

Statement from the Arkansas Department of Human Services regarding the Conway Human Development Center

We were very surprised by the tactics of yesterday's filing by the DOJ as we were scheduled to go to trial later this year to address all the issues raised by the Department of Justice (DOJ). We were following a schedule previously agreed to by the Department of Justice to complete all reports by April 25, 2010. Despite our honoring of that agreement the DOJ now unfairly seeks to deny us the agreed upon opportunity to complete our experts' reviews. Our experts, who have not been allowed a full opportunity to complete their work as agreed to by the DOJ, have already communicated to us that they are finding many misrepresentations and very flawed conclusions by the DOJ's consultants. It is disappointing that the DOJ would not honor its agreement as to the schedule and would seek an unfair advantage in this dispute.

The state has worked in good faith for the last seven years to resolve the DOJ's concerns including bringing the resources of the state's teaching hospital, UAMS, to ensure the highest quality of care for the state's most medically fragile children. In addition, The Conway Human Development Center is in substantial compliance with all state and federal standards of care regulated by the Commission on Accreditation of Rehabilitation Facilities (CARF) and the Office of Long Term care. CHDC is in compliance with the extensive federal requirements of ICF/MR regulations. While safety and care remain a top priority, we will continue to encourage that children be placed in the most integrated and least restrictive setting. Despite the preference of many parents and guardians for CHDC, there has been an increase of families around the State who access home and community based waiver services. As affirmed by the United States Court of Appeals for the Eighth Circuit in 2005, the Division of Developmental Disabilities has discharge rules that require an annual review by an interdisciplinary team of medical professionals who determine if an individual can be appropriately served in their community.

All levels of treatment must be accessible so that families can obtain the type of service they need when they need it. The Department will continue to employ a family centered approach that gives families a choice and a voice in the care of those they love.