439-4530 EXHIBIT 11
DATE 2-18-05
HB 628

February 18, 2005

Re: HB 628 (Sponsored by Paul Clark) Alternative Adolescent Residential Programs – regulatory board, etc.

Madam Chair and members of the committee:

My name is Kimberly Gardner. I am the Administrator of Alternative Youth Adventures, located in Boulder, MT. You may have heard of our program by our former name: Aspen Youth Alternatives. We were established here in MT to provide a Wilderness & Residential Treatment Program for at-risk youth. We operated that program for 7 years, until the funding was lost in the last legislature. Luckily, we were able to have the Outdoor Behavioral Program law passed and are in the process of re-opening that program.

In addition to that program, we are also a licensed Mental Health Center and provide Intensive Level Therapeutic Group Home Services for 16 seriously emotionally disturbed adolescents, as well as full time education services for our group home youth and some youth referred from the community of Boulder.

At AYA, I've obtained licensure as a Health Care Facility, a Child Care Agency, a Mental Health Center with endorsements in therapeutic rehab and day treatment services, and as Intensive Level Therapeutic Group Homes for at-risk and seriously emotionally disturbed adolescents. Also, I did the background research of all neighboring states' statutes for proposing the new license category of Outdoor Behavioral Program.

I don't believe this legislation is necessary. I have a great deal of experience of providing a variety of services to at-risk youth. As I stated, I maintain 4 licenses with the Department of Public Health and Human Services and am applying for

the newest license – that of Outdoor Behavioral Program. I have served privately placed youth and state placed youth in both residential care and in the wilderness.

I am concerned that this bill would create a regulatory board separate from the regulatory provisions available through DPHHS. The fact that these programs provide a wide array of services in a variety of environments is not justification for creating a separate board for regulation. Neither is the fact that they are placed by their out-of state parents, nor that the programs we are talking about do not intend to accept state-placed youth.

The common thread in all of these services is that the children live in these programs. Regardless of the treatment milieu, or whether or not the programs are large or small, or that they are faith-based or operate in the woods, or that they serve a unique type of youth, they all have the responsibility for the care, custody and treatment of the youth. The youth living in these programs, wherever their feet are – in the woods – in school – in the homes – certainly deserve the assurance that the facility managing their lives is regulated in a manner that is safe and good for them.

DPHHS has the expertise and the maturity to do this. The breadth of services that DPHHS regulates is immense. They regulate foster homes, therapeutic group homes, traditional group homes, Outdoor Behavioral Programs, shelter care facilities, residential treatment centers, acute psychiatric units for adolescents and a range of other services. In my efforts to work with the department in developing the new Outdoor Behavioral Program rules, I found them to work with integrity and to consider the experience, limitations and treatment philosophy of the providers. I was not given undue preference, nor was my opinion taken lightly. The rules that they produced are very well done and provide for the unique programming of each provider while assuring safety and integrity.

You may have heard that DPHHS does not have the expertise to regulate the wide array of programs. I strongly disagree. You may have heard that DPHHS is not "user friendly." It is true that the department is complex and it took me awhile to understand each division. But, as I learned how to partner with the department, I have found them to be very helpful and useful as I have matured both the model we use at AYA and with improving our services.

I am leaving you with a copy of the new Outdoor Behavioral Program Rules. Please take time to peruse through them. They are the newest set of licensing regulations that have been created by the Department. I'm sure that you will find them to be thorough and very realistic. I'm sure that you will also agree that any program operating in MT could easily fit within these or another set of rules that have already been created.

The youth residing in these programs deserve the oversight of the Department of Public Health and Human Services. There should be no separate category of care or separate board to regulate these facilities and services. The youth deserve the best and that can offered very well through the current regulations.

Lastly, please consider how this legislation would affect current facilities that offer services to at-risk youth. As an Outdoor Behavioral Program, AYA could also qualify as an Alternative Adolescent Residential Program if we were to serve youth whose residence is out of state. This would require us to answer to two regulatory bodies – the department and a regulatory board. I see that as unnecessary and excessive.

The mechanism is in place already. The Department has the expertise and ability to regulate these private programs. Please do not let the private interests of these programs override the necessity of quality regulation by the department. I trust the Department. If we can't trust the department, should we then put our

trust in a new regulatory board mainly comprised of the providers themselves? I don't think so. Please vote against this legislation.

Thank you.

Kimberly Gardner

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