

## For Immediate Release

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## Independent Expert cites improvements at BSDC

**Lincoln** – The Independent Expert appointed to monitor improvements at the Beatrice State Developmental Center issued what could be her final report on December 3.

“I am very pleased with the report and the detail provided by Maria Laurence, the Independent Expert, and the monitoring team,” said Jodi Fenner, Director of the Division of Developmental Disabilities in the Department of Health and Human Services. “They have been thorough, including many recommendations over the past years allowing us to improve our system beyond the basic requirements included in the settlement agreement. The executive summary highlights the great things we’ve accomplished and the report supports our discussions with the U.S. Department of Justice relating to discontinuation of court monitoring.”

The settlement agreement followed a troubled period in BSDC history that included on-site reviews of BSDC by the U.S. Department of Justice and Disability Rights Nebraska. Additionally, after decades of regulatory challenges that began in 1990, the Centers for Medicare and Medicaid Services decertified and discontinued funding for BSDC.

“We’ve had a very collaborative and positive relationship with the DOJ legal counsel and the Independent Expert team and believe this case will conclude successfully in the near future,” said Fenner. “We understand DOJ is currently reviewing internally whether it will consent to dismissal of continuing court oversight. I’m hopeful for a decision in the next few months.”

According to the report’s executive summary, since signing the Settlement Agreement with DOJ in 2008, the State has shown its commitment to implementing the requirements of the agreement and states, in part: “These actions have resulted in many improvements that have positively impacted the protections, supports and services available to individuals at BSDC and the Bridges Program, as well as those individuals that transitioned to the community...The achievement of these goals has only been possible through strong teamwork and the dedication of many staff.”

Fenner said initial compliance efforts met significant challenges due to the cultural and systematic institutional undercurrents that needed to be addressed. Improvements at BSDC ultimately required a complete restructuring of the organization and management, changing from one large facility to five smaller Intermediate Care Facilities similar to community-based services, with full federal recertification and funding restored at all facilities.

Recruitment efforts for clinical professionals, including psychiatric services, have been successful and clinicians are now available to consult with community based providers as well. Staff ratios and training have significantly improved. Individuals living at BSDC are working and volunteering in the community at significantly increased rates. A comprehensive quality improvement system has been developed and implemented to ensure the sustainability of progress achieved.

"Nebraska's successes at BSDC and in the community have been recognized nationally," added Fenner. For example, division leaders have been asked to present at national conferences in many areas where Nebraska has developed unique and valued expertise, such as its Physical and Nutritional Consultative Services, the BSDC Spine and Gait Specialty Clinic, its various programs and supports for individuals dually diagnosed with behavioral health challenges, and implementation of significant systems change. The "It's My Life!" conference in September was attended by over 600 participants, including individuals with developmental disabilities, family members and professionals. In November, the Division's medical director, Dr. Todd Stull, received the prestigious Frank. J. Menolascino Award from the National Association for the Dually Diagnosed.

"It's good to know we are being recognized as leaders in the field," said Fenner.

Kerry Winterer, CEO of DHHS, stated: "in addition to the hard work and dedication of Director Fenner and her staff, the Department wants to recognize and thank Governor Heineman and the Legislature for their efforts in supporting improvements to BSDC and community services during this time. This has been a long journey and shows what can be accomplished when everyone is working together toward the same goal."