



# Window on State Government

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**For Immediate Release:**  
Friday, June 23, 2006

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## **Comptroller Strayhorn Statement On Foster Care Abuse Friday, June 23, 2006**

**(Austin)**-- "In April 2004 I said I would give our forgotten children in foster care something they need – a voice.

"I have been and I will continue to be their voice. This Governor's Health and Human Services Commission continues to stonewall my investigation and this governor continues to hide the truth.

"In October 2004, I urged Gov. Perry to immediately create a Family and Protective Services Crisis Management Team by executive order to finally take serious steps to save children's lives. Now it is June 2006.

"Gov. Perry's failure to act is unconscionable.

"In November 2004, I launched an investigation into possible Medicaid prescription drug fraud and abuse in our state's foster care system.

"I am here today to release disturbing information found during my investigation about the deaths, poisonings, rapes and pregnancies of children in our state's foster care system.

"I found, from information provided by the Texas Department of Family and Protective Services, in Fiscal 2003, 30 foster children died in our state's care; in Fiscal 2004, 38 foster children died; and in Fiscal 2005, 48 foster children died.

"Data shows that while the number of foster children in our state's care increased 24 percent from 26,133 in Fiscal 2003 to 32,474 in Fiscal 2005, the number of deaths increased 60 percent.

"If you compare the number of deaths of children in our state's population to the number of deaths in our state's foster care system, a child is four times more likely to die in our state's foster care system.

"Based on Fiscal 2004 data provided by the Health and Human Services Commission, about 100 children received treatment for poisoning from medications; 63 foster children received medical

treatment for rape that occurred while in the foster care system; and 142 children gave birth while in the state foster care system.

"As alarming as these cases are, we can only imagine how much worse the Fiscal 2005 data is because Gov. Perry's Health and Human Services Commission has refused to provide the data needed to complete my investigation.

"When I called on Gov. Perry in October 2004 to create a Crisis Management Team, I said the crisis was minute-by-minute and child-by-child.

"In Fiscal 2004, four-year old twin boys living in the same foster home received medical treatment in the hospital for rape.

"A five-year old boy in the same foster home received medical treatment in the hospital for rape two days later.

"A 15-year old girl who was not pregnant when she entered our state's foster care system in May 2002 gave birth in February 2004.

"The state is supposed to be protecting our forgotten children, but in all too many cases these children are taken from one abusive situation and placed in another abusive situation. Many children are in more abusive situations now than they were before the state intervened. Children are being neglected and abused and are dying.

"As reported by the media, a 12-year-old boy died in December 2005, while in our state's care at a facility that treats children with learning disabilities and emotional problems. The boy suffocated while being restrained from behind by an employee of the facility.

"Another boy in our state's care at the same facility died May 30, after drowning in a creek during a May 6 bicycle outing.

"A three-year old was treated for poisoning from an atypical, mind-altering antipsychotic drug. These drugs are not approved by the Food and Drug Administration for children under the age of 18 years old.

"Gov. Perry's failure to create a Crisis Management Team is unconscionable. The crisis is minute-by-minute and child-by-child. I renew my call. He must act now to save children's lives.

"I discovered the alarming number of deaths, poisonings, rapes and pregnancies while conducting my investigation into potential prescription drug fraud and abuse in the state's foster care system.

"I launched my investigation in November 2004, after my report, *Forgotten Children*, uncovered the fact that large numbers of psychotropic drugs are being prescribed to children in the foster care system, even though, according to the FDA, many of these drugs are not approved for children and have serious side effects such as suicidal tendencies, diabetes, and cardiac arrhythmia.

"Since that time, repeated and continuing roadblocks and stonewalling have been encountered by me and my staff in attempting to secure basic and necessary data from the Health and Human Services Commission to complete my investigation.

"It has been 19 months and 25 letters, emails, meetings and phone calls since I first requested foster care and corresponding Medicaid data from HHSC.

"The Commission finally provided Fiscal 2004 data. But, 10 months into Fiscal 2006, we have yet to receive the Fiscal 2005 data, which we know has been available for months and months.

"In March 2006, I requested all of the same data for Fiscal 2005.

"The Governor's commission has repeatedly thrown up roadblocks and stonewalled my investigation.

"We have had a signed Memorandum of Understanding, drafted by HHSC, at its offices since May 2005, agreeing in the Commission's own language to the confidentiality of this information.

"Claiming confidentiality, HHSC to this day refuses to cooperate and provide the Fiscal 2005 data needed to complete my investigation, despite that the statute requires that they cooperate and the Court of Appeals ruled on June 16 that HHSC's view about the confidentiality of its records is clearly wrong.

"What I have found from the information that was made available should be and is of grave concern, but the picture painted by Gov. Perry's Health and Human Services Commission's secret 2005 data must paint an even grimmer picture on all fronts.

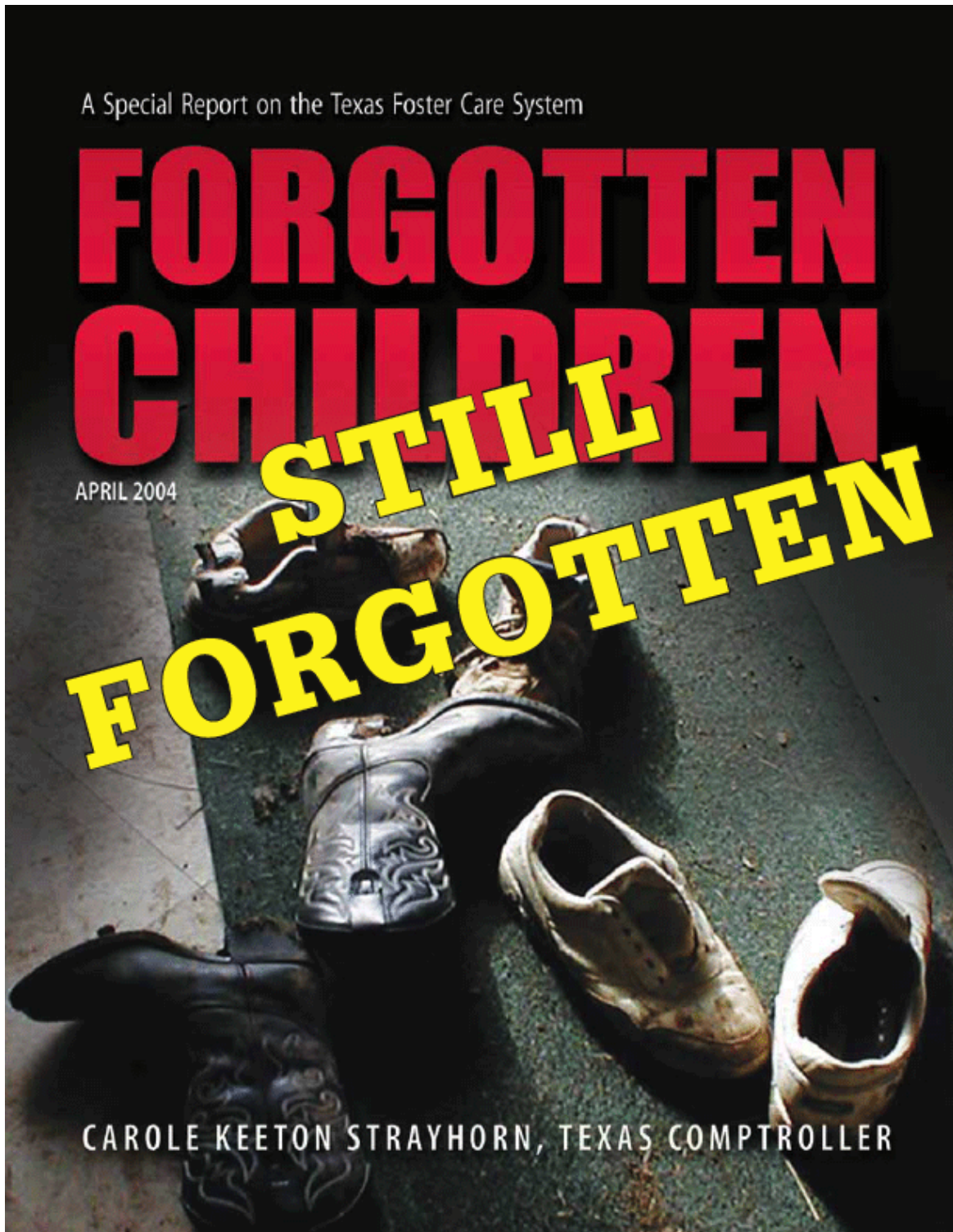
"The people of Texas can handle the truth. What they will not tolerate is Gov. Perry's callous indifference in hiding the truth and placing our forgotten children at high risk.

"On Thursday, June 29, my findings will be reported to the Medicaid and Public Assistance Fraud Oversight Task Force so there will be a public record of this neglect and abuse.

"With every breath of air in Carole Keeton Strayhorn's lungs, I will continue to be the voice for these forgotten, neglected, abused, and dead children.

"There should have been a Crisis Management Team put into action in October 2004. It must be put in action now to prevent any more neglect, abuse and deaths of our more than 32,000 children in our state's foster care system.

"Gov. Perry is hiding the truth. And in hiding the truth he is jeopardizing our forgotten children's lives. That makes me one heartbroken Grandma."



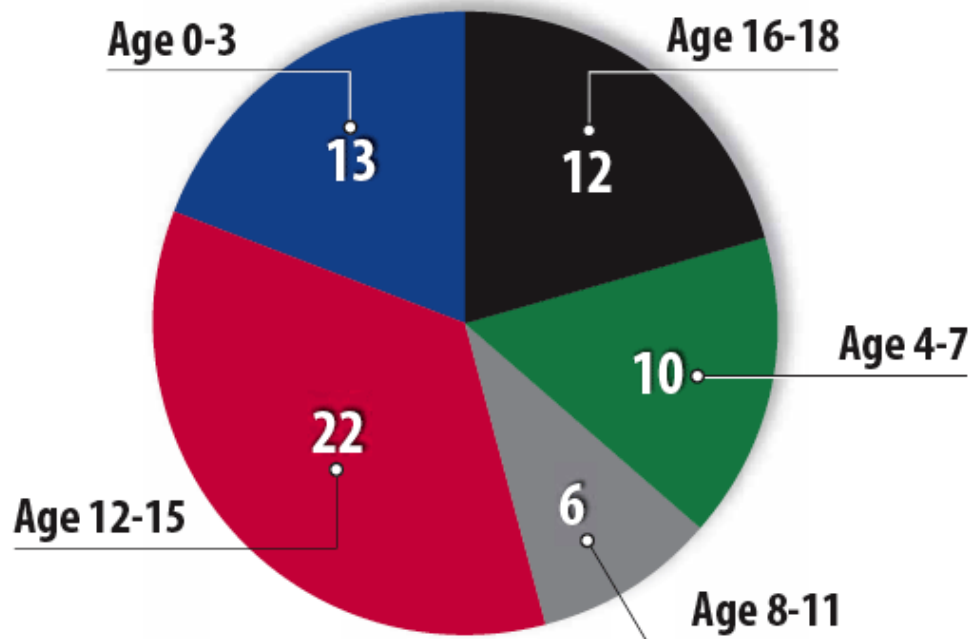
## CAROLE KEETON STRAYHORN, TEXAS COMPTROLLER

# Foster Care Medication Data Request - Timeline

|                  |  |  |
|------------------|--|--|
| 2004             | <b>October 14</b>                        | Comptroller Strayhorn sends a letter to Governor Rick Perry requesting that he declare her foster care reform package emergency legislation for the 79th Legislature.  |
|                  | <b>November 12</b>                       | Comptroller Strayhorn holds press conference on Medicaid Drug Fraud and Abuse Investigation in Foster Care.  |
|                  | <b>November 15</b>                       | The CPA general counsel sends request letter for medication data to Albert Hawkins of HHSC.  |
|                  | <b>November 23</b>                       | Meeting with the Comptroller and Albert Hawkins at the Comptroller's office. Hawkins said he would cooperate.  |
|                  | <b>December 22</b>                       | E-mail from Ruthie Ford to Albert Hawkins checking on the data.  |
|                  | <b>December 23</b>                       | E-mail from Albert Hawkins to Ruthie Ford, the data is ready.  |
| 2005             | <b>January 5</b>                         | CPA staff went to HHSC to view the data and determined the need to have the data in-house for analysis.  |
|                  | <b>January 21</b>                        | Comptroller Strayhorn letter to Albert Hawkins requesting the data on a disk by January 28, 2005.  |
|                  | <b>February 16</b>                       | CPA staff receives a disk from HHSC, but it contains no data only a description of the data.   |
|                  | <b>February 23</b>                       | CPA staff receives another disk from HHSC, but the data has been de-identified.  |
|                  | <b>March 8</b>                           | Letter from the Comptroller to Albert Hawkins regarding the de-identified data.  |
|                  | <b>March 11</b>                          | Letter from Albert Hawkins apologizes saying that the transmission of the data to our office was delayed and problematic. He says based on your assurance of confidentiality his staff will facilitate the transmission of the data. |
|                  | <b>March 2005</b>                        | Phone Calls to HHSC staff from Ruthie Ford assuring confidentiality of the data.   |
|                  | <b>April 11</b>                          | E-mail from CPA staff to HHSC staff (the HHSC medication data contact person) requesting the status of the data.   |
|                  | <b>April 26</b>                          | E-mail from Ruthie Ford to Albert Hawkins requesting data for a full year as agreed upon (only data for one month was sent.)   |
| <b>June 2005</b> | Received the fiscal 2004 data from HHSC. |  |
| 2006             | <b>March 6</b>                           | E-mail from CPA staff to HHSC staff requesting foster care prescription data for fiscal year 2005.   |
|                  | <b>March 8</b>                           | E-mail from CPA staff to HHSC staff with the exact specifications for the foster care prescription data for fiscal year 2005.  |
|                  | <b>March 10</b>                          | E-mail from HHSC staff to CPA staff stating HHSC is working on the data and it is in the "queue" and the data should be ready in about a week.   |
|                  | <b>March 15</b>                          | Received the first file of vendor drug data for fiscal year 2005. Later that day there was a telephone call from HHSC staff to CPA staff telling us the data we had received was "bad."  |
|                  | <b>March 17</b>                          | HHSC staff re-ran the "bad" data and the new data was received by the Comptroller's Office.  |
|                  | <b>March 27</b>                          | E-mail from HHSC staff to CPA staff stating there were problems with the data and advising us to not use the data and to return it ASAP.   |
|                  | <b>April 26</b>                          | Letter from the CPA general counsel to the HHSC general counsel requesting foster care prescription data for fiscal year 2005.   |
|                  | <b>May 2</b>                             | Letter from the HHSC general counsel refusing to provide the fiscal year 2005 requested data.  |
|                  | <b>May 10</b>                            | Letter from Comptroller Strayhorn to Governor Rick Perry requesting assistance in obtaining the foster care prescription data from HHSC.   |
|                  | <b>June 7</b>                            | Letter from the CPA general counsel to the HHSC general counsel requesting foster care prescription data for fiscal year 2005.   |
|                  | <b>June 9</b>                            | Letter from the HHSC senior counsel states the agency has an "inability" to provide the fiscal year 2005 requested data.   |

**CAROLE KEETON STRAYHORN • TEXAS COMPTROLLER**

# Foster Children Raped While Living in the State's Care, by Age



**Fiscal Year 2004 Total: 63**

SOURCES: Texas Department of Family and Protective Services and Carole Keeton Strayhorn, Texas Comptroller.