



DISABILITY RIGHTS CENTER

The Protection & Advocacy (P&A) System

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1/15/2009

After nearly six (6) months of discussion and advocacy in behalf of twelve (12) residents of the Booneville Human Development Center proved ineffective, DRC filed complaints with the DHS Office of Long Term Care on January 15, 2009 alleging violations of the *Conditions of Participation* in the Medicaid program. The allegations included:

- Failure to provide active treatment services - 42 CFR § 483.400(a)(1)
- Failure to provide preliminary evaluation for admission 42 CFR § 483.440(b)(3)
- Failure to provide an individual program plan (IPP) that identifies and designs a program to meet the client's needs 42 CFR § 483.440(c)(1)
- Failure to document gradual withdrawal at least annually from drugs used to control behavior 42 CFR § 483.450(e)(4)
- Failure to provide health care services 42 CFR § 483.460(a)(3)
- Failure to conduct discharge planning pursuant to plan of care requirements contained in *Utilization Control: Intermediate Care Facilities* 42 CFR § 456.380(b)
- Failure to facilitate participation of the client in IPP development in the absence of his guardian or other advocate 42 CFR § 483.440(c)(2)
- Failure to provide comprehensive dental treatment 42 CFR § 483.460(g)