



COMMONWEALTH of VIRGINIA

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COMMISSIONER

DEPARTMENT OF
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September 8, 2015

Colleen Miller
Executive Director, dLCV
1512 Willow Lawn Drive, Suite 100
Richmond, VA 23230

Dear Ms. Miller:

Thank you for providing the Department of Behavioral Health and Developmental Services (DBHDS) with the opportunity to review your report related to Eastern State Hospital (ESH) and to provide comments prior to publication. DBHDS shares your commitment to trauma informed, person centered, and recovery based principles of care. The safety of the individuals we serve and the quality of care they receive is of paramount importance to us.

In March of 2015, Mr. Frank Gallagher was appointed as the Director of ESH and his leadership has consistently reflected his dedication and ability to expand trauma informed, person centered, strength based, and recovery based principles of care throughout the entire facility. As your report indicates, ESH has already made significant improvements in safety, the quality of care, and in the reduction of restrictive interventions in the Cornerstone Program. Operationally, it was prudent to launch this effort in a program which serves clinically and behaviorally stable individuals with criminal justice involvement who are preparing for community reentry. In collaboration with DBHDS, Mr. Gallagher has developed a comprehensive plan for expanding this success throughout the facility. In support of Mr. Gallagher's comprehensive plan, DBHDS is arranging for consultation from Dr. Kevin Huckshorn, a national expert in the implementation of seclusion and restraint reduction/elimination.

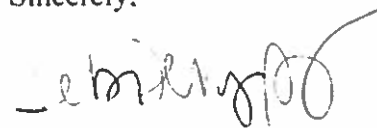
As you are aware from very recent discussions with our senior leadership, since the change in the civil commitment laws, ESH has experienced more than a 100% increase in the number of admissions (304 admissions in FY 2014 compared to 628 admissions in FY 2015) and a 350% increase in the number of admissions on a temporary detention order (76 in admissions in FY 2014 compared to 340 admissions in FY 2015). A thoughtful review of the rates of seclusion and restraint must take into consideration this dramatic increase in flow through and the number of acutely ill individuals with a level danger to themselves and to others that exceeds the capacity of a community hospital. This intense demand has challenged, but notably has not ceased. ESH's

ability to move forward with the systemic changes recommended in the report. As your advocates know from their involvement with ESH, Mr. Gallagher is in process of restructuring the admissions and NGRI units to provide the organizational structure, enhanced oversight, resources, and training needed to support your recommendations.

Additionally, every allegation of abuse, neglect, or exploitation, including peer to peer aggression or sexual assault is investigated by a trained investigator, reviewed by the Office of Human Rights, and reported to DBHDS. All allegations of sexual assault are also reported to law enforcement and to Adult Protective Services who conduct external investigations as they deem appropriate. If you have concerns about ESH's investigations, I am respectfully requesting that you inform Mr. Gallagher and Daniel Herr, DBHDS Assistant Commissioner of Behavioral Health Services, so that they have your feedback directly and can take any corrective actions that may be necessary.

DBHDS appreciates the dLCV's recognition that ESH has already incorporated your many of your recommendations into the Cornerstone Program. DBHDS fully supports Mr. Gallagher's plan for infusing the same philosophy and staffing patterns throughout the entire hospital. Thank you for this opportunity to comment on your draft report. I am grateful for DBHDS and dLCV's shared commitment to ensuring quality care for individuals throughout Virginia's behavioral health and developmental services system.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra Ferguson", with a large, sweeping flourish extending from the end of the signature.

Debra Ferguson, Ph.D.