

EXAMPLES OF CASE PROBLEMS

Case areas involving "**abuse**" include, but not limited to:

- Financial, physical, or emotional exploitation;
- Inappropriate or excessive physical restraint or seclusion;
- Involuntary medication;
- Inappropriate or excessive medication;
- Physical assault;
- Sexual assault;
- Verbal abuse.

Case areas involving "**neglect**" include, but not limited to:

Failure to provide for appropriate:

- Admission to a facility;
- Mental health or other diagnostic evaluation;
- Personal care or safety;
- Written treatment plan;
- Discharge plan;
- Release from a facility.

Case areas involving "**rights protection**" include, but are not limited to:

- Discrimination in housing;
- Discrimination in employment;
- Denial or financial reimbursement entitlements (eg. SSI, SSDI);
- Denial of access to information about rights protection or legal assistance;
- Denial of access to records.

PRIORITIES

The PAIMI Program solicits public comment each year and reviews requests for assistance as the basis for staff, Advisory Council members, and the Protection and Advocacy Governing Board members to establish priorities. The following areas are priorities for the PAIMI Program:

1. Client Services:

- **Social Security appeals**
- **Seclusion/Restraint**
- **Community Integration Issues**
- **Special Education**
- **Abuse/Neglect/Rights violations**

2. Systems Advocacy

3. Outreach, Education & Training

PAIMI Program staff is also involved in legislative reform, litigation, providing technical assistance, working on projects with other advocacy groups, and in providing information and referral assistance.

Funded in part by the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Mental Health Services.

5,000 copies of this brochure were printed by SDAS at a cost of \$0.0736 each utilizing federal funds.

Visit our Website at:
www.sdadvocacy.com



PAIMI

PROTECTION & ADVOCACY FOR INDIVIDUALS WITH MENTAL ILLNESS PROGRAM

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To assist South Dakotans with disabilities in promoting and advocating their rights. To encourage full inclusion and independence of individuals with disabilities in all aspects of society. SDAS will accomplish this by effective use of education, information and referral, individual representation, and the promotion of change in the service delivery system. SDAS shall protect the rights of South Dakotans with disabilities utilizing administrative, legal, and other appropriate remedies.

INTRODUCTION

On May 23, 1986, Public Law 99-319 was signed into law (reauthorized and amended, 1988, 1991), the Protection and Advocacy for Mentally Ill Individuals Act of 1986. This law was enacted to fund advocacy services to protect and advocate the rights of individuals with mental illness and to investigate incidents of abuse, neglect, and rights violations. The PAIMI Program has authority under this law to:

1. Investigate incidents or suspected situations of abuse and neglect in facilities that provide care or treatment.
2. Access facilities, clients, and their records.

3. Pursue administrative, legal, and other appropriate remedies to ensure protection of individuals with mental illness.

Under this law, "**abuse**" is defined as an act or omission of an employee of a facility providing care or treatment, which was performed or which was failed to be performed knowingly, recklessly, or intentionally, and which caused, or may have caused, injury or death to the individual. This includes the sexual assault of an individual with a mental illness, the striking of an individual, the use of excessive force when placing an individual in restraints, and the use of physical or chemical restraints when not in compliance with State or Federal laws.

"**Neglect**" is defined as an act or omission by an individual who is responsible for providing care or treatment to the individual which caused or may have caused injury or death to the individual or which placed the individual at risk of injury or death, including the failure to establish or carry out an appropriate treatment plan, or provide a safe environment, or provide adequate nutrition, clothing, or health care.

"**Facility**" is defined to include, but need not be limited to hospitals, nursing homes, community facilities for individuals with mental illness, board and care homes, homeless shelters, jails and prisons.

WHAT ARE THE ELIGIBILITY REQUIREMENTS FOR SERVICES?

The PAIMI Program pursues a variety of rights protection and advocacy strategies to assist individuals with mental illness who meet the following case acceptance criteria:

1. You must currently have a significant mental illness or emotional impairment as determined by a qualified mental health professional in the state;

AND

2. You are in the process of being transported or admitted to a facility providing care or treatment; **OR**

You currently are receiving services in a facility providing care or treatment; **OR**

You are involuntarily confined in a municipal detention facility for reasons other than serving a sentence for a criminal offense; **OR**

You live in a community setting including your own home.

If you are not eligible for case directed services, PAIMI Program staff will provide information and referral assistance to you.