

**MEMORIALIZATION OF CORRECTIVE ACTIONS THROUGH  
EXPEDITED COMPLAINT RESOLUTION PROCESS  
FOR AN INDIVIDUAL COMPLAINT  
BETWEEN THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN  
SERVICES OFFICE FOR CIVIL RIGHTS AND IDAHO DEPARTMENT OF HEALTH  
AND WELFARE**

**COMPLAINT # 23-539581**

**I. INTRODUCTION AND BACKGROUND**

- A. The purpose of this Memorialization of Corrective Actions is to set forth the corrective actions that the Idaho Department of Health and Welfare (“IDHW”) have put in place to resolve a complaint filed with the United States Department of Health and Human Services (“HHS”), Office for Civil Rights (“OCR”), through OCR’s Expedited Complaint Resolution process (“ECR”). This Memorialization also sets forth the additional actions that IDHW will take and establishes a monitoring period to ensure that the corrective actions continue and address any issues that may arise.
- B. OCR received complaint # 23-539581 (the “Complaint”), from Disability Rights Idaho, on behalf of **REDACTED**, alleging IDHW discriminated against him on the basis of disability, by failing to provide **REDACTED**, a minor who is dually diagnosed with **REDACTED**, with appropriate services and supports that would enable him to live in the most integrated setting, thereby causing him to be institutionalized.
- 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. §§ 12131 through 12134, and its implementing regulations at 45 C.F.R. Part 92 (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, IDHW is a covered entity, and is obliged to comply with Section 504 and Section 1557, and as a state entity, IDHW is required to comply with Title II of the ADA.
- E. On December 19, 2023, OCR initiated an investigation into the above-mentioned allegations under Section 504, Section 1557, and Title II of the ADA. On May 24, 2024, OCR paused the investigation and initiated the ECR process.
- F. Initial ECR meetings were held on May 30, 2024, and June 18, 2024, and the parties subsequently met monthly starting on October 3, 2024. Participants in the ECR meetings included IDHW, Disability Rights Idaho, **REDACTED**’s father, **REDACTED**, and OCR.

- G. During the ECR process, IDHW took the following affirmative steps to provide **REDACTED** the opportunity to reside in the most integrated setting in his community:
1. **Provided additional stabilization treatment:** In order to stabilize **REDACTED**, IDHW provided intense stabilization treatment at Southwest Idaho Treatment Center (SWITC).
  2. **Conducted necessary assessments:** IDHW ensured that SWITC conducted the necessary assessments and evaluations to develop a treatment plan, identified the skills to support **REDACTED** to successfully live in the community, and set appropriate discharge goals.
- H. The totality of IDHW's actions will support **REDACTED**'s return to his community and ensure he receives the necessary services to remain living in his community.
- I. IDHW worked cooperatively with OCR, **REDACTED**, and his family throughout this matter and are continuing to ensure his needs are met.
- J. The Parties voluntarily agree to resolve the Complaint by memorializing the corrective actions IDHW has taken, the additional actions IDHW has committed to take, and a monitoring period of nine months from his community placement, during which OCR will monitor the provision of services **REDACTED** receives to ensure that he receives adequate services to enable him to remain in the most integrated setting in his community.
- K. This Memorialization of Corrective Actions is not an admission of liability by IDHW regarding the allegations in the Complaint.

## II. ADDITIONAL IDHW COMMITMENTS

- A. By September 1, 2025, IDHW will develop the criteria necessary to identify a community-based provider for **REDACTED**, providing a copy to OCR for review and input. When developing the criteria, IDHW will consider the use of an enhanced rate commensurate with **REDACTED**'s staffing needs and address whether the use of a single case agreement under Medicaid is necessary.
- B. By September 15, 2025, IDHW will initiate the process to identify a community-based provider for **REDACTED**. This process may include the use of a Request for Proposal, Request for Information, or other similar method in order to solicit interested providers. Beginning September 30, 2025, IDHW will provide monthly reports to OCR regarding its efforts to locate an appropriate provider.
- C. Priority will be given to finding a community-based provider that is close enough to SWITC that SWITC staff can continue to provide support during **REDACTED**'s transition to the provider's facility. Contingent upon such a provider being located, IDHW will integrate the identified community-based provider into the day-to-day treatment needs of **REDACTED** while he prepares to discharge. SWITC staff will also continue to support **REDACTED** in the community until the training and transition to the identified provider is successful. The placement will adhere to **REDACTED**'s rights to an education under the Individuals with Disabilities Education Act.

- D. IDHW will take all necessary steps to identify an appropriate community provider to provide all needed services and supports to **REDACTED** on or before January 1, 2026, unless due to exigent circumstances, IDHW seeks an extension of the date which is approved by OCR. At least 30 days prior to **REDACTED**'s discharge, IDHW will develop a comprehensive individualized person-centered plan to meet the needs of **REDACTED** in his new residence and train staff who will be supporting him in his new residence.
- E. While **REDACTED** is at SWITC, IDHW will continue to provide him with positive behavioral health services that will support him in his new residence.
- F. IDHW will not make any changes to **REDACTED**'s care plan without first assessing his needs, ensuring the change is needed to effectuate his right to remain in the most integrated setting in his community (consistent with **REDACTED**'s needs), consulting with him and his family, and advising OCR for any input.
- G. IDHW will ensure that SWITC staff continue to support the identified community-based provider and **REDACTED** for six months post-discharge to prevent disruption of services.

### III. MECHANISM FOR REPORTING CONCERNS

- A. IDHW will designate Cameron Gilliland, IDHW Deputy Administrator as the point of contact to receive and resolve any issues **REDACTED** encounters with the provision of services he receives through IDHW. In the event **REDACTED** is not satisfied with the resolution, he can elevate his concerns to Alison Tate, IDHW Administrator.
- B. IDHW will report to **REDACTED** and OCR the actions taken to address any issues **REDACTED** and/or his family raises.

### IV. MONITORING AND REPORTING

- A. On the last day of each month of the monitoring period, IDHW will provide updates on the efforts taken to secure a community-based provider and written confirmation to OCR that **REDACTED** is receiving adequate support services. Adequate support includes the services he needs to reside in the community once he is discharged from SWITC.
- B. During the monitoring period, **REDACTED** and his family may report to OCR any concerns related to the provision of his support services. A finding of non-compliance may extend the nine-month monitoring period while **REDACTED** is living in the community.
- C. IDHW will designate Cameron Gilliland, IDHW Deputy Administrator as the point of contact to submit and resolve any issues with the monthly monitoring reports.

## V. GENERAL TERMS

- A. This Memorialization of Corrective Actions resolves OCR Complaint # 23-539581 and is limited to the facts and issues presented in the Complaint. It does not replace IDHW's continuing obligation to comply with Section 504, Section 1557, Title II of the ADA, and all other federal laws and applicable regulations; or preclude OCR from taking appropriate action to evaluate IDHW's compliance with laws enforced by OCR.
- B. If at any time OCR believes that IDHW, 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 IDHW a notice of alleged non-compliance, and will provide a reasonable opportunity of no less than seven calendar days to respond, unless there is an emergency, in which case the parties will promptly meet to resolve it.
- C. 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 August 27, 2025. This Memorialization of Corrective Actions will continue for a monitoring period of nine months after **REDACTED** moves to his new home in the community.

For the Idaho Department of Health  
and Welfare

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/s  
Cameron Gilliland  
Deputy Administrator

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/s  
Alison Tate  
Division Administrator

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

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