



## VISITORS' REGISTER

## INSTITUTIONS AND CULTURAL EDUCATION SUBCOMMITTEE

BILL NO. \_\_\_\_\_

DATE January 23, 1985

SPONSOR \_\_\_\_\_

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Joy McLaughlin - M HAIN	NCLCA -	NYTC	
Jim Humber	DoI		
GAIL BRIESE	DoI		
Patrick Volboud	DoI	NYTC	
GEORGE HARRIS	CBPP		
<del>Garry Hooper</del>	<del>DoI</del>		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MINUTES OF THE MEETING  
INSTITUTIONS AND CULTURAL EDUCATION SUBCOMMITTEE  
49TH LEGISLATIVE SESSION  
January 23, 1985

Tape 14, Side A

The meeting of the Institutions and Cultural Education Subcommittee was called to order by Chairman Steve Waldron on January 23, 1985, at 8:10 a.m. in Room 129 of the Capitol.

ROLL CALL: All members were present. Also present were Keith Wolcott of the Legislative Fiscal Analyst's Office (LFA), George Harris of the Governor's Office of Budget and Program Planning (OBPP), Carroll South, Director of the Department of Institutions, Jerry Hoover, Administrator of the Mental Health and Residential Services Division, and Patrick Wolberd, Superintendent of the Youth Treatment Center.

MONTANA YOUTH TREATMENT CENTER

Mr. South introduced Mr. Wolberd and then gave an overview of the Youth Treatment Center.

The 1981 Legislature accepted an Executive recommendation to increase the children's center. Billings offered to donate the land for the new center so the new facility was placed in Billings.

The mission on this institution is to treat emotionally disturbed youths aged 18 and younger. The institution will only admit a child before his/her 18th birthday but, if a child is in treatment after his/her birthday, they can continue to live at the Center until their 19th birthday.

There are some ambiguities in the statute creating this facility so the Department of Institutions has drafted amendments to the law and Senator Tom Towe, Senate District #46 in Billings, has agreed to carry these amendments.

Mr. South said there are three ways in which a youth can be committed to the Youth Treatment Center:

1. The Youth Court can order a 60-day evaluation. This is not to be confused with the 45-day evaluation to send youths to Mountain View or Pine Hills. This evaluation is to determine whether a youth has a serious mental illness or not.

2. Under the Youth Court Act, a youth cannot be committed to the Youth Treatment Center without a finding of serious mental illness.
3. Under the Mental Health Act, a youth can be involuntarily committed if he is an imminent threat to himself or others.

Presently, the youngest person allowed by statute to be committed to the Center is 12 years old. Mr. South said this was an arbitrary line drawn by the Department and he did not feel it was proper. He said the amendments, if passed, would allow commitment of children under 12 if it was in conformance with the rules on commitment written by the Department and subject to public hearings.

Mr. South noted that the Youth Court seldom commits anyone under the age of 12 anyway. Those children under 12 are generally treated in specialized foster homes.

There was some discussion regarding the children who are sent out of state by the courts. This is under the jurisdiction of SRS, not the Department of Institutions. Last month, there were 33 children housed in out-of-state facilities. It was questioned whether these children would come back when the Youth Treatment Center was open. Mr. South said SRS would have to go back to the Youth Courts to get the kids sent back here. It was noted that it costs around \$33,000 per child per year to be housed out of state.

Mr. South noted that there is not a lot of consistency in the methods of the Youth Courts. He said the courts could not tell the Department of Institutions where to send delinquent youths but they could tell SRS where to send mentally disturbed youths.

(245) Mr. South went on to discuss the facility. It has a capacity of 60 beds with projected occupancy to be 85%. The Children's Unit at Warm Springs only has 30 beds and there is usually a waiting list to get into that program. The Warm Springs unit was not certified and, consequently, was not Medicaid reimburseable. This facility is licensed as a psychiatric hospital and is Medicaid eligible. Medicaid will pay for those under 18 years of age. The youths can be delinquent but not criminal. Medicaid will pay 65% of allowable costs. In order to be Medicaid eligible, there has to be a certain number of professional staff. Mr. South said the number of FTEs was set by the posting method used thus far in this subcommittee's hearings.

There was some question about where the other 30 children (besides the 30 from the Children's Unit at Warm Springs) would come from. Mr. South said there are children on a waiting list to get into an institution such as this one and some of the remaining 30 beds will be filled with these children. Also, some are in group homes or in the Yellowstone Boys and Girls Ranch. Rep. Menahan asked what the impact to the Yellowstone facility would be. Mr. Hoover said the impact would be negligible.

(388) Rep. Menahan was very disturbed because the Center looks like a jail with its cement beds, everything bolted down, locks on all of the doors, etc. Mr. South explained that the committee has seen the facility two months prior to occupancy and it has not been inhabited yet. He said once people are put in place it will look more homey.

Mr. South went on to explain the reason for such a secure facility. Mentally ill children are exceptionally strong and unpredictable. They do not have the capacity to know that their actions could potentially kill someone. Mr. South said the furniture is bolted down so a disturbed youth cannot pick it up and hit a staff member or another youth over the head with it. Mr. South said the windows are unbreakable so there are no bars over the windows as a jail would have. Mr. Hoover assured Mr. Menahan that not all of the doors have locks on them.

Chairman Waldron said he agreed that there needed to be some graphics on the walls and he has written a letter to the Chairman of the Long Range Planning Subcommittee to try and come up with funding for such things.

(510) Rep. Menahan wanted to know what kind of programs would they have at the Center. Mr. Wolberd explained the kinds of things he would like to do at the Center.

Rep. Miller voiced his concern that this state does not have any programs for autistic children. The statute does not take into account autistic children. Most of these are sent either to specialized group homes or out of state. There was some question whether the courts would continue to send children out of state regardless of the construction of this new facility. Only time will tell.

(671) Mr. South explained that, under the current statute, the evaluation period is 45 days. He does not want this kind of evaluation confused with the 45-day evaluation for delinquents so he has asked that the amendment change the evaluation period to 60 days. The 60-day evaluation also

parallels the 60-day evaluation under the Adult Criminal Law, Title 47.

Side B

Mr. Wolberd gave his concept of what would take place at the new facility. First of all, Mr. Wolberd has a master's degree in social work and has had 17 years of experience in youth homes. He said he envisions a step system, four or five steps, with varying levels of responsibilities and privileges. (Chairman Waldron left the meeting at this point and Vice Chairman Bengtson took over the meeting.)

There would be a three boys to one girl ratio in the open wing. Mr. Hoover said the individual rooms don't have locks but the quiet room and the wing doors did have locks. Also, the metal doors that Rep. Menahan complained about are mandatory due to fire codes.

Mr. Wolberd said some of the kids in the open unit will go to the public schools. There will be a special education school on the grounds of the Center. Later, the children can enter special education classes in public schools part time and, if they can handle it, they can go to the public schools full time. The Billings school district has agreed to allow the kids to attend their classes. The money comes from the Office of Public Instruction to the public school system.

(200) Mr. Wolcott presented the LFA budget proposal (Exhibit 1). He noted that, due to the Certificate of Need process, a certain number of professional staff is required. Since the institution will receive Federal School Lunch funds, the Legislative Auditor will perform an audit in the biennium so \$10,000 has to be added to the budget for these audit fees.

There was a lot of discussion regarding this expense. The LFA had not included this cost in their budget because they felt, as a new facility with no budget in FY 84, there would not be much to audit. But if an agency receives certain federal funds, it must be audited by the Legislative Auditor. Mr. South noted that the Department of Institutions will have \$190,000 for audits department-wide. Sen. Himsl, who is a member of the Legislative Audit Committee, said this figure is an estimate and any unused portion will revert.

Sen. Himsl asked what a "Psychometrist" was. Mr. Hoover said it is the person who administers tests for people coming in to determine their psychological level.

There are contracted services for two chaplains at \$2,400 per year. Sen. Aklestad asked why two were necessary and why so much money was necessary. Mr. South noted that the Department frequently gets sued for infringement of religious rights. He noted that freedom of religion is guaranteed by the Bill of Rights and people who are locked up in one way or another have to be given this opportunity or the Department will get sued. Sen. Aklestad asked why the chaplains (one Catholic and one Protestant) couldn't alternate Sundays. No one bothered to answer this question.

(405) Mr. Wolcott noted that another adjustment in the Center's budget is for the phone system. The Center can purchase the phone system out of FY 85 funds so \$4,746 and \$5,292 can be taken out of the FY 86 and FY 87 budgets respectively.

Because this facility has no historical data to go on, the budget has to be taken from like facilities such as Eastmont, Pine Hills, and Mountain View where the population and ages are similar.

The LFA used an average daily population (ADP) of 60 for the School Lunch funds but the LFA now feels that is overly optimistic and a 55 ADP would be more realistic.

(490) Mr. Wolcott said ECIA funds will probably become available but we don't know when. He said the committee should put language in the bill allowing the agency to budget amend these funds as they become available.

(536) Mr. Harris outlined the OBPP's budget request (Exhibit 2). He said the OBPP supports the purchase of the phones. Also, the OBPP included the \$10,000 audit costs. Mr. Harris noted that, with these adjustments, the OBPP and the LFA budgets are fairly close.

Sen. Bengtson asked why there is no equipment requested. Mr. Harris noted that this is a new facility and all of the equipment is new. Also, any equipment they may need can be taken out of operating expenses or contingency funds.

Rep. Menahan was very angry at the \$60,000 to pay for the Special Improvements District (SID). He said Billings agreed to pay for everything when they were asking that the facility be based in Billings and now the legislature is expected to pick up the tab for the SID. Mr. South responded that the Department of Institutions and the Architecture and Engineering Division agreed to pay these costs.

Mr. South said, as part of a good neighbor policy, the state is obligated to assist with SIDs. He said it was this way with the National Guard Armories, too.

There was some discussion regarding all the expenses relating to drugs and medical costs. Mr. Wolberd explained the medications to be psychotropic drugs, pharmacy would be contracted out for the time being, medical would be for bandages, etc., and medical records and medical/hospital are self-explanatory. Presently, there is a lot of contracting but this will only be until the agency can see what its needs are.

Sen. Bengtson asked why these mentally disturbed youths aren't treated under SRS like the developmentally disabled children are. Mr. South responded that it was for continuum of service reasons. The Department of Institutions deals with mentally ill adults so it follows that it should deal with the children as well. Presently, there is a split with developmentally disabled citizens but gradually they will all move under the umbrella of SRS.

Being no further business to come before this committee, the meeting was adjourned at 9:40 a.m.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Steve Waldron", written over a horizontal line.

Steve Waldron, Chairman

SW/lt



MONTANA YOUTH TREATMENT CENTER

	FTE FY '87	- - - - 1987 Biennium - - - - General Fund	Total Funds
Executive Budget	112.26	\$5,036,105	\$5,112,127
LFA Current Level	<u>112.26</u>	<u>4,930,670</u>	<u>5,021,226</u>
Executive Over (Under) LFA	<u>-0-</u>	<u>\$ 105,435</u>	<u>\$ 90,901</u>

The executive budget is \$90,901 above current level. The difference in total funding is due primarily to personal services overtime and holidays worked, audit costs in fiscal 1986, and school lunch funding.

Issue 1: Overtime and Holidays Worked

The executive budget includes overtime and holidays worked totaling \$37,937 in fiscal 1986 and \$40,398 in fiscal 1987. These costs are not included in current level.

Issue 2: Audit Costs

The executive budget includes \$10,000 of audit costs in fiscal 1986. As the center will not have been in operation long enough to have an audit, the current level does not include this cost.

Issue 3: Out-of-State Travel

The executive budget includes \$14,534 less of school lunch funds than current level utilizes for the 1987 biennium.

## MONTANA YOUTH TREATMENT CENTER

<u>Budget Item</u>	Actual	Appropriated	---Current Level---		% Change 1985-87 Biennium
	Fiscal 1984	Fiscal 1985	Fiscal 1986	Fiscal 1987	
F.T.E	0.00	109.43	112.26	112.26	105.1
Personal Service	-0-	\$1,658,660	\$2,111,384	\$2,112,381	154.6
Operating Expense	-0-	159,626	355,595	355,407	345.4
Equipment	-0-	33,708	-0-	-0-	(100.0)
Inflation	-0-	-0-	34,357	52,102	--
Total Expenditures	-0- ===	\$1,851,994 =====	\$2,501,336 =====	\$2,519,890 =====	171.1 =====
<u>Fund Sources</u>					
General Fund	-0-	\$1,813,983	\$2,456,168	\$2,474,502	171.8
Federal Revenue	-0-	38,011	45,168	45,388	138.2
Proprietary Fund					
Total Funds	-0- ===	\$1,851,994 =====	\$2,501,336 =====	\$2,519,890 =====	171.1 =====

The Montana Youth Treatment Center will provide long-term psychological and educational services to seriously emotionally disturbed residents. The center is designed for a capacity of 60 adolescents aged 12 to 18. The 30 residents of the children's unit at Montana State Hospital will move to the Montana Youth Treatment Center when it is ready for occupancy. Other youth who are currently placed out-of-state on the waiting list for the children's unit at Montana State Hospital or in the community, but need the secure environment of the center, will be phased-in as quickly as possible.

The center is expected to open March 1, 1985. Funds were appropriated for seven months of operation in fiscal 1985 at the new facility and five months at the children's unit at Montana State Hospital. The department was authorized to transfer funds from the Montana Youth Treatment Center appropriation to fund the children's unit at a rate consistent with the expenditure level as established by the Montana State Hospital appropriation. The department plans to complete the phase-in of residents by July 1, 1985.

Personal Services

The Montana Youth Treatment Center will be a licensed psychiatric hospital. As such, the center will have to meet minimum standards as established by the federal government under Title 42:405, Subpart J, to be eligible for medicaid reimbursement. Both federal and state standards require certain staffing levels

which are reviewed during the certificate-of-need process. The center staffing was approved through the certificate-of-need process as well as the 1983 legislature at 112.26 FTE.

The current level budget includes 112.26 FTE. The personal services have been increased \$5,698 in fiscal 1986 and \$5,700 in fiscal 1987 as a result of class action upgrades of custodial workers from grade 6 to grade 7. Table 1 shows 49.10 FTE direct care staff included in the budget with 60 residents. This is a staff-to-resident ratio of .82 FTE to one resident.

Table 1  
Montana Youth Treatment Center Direct Care Staff

<u>Direct Care Staff</u>	<u>FTE</u>
Registered Nurses	5.00
Licensed Practical Nurses	5.00
Psychiatric Aides	<u>39.10</u>
Total	<u><u>49.10</u></u>

The direct care staffing provides for one registered nurse, one licensed practical nurse, and eight psychiatric aides for three 8-hour shifts per day, seven days per week using a relief factor of 1.63. The staffing ratio does not include the nursing services manager.

The education staff (15 FTE) of one education director, eight teachers, and six teacher aides is the minimum staff required for certification of self-contained special education programs. This is one staff for four students.

Treatment staff (18 FTE) consists of one board certified child psychiatrist who will be the clinic services director, four psychologists, one psychometrist, five social workers, one rehabilitation counselor, three rehabilitation aides, one music therapist, and two recreation therapists.

The remaining 29.16 FTE consists of support and administrative staff. These include food service, custodial, maintenance, medical records, transportation, accounting, clerical, and supervisory staff.

#### Operating Expenses

Table 2 lists the contract services costs included in current level. Inflation is shown separately with the exception of the pharmacy, the alcohol and

drug counselor, and insurance.

Table 2  
Montana Youth Treatment Center Contract Services

<u>Contract Services</u>	<u>Fiscal 1986 Cost</u>
Pharmacy	\$ 9,360
Chaplains	2,400
Hair Care	1,800
Pediatrician--Admission Physicals	2,200
Physical/Occupational Therapist	13,000
Physician--on call	12,000
Alcohol and Drug Counselor	3,300
Insurance	4,476
Laundry	22,426
Medical/Hospital	13,296
Optometric	2,121
Dental	3,867
Medical Records	900
Laboratory	732
Pest Control	600
Fire Suppression	285
Dietician	<u>1,102</u>
Total Contract Services	<u>\$93,865</u>

Professional contracts include \$9,360 in fiscal 1986 and \$9,880 in fiscal 1987 for pharmacist services; \$2,400 for one Catholic and one Protestant chaplain services; \$13,000 for 10 hours weekly of occupational/physical therapy services as required for licensure; \$14,200 for physician, on-call, emergency medical services and youth admission physicals; \$3,300 for five hours weekly substance abuse counseling; and \$1,800 for hair care.

Other major contracts consist of outside medical and hospital costs of \$13,296 based on fiscal 1984 costs at the children's unit adjusted for the higher population at the new facility. Optometry and dental contracts of \$5,988 are included based on an average cost per student at Mountain View and Pine Hills where similar age groups are served. Insurance fees charged by the Department of Administration are included at \$4,476 in fiscal 1986 and \$4,602 in fiscal 1987. Other contracts totaling \$3,619 include medical records, laboratory, pest control, fire suppression, and dietician services.

Table 3 lists the supply costs included in current level. These costs include

inflation of \$11,637 in fiscal 1986 and \$19,095 in fiscal 1987.

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Table 3  
Montana Youth Treatment Center Supply Costs

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<u>Supply</u>	<u>Fiscal 1986 Costs</u>
Athletic and Recreational	\$ 2,863
Clothing and Personal	3,433
Educational	8,812
Food	87,141
Housekeeping	1,296
Medical	2,708
Gasoline	3,129
Drugs	10,560
Shop	908
Office	4,552
Books	1,822
Janitorial	5,217
Laundry	1,040
Linens and Bedding	1,565
Kitchen	4,261
Inflation	<u>11,637</u>
Total Costs	<u>\$150,944</u>

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Supply costs of \$150,944 include \$87,141 for food costs based on the weighted average cost per meal at Mountain View School and Pine Hills School of 93 cents for 93,700 staff and resident meals at the new center. Also included is \$10,560 for drug supplies based on the children's unit at Montana State Hospital. Educational, recreational, personal supplies, and books, based on the average cost per resident at Mountain View and Pine Hills, are \$8,812, \$2,863, \$3,433, and \$1,822, respectively. The remaining supply costs of \$24,676 are based on Eastmont's fiscal 1984 costs because of the similarity of the facility and its relative age. These supplies include housekeeping and janitorial, office, shop, minor tools, and kitchen supplies.

Communications costs of \$12,769 in fiscal 1986 and \$13,315 are based on quotes from the Communications Division of the Department of Administration. Included is the purchase of the phone system over three years costing \$6,788 in fiscal 1986 and \$7,334 in fiscal 1987.

Travel costs include \$5,976 in-state travel to provide staff travel for pre-admission screenings and discharge planning and placements, as well as

administrative travel for the superintendent to attend department meetings.

Rent of \$6,244 includes lease purchase costs of \$4,200 for a copy machine and \$1,320 for storage costs due to limited storage space in the new facility. The remaining \$724 is for postage meter costs and video tape rental to provide two movies per week for the residents.

Utilities are budgeted at \$75,401 for fiscal 1986 and \$73,889 in fiscal 1987. Electricity and natural gas are based on estimates made for the 1983 legislative session by the architects. Also included are Special Improvement District (SID) payments to the city of Billings for water and sewer improvements. The SID costs are \$31,794 in fiscal 1986 and \$30,282 in fiscal 1987.

Repair and maintenance costs included are based on Eastmont Human Services Center fiscal 1984 actual costs of \$20,877. While other expenses of \$1,156 include subscriptions, hospital license costs, and recruiting costs.

The department did not request equipment for the 1987 biennium.

#### Funding

Funding for the Montana Youth Treatment Center comes primarily from the general fund; however, the facility will be eligible to receive school lunch funds which are included at \$45,168 in fiscal 1986 and \$45,388 in fiscal 1987. Any medicaid or private reimbursement collected by the Department of Institutions Central Office will be deposited directly to the general fund.

MONTANA YOUTH TREATMENT CENTER

AGENCY SUMMARY		Actual	Budgeted	Recommendation	
BUDGET DETAIL SUMMARY		FY 1984	FY 1985	FY 1986	FY 1987
Full Time Equivalent Employees		.00	109.43	112.26	112.26
Personal Services		0.00	1,658,660	2,151,603	2,155,455
Operating Expenses		0.00	159,626	407,607	397,462
Equipment		0.00	33,708	0	0
Total Agency Costs		\$0.00	\$1,851,994	\$2,559,210	\$2,552,917
General Fund		0.00	1,813,983	2,521,199	2,514,906
Federal & Other Spec Rev Fund		0.00	38,011	38,011	38,011
Total Funding Costs		\$0.00	\$1,851,994	\$2,559,210	\$2,552,917
Current Level Services		0.00	1,851,994	2,506,564	2,500,249
Modified Level Services		0.00	0	52,646	52,668
Total Service Costs		\$0.00	\$1,851,994	\$2,559,210	\$2,552,917

Agency Description

The Montana Youth Treatment Center is a 60-bed facility which provides inpatient psychiatric treatment for seriously emotionally disturbed youth. The Center provides a full range of mental health treatment services and, in addition, offers education, recreation, and vocational counseling programs.

Budget Issues

The Montana Youth Treatment Center is a new facility being constructed in Billings. The center is expected to be fully operational by July 1, 1985. Thus, the FY86 and FY87 budget recommendations reflect a full year of staffing and operational costs. This new center will be a licensed facility and will make the State eligible for medicaid reimbursement. Thirty of the emotionally disturbed youth will be transferred from the Montana State Hospital children's unit. The other thirty residents will come from the various communities throughout the State.

Since this is a new facility, much of the supplies and operational costs were computed utilizing data obtained from comparable institutions within the department.

The 109.43 FTE requested in current level was the amount of staffing authorized by the legislature for FY85. A full year of operation is expected in FY86 and FY87 and a full staff of 112.26 FTE will be required. Thus, the additional 2.83 FTE will be included as a modified request.

A problem will arise if commitments to the new center are made when it is already full. This is most likely to occur if the center is viewed as a convenient place to send troublesome youth who are not seriously mentally ill. The center is neither designed nor staffed to care for more than 60 youth at one time. The center is intended only for youth who are seriously mentally ill.

# MONTANA YOUTH TREATMENT CENTER

AGENCY SUMMARY	Actual	Budgeted	Recommendation	
BUDGET DETAIL SUMMARY	FY 1984	FY 1985	FY 1986	FY 1987
Full Time Equivalent Employees	.00	109.43	112.26	112.26

## Modification Request

### New Service

The new Youth Treatment Center is expected to open in the later portion of FY85. The FTE authorized for FY85 is 109.43 but does not reflect a full year's operations. Thus, 2.83 FTE are recommended for FY86 and FY87 to reflect a full staff of 112.26 FTE as was deemed necessary by the previous legislature.

Costs: FY86 - \$ 52,646      FY87 - \$ 52,668