

EXHIBIT D-6

BRIEF SUMMARY OF THE DEPARTMENT OF JUSTICE ACTIONS AGAINST THE ARKANSAS HUMAN DEVELOPMENT CENTERS

Background

During the past 5 years, the United States Department of Justice (DOJ) pursued litigation in 13 states targeting services provided at state operated Intermediate Care Facilities (ICFs).

The state of Arkansas, through the Arkansas Department of Human Services (DHS) Division of Developmental Disabilities Services (DDS), is committed to providing developmentally disabled Arkansans with a full continuum of services. The five Arkansas Human Development Centers (HDCs) are the ICF component of that care continuum.

Nationally, the number of persons with intellectual and developmental disabilities residing in state-run institutions peaked at 194,650 in 1967. Since then, many states greatly reduced their institutional capacities. Twelve states closed all their state run ICF's. As ICF capacity decreased, the average daily population of large state-operated ICFs declined by 78.2 percent from 1967-2007.

Arkansas Litigation

Under the federal Civil Rights of Institutionalized Persons Act (CRIPA), DOJ may investigate any state-owned or operated facility or institution serving individuals with disabilities. In November of 2002, the DOJ sent a letter to then-Governor Mike Huckabee notifying him that it would investigate resident care and treatment at the Conway Human Development Center (CHDC).

The U.S. Department of Health and Human Services, acting through the Centers for Medicare and Medicaid Services (CMS) inspects the Arkansas Human Development Centers for compliance with federal regulations for the operation of ICF's. In addition, the Commission on Accreditation of Rehabilitation Facilities (CARF), a non-governmental review organization, reviews the Conway HDC. Before, during, and after the DOJ investigation the Conway HDC was certified by CMS and accredited by CARF.

In April of 2004, the DOJ issued a 50-page letter of "findings" that alleged significant and widespread deficiencies in the conditions and care of the Conway HDC. DHS/DDS vehemently disagreed with the allegations.

Over the course of the next five years, Arkansas and DOJ officials attempted – unsuccessfully – to negotiate a resolution. Arkansas insisted that any settlement contain clear and measurable benchmarks and objectives for those areas under DOJ investigation. Based on other states' experiences, DHS/DDS knew that if the subjective goals proposed by the DOJ were agreed to—many of which would have been difficult or impossible to measure—the result would be years of protracted and costly federal oversight of HDC operations.

In January of 2009 the DOJ sued the state in federal court in Little Rock. In May of 2010, the DOJ filed a second lawsuit, this time alleging violations of the Americans with Disabilities Act (ADA) of 1990 and naming all the HDCs. Like the Conway HDC, the other HDC's were CMS certified and CARF accredited.

The Conway HDC trial began in September of 2010, and lasted five weeks.

In January of 2011, the federal court dismissed the second DOJ lawsuit against all of the HDCs.

In June of 2011, the federal court ruled that the CHDC provided services consistent with the resident's constitutional and statutory rights, and dismissed the case. The DOJ has had no litigation pending against the HDC's since that time.

Arkansas spent \$4.3 million dollars defending the DOJ's allegations.

HDC Capital Projects

ARRA Projects Completed
2009 - 2012 (calendar)

Project Cost

BHDC

ArkHDC Re-Roof S1, S2, S3, S4, S11, Maint., Laund, Auto Shop,
ArkHDC Re-roof CCRC 3 Bldg, Porches, Pool Bldg, Staff 1, 2, & 3
CHDC Re-Roof Assistant Superintendent's Residence
CHDC Re-Roof TA 58,59,60,61,62 and Cedar, Birch, and Maple Bldgs
JHDC Re-roof Buildings 100, 400, & 700
JHDC Re-roof Buildings 1100, 1200, 1400, 1500, 1700
SEAHDC Re-Roof 14, 15, 16, 17
BHDC Rock Apt Emergency Generator
BHDC Cottage Renovation To Alex, Clients
BHDC Chiller Replacement Davison House
CHDC Cooling Tower
ArkHDC Asbestos removal-ceilings/Floors
BHDC Davison House Showers
BHDC Residence HVAC Renovation
CHDC Central Plant Chillers Replacement
SEAHDC Boiler Replacement
JHDC Storeroom/Kitchen expansion
JHDC Kitchen expansion (15 Ton Carrier PKG Unit)

Roof Total	\$1,500,000	
	\$ 100,000	\$ 100,000
	\$ 318,839	\$ 318,839
	\$ 296,057	\$ 296,057
	\$ 481,803	
	\$ 1,341,801	
	\$ 20,000	\$ 20,000
	\$ 1,597,937	\$ 1,597,937
	\$ 750,000	
	\$ 192,050	
	\$ 1,404,539	
	\$ 20,000	

Total

\$8,023,026

\$2,332,833

29%

HDC 1DE Completed Projects
2010 - 2012 (calendar)

Project Cost

BHDC

JHDC Telephone Lines	\$	387,937			
JHDC Door Replacement	\$	100,300			
CHDC Repairs to 20 Birch	\$	132,895			
JHDC Renovate Medical Clinic	\$	41,673			
CHDC Network Expansion	\$	398,350			
ARKHDC Sewer Plant Repairs	\$	186,539			
CHDC Asbestos Abatement & Testing					
ARKHDC Asbestos Abatement & Testing					
JHDC Asbestos Abatement & Testing	\$	230,605			
BHDC Asbestos Abatement & Testing					
SEAHDC Parking Lot	\$	307,934			
All HDCs Capitol Equipment	\$	798,026	\$	103,743	
JHDC Pavilion	\$	52,683			
SEAHDC Pavilion & Rec Area	\$	202,845			
ARKHDC Sidewalk Repair	\$	201,163			
BHDC Water Tank	\$	942,928	\$	942,928	
BHDC Davidson Showers	\$	14,000	\$	14,000	
BHDC Roof on Hampton Hall	\$	94,820	\$	94,820	
SEAHDC Kitchen Renovation	\$	433,676			
SEAHDC Generator Replacement	\$	87,107			
JHDC Parking Lots	\$	63,759			
CHDC Hot Water Renovations	\$	106,133			
BHDC Fan Coils and Piping	\$	244,677	\$	244,677	
BHDC Re roof Commons Building	\$	306,613	\$	306,613	
CHDC Re roof Admin	\$	137,107			
SEAHDC Re roof cottages	\$	250,000			
Total	\$	5,721,770	\$	1,736,760	30%

HDC Current Projects

HDC	MOF	Project	Amount
BHDC	2349	Nyburg/Admin	\$ 120,000
CHDC	2349	3 Cedar, 1825 Popular	\$ 151,522
CHDC	3364	Chiller	\$ 300,000
ARKHDC	3365	Chiller	\$ 275,000
CHDC	3366	Windows	\$ 205,000
SEAHDC	3429	Kitchen Equipment	\$ 40,000
BHDC	3430	Davidson Showers	\$ 75,000
JHDC	3431	Bldg 200 Bath Renovation	\$ 20,000
ARKHDC	3432	Rec Building	\$ 400,000
BHDC	3433	Rec Building	\$ 500,000
SEAHDC	3487	Repair Clingman House	\$ 20,000
SEAHDC	3488	Paint Interior Buildings	\$ 20,000
ARKHDC	3367	Lighting Retrofit	\$ 170,000

Total \$ 2,096,522

Total BHDC \$ 495,000 24%

Arkansas Human Development Centers

Quick Facts

- The Division of Developmental Disabilities Services (DDS) at the Arkansas Department of Human Services (DHS) operates five Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID). These facilities are known as Human Development Centers (HDCs) and are located in Arkadelphia, Booneville, Conway, Jonesboro, and Warren.
- The HDCs are overseen by a seven member board appointed by the Governor. The board is charged with performing its functions under the general guidelines and standards promulgated by the DHS Director. Through policy, the board has delegated its authority for administrative responsibility of the HDCs to the Director of DDS.
- The five HDC campuses include almost 300 buildings on over 6800 acres.
- The HDCs are part of a network of 40 ICFs/IID in Arkansas, 35 of which are owned and operated by non-governmental organizations.
- Arkansans with developmental disabilities who are unable to access appropriate and adequate services in a less restrictive setting are eligible for admission to an HDC. School aged children are eligible for admission only if their behavioral and/or medical conditions prevent them from receiving services in less restrictive settings.
- Medicaid is the primary payer of services at the HDCs, whose combined budgets exceed \$120 million dollars.
- The HDCs provide residential and habilitative services to over 900 people with developmental disabilities.
- 96% of HDC residents are adults.
- 74% of HDC residents have a co-occurring mental health condition.
- Over 2000 state employees work at the HDCs.
- Services provided at the HDCs include basic medical care, specialty physician services, therapy, mental health care, vocational training, life skills education and recreation.
- All HDCs are certified by the federal Centers for Medicare and Medicaid Services and fully accredited by the Commission on Accreditation of Rehabilitation Facilities.
- Over \$13 million dollars in capital improvement projects have been completed at the HDCs since 2009. Another \$2 million in projects are currently underway.