

**MEMORIALIZATION OF CORRECTIVE ACTIONS  
THROUGH EXPEDITED COMPLAINT RESOLUTION PROCESS BETWEEN THE  
UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES OFFICE  
FOR CIVIL RIGHTS AND THE ALABAMA DEPARTMENT OF MENTAL HEALTH**

**COMPLAINT #23-544790**

**I. INTRODUCTION AND BACKGROUND**

- A. The purpose of this Memorialization of Corrective Actions is to set forth the corrective actions that the Alabama Department of Mental Health (ADMH) has put in place to resolve a complaint filed with the United States Department of Human Services (HHS), Office for Civil Rights (OCR) through OCR's Expedited Complaint Resolution (ECR) process and to establish a monitoring period to ensure that the corrective actions continue and address any issues that may arise.
- B. OCR received complaint # 23-544790 (the complaint) on September 7, 2023, filed on behalf of **REDACTED** by his grandmother and legal guardian, **REDACTED**, alleging that ADMH was discriminating against **REDACTED** on the basis of disability. Specifically, the complaint alleged that ADMH was unnecessarily confining **REDACTED** at **REDACTED** Hospital, in **REDACTED**, Alabama beginning **REDACTED** 2022 instead of providing him with adequate services in the community.<sup>1</sup>
- C. Pursuant to Section 504 of the Rehabilitation Act of 1973, 29 United States Code (U.S.C.) § 794, and its implementing regulations at 45 Code of Federal Regulations (C.F.R.) Part 84 (Section 504); Section 1557 of the Affordable Care Act, 42 U.S.C. § 18116 and its implementing regulations at 45 C.F.R. Part 92 (Section 1557); and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132 and its implementing regulations at 28 C.F.R. Part 35 (Title II of the ADA), covered entities are obligated to provide services in the most integrated setting appropriate to an individual with disabilities.
- D. As a recipient of federal financial assistance from HHS, ADMH is a covered entity and is obligated to comply with Section 504 and Section 1557 and, as a state government entity, ADMH is required to comply with Title II of the ADA.
- E. OCR initiated an investigation into the above-mentioned complaint under Section 504, Section 1557, and Title II of the ADA on December 21, 2023. On January 2, 2024, ADMH expressed an interest in pursuing OCR's ECR process and OCR subsequently suspended its investigation and initiated the ECR process.
- F. On March 26, 2024, an initial ECR meeting was held with ADMH, **REDACTED**, [the Complainant], and OCR. During the meeting, ADMH informed OCR that it was in the midst of an active search for a qualified residential group home provider that would meet the needs of **REDACTED** diagnosis. ADMH also stated that it had contracted with Project Transition, Inc. (Project Transition) to identify services and supports that were appropriate to **REDACTED** individualized needs.

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<sup>1</sup> **REDACTED**.

- G. On June 18, 2024, OCR held a second ECR meeting with ADMH [and the Complainant]. **REDACTED** During the meeting, ADMH reported on its efforts to identify an appropriate provider, and that it had identified and secured placement for **REDACTED** at the **REDACTED**, a residential group home for individuals **REDACTED**.<sup>2</sup>
- H. On **REDACTED** 2024, shortly after moving into the **REDACTED** was hospitalized at **REDACTED** as a result of an incident that had occurred at the **REDACTED**.
- I. On **REDACTED**, 2024, ADMH transferred **REDACTED** Hospital.
- J. On September 18, 2024, ADMH notified OCR that **REDACTED** remained at **REDACTED** Hospital, but had recently been accepted and placed on a waiting list for placement at **REDACTED**, a non-profit agency with a full-time adult residential care program that provides services to individuals with disabilities who have **REDACTED**.
- K. On October 9, 2024, as a result of the ECR process, ADMH informed OCR that **REDACTED** Hospital would be making accommodations to allow **REDACTED** [the Complainant] to have extended visits with **REDACTED**.
- L. ADMH continued to apprise [the Complainant] **REDACTED** of **REDACTED** status throughout the ECR process and facilitated regular virtual meetings between her and members of his treatment team. **REDACTED** Hospital also facilitated phone calls between **REDACTED** and **REDACTED** [the Complainant].
- M. On November 15, 2024, ADMH facilitated a virtual meeting between **REDACTED** and two of **REDACTED** staff members who later travelled to **REDACTED** Hospital to meet **REDACTED** in-person the following week.
- N. On December 4, 2024, ADMH arranged for **REDACTED** to visit **REDACTED** in person. On the same date, **REDACTED** [the Complainant] informed OCR that **REDACTED** wanted to move to **REDACTED**.
- O. On December 19, 2024, ADMH informed **REDACTED** [the Complainant] of its plan to transfer **REDACTED** from **REDACTED** Hospital to **REDACTED** on **REDACTED** 2025. During this time, ADMH continued to work with Project Transition to ensure that **REDACTED** was provided additional opportunities for in-person visits to **REDACTED** prior to his transfer.
- P. On **REDACTED** 2025, ADMH transferred **REDACTED** to **REDACTED**. **REDACTED** [the Complainant] informed OCR on **REDACTED** 2025, that the transition was successful, and that **REDACTED** continues to provide her with weekly reports on his progress with adjusting to the placement.
- Q. On January 29, 2025, ADMH informed OCR that **REDACTED** remains a resident at **REDACTED** and that his transition was a success.
- R. ADMH has worked cooperatively with OCR, **REDACTED** [the Complainant], and **REDACTED** throughout this matter.

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<sup>2</sup> **REDACTED**.

- S. The Parties voluntarily agree to resolve the complaint by memorializing the corrective actions ADMH has taken together with a monitoring period of six months during which OCR will monitor the provision of services **REDACTED** receives through the state of Alabama's Medicaid program to ensure that he continues to receive adequate services necessary for him to remain in the most integrated setting in his community.
- T. This Memorialization of Corrective Actions is not an admission of liability by ADMH regarding the allegations in the complaint.

## II. CORRECTIVE STEPS ADMH HAS TAKEN TO DATE

During the ECR process, ADMH took the following affirmative steps to address the allegations raised in the complaint:

1. **Contracted with a Behavioral Health Services and Support Provider:** ADMH contracted with Project Transition to conduct an individualized assessment of **REDACTED** needs due to his disability, form a plan for his transition, and train the staff of an identified provider. ADMH afforded **REDACTED** opportunities to interview with various providers.
2. **Reassessed Eligibility for Home and Community Based Waiver Services:** ADMH conducted a comprehensive reassessment of **REDACTED** eligibility for the Alabama Living at Home Waiver for Persons with Intellectual Disabilities (ID/LAH) Waiver.
3. **Ensured the Involvement and Facilitation of Contact with Legal Guardian:** ADMH involved **REDACTED** [the Complainant] throughout the course of its effort to secure **REDACTED** placement in a more integrated setting. ADMH also facilitated regular phone calls between **REDACTED** and [the Complainant] **REDACTED**.
4. **Oversaw a Successful Transition to Glenwood:** During the ECR process, ADMH worked to ensure that **REDACTED** was accepted to **REDACTED**, moved up on **REDACTED** wait list, and transitioned to **REDACTED** slowly to ensure a successful smooth transition.
5. **Assigned a Point of Contact:** Dual Diagnosis Coordinator Robyn McQueen was assigned to be ADMH's dedicated point of contact to communicate with [the Complainant] **REDACTED**, ensuring clear and ongoing communication regarding **REDACTED** care. **REDACTED** was also assigned to serve as **REDACTED** [the Complainant's] contact for Project Transition.

## III. SPECIFIC ADMH COMMITMENTS

- A. ADMH will designate Ashley Nichols, Alabama Assistant Attorney General, as the point of contact to receive and resolve any issues **REDACTED** [the Complainant] or **REDACTED** encounter with the provision of services **REDACTED** receives at **REDACTED**. In the event **REDACTED** [the Complainant] or **REDACTED** is not satisfied with the resolution, she or he can elevate concerns to Kathy Sawyer, Associate Commissioner, Alabama Department of Mental Health.

- B. ADMH will report to [the Complainant] **REDACTED**, **REDACTED**, and OCR their actions taken to address any issues raised within ten business days.

#### **IV. MONITORING AND REPORTING**

- A. By the last workday of each month of the monitoring period, ADMH will provide a status report to OCR confirming that it is administering services and supports appropriate to the individualized needs of **REDACTED** in the most-integrated setting including routine medical, psychiatric, and dental care services, ensuring his ability to reside in the home and community-based setting, and avoiding unnecessary institutionalization.
- B. During the monitoring period, [the Complainant] **REDACTED** may report to OCR any concerns related to the provision of **REDACTED** services. A finding of non-compliance may extend the monitoring period.

#### **V. GENERAL TERMS**

1. This Memorialization of Corrective Actions resolves OCR Complaint # 23-544790 and is limited to the facts and issues presented in the complaint as well as the ECR process. It does not replace ADMH's continuing obligation to comply with Section 504, Section 1557, Title II of the ADA, and all other applicable federal laws and regulations or preclude OCR from taking appropriate action to evaluate ADMH's compliance with laws enforced by OCR.
2. If at any time OCR believes that ADMH or any of its components has failed to comply in a timely manner with any obligation under this Memorialization of Corrective Actions, OCR may issue a notice of alleged non-compliance to ADMH and will provide a reasonable opportunity of no less than seven calendar days for a response.
3. This Memorialization of Corrective Actions is a public document that will be available on OCR's public website and upon request by any individual, with appropriate redactions of personally identifiable information.

**VI. EFFECTIVE DATE AND MONITORING PERIOD**

The effective date of this Memorialization of Corrective Actions is March 17, 2025. This Memorialization of Corrective Actions will continue for a monitoring period of six months until September 17, 2025.

For the Alabama Department of  
Mental Health

For the United States Department of Health and Human Services,  
Office for Civil Rights

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