

# Report finds thousands of Missourians with mental health disabilities held against their will

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Thousands of Missourians with mental health disabilities are unnecessarily trapped in nursing homes against their will because of

systemic failures by the state, according to a scalding report from the Department of Justice.

Most of the more than 3,000, Medicaid-eligible people require little to no physical assistance. Around half are under 65 years old. Yet many of them have been stuck at nursing homes for more than three years.

"Almost uniformly, adults with mental health disabilities in Missouri's nursing facilities do not want to live in these institutions," the report says. "They dream of lives integrated into the community, consistent with the Americans with Disabilities Act's (ADA) requirements. They want to enjoy simple pleasures of daily living, like going to a fair, spending time with friends and family, having a pet, working, and simply being 'independent.'"

The investigation started in 2022 after the Department of Justice received a complaint that Missouri was unnecessarily keeping people with mental health disabilities in nursing homes—often clustered in just 39 homes. The investigators found that the state violated the ADA, because it was segregating people from their communities.

There are three agencies responsible for the care of people with mental health disabilities living in nursing homes—the Department of Social Services, the Department of Health and Senior Services and the Department of Mental Health.

Spokespeople for the agencies said they are currently reviewing the report.

The 45-page report said the agencies failed to take advantage of federal programs that offer resources to help people with mental health disabilities stay in their communities—including programs that help with employment, housing and peer services.

"Missouri has made deliberate policy choices that result in unnecessary institutionalization of people with mental health disabilities in nursing facilities," the report said.

Instead, people frequently churn in and out of [psychiatric hospitals](#) until the state appoints a guardian—where someone is appointed by a court to make housing and treatment decisions for someone who is deemed unable to manage to get food, shelter, or to protect their own safety—who then places them in a nursing home. Missouri has a higher percentage of people with bipolar or schizophrenia in a nursing home than most other states.

## **Overuse of guardianship**

Often, the state relies on guardianships as the simplest step when someone repeatedly refuses treatment for their mental health disability. The guardianships are extremely difficult to overturn, which has resulted in thousands of Missourians losing control of their own decisions.

"When a person with mental health disabilities is under a guardianship, their experience in a nursing facility is even more isolating," the report said. "Nursing facilities afford guardians the option to limit a wide variety of activities, including activities (like their communications) that Missouri law does not allow guardians to restrict. "

Public administrators, who are often responsible for assuming guardianship for people who don't have an adult that can step in, are often overburdened. Missouri public administrators are responsible for an average of 91 people, much higher than the industry standard of one guardian per every 20 people.

"High caseloads and low staffing mean little time to support each of the people under guardianship," the report said. "We spoke with nursing

facility residents who told us they went years without seeing their guardians and that guardians do not return [phone calls](#), or are otherwise unavailable to speak with them."

The Department of Justice found that Missouri's system was deliberate. Rather than provide community resources that can help people with mental disabilities integrate with their communities, the state has set up a system that helps push people toward nursing homes.

Now that the [report](#) has been released, the Department and Justice and state can work together in an attempt to bring the state's policies in compliance with the ADA. If the state fails to act, the Department of Justice can bring a lawsuit in federal court.

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