

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

JOINT SUBCOMMITTEE ON INSTITUTIONS & CULTURAL EDUCATION

Call to Order: By REP. ED GRADY, Chair, on January 18, 1993, at 8:00 AM

ROLL CALL

Members Present:

Rep. Ed Grady, Chair (R)
Sen. Eve Franklin, Vice Chair (D)
Sen. Gary Aklestad (R)
Sen. Tom Beck (R)
Rep. Red Menahan (D)
Rep. Linda Nelson (D)

Members Excused: SEN. J.D. LYNCH

Members Absent: NONE

Staff Present: Sandra Whitney, Legislative Fiscal Analyst
Mary LaFond, Office of Budget & Program Planning
Judy Murphy, Committee Secretary

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

Committee Business Summary:

Hearing: DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES OVERVIEW

Executive Action: NONE

HEARING ON DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES OVERVIEW

Tape No. 1:A

Informational Testimony:

Mickey Gamble, Corrections Division Administrator, said the primary goal of the Corrections Division will be public relations as it is affected by public education, safety and awareness. The mission statement of the department is: Montana Corrections, as part of the Criminal Justice System, contributes to the protection of society by actively helping offenders return to the status of law-abiding citizens. That help will be provided in a respectful, principle centered, dignified manner within a safe, secure and humane environment. **EXHIBIT 1**

The division is mission driven and the staff are valued parts of the division.

The total number of offenders housed in state correctional programs is 6,132; and 4000 offenders in communities. There are 609.29 FTEs in the programs.

There have been extensive studies done regarding the recent prison riot. The prison has upgraded security and policies through grants from the National Institute of Corrections. These grants were also used to conduct the studies. The MSP is still overcrowded with a population between 1160 and 1170.

Ongoing issues and goals are: development of public relations, education and public hearings in the development of a more proactive, community based correctional system; development of Total Quality Management in the entire division and unit management in the various institutions - needed training and implementation in the system; completion of classification study, and development/implementation of objective classification system; increasing training in all areas relative to the mission and development of a linked computer network which will be used by the entire corrections system; upgrading pay, training and professional standards for all line personnel; continued improvement in relationships/communications with the Board of Pardons and Unions; implementation of programs to include victims and the use of involved, trained volunteers in the community; continue expansion and development of prison industry and ranch programs to help defray cost of operation; preparation and support of MSP staff prior to the civil and American Civil Liberties Union riot related law suits; construction of the new Women's Correctional Center in Billings; discussion of the concept of adding 324 cells to MSP or the development of a community-based corrections program and alternative budget to address the projected population of almost 2,300 inmates by 1997. Under this community alternative the following numbers of inmates will be in the various programs by 1996:

MSP	1,100
SRFC	85
Diversion	30
Extended Supervision	55
Intensive supervision	285
Pre-release centers	420
Day reporting centers	16
Total	1,991

Additional issues include increasing the staff at MSP and in the field to better address the needs of the system to assure public safety; create programs which are resources to one another; expansion of Swan River Forest Camp to include a boot camp; and construction to be considered at MSP. EXHIBIT 1

Mr. Gamble stated the incarceration rate is going up. Currently Montana ranks 36th in the nation.

Questions, Responses, and Discussion:

SEN. BECK asked what the role is of the Parole Board in the classification system?

Mr. Gamble replied that the Parole Board comes in at a certain point, evaluates the person's performance, and helps to make the decision regarding parole.

Mr. Gamble stated the number of women incarcerated for violent crimes is very small.

Mr. Gamble explained that in order to have the community programs work, there must be an adequate prison.

SEN. GARY AKLESTAD asked why the division is continuing with an expanded program if it is downsizing because of the location?

Mr. Gamble explained the downsizing is due to finances.

Rick Day, Director of Corrections and Human Services, said the women's center takes first time offenders, this creates additional expenses. Any site chosen by the Department of Corrections will require site preparation. **Mr. Day** has been working with the city in Billings regarding and preparation of the site.

REP. RED MENAHAN asked why the department picked the worst site after all the data was gathered.

Mr. Day stated the heaviest weight regarding site proposals received was to programs and resources available in the community.

REP. MENAHAN said that women's crimes are different than men's. There are less sex crimes with women than men. Why are they building a new facility for 50 ladies?

Mr. Gamble responded that the situation is frustrating but the department looks to the legislature for guidance. **CHAIRMAN GRADY** stated he believed that the state will always need a women's prison.

REP. MENAHAN feels the women are not kept long in prison, so due to that, they are back on the streets. The woman doing time for the most violent crime will be out shortly, only having served six years.

SEN. BECK stated that women seem much less violent and aggressive. He asked why the women could not be put in training classes? **SEN. BECK** served on a committee which found that some of the women needed to learn just the basic home, health and education skills. The committee also found there were women in prison, who had committed crimes, that were mentally disturbed.

Mike Ferriter, Community Corrections Bureau Chief, explained the handout pertaining to "Clarification of Corrections Terms". The terms covered in the handout are: Boot Camp, Day Reporting Center, Diversion Program, Extended Supervision, Intensive Supervision, Live-Out Program, Pre-Release Center and Supervision Level. **EXHIBIT 2**

SEN. BECK, stated he likes the Boot Camp theory.

Mr. Gamble replied a boot camp needs a follow-up program. It is a young man's program. This program is for youthful offenders for a period of 90-120 days. The program works well in a dormitory setting.

CHAIRMAN GRADY asked **Mr. Gamble** about the Swan River facility? The maximum age of inmates has been increased to 30 years. The Swan River Forest Camp "boot camp" would be a "shock incarceration" program to serve 25 youthful offenders.

Mr. Gamble stated that many criminals return to the communities without programs. In order to make the communities safer there needs to be more program supervision, more focus on community programs.

Mr. Gamble said, according to the ADA requirements, there are still construction projects at MSP which need to be done to stay within the requirements. They are: laundry, infirmary, dairy dorm, dry room, reception area, electronic fences, ABC units remodeled and the bus barn construction. The department is asking the committee to make suggestions on utilization of prison staff and prison labor to complete construction of these projects.

CHAIRMAN GRADY asked if the department is going to do the same at Swan River concerning the remodeling repairs? **Mr. Gamble**, replied the repairs at Swan River deal mostly with food service. The department would again be using staff labor.

REP. MENAHAN is concerned about older inmates and what their health needs are going to be, such as nursing homes.

Mr. Gamble stated that nationally this is becoming a problems. The department is looking into placing these individuals in already existing programs.

Mr. Day commented on programs and suggestions. The department is using new unproven approaches and he is looking for solutions to long-term improvements.

CHAIRMAN GRADY applauded **Mr. Day** for taking this approach.

Sandra Whitney, Legislatiave Fiscal Analyst, explained the DCHS supplemental requests totalling \$3,570,238. The first request is for \$1.03 million for increased medical costs, variable costs and

partial recovery of a FY 1992 supplemental appropriation. The second request is for \$2 1/2 million for workers' compensation rate increases during the FY 1993 biennium. **EXHIBIT 3**

Tape 1:B

Pam Joehler, Management Services Division Administrator, referred to the letter the Department of Corrections and Human Services wrote to **Rep. Zook**, regarding supplemental requests. In the letter the department explains the reasons for the request.

EXHIBIT 4 The department has earmarked \$525,000 of FY 92 carry-over personal service funds which it will use to help mitigate the deficit. The department does not have any other funds to allocate toward this supplemental request.

REP. MENAHAN stated the inmates receive better medical treatment than an average citizen who pays for his own medical care. He asked what is our obligation to the inmate?

Mr. Gamble responded by saying this is a problem and the department is looking at having the inmates pay for their own sick call visits. This could be done by the inmate giving up cigarettes, candy and pop. When a person is in prison they are required to pay for as much of their medical costs as possible. When it becomes a problem, the prison is responsible for the inmate.

SEN. BECK said the Powell County Hospital has offered MSP acute care services. MSP is looking at this proposal because it is cheaper than transporting the inmates to Missoula. He told the committee the doctor on staff at MSP is sending the inmates to Missoula in order to cover himself regarding medical malpractice.

Mr. Gamble said this is being reviewed and that MSP is helping pay the malpractice insurance for the doctor on staff. The department would like the committee to give MSP the statute to draw the line. The prison has lost the dentist because he could not work in the present situation. However, the prison is still able to provide emergency dentistry treatment.

CHAIRMAN GRADY inquired about workers' comp and the safety of the staffers. Are claims increasing or decreasing? He asked **Ms. Joehler** to supply the committee with those figures.

CHAIRMAN GRADY is concerned about lifting belts and hydraulic lifts for patient care. These safety features for the staff will reduce back injury claims.

Bob Anderson, Special Service Division Administrator, said the belts would be a safety feature which could be implemented cheaply, however, there is no money in the budget to buy equipment.

REP. MENAHAN suggested that MSP inmates and staff could build the

lifting equipment for the institutions. The adaptive equipment carpenter could be of assistance at the MDC campus.

SEN. BECK believes drug costs are out of hand at MSP. Some community members in Deer Lodge have stated that the drugs are just being handed out.

Mr. Gamble does not believe the medical personnel are over-medicating. He also feels if the inmates would be charged, they would be less active in seeking drugs.

Ms. Joehler stated the pharmacies use generic brands as often as possible. The department would like some guidance from the committee on policy direction regarding medical issues.

CHAIRMAN GRADY asked **Mr. Day** if there were ways the department could, early in the session, draft legislation to control medical costs?

REP. MENAHAN asked about pilot programs which could be used in finding solutions to the medical costs.

Mr. Day replied that the program in Oregon is being studied and the department will provide the results to the committee.


Mary LaFond, Office of Budget Program and Planning, went on record as saying the budget office was surprised at the increases which have come forward since the first request for supplementals. **Ms. LaFond** is drafting a letter for the director's signature asking the department to come up with some mitigation efforts so the budget office has some control of these costs in the future.

SEN. BECK asked if the department, during the special sessions in January or July, had asked for additional money for inmate trial costs? Is this new request over and above that money? The department responded yes to this question.

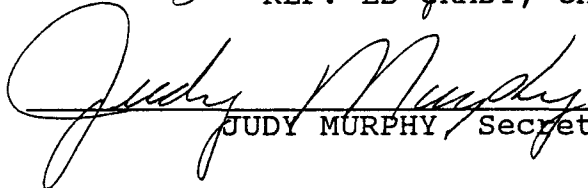
A motion was made to adjourn.

ADJOURNMENT

Adjournment: 10:30 am



REP. ED GRADY, Chair



JUDY MURPHY, Secretary

EG/jm

HOUSE OF REPRESENTATIVES

INSTITUTIONS/CULTURAL EDU. SUB-COMMITTEE

ROLL CALL

DATE

1-8-93

NAME	PRESENT	ABSENT	EXCUSED
SEN. GARY AKLESTAD	✓		
SEN. TOM BECK	✓		
SEN. EVE FRANKLIN, VICE CHAIRMAN	✓		
SEN. J.D. LYNCH			✓
REP. RED MENAHAN	✓		
REP. LINDA NELSON	✓		
REP. ED GRADY, CHAIRMAN	✓		

EXHIBIT

1-18-93

**DEPARTMENT OF
CORRECTIONS AND HUMAN SERVICES**

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CENTRAL OPERATIONS

(Program 10)

DIRECTOR'S OFFICE

The Director's Office component of the Department of Corrections and Human Services consists of 12.0 FTE which in addition to policy and executive direction, provides legal, personnel and clerical support services.

All four program divisions report to the Director's Office via their Division Administrators. The Management Services Division, the Director's Office and the Administrator of Special Services comprise Program 10 insofar as central operations is concerned. The Board of Pardons is administratively attached to the Department, and is also budgeted in Program 10.

MANAGEMENT SERVICES DIVISION

The Management Services Division (MSD) has three primary purposes:

- 1) To provide departmental leadership and policy formulation in areas that cross division functional lines but are essential to the effective management of the department, including fiscal analysis and policy review, reimbursement rules and issues, and information systems planning, evaluation, and development.
- 2) To respond accurately and in detail to legislative and other outside inquiries on behalf of the department.
- 3) To provide direct services to the department in the areas of client financial evaluation, reimbursement billing, information system user support, grants and contracts management, accounting, purchasing, payroll, and budget analysis and monitoring.

The Management Services Division is comprised of the Fiscal, Reimbursement, and Information Services bureaus. Two employees are located at Montana State Hospital to be closer to the clients they serve.

FISCAL BUREAU

The bureau provides direct fiscal services to the Director's Office, Board of Pardons, Womens' Correctional Center, Swan River Forest Camp, probation and parole offices, department-owned prerelease centers, and all administration programs of the line divisions--approximately \$20.2 million total annual expenditures and 213 FTE. The fiscal bureau has undergone extensive personnel turnover during the last 18 months and has been challenged by resource constraints.

Plans for the 1995 biennium include development of more timely ways and streamlined budget status reports for management use and active participation in reviewing ways of achieving efficiency and economy by eliminating duplication and consolidating data processing, personnel, and fiscal functions.

REIMBURSEMENT BUREAU

The bureau evaluates each clients' ability to pay for the services provided at the residential facilities and bills the appropriate resource for services rendered. The bureau generates approximately \$14 million annually for the state general fund and approximately \$2 million annually for the alcohol earmarked account.

The bureau has begun work on electronic submission of medicaid and medicare claims which will speed up the billing process. Additional productivity enhancements for the 1995 biennium include receiving medicaid and medicare remittance notices electronically and evaluating the feasibility of migrating to a single general ledger billing system rather than continuing with the four ledgers it currently uses.

INFORMATION SERVICES

The bureau provides a user support function to all department personnel, both for the AS/400 and personal computers throughout the department. The AS/400 is "up" 24 hours/day, 7 days/week and the bureau strives to provide 98 percent available on-line time to the end user. Approximately 250 devices are attached to the AS/400.

In the 1995 biennium the bureau will be assuming leadership for the development of department policies and standards that are compatible with statewide standards, identification of how and what technology can best support the department's business strategies, and the development of a long-range plan that merges the business needs of the institutional and community elements of the department with the appropriate technology.

SPECIAL SERVICES DIVISION

(Programs 10 - 50 - 60)

The Special Services Division of the Department of Corrections and Human Services fulfills its responsibility to the citizens of Montana by developing, implementing and managing comprehensive and quality residential services for the developmentally disabled (DD); and nursing and domiciliary services for honorably discharged veterans and their spouses.

I. PROGRAM 10 - SPECIAL SERVICES DIVISION - OPERATIONS
(FY 93 - FTE = 1.0 - BUDGET = \$64,990)

Division operations are responsible for the effective and efficient operation of both the residential facilities serving the developmentally disabled (Program 50), and the nursing and domiciliary facilities serving veterans (Program 60). The division ensures compliance to all state and federal licensing and certification requirements by facilities through ongoing evaluations; provides and coordinates state-wide planning of services; oversees Long Range Building and Maintenance Programs; and conducts program and policy reviews and client abuse investigations.

A. Accomplishments/Good news

- Provided the needed administrative and supervisory support to ensure compliance to all required federal and state licensing and certification standards for all Division facilities.
- Assisted in the successful development and implementation of the Governor's Action Plan to Modify the Montana Developmental Disabilities Service System (MDDSS).
- Recommended and implemented major changes in the commitment laws for the developmentally disabled, Title 53, Chapter 20.
- Development and implementation of a standardized patient abuse/neglect reporting system, bloodborne pathogens policies and a waste/recycling plan.
- Implementation of the Eastern Montana Veterans Home (EMVH) construction project.
- Implementation of the Montana Developmental Center (MDC) Campus Redesign construction project.

B. Ongoing Issues/Challenges

- Maintaining licensure and certification standards and current client population levels with decreases in funding.
- Oversee and manage EMVH and MDC Campus Redesign construction projects.
- Maintaining the interagency task force on developmental disabilities.

II. PROGRAM 50 - RESIDENTIAL SERVICES FOR THE DEVELOPMENTALLY DISABLED (FY 93 - FTE = 457.73 - BEDS = 160 - BUDGET = \$14,135,502)

The residential program of the Montana Developmental Disability Service System is administered under the Special Services Division and provides residential care, treatment, education, habilitation, medical care and training to the developmentally disabled who can not safely and effectively be served at home or in community based services. These services are provided by two facilities licensed as intermediate care facilities for the mentally retarded (ICF/MR) under the federal and state medicaid program. These facilities are the Montana Developmental Center (MDC) in Boulder MT, and the Eastmont Human Services Center (EHSC) in Glendive MT.

As stated in the new Montana Developmental Disabilities Service System Plan developed by the Human Services Subcabinet and endorsed by the Governor in November of 1989, the future missions of the MDC and EHSC are as follows:

MDC will provide comprehensive residential training and treatment services to:

1. Persons with developmental disabilities whose behavior problems are so severe that they cannot safely and effectively be served at home or in community-based settings; and
2. Persons with developmental disabilities who have no severe behavioral problems but who have major self help deficiencies which cause them to require immediate emergency nursing or medical intervention or total or nearly total assistance in caring for themselves.

EHSC will provide comprehensive residential training and treatment services to persons with developmental disabilities who:

1. Have severe self care deficits;
2. as a group are predominately ambulatory;
3. do not have severe behavioral problems; and
4. do not have severe nursing or medical problems.

A. Accomplishments/Good news

- Since 1990 we have greatly improved the quality of treatment and programs offered to MDC/EHSC clients as demonstrated by passage of Department of Health and Environmental Sciences medicaid surveys.
- Increase in staff/client ratios, and the development of new and innovative programs to meet the facilities mission and the increasing and changing behavioral needs of clients.
- Increase in staff development/training programs
- Since 1989 reduced the MDC client population from 185 to 110 and reduced over 100 FTE. EHSC reduced population from 55 to 50.
- Strengthened client rights and abuse/neglect policies.
- Legislative approval of the MDC Campus Redesign construction program.
- Implementation of a workers safety program.

B. Ongoing Issues/Challenges

- Fulfilling the missions of the facilities, ensuring compliance with licensing and certification standards, and maintaining current population levels with current funding levels and continual budget reductions.
- Inability to recruit and fill professional positions.
- Inability to keep client populations at or below licensed/budgeted levels of 110 at MDC and 50 at EHSC.
- Ensuring continual intra-agency coordination of services with the Department of Social and Rehabilitation Services (SRS) and Department of Family Services (DFS).
- Increases in workers comp premiums.
- Demolition of old non-used buildings.
- Union negotiations and contract changes regarding work week/day, shift exchange, etc.

III. PROGRAM 60 - NURSING AND DOMICILIARY SERVICES FOR VETERANS
(FY 93 - FTE = 85.89 BEDS = 150 beds)

Veterans nursing and domiciliary programs are administered under the Special Services Division and services are operated in full compliance with federal and state licensing and certification regulations under the Medicaid and Department of Veterans Affairs reimbursement programs. These services are provided by one (soon to be two) facility that provides an environment which is least restrictive and pursues the highest respect for individual freedom. These two facilities are: The Montana Veterans Home in Columbia Falls, MT., and the Eastern Montana Veterans Home in Glendive, MT.

A. Accomplishments/Good News

- Continual improvement in the quality of care demonstrated by passing both federal medicaid and Veterans Affairs (DVA) surveys.
- Implementation of programs and policies which improve the quality of care and effectiveness of operations.
- Implementation of a workers safety program.
- Approval and the development of a new Veterans Nursing Home (EMVH) in Glendive, MT.

B. Ongoing Issues/Challenges

- Effectively fulfilling the program mission, complying with federal and state certification and licensing requirements and maintaining population levels with current funding and continual budget reductions.
- Increase in work comp premiums.
- Decreasing demand for domiciliary services.
- Inability to recruit and retain professional staff.
- Demolition of old non-used buildings.
- Union negotiations and needed changes in contracts regarding work day/week, shift exchange, etc.
- Effectively and efficiently bringing on line the operations of the Eastern Montana Veterans Home (EMVH) in Glendive. Begin operational staff phase-in April 1, 1994 and admitting residents July 5, 1994.
- Alternative services for veterans instead of building new EMVH facility.

EXHIBIT 1
DATE 1-18-93

CORRECTIONS DIVISION

(Program 20)

The purpose of this presentation is to give a division overview and share our Mission/Vision, our activities and our goals. The primary goal of the Corrections Division will be public relations as it is affected by public education, safety and awareness. As stated in Reich's book, THE POWER OF PUBLIC IDEAS, "The core responsibility of those who deal in the public policy...is not simply to discover as objectively as possible what people want for themselves...it is also to provide the public with alternative visions of what is desirable and possible, to stimulate deliberation about them, provoke a reexamination of premises and values, and thus to broaden the range of potential responses and deepen society's understanding of itself." THIS IS THE GOAL OF THE CORRECTIONS DIVISION.

MISSION STATEMENT

A Mission/Vision is the preferred future, a desirable state, an ideal state. It serves as a compass for the Corrections Division and Montana's Mission is:

MONTANA CORRECTIONS, AS PART OF THE CRIMINAL JUSTICE SYSTEM, CONTRIBUTES TO THE PROTECTION OF SOCIETY BY ACTIVELY HELPING OFFENDERS RETURN TO THE STATUS OF LAW-ABIDING CITIZENS. THAT HELP WILL BE PROVIDED IN A RESPECTFUL, PRINCIPLE CENTERED, DIGNIFIED MANNER WITHIN A SAFE, SECURE AND HUMANE ENVIRONMENT.

All employees of Montana's corrections system express the following core values as indices of performance in implementing the system mission:

VALUE 1 - The dignity of individuals, the rights of all members of society and the potential for human growth and development are recognized and respected;

VALUE 2 - Citizens are expected to assume responsibility for their action;

VALUE 3 - The potential of individuals to live as law-abiding citizens is recognized, respected, expected and encouraged;

VALUE 4 - Montana Corrections staff are the keystone of the system and are essential to accomplishment of the mission. The necessity of respectful and cooperative human relationships within the system is recognized.

VALUE 5 - Montana Corrections is committed to sharing the ideas, knowledge, values and experience essential to its mission with all staff, the public, political representatives and offenders.

VALUE 6 - Montana Corrections is committed to open, honest and ethical management of correctional resources. Montana Corrections recognizes its accountability to the public and its elected and appointed representatives.

PROGRAM 20

CENTRAL OFFICE AND COMMUNITY CORRECTIONS		87.00 FTE
Central Office	10.0 FTE	
Probation and Parole	65.5 FTE	4,593 Offenders
1 Life Skills Center	11.5 FTE	27 Offenders
3 Pre-Release Centers	0.0 FTE	175 Offenders
MONTANA STATE PRISON (MSP)		432.61 FTE
		1,205 Offenders
WOMEN'S CORRECTIONAL CENTER (WCC)		39.85 FTE
WCC	32.85 FTE	60 Offenders
Life Skills Center	7.0 FTE	12 Offenders
SWAN RIVER FOREST CAMP (SRFC)		26.83 FTE
		60 Offenders
DAIRY/RANCH		12.75 FTE
INDUSTRIES		5.25 FTE
INDIVIDUAL TRAINING		4.00 FTE
TAG PLANT		2.00 FTE
TOTAL FOR PROGRAM 20 6,132 Offenders		609.29 FTE

Accomplishments:

- * Completion of Division Mission Document with input from all Corrections Division staff.
- * Extensive studies completed: (Funded by National Institute of Corrections' grants)

Plot at Max Report completed 11/91;
O'Brien Security Audit Report completed 11/91;
Rowan Medical Review of Correctional Facilities completed 8/92;
O'Brien Key/Tool Control Report completed 9/92;
Staffing Analysis by Michael Fair completed 11/92 (report forthcoming);
Classification Study and development of Objective Classification System by Dr. James Austin initiated 11/92; (1 year grant)
Development of Total Quality Management (TQM) for the entire Corrections Division to begin 1/28/93 with workshop by National Institute of Corrections (NIC) consultant.

- * Emergency Procedures Plan, Post Orders, and major Policies and Procedures have been updated.
- * Meeting of administrative and supervisory staff of Corrections Division 9/92. The first ever meeting of this kind which involved key staff from the entire division. The focus was team building and communication as well as a discussion of the alternatives approach to corrections.
- * Initiation of development of Alternative Plan for Corrections. It is clear that what we've been doing in Corrections is not working; therefore, it's time to develop a program which utilizes alternatives to incarceration to a greater degree.

Ongoing Issues/Goals:

- * Development of Public Relations, education and public hearings in the development of a more proactive, community based correctional system;
- * Development of Total Quality Management (TQM) in the entire division and Unit Management in the various institutions - needed training and implementation in the system;
- * Completion of Classification Study, and development/implementation of Objective Classification system;
- * Increasing training in all areas as is relative to our mission and development of a linked computer network that will be used by the entire correction's system;
- * Upgrading pay, training and professional standards for all line personnel; (currently, Montana's Correctional Officers are paid \$5,000 a year less than the regional and national average)
- * Continued improvement in relationships/communications with the Board of Pardons and Unions;
- * Implementation of programs to include victims and the use of involved, trained volunteers in the community; (Such as Restorative Justice)
- * Continue the expansion and development of prison industry and Ranch Programs to help defray costs of operation;
- * Preparation and support of MSP staff prior to the civil and American Civil Liberties Union (ACLU) Riot related law suits;
- * Construction of new Women's Correctional Center in Billings and development of female correctional programs that will be a model and standard nationwide;

* Discussion of the concept of adding 324 cells to MSP or the development of Community-based corrections program and alternative budget to address the projected population of almost 2,300 inmates by 1997. The construction will cost over \$20 million and require 214 additional FTE and a yearly operational budget of almost \$8 million. The alternative plan is designed to reduce the MSP population to 1100 from a current Average Daily Population of 1180 and the new Women's Center from 120 to 104, plus create several Intensive Supervision Programs and five Pre-Release Centers (including two on Reservations) throughout the State over the next 5 years; (THERE ARE CONCERNS AND THIS ACTION WOULD BE CLOSELY MONITORED TO DETERMINE WHETHER OR NOT FURTHER PRISON BEDS WERE NEEDED. THIS PLAN IS PRESENTED FOR THE CONSIDERATION OF THE LEGISLATURE TO EITHER BUILD OR APPROVE THE DELAY OF BUILDING AT MSP AT THIS TIME. CURRENTLY THERE ARE NO FUNDS AVAILABLE TO ADDRESS THE EVER EXPANDING COMMUNITY PLACEMENTS, AND UNDER THE ALTERNATIVE PLANS THE COMMUNITY PROGRAMS WOULD FIRST BE DEVELOPED AND IT WOULD BE DETERMINED TO WHAT DEGREE THEY ARE EFFECTIVE AND TO WHAT DEGREE, IF AT ALL, FURTHER BUILDING WAS NECESSARY.)

* Under this community alternative the following numbers of inmates will be in the various programs by 1996:

MSP - 1,100	INTENSIVE SUPERVISION - 285
SRFC - 85	PRE-RELEASE CENTERS - 420
DIVERSION - 30	DAY REPORTING CENTERS - 16
EXTENDED SUPERVISION - 55	
TOTAL - 1,991	

* Increase the staff at MSP and in the field to better address the needs of the system to assure public safety and create programs that are resources to each other; (addition of 173.67 FTE, which includes 85.54 for MSP and 30.63 for WCC, to serve an additional 581 offenders).

* Expansion of Swan River Forest Camp to include a Boot Camp.

* Construction to be considered at MSP - Low side kitchen; High side Industries/Voc-Ed building to include a laundry; Bus Barn addition (a vocational program); renovation to Low and High Side housing to meet American Disabilities Act; remodel infirmary to include X-Ray machine and dental operator; expand bathrooms in A, B, C, dorms; remodel Reception Unit to better address the needs of admitting and testing inmates; add dry room to back security station so inmates could be totally searched upon returning to the compound; remodel Low Side gym to make it larger and more accessible to disabled inmates; remodel Urine Analysis lab in B Unit; remodel Rothe Dorm as office space; build Unit Management Office Space on units as needed; construction of new Dairy Dorm that has space for programming and visiting; installation of state of the art electronic fence detection system.

MENTAL HEALTH DIVISION OVERVIEW

(Program 30)

MISSION

- o Provide comprehensive inpatient and outpatient service system for adults with severe and disabling mental illness.
- o Provide, in cooperation with Department of Family Services and other agencies, community based services for children and adolescents with emotional disturbances.
- o Provide mental health services for adults who do not have severe mental health illness but are unable to afford needed mental health services.

SERVICE COMPONENTS

Current Caseloads

Montana State Hospital:	
Warm Springs:	207 Patients
Galen Nursing Home:	51 Patients
Galen Acute Care:	25 Patients
Montana Center for the Aged:	136 Patients
Community Mental Health Programs	7,466 Patients (combined caseloads)
System serves approximately 13,500 annually.	

MAJOR ISSUES (1992-93 BIENNIUM)

Ihler Lawsuit
Warm Springs Reorganization/Downsize
Program Development
Professional Staffing Gains
Community Services Development
Childrens Services Coordination
Center for the Aged Patient Assessment Scores
Consumer/Family/Citizen Participation
Higher Education Involvement
Mental Health Data System
Program Monitoring/Evaluation
Pre-admission Screening
House Bill 103 Planning
Informed Consent and Guardianships

ISSUES FOR 1994-95 BIENNIUM

MSH and Center for Aged Program and Facility Development
Community Program Development and Evaluation of New Service Models
Housing
Childrens Services Development

EXHIBIT 1
DATE 1-18-93

ALCOHOL & DRUG ABUSE DIVISION (ADAD)

(Program 40)

FY 93 APPROPRIATIONS

General Fund	\$ 250,661
Special Revenues	1,696,372
Federal	3,337,470

TOTAL	\$5,284,503
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OPERATIONS (Central Office) FTE 8.00

RESIDENTIAL SERVICES - Galen FTE 51.65

MONTANA CHEMICAL DEPENDENCY CENTER (MCDC)

COMMUNITY SERVICES

MISSION STATEMENT

To promote a lifestyle free from chemical abuse for all Montanans by advocating and encouraging the barrier free delivery of responsive and innovative, residential and community based services in an environment of dignity and respect for all consumers, their families and staff.

DIVISION OPERATIONS - CENTRAL OFFICE

PLANNING AND PROGRAM DEVELOPMENT

DISTRIBUTION OF STATE & FEDERAL FUNDS

PROGRAM EVALUATION & APPROVAL & STANDARDS DEVELOPMENT

CERTIFICATION OF ALCOHOL & DRUG COUNSELORS

PREVENTION / EDUCATION

ALCOHOL & DRUG INFORMATION SYSTEM

Residential Services on the Galen Campus are:

Detoxification services in the hospital.

Length of stay 1-3 days.

Montana Chemical Dependency Center (MCDC)

87 Treatment & 12 Orientation beds

28 day and 60 day inpatient programs

All patients entering MCDC must enter through Detox. Based on the level of care determined from the evaluation provided at the detox and orientation unit, an individual is either returned to the community for outpatient or referred to MCDC for inpatient chemical dependency treatment. After completing treatment, individuals are referred back to a community program for aftercare services.

Community Services

Services are provided by State approved chemical Dependency treatment programs and community based prevention programs. ADAD contracts with private not for profit providers for outpatient, inpatient, detoxification, Transitional Living and Prevention services. Currently 23 state approved programs receive contracts for treatment and prevention services to cover all 56 counties. In addition, ADAD contracts with community based prevention programs for prevention\education services only.

CHEMICAL DEPENDENCY TREATMENT SYSTEM

**33 State Approved Programs in 68 Locations
(MCDC AT GALEN INCLUDED)**

- 2 - Detoxification**
- 3 - Inpatient Hospital**
- 7 - Inpatient Freestanding**
- 2 - Intermediate (TLF)**
- 24 - Outpatient * Services Available in All
Counties -16 Provide Intensive Outpatient**
- 21 - DUI Court Schools**

FUNDING FOR CHEMICAL DEPENDENCY SERVICES

- . State general fund - Galen only**
- . Earmarked alcohol tax - sales of liquor, beer and wine and cost recovery Galen.**
- . Federal block and categorical grants**

Major Accomplishments

Merger of the of the Lighthouse Drug Program and the Alcohol Services Center into one program Montana Chemical Dependency Center (MCDC).

Availability of Intensive Outpatient Programs (IOP) in all urban communities with a population of over 10,000.

Implementation of the revised Alcohol and Drug Information System (ADIS) which meets federal criteria and state needs.

Completion of the 4 year state plan for chemical dependency services.

Establishment of 10 ongoing community prevention projects from funding received under the Community Youth Activity Program (CYAP) federal grant.

Incorporation of HB 909 legislation upgrading counselor certification into our existing certification system.

Completion of the Gambling Treatment Study required under HB 909 and the Incidence and Prevalence Study not required under HB 909 but requested by the Gambling Control Advisory Council.

Development of Patient Placement criteria to ensure the most appropriate, effective and cost efficient utilization of services.

POLICY ISSUES

Completion of the chemical dependency program reorganization on the Galen campus to include the implementation of the 14 day program and Detox, Education, Assessment and Referral (DEAR) program.

Promoting Galen as a responsive, effective and innovative residential chemical dependency treatment program and not a minimum security facility for the criminal justice system, a homeless shelter, etc.

Ensure treatment on demand at Galen by virtually eliminating the waiting list.

Ensure the availability of public funding for chemical dependency services in both the community and Galen.

Meeting both federal funding requirements and serving our state targeted critical populations.

Providing gambling addiction treatment and prevention services within the chemical dependency system.

GALEN RESTRUCTURE

DEAR PROGRAM

DETOX, EDUCATION, ASSESSMENT & REFERRAL

- . 24-26 BEDS COMBINED DETOX & ORIENTATION
- . 3 COUNSELING STAFF
- . 4-5 DAYS IN LENGTH

SERVICES

- . DETOXIFICATION-MEDICALLY MONITORED
- . EDUCATION
 - LECTURES
 - VIDEO PROGRAMS & AA/RECOVERY LITERATURE
 - CLOSED AA MEETINGS
- . ASSESSMENT
 - INITIAL INTERVIEW
 - QUESTIONNAIRE TO SIGNIFICANT ONES
 - DATA FROM THE LEGAL SYSTEM ETC.
- . REFERRAL
 - BACK TO COMMUNITY
 - SHORT TERM TRACK
 - PRIMARY TRACK
 - EXTENDED TRACK

87 BED INPATIENT PROGRAM

1. SHORT TERM TRACK
 - . 9 BEDS
 - . LENGTH OF STAY 14 DAYS
 - . 1 PRIMARY COUNSELOR 9-1 RATIO
 - . INDIVIDUALS APPROPRIATE FOR INTENSIVE OUTPATIENT
 - . INDIVIDUALS WITH A HISTORY OF TREATMENT & SOBRIETY
2. PRIMARY TRACK
 - . 60 BEDS - LENGTH OF STAY 28 DAYS
 - . 6 COUNSELORS 10-1 RATIO
3. EXTENDED TRACK
 - . 18 BEDS 60 DAY LENGTH OF STAY
 - . 2 COUNSELORS 9-1 RATIO
 - . INDIVIDUALS WITH A HISTORY OF TREATMENT FAILURES

EXHIBIT

DATE

1-18-93

EXHIBIT 2

DATE 1-18-93

Clarification of Corrections Terms

1. **BOOT CAMP** - A "shock incarceration" program to be established at the Swan River Forest Camp. The camp will serve 25 youthful offenders for a period of 90-120 days. The individual's performance will be reported to the sentencing judge and the client's performance will be considered by the judge to determine the need for additional incarceration.
2. **DAY REPORTING CENTER (DRC)** - Highly structured program where a probation/parole client would spend a portion of his/her day. The Center will provide daily monitoring of the client while assisting with the client's needs. It is anticipated that D.R.C. would provide limited counseling and employment related services.
3. **DIVERSION PROGRAM** - Space established in community based facilities (pre-release centers) for the placement of prison bound individuals. The Diversion component is designed to provide structure and programming to individuals at a higher level than probation but at a lower level than prison.
4. **EXTENDED SUPERVISION (ESP)** - An additional level of Probation/Parole supervision planned to serve client's who have demonstrated a need for additional Probation/Parole Officer contact. ESP clients will meet with their supervising officer at least 3 times per week.
5. **INTENSIVE SUPERVISION (ISP)** - An existing Probation & Parole program that provides supervision to adult felony offenders who otherwise would be imprisoned. Clients receive an "intensified" level of contact and services in comparison to traditional Probation & Parole clients.
6. **LIVE OUT PROGRAM** - Designed to further assist pre-release inmates with a successful transition back to the community. Pre-release residents on "live-out" status will be within two months of parole or discharge and will be required to participate in all pre-release center programming but will be allowed to reside in their own residence.
7. **PRE-RELEASE CENTER** - Community based residential facility established to assist prison inmates with their transition from prison to the community.
8. **SUPERVISION LEVEL** - Refers to the level of contact a Probation/Parole client is required to have with his/her supervising officer. The supervision level is determined via the agency's classification system which is designed to portray the offenders "risk" and "need" factors. The following are Montana's current supervision levels:
 - CONDITIONAL DISCHARGE - Client reports on an annual basis.
 - MINIMUM SUPERVISION - Client reports to supervising officer on a quarterly basis.
 - MEDIUM SUPERVISION - Client reports to supervising officer on a monthly basis.
 - MAXIMUM SUPERVISION - Client reports to supervising officer two times per month.

EXHIBIT

3

DATE

1-18-93

DCHS SUPPLEMENTAL REQUESTS

87

The Executive includes two general fund supplemental requests for the department, totalling \$3,570,238, including:

1.02 million
1) corrections medical costs, corrections variable costs, and partial recovery of a fiscal 1992 supplemental appropriation (page D-32, LFA Budget Analysis); and

2 1/2 million
2) worker's compensation rate increases during the 1993 biennium (page D-32, LFA Budget Analysis).

DEPARTMENT OF CORRECTIONS
AND HUMAN SERVICES

EXHIBIT 4

DATE 1-18-93

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MARC RACICOT, GOVERNOR

1539 11TH AVENUE

STATE OF MONTANA

(406) 444-3930
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PO BOX 201301
HELENA, MONTANA 59620-1301

January 15, 1993

Representative Tom Zook, Chairman
House Appropriations Committee
Montana House of Representatives

Dear Chairman Zook:

Thank you for the opportunity to respond to your concerns regarding the supplemental request for the Department of Corrections and Human Services. Attached is a worksheet showing the supplemental posture of the department. As shown on the worksheet, the Department is facing severe financial constraints in fiscal 1993. The Department's supplemental request can be generally categorized into two areas: Worker's Compensation Insurance and supplemental issues in the Corrections System. We will respond to the questions presented in your letter in the context of these two general categories.

Worker's Compensation

The July 1992 workers compensation rate increase impacted all department programs, particularly the institutions. We estimate the impact at \$3.0 million, based on what was budgeted by the 1991 legislature and the known rate increase.

The consequences of not receiving the supplemental for the workers compensation increase would be severe. A \$3.0 million reduction in the department's personal services budget at this point in the year would require a reduction of approximately 370 FTE. A reduction of this magnitude presents definite public safety concerns as well as federal medicaid certification issues. Approximately 135 FTE would be cut in the corrections division as explained in the next section. The state general fund would lose approximately \$3.3 million in the remaining portion of FY93 if the Montana Developmental Center, Eastmont Human Services Center, Montana Center for the Aged, and the Montana Veterans' Home lost medicaid certification due to FTE reductions.

As you will note on the supplemental worksheet, the department has

identified \$700,000 in unexpended FY92 personal service funds that it intends to use to offset the deficit remaining following the original executive supplemental request. Approximately \$175,000 of the \$700,000 will be used to reduce the remaining deficits at the Montana Developmental Center and Eastmont Human Services Center. The remaining \$525,000 of FY92 personal service funds will be used to reduce the remaining deficit in the corrections division (see next section).

You have also asked what steps the department has taken to ensure that a supplemental will not be required in future biennia. There are several external forces driving worker compensation rates that are beyond the immediate control of the department, such as worker comp benefits allowed by statute. An area the department can have impact, however, is workplace safety and implementation of an aggressive back to work policy. The department is pursuing development of a Request for Proposal that would solicit management training to develop a means to aggressively manage staff on worker's compensation under an early return to work program as well as to expedite resolution of claims.

Corrections System Supplemental

The corrections system deficit, including workers compensation, totals \$3.46 million and is comprised of the following items:

- 1) \$1,402,300 - Medical Costs
- 2) 131,645 - Drug Costs
- 3) 281,400 - Inmate variable costs
- 4) 171,657 - Management audit costs
- 5) 122,795 - FY 92 Appropriation Transfer
- 6) 500,000 - Inmate trial costs (est)
- 7) 50,000 - FLSA lawsuit settlement
- 8) 201,954 - Higher food costs, extra holiday
- 9) 602,845 - Workers Compensation

\$3,464,596 Total Deficit

The original executive supplemental recommendation addresses \$1.5 million of this deficit, leaving a \$1.95 million deficit. Using \$525,000 of carryover FY92 funds results in a \$1.43 million deficit remaining in the corrections system. The department is requesting an additional supplemental appropriation to cover the remaining deficit.

Not receiving the requested supplemental appropriation would have a devastating effect on the corrections system. The programmatic implications include closing the Swan River Forest Camp, the Missoula and Billings pre-release centers, and the MSP Warm Springs expansion unit and Rothe Dorm; laying off most program support staff at Montana State Prison (counselors, teachers, clergy, data processing, and related administrative support, approximately 53 FTE); and reducing the probation and parole staff by one-fourth.

The corrections system would also have to release 180-200 low security inmates in order to reduce the correctional officers at Montana State Prison by 37. Following all of the above described action, the corrections system would still be facing a \$1.5 million deficit because of higher medical costs.

* As noted in the first paragraph in this section, the department has earmarked \$525,000 of FY92 carryover personal service funds it will use to help mitigate the deficit. The department does not have any other funds to allocate towards this supplemental request.

The executive budget includes a policy initiative that we feel will stabilize the budget at Montana State Prison and provide a more cost effective solution to housing offenders. It is less expensive to provide community alternatives than to house inmates at Montana State Prison. The corrections medical costs are an area of great concern to the department, particularly as these costs are unpredictable and have increased significantly in the current biennium. The department is actively pursuing the development of a Request for Proposal to acquire a preferred provider arrangement with a provider or providers to provide some relief in medical costs. In addition, the new administration has placed a high priority on developing an effective medical policy that will reflect the state's obligation to provide medical care.

In the future, it is the policy of the Racicot administration that departments shall operate within the constraints of its legislative appropriation and that its managers shall aggressively manage their budgets to stay within the appropriation. We will be making every attempt during the subcommittee hearing process to identify realistic costs necessary to operate the department in the 1995 biennium.

Thank you again for the opportunity to respond to your concerns. If there is additional information required, please do not hesitate to contact me.

Sincerely,

Rick Day, Director

cc: Rep. Ed Grady

DCHS
BUDGET STATUS SUMMARY
FOR DECEMBER, FY93

Printed:
15-Jan-93
03:51 PM

PROGRAM	NAME	FY93 BUDGET	FY93 PROJECTED EXPENDITURES	SURPLUS (DEFICIT)	ORIGINAL EXECUTIVE REQUEST			ADDITIONAL EXECUTIVE REQUEST			FY93 BUDGET SURPLUS
					SUPPLEMENTAL WORKERS' REQUEST	OTHER ISSUES REQUEST	FY92 TRANSFER TO FY93	BALANCE TO MITIGATE	SUPPLEMENTAL WORKERS' REQUEST	OTHER ISSUES REQUEST	
10	DIRECTOR'S OFFICE	1,778,087	1,765,394	12,693	3,805	0	0	16,498	0	0	16,498
20	MONTANA STATE PRISON	17,582,618	19,453,378	(1,870,760)	332,247	328,195	511,000	(699,318)	126,518	479,302	(93,498)
	PRISON RANCH	1,711,824	1,725,250	(13,626)	13,626	0	0	0	0	0	0
	PRISON INDUSTRIES	1,150,274	1,156,977	(6,703)	6,703	0	0	0	0	0	0
	INDUSTRIES TRAINING	469,802	474,619	(4,817)	4,817	0	0	0	0	0	0
	LICENSE PLATE FACTORY	234,019	154,019	80,000	1,914	0	0	81,914	0	0	81,914
	SWAN RIVER FOREST CAMP	1,146,287	1,207,333	(61,046)	20,330	0	14,000	(26,716)	0	0	(26,716)
	COMMUNITY CORRECTIONS/ ADMINISTRATION - MALE	5,139,722	5,313,137	(173,415)	68,228	0	0	(105,187)	0	50,000	(55,187)
	MEDICAL APPROPRIATION	1,899,975	3,272,275	(1,402,300)	703,500	0	0	(698,800)	0	698,800	0
	WOMENS CORRECTIONAL/ COMMUNITY CORRECTIONS	1,845,753	1,657,771	(11,929)	28,462	0	0	16,533	0	0	16,533
TOTAL 20		30,950,074	34,414,759	(3,464,599)	476,327	1,031,695	525,000	(1,431,574)	126,518	1,228,102	(76,954)
30	MONTANA STATE HOSPITAL	23,264,446	24,591,961	(1,327,515)	1,034,940	0	0	(202,569)	377,044	0	84,475
	CENTRAL OFFICE	7,394,308	7,402,304	(7,996)	7,996	0	0	0	0	0	0
	CENTER FOR THE AGED	3,554,932	3,697,307	(142,375)	130,928	0	0	(11,449)	0	0	(11,449)
TOTAL 30		34,213,686	35,691,572	(1,477,886)	1,173,868	0	0	(304,016)	377,044	0	73,028
40	CHEMICAL DEPENDENCY	4,057,414	4,070,600	(\$13,186)	13,186	0	0	0	0	0	0
50	MT. DEVELOPMENTAL CTR. EASTMONT	11,035,108	11,778,833	(743,725)	583,551	0	140,000	(20,174)	0	0	(20,174)
		3,100,394	3,312,844	(212,250)	171,163	0	35,000	(6,087)	0	0	(6,087)
TOTAL 50		14,135,502	15,091,477	(955,975)	754,714	0	175,000	(26,261)	0	0	(26,261)
60	MT. VETERAN'S HOME	2,995,006	3,062,395	(67,389)	116,644	0	0	49,255	0	0	49,255
TOTAL AGENCY		88,126,769	94,066,197	(5,939,428)	2,538,544	1,031,695	700,000	(1,696,100)	503,562	1,228,102	35,564

Work - Comp 3,042,106
FY92 Approp. Transfer 46,795
Medical 1,402,300
Inmate Variable Costs 281,400
Drugs 131,645
Audit 171,657
Inmate Trial Costs 176,000
FLSA Settlement 50,000
Total 5,301,903