

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

SUBCOMMITTEE ON INSTITUTIONS & CULTURAL EDUCATION

Call to Order: By WM. "RED" MENAHAN, on January 30, 1991, at 8:00 A.M.

ROLL CALL

Members Present:

Rep. Wm. "Red" Menahan, Chairman (D)
Sen. Gary Aklestad (R)
Sen. Tom Beck (R)
Rep. Dorothy Cody (D)
Rep. Chuck Swysgood (R)
Sen. Eleanor Vaughn (D)

Members Excused: Sen. Dick Manning

Staff Present: Sandra Whitney, Associate Fiscal Analyst (LFA)
Mary LaFond, Budget Analyst (OBPP)
Mary Lou Schmitz, Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: Joint meeting with Human Services Subcommittee.

REP. DOROTHY BRADLEY, Chairperson, referred to services and needs greatly in demand and gave credit to the Human Services Subcommittee last session for taking the initiative to do something. It was this legislative initiative that promoted the new SSSO established and running well in Missoula. The public and the people who commit themselves to the DD programs should be gratified that good things have happened.

Julia Robinson, Department of Social and Rehabilitation Services (SRS), said a system has to be built that takes care of all the needs of all handicapped people from the community through the institutions. The Governor's Action Plan does this by working and building into the future and devising ways to use the limited dollars available for funding. The institutional program will provide back-up and intensive services for individuals who are too difficult to handle in the community for long periods of time. New intensive community based services include group homes, day care and transportation services developed as part of this plan in Hamilton, Livingston, Helena and Missoula. She suggested both subcommittees visit the SSSO home in Missoula.

Ms. Robinson said the plan represents improved interagency coordination, shows planning for the total DD system, better missions for the community and the institutional system which will result in better services for all. **Ms. Robinson** introduced and thanked the task force. They are **Robert Anderson**, Administrator, Special Services Division, Institutions; **Dennis Taylor**, Administrator, Developmental Disabilities Division, SRS; **Gary Walsh**, Administrator, Dept. of Family Services (DFS); **Mike Henshu**, Medicaid Services Division; **Jennifer Pryor**, Superintendent, Montana Development Center; **Debbie Olson**, parent; **Greg Olsen**, Executive Director, DD Planning Advisory Commission; **Wally Melcher**, Executive Director, Helena Industries; **Chris Voluka**, Director Montana Advocacy Program; **Kelly Morris**, Executive Director, Montana Board of Visitors; **Dale Taliaferro**, Administrator, Dept. of Health and Environmental Sciences (DHES); **Rusty Redfield**, Institutions; **Ken Brown**, DD, now in Missoula; **Mary LaFond**, Governor's Budget Office for Institutions; **Bill Furois**, Governor's Budget Office for SRS.

Curt Chisholm, Director of Institutions, spoke of earlier problems at Montana Developmental Center and how new treatment approaches were initiated that were more aggressive and progressive in dealing with patient safety and resident treatment. They are more in-tune with new, ever changing and demanding federal regulations. The collective goal was to architect a formal DDD integrated system to create opportunities across a broad spectrum of care and treatment options.

The first issue for the Inter-Agency team was to work with an integrated system and it was successful. The second issue was to establish a sense of mission that each component would play in the process.

Phase I: November 1989 to April 1990. At that time it was decided to file appropriate appeals with HCFA to extend the period of time the Department could still participate in the Federal Entitlement Programs until recertification could be regained for MDC. The Department successfully appealed that case and got the intermediate sanctions status changed and established from April 1989 through March 31, 1990.

In working with SRS, a new intensive group home was established. It was financed by savings from MDC to accommodate the needs of the six court-targeted individuals who were to get out of that Institution and into a more appropriate community based environment.

Phase II: April 1990 to November 1990, was to develop three more group homes for which SRS was not funded. The funding had to come from the MDC to provide 18 additional slots for 18 similarly situated residents that were already targeted by the Court as inappropriate to be kept in an institutional environment.

Phase III was to identify 30 MDC residents appropriate to be

placed in the SSSO that was awarded to Missoula on a competitive bid basis to bring the population of the MDC down to achievable target levels.

Phase IV is the final part of the plan. From the 186 residential population at MDC in November 1989 to the end of Phase IV, the Boulder population should drop to and be maintained at a population level of 100-110 residents.

Bob Anderson, said Phases I through IV of the action plan will reduce the FTE level to about 128 and the Department intends to close four cottages. The net reduction will be about 77 residents. The savings for FY90 were \$450,000 and \$200,000 for FY91. The savings for FY92 and FY93 will be determined on what will be used for the base. His recommendation would be a comparison using the FY90 base.

SEN. KEATING asked for a description of the population and how the residents are categorized in terms of disability. **Jennifer Pryor** said the population at Boulder is determined by law. Patients committed to MDC must be labeled severely developmentally disabled which means they have behaviors or conditions that make them a threat to themselves or others in the community. A physical handicap does not mean that a person is developmentally disabled.

Ms. Pryor said as of January 22, 1991 additional placements brought the population down to 152 clients and the facility has enhanced vocational programs and living units. It is proposed to finish placing clients in Missoula, place clients in Billings by April or May, and bring the population to 127 clients. Staffing cuts to coincide with cottage closings are 23 FTEs March 1 and 18 FTEs April 1.

SEN. KEATING asked about the FTE slots and if it meant people were let go and were some of the people absorbed in the community programs. **Ms. Pryor** said it does but there have been no direct care layoffs. **Ms. Pryor** said a couple of staff went to work for the Missoula program. Last year the turnover rate was 30% and cuts made across the Biennium will have been 28%. The terminations are less than the normal attrition rate.

REP. CODY asked how many patients from Boulder are at Missoula. **Ms. Pryor** said there will be 23 from Boulder and 7 from Eastmont.

Ms. Pryor said the goals for MDC during Phase IV are enhancement of services and reduction of the population by 30 clients. They are keeping clients at Boulder who need a high level of staff intervention. They need to maintain a natural, normalized environment as much as possible to promote transition to and from community services.

Dennis Taylor, said the Governor's Action Plan is a culmination of over a decade of work by joint studies of Institutions and

SRS. The construction and the services developed in the community as part of Phases I, II and III have doubled the community intensive service capacity. The proposals have allowed the departments to leverage increased federal funding. Better services are provided at a lower unit cost for people with severe needs.

Gary Walsh, made summary comments primarily concerning Phase IV. Under Phase IV the Department of Family Services will experience a number of increased responsibilities. One is case management for individuals with developmental disabilities. The individuals to be served come from waiting lists of people in need of intensive services and placed in community services as well as those placed from the MDC into the community.

Greg Olsen said he encouraged the new mission of MDC and expansion within the community, to include children.

Wally Melcher said his facility is a large vocational training organization that trains and employs individuals who have developmental disabilities. He encouraged the committee's affirmative action on the plan so provision of services to individuals will create valuable opportunities for them at no increased cost to the state.

Cris Volinkaty, DD Lobbyist, said this is the first time money will follow clients from the Institutions into their community based settings. It utilizes Title 19 Waiver funds for a much better match for a general fund dollar.

Robbi Ford, American Federation of State, County and Municipal Employees, AFSCME, represents many employees at MDC and other institutions. There needs to be more study done on the plan before approving certain residents to move into the community based units.

REP. BRADLEY thanked all participants and spokesmen on this issue. She never heard it addressed with such thoughtfulness and unity of purpose.

Carroll South, Legislative Fiscal Analyst, said a concept is being discussed and if implemented has to be expenditure and revenue neutral. The LFA is looking at the savings or additional cost. He provided factual numbers with the executive request that involved the MDC and all Phases of the downsizing of Boulder and had that juxtaposed with the LFA current level. The current level budget analysis for FY92 and FY93 were based on the 1989 Legislative session. **Mr. South** referred to the figures in the worksheet table as handed out.

REP. COBB asked why all human service agencies can't be restructured under one agency. **Mr. Chisholm** said all aspects of human service systems need to be examined and well coordinated. It needs to be structured very carefully. **Ms. Robinson** pointed

out that one goal of this endeavor was to determine where to deliver the services, and they did not look at that issue as part of the plan.

REP. MENAHAN said his concern is for people going from Boulder, Department of Institutions, to Human Services and asked why they should not be under one administration. **Mr. Chisholm** said to do that during this session would be somewhat reckless because they also have responsibility to the DFS for DD case management. They want to get all DD systems under one agency head.

REP. BRADLEY said last session this subcommittee tried to catch up on payments to local providers and salaries to bring them a closer to entry level salaries in the Development Center. She asked how close they are and how much movement is needed to do that. Is there a dis-incentive or difficulty for individuals at Boulder to take their expertise into the community with a substantial cut. **Ms. Volinkaty** said community based salaries were 46% below parity with the state pay plan. The people at Boulder will lose money. **Ms. Pryor** said staff has been very supportive of the changes and are interested in working in the community system. There are good training programs for the staff. The community providers and SRS have worked with them and provided a list regularly in a bulletin about openings in these areas. The problem is the salary and difficulty in moving families.

John Fels, Owner of a Group Home in Hamilton, said there are two issues. First, additional salary is needed in order for the positions to flow. Second, there are people who have moved from employment at Boulder to employment at Missoula but they have received some inquiries about employment at Hamilton.

SEN. WATERMAN asked if staff could be coordinated on a timely basis to take positions in the local community because there would seem to be a lag time for people waiting several months to get another job. **Ms. Pryor** referred to staffing cuts made last November and the projected staffing cuts for March. There have been no layoffs. People without families were asked to consider moving to another area. The issue is whether they will be willing to move.

SEN. WATERMAN said she has some concerns about the budget and one is the omission of \$8,000,000 from the Long Range Building Phase. **Mr. Chisholm** said a major concern of his was how to fund the prison inmate population problem and the state is broke. There is no money in the Long Range Building program to pay for this particular issue or the prison expansion so it will have to be done with borrowed money. **SEN. WATERMAN** asked how the committee can accept the four phases of the proposal if an integral part is not there. **Mr. Chisholm** asked for this to be researched because it would be an embellishment to the program and was pre-advertised as an integral part which was unfortunate. It is not an integral part of the proposal to the extent they cannot carry

off all four phases and complete the downsize. It will mean Boulder will be more vulnerable to maintaining certification from the facility side. **SEN. WATERMAN** asked, in the long term, is it possible to do what this proposal addresses in the four phases and not add this building at Boulder and meet the mission as designed. **Mr. Chisholm** said probably not but thinks it's a good proposal and will probably have to wait until the next legislative session to unveil it officially but would strongly support it and make it one of the highest priorities of the Department. **SEN. WATERMAN** asked the Task Force that put this together if they feel this is integral part of the proposal. **Mr. Melcher** said it certainly was discussed throughout the entire work of the Task Force. The whole issue was, not only were they dealing with moving people but dealing with creating quality environments for them. In that sense, it definitely was a part of it.

Ms. Robinson said they need to be very clear with the committee that in the long term a new building will be needed. Certification cannot be maintained in the current facility.

SEN. WATERMAN wanted explanations to the comments: "the implementation of Phase IV would eliminate the intensive waiting list" and "there are 1,000 people on the waiting list" and what happened to the \$2,000,000 that was dropped from this proposal.

Mr. Anderson addressed the \$2,000,000 and said the original intent of the Inter-Agency Task Force was to insure savings at Boulder and not to expand more community services than they could afford with these savings. If all the general fund expenditures at Eastmont, MDC and expanded services for DFC and SRS were subtracted from the 1991 appropriated level, the estimated savings in 1992 were about \$700,000 and about \$1,200,000 in 1993 for a total of about \$2,000,000. This should be compared to the 1990 base and not 1991.

Mr. Taylor said there were 1211 people on the waiting list in December and that includes people who are currently in community based services. Of the people on the waiting list, there are about 458 people who will receive no services. People will be moving to less restrictive settings and regular group homes. The time lag for people getting into intensive services will be considerably shorter when the action plan is implemented. There are still 400 people waiting for adult services and supported employment.

ADJOURNMENT

Adjournment: 11:00 A.M.

HOUSE INSTITUTIONS & CULTURAL EDUCATION SUBCOMMITTEE

January 30, 1991

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Wm M Menahan

WM. "RED" MENAHAN, Chair

Mary Lou Schmitz

MARY LOU SCHMITZ, Secretary

WM/mls

HOUSE OF REPRESENTATIVES
INSTITUTIONS AND CULTURAL EDUCATION SUBCOMMITTEE

ROLL CALL

DATE 1-30-91

NAME	PRESENT	ABSENT	EXCUSED
REP. WM."RED" MENAHAN, CHAIRMAN	✓		
SEN. DICK MANNING, VICE-CHAIRMAN			✓
REP. DOROTHY CODY	✓		
SEN. ELEANOR VAUGHN	✓		
REP. CHUCK SWYSGOOD	✓		
SEN. GARY AKLESTAD	✓		
SEN. TOM BECK	✓		

HR:1991
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HOUSE OF REPRESENTATIVES

HUMAN SERVICES SUBCOMMITTEE

Joint Meeting with Institutions
ROLL CALL ~~ROLL~~

DATE 1-30-91 AGENCY _____ NUMBER _____

MOTION: _____

NAME	AYE	NO
REP. JOHN COBB		
SEN. TOM KEATING		
REP. JOHN JOHNSON		
SEN. DENNIS NATHE <i>absent</i>		
SEN. MIGNON WATERMAN, VICE-CHAIR		
REP. DOROTHY BRADLEY, CHAIR		
TOTAL		

also attended

VISITOR'S REGISTER

Institutions Human Serv

SUBCOMMITTEE

AGENCY(S)

*Joint meeting*DATE 30 JANUARY 91

DEPARTMENT _____

NAME	REPRESENTING	SUP- PORT	OP- POSE
Julie Robinson	Department of Social and Rehabilitation		
KURT CHISHOLM	Department of Institutions		
Bob Anderson	" "		
JENNIFER Pryor	MONTANA DEVELOPMENT CENTER		
DENNIS M. TAYLOR	DDD/SRS (Developmental Disabilities Division)	✓	
^{GARY WALSH} Mary Walsh	Dept. Family Serv		
^{GREG A. OLSEN} GREG A. OLSEN	DEV. DIS. PROGRAMS - ADVOCACY CO.		
^{WALLY MELCHER} Wally Melcher	Helena Industries	—	
CRIS VOLINKATY	DD Lobbyist		
^{ROBBI} Robbi D. JAL FORD	AFSCME - American Federation of State, County and Municipal Employees		

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IF YOU HAVE WRITTEN COMMENTS, PLEASE GIVE A COPY TO THE SECRETARY.

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