

June 4, 2009

Jim DeBeaugrine, Director
Florida Agency for Persons with Disabilities
4030 Esplanade Way
Suite 380
Tallahassee, FL 32399

Re: Death of Dennis Maltez--Investigation of Psychotropic Drug Use in Group Homes

Dear Director DeBeaugrine,

As attorneys for the estate of Denis Maltez, and long-time advocates for the rights of society's most vulnerable citizens, we are very concerned about the role psychotropic drugs played in his death from serotonin syndrome. I know that you are quite familiar with this case as your agency took emergency action and suspended the license of Rainbow Ranches, in part because of the inappropriate use of such drugs.

The wide-spread use of psychotropic drugs on children in and other individuals in foster and group homes relates to the very same issue Department of Children and Families Secretary George Sheldon has raised in the death of Gabriel Myers.

The similarities have become increasingly common:

- individuals in foster or group homes are often prescribed potentially dangerous drugs **without the informed consent of parents or guardians** in an off-label, "cocktail" fashion, in an effort to achieve "chemical restraints" to control behaviors of disabled persons;
- these medications frequently are prescribed without physicians or providers taking a complete history;
- these medications frequently are prescribed without first attempting non-biological interventions to address behavioral problems;
- they are prescribed without first having exhaustive behavioral investigation to ascertain how the different medications will react to one another – or how the individual will respond to the regimen; and
- they are prescribed and administered without appropriate follow up monitoring and blood testing as was the case with Denis Maltez.



The results of the work group DCF Secretary George Sheldon ordered in May following Gabriel's suicide were stark and unacceptable. Among other points, the work group found that 2,669 of Florida's 20,235 foster children under the age of 17 were given one or more psychotropic drugs – with one in six, or about 16 percent, lacking required permissions.

These findings mark only the beginning; I believe we've just begun to scratch the surface on the use of these drugs. Group home operators often are administering these medications without the proper power of consent from families or guardians. Physicians aren't obtaining appropriate histories and conducting appropriate physical or behavioral examinations. In Denis' case, his regular psychiatric visits were discontinued and he was placed under the care of a physician who saw him once in 12 months, all the while changing and increasing the levels of his medication.

I am asking you to take the same actions as Secretary Sheldon for the very same reasons. I'm requesting that you survey all licensed group homes working with your Agency to determine how many are administering psychotropic medications without appropriate consent of parents and guardians, and how many are using these medications to restrain populations in group homes. I'm also asking that you take necessary action to ensure the use of these medications is appropriate under each patient's individual circumstances and only as a last resort, to avoid another death like that of Denis Maltez.

Your agency is to be applauded for the work it does on behalf of Florida's most vulnerable citizens. Yet, it's incumbent upon you and your staff to ensure the facilities and group homes contracted to provide care to these citizens keep at the core of their calling, their residents' best interest, health and care.

Thank you for your time and attention. Feel free to contact me with any questions.

Very truly yours,

COLODNY, FASS, TALENFELD,
KARLINSKY & ABATE, P.A.

Howard M. Talenfeld

Maria Elena Abate

HMT/MEA/sms
cc: John Newton