

Certified Professional Guardian Board
State of Washington

Statement of Tina Baldwin

Director, Mental Health Project
Spectrum Institute

January 11, 2021

Good morning, Honorable Judge Anderson and esteemed Board Members. My name is Tina Baldwin and I appreciate the opportunity to speak to you.

I am a lay co-guardian of the estate, the chairperson of the board of trustees of Spectrum Institute, the project director of Spectrum's Mental Health Project, and the mother of a daughter who has Down syndrome.

My remarks pertain to materials that were sent to the court's WINGS listserv in preparation for the January 11 meeting.

In mid-December, the CDC added people with Down syndrome to list of those most at risk of severe COVID.

I also sent a pdf of an article by Meredith Widman titled "COVID-19 is 10 times deadlier for people with Down syndrome, raising calls for early vaccination."

She reports on a study that in which " findings from a large international survey found that people with DS hospitalized with COVID-19 who are 40 and older bear most of the increased risk, with a mortality of 51% versus 7% for those under 40. "At about the age of 40, things are getting really bad ... [with] a mortality rate comparable with those older than 80 in the general population."

Many guardians are responsible for the care of people with Down syndrome and they should be monitoring closely that residential staff are providing the same level of precaution as they do for seniors. I know this isn't happening and I want to ask the CPG Board to notify all guardians about this risk of COVID for people with Down syndrome and the need to follow CDC guidelines for high-risk populations including the limitation "of interactions with other people as much as possible." This proactive step could save the life of many people with Down syndrome.

Lastly, I sent a pdf of a transcript of a talk given last November by Juan Fortea, Ph.D. in a zoom presentation for *LuMind IDSC*. In this presentation, Dr. Fortea said "Down syndrome is now considered a genetically determined form of Alzheimer's disease." He also said that blood tests are available for diagnosis and cost about \$50.

I am aware that many CPG are not aware of this, but it absolutely reinforces a guardian's duty to provide mental health services as mandated under the Americans with Disabilities Act (ADA) and Washington State law (RCW 49.60.030).

The State of Mississippi was sued by the US Dept. of Justice and lost. So, they are being forced by a court order to comply with the ADA in the delivery of mental health service. I sent a pdf of this federal court order FYI for today's meeting. The delivery of mental health service in compliance with federal ADA law should be of major concern to the CPG Board.

I would like to suggest today that both the Administrative Office of the Courts and the CPG Board begin to educate both lay and certified professional guardians that failure to provide mental health service is disability discrimination and that there is a potential of criminal liability if:

- they ignore a vulnerable person under their guardianship obvious need for psychological therapy;
- if they choose to focus on behavior modification rather than mental health evaluation and treatment that addresses the underlying causes of those symptoms or;
- if they approve requests for more restrictive services from residential and employment providers based claims of challenging behaviors without recommendations from professional mental health experts with professional expertise working with people with developmental and intellectual disabilities.

RCW 74.34 makes abuse of a dependent adult a crime. People under guardianship are dependent adults. It therefore would be a criminal offense for either a lay or professional guardian to willfully permit the health of a person under their care to be injured. Failing to secure treatment from a qualified mental health professional to address the underlying causes of troubling behaviors is clearly permitting the health of a vulnerable adult under their protection to be injured.

I appreciate the opportunity to speak to you this morning. Thank you.



Tina Baldwin is the director of the Mental Health Project of Spectrum Institute.

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