can cause "**grief**" for those relocated. As far as I know, this was the first time such an admission was made concerning RHC residents. DSHS had long acknowledged that relocations not involving RHCs were problematic for people with intellectual disability. Mr Clintsman did not expand on the grief to which he referred. The families and guardians at the hearing of July 5, 2004 painted the heart breaking picture of "grief".

The Standards of Practice for professional guardians address the "placement" issue as follows at section 407.5: **The guardian shall not remove the incapacitated person from his or her home or separate the incapacitated person from family and friends unless such removal is necessary to prevent significant harm or because of financial restraints.** This means, at the very least, that taking someone from their home must be limited to therapeutic considerations.

The "financial restraints" do not apply to RHC residents as the State Constitution at **Article 13** requires the state to "**support**" and "**foster**" RHCs. [While the state has budget problems it is not insolvent.] The constitutionally mandated support duty makes RHCs a higher budget priority than programs without a constitutional mandate.

A Declaration from Rainier School staff informed the Court that they considered such a limitation [relocation only for therapeutic reasons] to **preclude** outplacement efforts for the resident.

So the DSHS policy of out placing RHC residents would be considered **unethical** if DSHS were held to professional guardian standards of practice. I agree with the standard. What level of imposed "grief" is **acceptable** for our most vulnerable people? The Fircrest evictions [and coerced consents] in 2003/4 produced grief that was **fatal** to some and seriously **damaged** others. I understand that some Disability Advocates claim such adverse consequences are acceptable. The very notion is horrifying. Let the RHCs Futures Task Force know what **you think**.

If you've had experiences where resident "grief" was involved please **share** those experiences. Write them down and mail them to Friends of Fircrest or email them to me. If you've had experiences where "placements" were not 'as advertised' or not up to RHC standards **let it be known**. Otherwise it will be assumed DSHS is correct about non RHC living. If we don't make the facts known RHC residents may suffer the "grief" of closing facilities.

Let your words be heard. · · · **J.R. Hardman J.D.,CPG,**

hardmanjamesR@gmail.com

MEETING HIGHLIGHTS

February 12 Board Meeting

- Terri presented the issues of SB 6384, a bill to double funding for employment through the Division of Vocational Rehabilitation. Hearing by the Health & Human Services Committee on Feb.16. The bill is a good beginning although the assessment period (9 months) needs to be shorter. She also told of plans by Dept. of Justice to pursue RHC closures nation wide. The issue is one of civil rights. Both the Olmstead and ADA laws have been misinterpreted by federal and state officials.
- Board identified areas of serious concern that need to be publically exposed and /or addressed by state agencies. Dispel the incorrect cost of care facts that DSHS uses as closure rhetoric, request that a Quality Assurance plan be put in place to track clients who have been moved out of RHCs, expose human rights violations, and question rulings on guardianship rights/ parents rights which are conflicting and vary from agency to agency.
- Betty gave a history of what was involved for the conception, approval, planning, financing and installation of both the Healing Garden and the Jackie Macrae Therapy Garden.

March 11 Board/ Membership meeting

- Discussion of campus projects that require fundraising and grants have been put on hold :The “Kinetic Park and the Post School Age Activities program (SEE).
- Treasurer presented the budget committee’s proposal for this year. It was approved after discussion.
- Legal advisor, Michael reviewed the importance of an active Human Rights Committee and the rights we have to form a Family Council. See page 4.
- Terri reported that the DD Task Force on the future of RHCs’ report is due in late 2012. To date they have only met once. See page 3.

April 1 Board Meeting

- Michael Johnson. reported that if your guardianship is filed in King County, you have the option of a much abbreviated version of the new state Guardianship training requirement. See page 4 for report
- Review of the Cowboy Buck & Elizabeth concert, held Mar.29, for Fircrest and community residents. See page 6.
- Shoreline School district PTA council has approved a resolution to seek funding from the legislature for the added cost of programs for Fircrest students. See page 6.

Minutes and Treasurer’s reports are available by request.

FOF 2012 REGULAR MEETINGS SCHEDULES

<p><u>Membership Meetings</u> May 6, Jul 8, Sept. 9, Nov.11-Annual mtg.</p>	<p><u>Board Working Meetings</u> June 10, Aug. 12, Oct.14, Dec. 9 (Annual Planning)</p>	<p><u>Home Unit Representatives</u> Third Tuesday of the month at 1 PM Fircrest, Admin Bldg. <u>Ad Hoc Meetings</u> Called as needed</p>
<p>All meetings, Board and Membership, unless otherwise notified, are held in the Staff Training room of the ATP (Adult Training Program) Building, northeast corner Fircrest Campus. All are welcome to any FoF meeting.</p>		

2012 FRIENDS OF FIRCREST BOARD OF DIRECTORS

Officers:	<i>Terri Anderson</i>	<i>Emilio Gambacorta</i>	<i>Emeritus: Dot Brenchley,</i>
<i>President: Jim Hardman, J.D., C.P.D.</i>	<i>Jo Bousman</i>	<i>Alice Hardman, MSW,CPG</i>	<i>Ruth Durkan, Jean Huntley, Phil Scheier</i>
<i>*Vice President: Paul Strand</i>	<i>Candace B. Braley</i>	<i>Liz Patterson</i>	<i>Advisory: David Baker, Ph. D.</i>
<i>Secretary: Candace Braley, (temp)</i>	<i>Betty Cantrell, RN, BSN</i>	<i>Rebecca Sargent</i>	<i>Maureen Durkan, Bonny Oborn,</i>
<i>Treasurer: Maria Walsh</i>	<i>Saskia Davis</i>	<i>Cynthia Willman, O.T.</i>	<i>Michael Johnson J.D.,C.P.G.</i>
Directors:	<i>Kristin Ellison-Oslin, Rev. Min. Div.</i>		<i>Janet Way</i>

LEGISLATIVE REPORT**LOCAL AND NATIONAL UPDATES**

The Special Session of the WA State Legislature ended without many negatives for the Residential Habilitation Centers. In fact, due to prudent spending by the Superintendents, RHCs are now in the process of hiring additional staff.

The notable item in the budget document was \$600,000 for the Future Use Studies Project for Rainier School. Funding is provided for a long range vision and development plan. DSHS shall convene a task force to evaluate recommendations on the best use of Rainier School as a state facility. Sen. Pam Roach & Rep. Chris Hurst worked to accomplish this feat.

The Tacoma News Tribune reported under the Capital-Construction Budget there is \$3,000,000 worth of renovations at Rainier School. The Governor considered a veto of the proposed renovations of cottages on the Buckley Campus. Luckily, she had a change of thinking. Hopefully, spending money on upgrades will help preserve the RHC for the future.

DD Service System Task Force, established under 2SSB5459, will once again meet to look into the future of the RHCs. No meeting date has been set.

Please communicate to the Task Force the importance of RHC services in the continuum of care for all DD/ID people. Contact Brittany Yunker, Senate Committee Assistant, (Yunker@leg.wa.gov or 360 786 7407).

You may also contact our Lakeland Village RHC representative to the Task Force; Bonnie Sullivan (Rosiebud1907@hotmail.com).

On the national level, Washington state is in need of new members of the House of Representatives. Rep. Jay Inslee (D-1st) has resigned in order to run for Washington State Governor. The Republican candidate is Attorney General, Rob McKenna.

Rep. Norm Dicks (D-6th) has decided to retire after 18 years in the House. Dicks has served the Bremerton area and segments of 6 counties well over the years.

The last census showed Washington State in need of an additional Congressional seat. The 10th District consists of most of Thurston county.

Be sure to follow the local coverage of these seats. What happens in DC effects the future of RHCs.

To get more information on legislative action, local and national go to **ACTIONDD.org** and click on appropriate links.

VOR* NEWS

*Formerly Voice of the Retarded

The annual conference and Washington Initiative will take place from Saturday, June 9th through Wednesday, June 13th in Washington, DC.

Members of our team will be visiting **your Senators and Members of the House of Representatives**. We are hoping to influence our state's delegation as to legislative reform regarding the DD Act Reauthorization and to support a moratorium on abuses of the Department of Justice (DOJ) regarding congregate care throughout the country.

Terri Anderson, FoF legislative committee chair, WA state VOR Representative

WinchesterWillie@comcast.net 425.788.4529

ADVOCACY NEWS

Good News About Guardian Training

Washington State's New Mandatory Requirement

Many of you may have heard from other guardians about the online training. You get a password, then wait a day, then watch a presentation online, then a test of sorts. This is time-consuming and many of the topics covered are not relevant to you.

However, the King County Superior Court gives you the option to watch a 15 or 20 minute video instead. You can watch it online, or go to the downtown courthouse or the one in Kent. Then you fill out the Declaration form (also available online) and mail it to the Court, **with a copy to your attorney**. You can do this without your attorney's assistance. It's pretty simple. That's the good news. I recommend doing the training now **before** you get any notices from the Court. You can also get the training waived, but in most cases it's just easier to watch the video.

1. You can find the online link by Googling "King County Guardianship Training". This is the Guardian Forms page at <http://www.kingcounty.gov/courts/scforms/guardianship.aspx>
2. Be sure to select the "Instructions for Guardians" Video. Then watch it. It won't take long.
3. Then print out the Declaration on the same page.
4. You can contact the Superior Court Clerk's Office at 206-296-9297 if you have any questions.

Guardians who do not have access to the internet can contact Lura Dunn at 206 361 5262 to see about viewing the video at Fircrest School. Good luck with the video

Michael Johnson Law Office

Friends of Fircrest - The Family Council

Michael Johnson, FoF Legal Advisor

Friends of Fircrest has been around since 1974 and part of being a member involves advocacy at the facility level. Federal regulations governing long-term care facilities, including state-operated ones such as Fircrest, specifically recognize participation of residents and their guardians in resident groups as a "right". A resident's family has a right to meet in the facility with the families of other residents in the facility. The facility must provide a resident or family group with private space. Staff and visitors may attend at the group's invitation. The facility must provide a designated staff person responsible for providing assistance and responding to written requests that result from group meetings.

The most important requirement is that the facility "must listen and act upon the grievances and recommendations of residents and families concerning proposed policy and operational decisions affecting resident care and life in the facility." 42 CFR § 483.15(c). The following is from the "interpretive guidelines" the facility should follow.

"This requirement does not require that residents' organize a residents or family group. However, whenever residents or their families wish to organize, facilities must allow them to do so without interference. The facility must provide the group with space, privacy for meetings, and staff support. Normally, the designated staff person responsible for assistance and liaison between the group and the facility's administration and any other staff members attend the meeting only if requested.

'A resident's or family group' is defined as a group that meets regularly to:

- o Discuss and offer suggestions about facility policies and procedures affecting residents' care, treatment, and quality of life;
- o Support each other;
- o Plan resident and family activities;
- o Participate in educational activities; or
- o For any other purpose.

"The facility is required to listen to resident and family group recommendations and grievances. Acting upon these issues does not mean that the facility must accede to all group recommendations, but the facility must seriously consider the group's recommendations and must attempt to accommodate those recommendations, to the extent practicable, in developing and changing facility policies affecting resident care and life in the facility. The facility should communicate its decisions to the resident and/or family group."

This rule has some real teeth to it. The Center of Medicaid and Medicare Services (CMS) will enforce this rule. Members with concerns about "proposed policy and operational decisions affecting resident care and life in the facility" should forward those concerns to a Friends of Fircrest Board Member.

CAMPUS NEWS**Home Unit Representatives**

The HUR meeting on April 17th was well attended and there was, as usual, good discussion. Our guests, Shan Wilson, Recreation coordinator for Hickory Home unit, and Bonnie Brook, Hickory ACM, presented a request for financial help from Friends of Fircrest to purchase new wheelchair accessible raised garden beds for the Hickory patio. The beds will provide recreational and socialization opportunities for residents and staff. The purchase for two beds was approved by FoF board members who were present.

Terri Anderson presented the proposed *RULES OF THE GARDEN* sign (see below) to be posted in the Jackie Macrae therapy garden. Usage issues have surfaced that required some guidelines. We hope residents and staff will get out and take ownership of the beds. Wonderful way to involve residents in an outdoor activity. Now is the time to plant.

Terri also gave the group an update on recent legislative actions. See report on page 3. Michael Johnson provided valuable information about the new mandatory guardian training requirements and Fircrest Family council. See page 4.

The remainder of the meeting was used to discuss an outline of possible topics that would be included in a parent/guardian handbook on how things work within the Fircrest RHC system, which can be daunting especially for new families. It has been a long time goal. We hope to complete by this summer. Please chime in with your ideas. We will provide an outline. Contact Betty (cantrell_e@comcast.net) or Candy (cbbraley@Q.com).

Keep in touch with your home unit staff. Bring concerns and questions to the HUR meetings. You don't have to be an HUR to attend any of our meetings and they usually last a bit over an hour, unless we have a lot to 'air and share.'

Next meeting will be on Tuesday, May 15th at 1pm, Fircrest Administration Building.

Betty Cantrell, HUR Chair

GARDENING MEANS: PLANTING, WATERING & WEEDING**“RULES OF THE GARDEN”**

- | | |
|-------------------------------------------------------|---------------------------------------|
| #1) FIRST COME FIRST SERVE POLICY | MARK YOUR AREA WITH NAME/HOUSE # |
| # 2) NON POISONOUS PLANTS ONLY | FLOWERS OR VEGETABLES ONLY |
| # 3) AVOID SOAKER HOSES WHEN DIGGING | |
| # 4) NO CHEMICALS/FERTILIZER | SOIL HAS PRE-MIXED ORGANIC FERTILIZER |
| # 5) SHED CONTAINS TOOLS (2 SETS) & WATERING CANS (2) | KEY TO SHED AVAILABLE ON 301 |

HAND TOOLS MUST BE RETURNED TO SAND BUCKET IN SHED

LOCK SHED & RETURN KEY TO 301

JACQUELINE C MACRAE THERAPY GARDEN

THANK YOU FOR PARTICIPATING

Shoreline PTA pens Resolution to get financial relief for cost of Fircrest students

Seeking help to offset expenses of providing special education for school age residents of Fircrest, the Shoreline School District, PTA Council, has approved a resolution to appeal to the legislature for additional funds. The FoF Board agreed to respond to the PTA with a letter in support of the "Resolved" part of Resolution No. 20121 of the Shoreline PTA Council 6.12.

To get perspective from S.S.D. Superintendent, Sue Walker visit: www.shorelineschools.org/superintendent/

MORE CAMPUS NEWS.....**“Cowboy Buck & Elizabeth” give a Rousing concert at Fircrest**

March 29 an evening concert got everyone singing, dancing, clapping, grinning and enjoying the lively music, songs, familiar and new, and the antics of a popular entertaining trio...puppet included. It was hard to tell who was having more fun, Fircrest residents or their “family” members.

Friends of Fircrest parent member, Cheryl Felak, arranged for the event along with Bob Colley and recreational staff. The event was open to Seattle and Shoreline Park Department Special Program participants and families and to all Fircrest residents, families and staff. The kind of collaborative outreach we'd like to promote to include community folks in our campus activities. It was great to welcome a few new community guests.

On the downside, attendance was disappointing. In spite of a lot of notices distributed, only a few home units brought residents to the event. (See article below). Many who were there were brought by a parent or guardian. Some staff worked hard to transport nursing home residents, which is always a challenge. We were delighted to see the staff who did escort PAT A residents, it appeared they enjoyed the event very much. Many thanks to all of them. Our Fircrest Residents deserve and need to partake of campus events.

We hope to have Cowboy Buck & Co. back again with many more residents, families and community attending. Thanks to all who worked so hard on this event. It was great fun. *Anon.*

Have staff cuts adversely affected your Fircrest resident?

Have you or your loved one been affected by Fircrest staff reductions? I've heard from numerous sources that staff reductions have resulted in service reductions.

I've not kept a record of these reports but we might take a look to see if and/or how residents may have been or are affected.

I note that transportation has been cited as making campus activities more difficult for residents to access. Is the difficult access to campus events due to transportation or to a lack of awareness by staff that campus events are occurring. Is either circumstance due to staff shortages?

We know that the clinic, pools, and cafeteria have been curtailed due to lack of staff. Recreation specialists are now fewer in number and one would assume that residents have fewer recreational opportunities as a result.

I've heard that laundry services are problematic. Is this due to reduced staff or the removal of unit washers and dryers? I've experienced some difficulty in getting unit maintenance done in a prompt manner. But I can't say with certainty why this is so. Or even if this is a new phenomenon.

It's not unheard of for unit staff to be unfamiliar with unit residents. Are more staff pulled from other places because of staff shortages?

Dr. Singh announced that Fircrest is in the process of hiring new staff. Such hiring will no doubt help alleviate staff shortages but will not bring back the infirmary, the cafeteria or pool access. New staff may not include recreation specialists.

Analyzing staff shortages or any other systemic issue is difficult for FoF. Anecdotal evidence is notoriously difficult to translate into solid conclusions.

Comparing past staff numbers with current staffing requires data on individual resident needs. For example, it appears there are more 1:1 staff resident ratios than in previous years, and we know some more recent admissions require greater staff supervision. But FoF is not suited for this analysis.

If you believe your ward is has been adversely affected by lack of staff, please let us know in some detail [how & when].

J.R. Hardman

Fircrest Campus Activities & Entertainment Calendar

Service every Sunday , Fircrest Chapel: 9:45 am

Tuesday evening activities Admin Bldg.7-8 pm/

Thursday evening activities Admin bldg. (times vary) 6-8pm Contact Bob at 206 361 3658 for details.

TREASURERS' NOTE'S

FRIENDS, keep us afloat.....

Reflecting on the many years that Friends of Fircrest has existed, [founded in early seven-ties and incorporated in 1978] it is amazing that the support of our members and supporters has not waned. We have supported the rights of our residents, fought for their choice to stay at Fircrest with protest marches, editorials, cost charts, brochures, reports, presentations to local organizations, videos, with hearing testimonies meetings with legislators and state DD agencies to **educate** our legislators, community and public. Its been a long and twisty road.

We are still involved, waiting for the budget issues to filter down and inform us of the changes that might impact Fircrest and the other RHCs. Our budget focus is to plan ahead and maintain a contingency fund for action if we need it. We also budgeted for supporting recreation activities and music for the residents to enhance their quality of life. Many of these activity programs have been deeply cut.

Keeping our membership informed is also important. You can help us keep you in the loop by signing up to receive our Newsletter and other important message via e-mail. This would greatly lower our postage expenses, savings of which could be put to support needed campus programs. Call or e-mail Maria with your e-mail address or use form below.

Many of our supporters have renewed their membership and we are hoping that our new families will choose to join us. The membership form is attached.

Our additional request is for our membership to attend our meetings, the next one is Sunday, May 6. All members, supporters, parents and guardians are welcome The general meeting starts at 2:00 pm. If Sundays are a challenge to your schedule, please consider attending any of our monthly Home Unit Representatives informal and informative meetings at 1pm on the third Tuesday of the month in the Fircrest Admin. Building.

Broadening our perspective, ideas and participation will allow Friends of Fircrest to engage in both campus activities and Shoreline activities during the summer. If you have questions, contact:

Maria Walsh, FoF Treasurer 206 718 1761 Mwalsh1240@earthlink.net

Friends of Fircrest **Membership, Information & Donation Form**

NAME: _____ LEGISLATIVE DIST: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

TEL: _____ E-MAIL: _____ CELL: _____

PLEASE SIGN ME UP TO RECEIVE THE FOF NEWSLETTER BY E-MAIL

Enter your e-address for the newsletter:

ANNUAL DUES: \$25.00 FAMILY ___ \$15.00 INDIVIDUAL ___ PLEASE MAKE CHECKS TO FRIENDS OF FIRCREST.

*ADDITIONAL DONATION \$ _____ **TRIBUTE DONATION \$ _____ (info requested below)

**TRIBUTE / MEMORIAL DONATIONS: *Please provide the following information.*

In Memory of ___ Honor of ___ Anniversary ___ Birthday ___ Congratulatory ___ Get Well ___ Other _____

Name of honoree: _____ Send Acknowledgements to: (attach list with name and address)

Your Name: _____ City: _____ State: _____ Zip: _____

May Friends of Fircrest announce, in our newsletter, your memorial /tribute donation in name only? Yes ___ No ___

Thank you for mailing this form with your correspondence to Friends of Fircrest

Attn. Maria Walsh, Treasurer, c/o Fircrest School RHC, 15230 15th Avenue NE, Shoreline, WA 98155

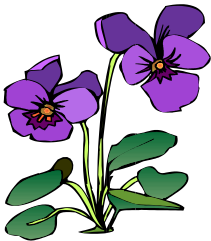
FRIENDS of FIRCREST

c/o Fircrest School, RHC

15230 15th. Ave. N. E.

Shoreline, WA 98155-7196

Take a walk through the Healing Garden (upper campus) to admire the newly planted pansies and an odiferous herbs. See if your sniffer can locate the curry plant.



FRIENDS OF FIRCREST IS A VOLUNTEER 501(C) (3), NON-PROFIT ORGANIZATION, ADVOCATING FOR THE RIGHT TO QUALITY LIVING CHOICES FOR ALL CITIZENS WITH DEVELOPMENTAL DISABILITIES.

Late Breaking News

Under pressure, Feds move forward with Community Living Plan

Washington state will be using the Community First Choice dollars. The qualifier is: *only if the Affordable Care Act (Obamacare) IS NOT struck down by the Supreme Court.* The money for this program is built into the bill the Court is now reviewing. Community First gives the state a 56% match instead of a 50% match as used under the Home & Community Based Services Waivers.

Attend the FoF May 6th general meeting to learn what this means to us.

\$\$\$ An easy way to raise funds for Fircrest programs \$\$\$

Sign up with eScrip and you can effortlessly contribute funds to support programs & new projects for our Fircrest residents.

eScrip works with merchant partners to contribute to groups like ours each time you shop at no cost to you! A percentage of your purchase price is deposited to Friends of Fircrest with every transaction from participating businesses. (Grocery stores, restaurants, and more)

Sign up online. It's quick and easy! Get family and friends to register.

- 1. Go to www.escrip.com**
- 2. Click on "sign-up"**
- 3. Follow the instructions to register your grocery cards and your existing credit/debit cards.**

It's Easy! It's Free! It's Powerful! It's Safe! *Do it!*