

APPROPRIATIONS SUBCOMMITTEE ON INSTITUTIONS

March 31, 1979 -- Room 104

The meeting was called to order at 1:30 p.m. by Chairman Yardley. Subcommittee members present included Representative Art Lund and Representative Howard Ellis. Representative Gesek, Senator Thomas and Senator Etchart were excused.

Also present were Representative Bob Marks, Representative Francis Bardanouve and Senator Mike Anderson. See attached copy of the Visitors' Register for others present.

This was a special meeting called to hear testimony from concerned Boulder citizens and concerned Boulder River School and Hospital employees over the transfer of 44 Boulder patients to the Eastmont Human Services Center and the proposed budget for Boulder.

Chairman Yardley told the committee and witnesses that he had asked for a new staffing pattern for BRS&H, based on the patient move, from the Department of Institutions. This subcommittee could then make any new recommendations necessary to the Senate Finance and Claims Committee.

Senator Anderson felt there should be alot of apprehension in starting a similar facility to BRS&H in another community. Boulder residents have lived with the BRS&H patients for many years and accept them in the community. He doesn't know how the residents of Glendive would accept these patients in their community.

Bob Laumeyer, Superintendent of Boulder Public Schools, discussed the federal law on special education. He said students must be educated in public schools or the state must maintain an alternative placement--a hospital or institution. The only alternative for a student who cannot receive education in a public school would be Boulder River School and Hospital. There are nine special education teaching positions now at BRS&H. With the new staffing pattern that was proposed, there would be only one special education teacher. Mr. Laumeyer said the students could not be served by one teacher. If the Boulder public schools had to take over the special education, they would need between 12 and 15 special education teachers to provide the needed services. He doesn't see where the state would be saving any money. If some patients are transferred to Eastmont, there would have to be special education teachers at Eastmont and special education teachers at BRS&H. The only way adequate services can be provided at a cost taxpayers can afford would be to provide those services at only one institution.

Steve Kanies, an employee at BRS&H, referred to the Rehabilitation Act of 1973 which says every individual must receive an education treatment suitable to their needs. He also referred to SB 388, passed by the 1975 legislature, which mandates educational treatment be given to institutionalized mentally retarded students. He said the proposed staffing pattern for BRS&H will not allow for that rehabilitation. He also said the proposed funding level for staff at BRS&H will result in a cut of direct care staff. If any cuts are made, BRS&H will not be in compliance with federal and state laws and accreditations.

Tom Zmolek, who works at BRS&H, said group homes will not take the severely retarded residents for placement in communities because of their behavioral problems. If the transfer to Eastmont occurs, only the low functioning residents will be left at Boulder.

Jeanette Stangl, manager of Title I program at BRS&H, said Title I money can only be used to supplement other funds, not supplant existing funding. If Title I grant money has to be used to supplant funding that would be cut, BRS&H would lose the Title I grant.

Joe Geraghty, an employee of BRS&H, said he had a problem with the definition of direct care staff. He said the only people considered direct care staff would be the habilitation aides. Under medicare regulations, direct care staff have to be involved in direct hands-on care of patients eight hours a day. If the staff and funding is cut at BRS&H, the habilitation aides would have to perform laundry work, food services work and housekeeping work. Those people would then no longer be considered direct care staff and the staff/patient ratio would be nowhere near 1:1.

Susan Hill, a cottage supervisor, said with the proposed cuts, the institution would be in violation of federal and state laws and she feels BRS&H would be open to a lot of law suits.

Kate Driskill, head of the education department, told the subcommittee that, currently, there are six special education teachers. Because of the hiring freeze, three positions were held vacant. When there were nine teachers, the program handled 140 patients a day. When the three positions became vacant, the program had to drop residents because of the lack of adequate staff. There is now a waiting list of 150 residents not getting special education that should be receiving it. If the staff is cut to only one teacher, that teacher would be responsible for evaluation and would not be available for actual training. She said ethically, morally and personally, we owe the BRS&H residents the same educational rights as anyone else should receive.

Dale Boestflug, recreation department director at BRS&H, said the Eastmont facility was built as a geriatric facility. He is concerned about the lack of appropriate recreational facilities at Eastmont.

Dave Kirsch, a merchant in Boulder, said the state of Montana came to Boulder merchants and asked that housing be upgraded to accomodate Boulder employees. He said many new apartment complexes have been built, many new homes have been built and if the patients were moved to Eastmont, where would those employees live there and what would be done with the housing in Boulder. He said the community of Boulder supports BRS&H.

Bob Visscher, an employee at BRS&H, said under the proposed budget, many professional employees would have to be cut. It has taken five years to get the current professional staff at BRS&H and he doesn't want to see those dedicated people terminated.

Charlotte Easter, a parent of a child in BRS&H, feels if the proposed budget is approved, BRS&H will go back to being a care and custody institution.

Bob Laumeyer told the subcommittee that approximately \$75,000 to \$150,000 in Title I and Title IV grant money would be lost if the proposed budget is approved.

Representative Bardanouve asked what impact there would be if the patients were left at Boulder and a cut of 78 FTEs was made. Mr. Laumeyer said if 78 FTEs were taken from the previously approved total of 588 FTEs, that would be one thing, but if 78 FTEs were taken from the current staff of 540, BRS&H would have real problems.

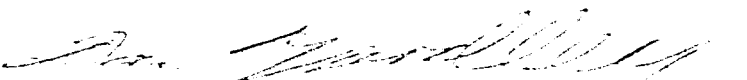
Representative Ellis asked why these complaints weren't heard before HB 483 was passed. The witnesses told him they were not told of the proposed budget until Thursday, March 29, 1979.

Representative Lund asked how much federal money was forthcoming. He was told the amount of grant money depends on the number of children in the program. He was also told that the education department at BRS&H has to serve patients of all ages. Title I only provides grant money for the education of patients up to 21 years of age.


Representative Lund asked Kate Driskill what encompasses direct care. Ms. Driskill said direct care is a person who works with the patients eight hours a day, not doing anything else other than working directly with the patients.

Representative Ellis asked the staff from Boulder River School and Hospital to work up a minimum staffing pattern and present it to this subcommittee sometime next week.

The meeting was adjourned at 2:50 p.m.



Dan Yardley, Chairman



Vicki Lofthouse, Secretary