

EXHIBIT 3
DATE 1/27/05
HB 2

Mental Disabilities Board of Visitors

Information Package

prepared for

General Government and Transportation Appropriations Subcommittee

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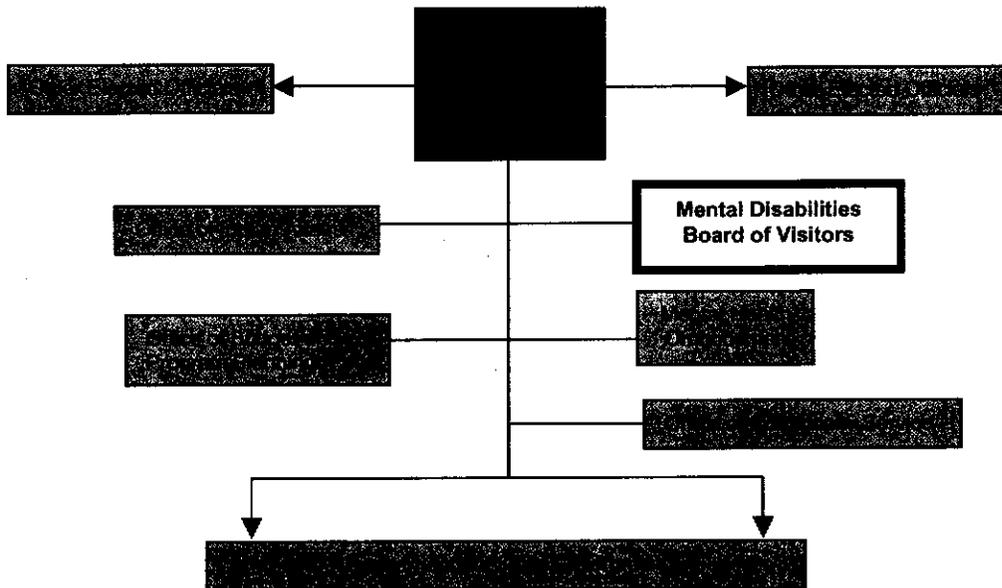
Governor's Office Budget Hearing

January 27, 28, 2005

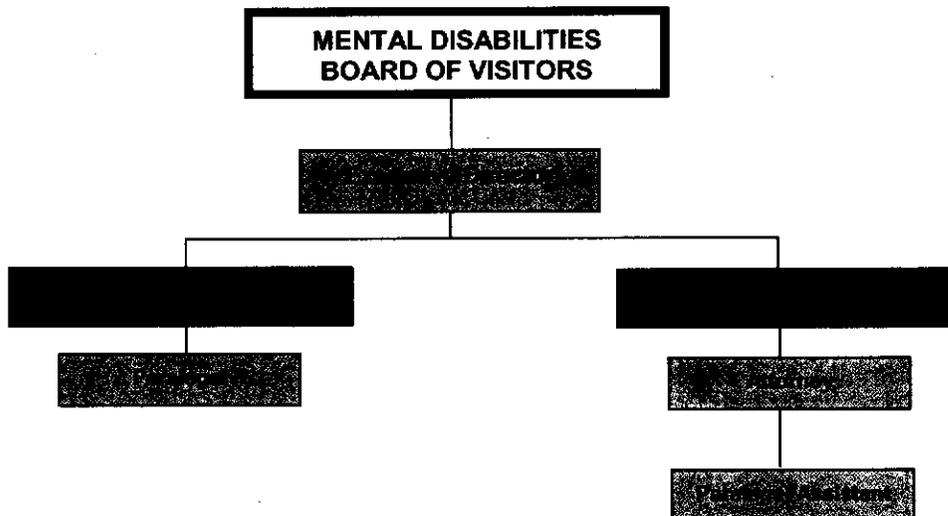
WHERE IS BOV IN THE STATE OF MONTANA ORGANIZATIONAL CHART?

2-15-211 (3) , MCA 2001. Mental Disabilities Board of Visitors -- composition -- allocation.

The mental disabilities board of visitors is attached to the governor for administrative purposes. It may employ staff for the purpose of carrying out its duties as set out in Title 53, chapter 20, part 1, and chapter 21, part 1.



MENTAL DISABILITIES BOARD OF VISITORS ORGANIZATIONAL CHART



1. What the Mental Disabilities Board of Visitors does...

Developmental Disability System

Powers and Duties defined in 53-20-104, MCA.

- (1) Conducts regular on-site reviews of Montana Developmental Center.
- (2) Provides legal representation to residents of Montana Developmental Center in commitment hearings on a case-by-case basis contingent on availability of BOV attorney.
- (3) Reviews all plans for hazardous treatment procedures involving persons committed to Montana Developmental Center. Reviews and approves all behavior intervention programs that involve aversive measures or restrictions of rights.
- (4) Investigates each allegation of mistreatment of a resident at Montana Developmental Center.
- (5) Inspects the file of each person committed to Montana Developmental Center to ensure that a habilitation plan exists and is being implemented.
- (6) Analyzes all use of restraints, isolation, or other intervention measures involving physical control.
- (7) Assists residents at Montana Developmental Center in resolving grievances.
- (8) Responds to all requests for assistance that come to the Helena office regarding services at Montana Developmental Center or other developmental disabilities services. **(approximately 300 requests per 12-month period)**

Mental Health System

Powers and Duties defined in 53-21-104, MCA.

- (1) Conducts regular on-site reviews of all entities defined as mental health facilities in 53-21-102, MCA.
- (2) Provides legal representation to patients at Montana State Hospital in all 90-day commitment hearings, 6 month and 1-year recommitment hearings, guardianship hearings, objections to transfers from Montana State Hospital to Montana Mental Health Nursing Care Center, petitions for discharge, and petitions for *habeas corpus*.
- (3) Provides legal assistance for patients at Montana State Hospital in criminal offenses that are alleged to have occurred at Montana State Hospital, criminal charges that have arisen in the community prior to admission to Montana State Hospital, and civil pleadings that patients may be served while in Montana State Hospital.
- (4) Provides representation for patients at Montana State Hospital in Forensic Review Board hearings.
- (5) Assists patients at Montana State Hospital in resolving grievances.
- (6) Provides representation to patients at Montana State Hospital in the "involuntary medication" request and review process.
- (7) Reviews each allegation and internal investigation of abuse, neglect, or mistreatment of consumers at all mental health facilities.
- (8) Assists persons who receive or who have received treatment at any mental health facility in resolving grievances concerning treatment in the facility.
- (9) Responds to all requests for assistance that come to the Helena office regarding services at any mental health facility in Montana. **(approximately 200 requests per 12 month period)**

2. Major Issues and Challenges...

Developmental Disability System

- (1) The number of admissions and re-admissions to MDC of individuals with increasingly complex treatment challenges (dual diagnosis, criminal offenses, and sex offenses).
- (2) Access by developmentally disabled "sex offender" residents of MDC to community based step down services.
- (3) Effectiveness of treatment on the secure unit (104-R).
- (4) MDC compliance with the Travis D. settlement.
- (5) MDC's process of investigation and resolution of allegations of abuse.

Mental Health System

- (1) Full implementation newly revised Standards for Site Reviews of mental health facilities.
- (2) Increased use of evidence-based treatment approaches in mental health facilities.
- (3) Improved definitions of staff competencies in mental health facilities.
- (4) Improved transition management of consumers between types and levels of services.
- (5) Balance in representing individuals with serious mental illness in commitment hearings at Montana State Hospital.
- (6) Increased Native American representation on the Board and among Board consultants.
- (7) Increased mental health consumer representation among Board consultants.

3. Base Budget and Decision Package 1...

- **Base Budget and proposed budget - per LFD 2007 Biennium Analysis**
- **Decision Package 1:**

The Board of Visitors experienced a disproportionate reduction in its operating budget during the 2003 budget cuts.

In accommodating these cuts, the Board reduced the number of site reviews planned for FY 2003 from 9 to 6; and for FY 2004 from 9 to 7. In addition, the Board reduced the participation of Board members and clinical consultants, and reduced travel to respond to consumer requests for assistance.

Restoring \$10,000 per FY for the 2007 biennium would allow the Board to reinstate the pre-cut review schedule and to restore optimum Board and consultant involvement, thus allowing the Board to more fully meet its statutory responsibilities.

Program Proposed Budget

The following table summarizes the executive budget proposal for this program by year, type of expenditure, and source of funding.

Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Exec. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Exec. Budget Fiscal 2007	Total Exec. Budget Fiscal 06-07
FTE	5.00	0.00	0.00	5.00	0.00	0.00	5.00	5.00
Personal Services	238,752	(2,082)	0	236,670	(2,429)	0	236,323	472,993
Operating Expenses	61,492	11,615	0	73,107	11,634	0	73,126	146,233
Total Costs	\$300,244	\$9,533	\$0	\$309,777	\$9,205	\$0	\$309,449	\$619,226
General Fund	204,989	10,779	0	215,768	10,494	0	215,483	431,251
Federal Special	95,255	(1,246)	0	94,009	(1,289)	0	93,966	187,975
Total Funds	\$300,244	\$9,533	\$0	\$309,777	\$9,205	\$0	\$309,449	\$619,226

Program Description

The Mental Disabilities Board of Visitors is charged with reviewing patient care at Montana's community mental health centers, and at the institutions for the mentally ill and the developmentally disabled. The board provides legal services for the residents at those institutions. The Governor appoints five board members who may be (but are not required to be) consumers, doctors of medicine, or behavioral scientists. The board employs administrative and legal staff and contracts with medical professionals to carry out its responsibilities for patient representation and facility review. The Mental Disabilities Board of Visitors Program was created by the Developmental Disabilities Act of 1975 and the Mental Commitment and Treatment Act of 1975 and exists as a state mandate.

Program Highlights

Mental Disabilities Board of Visitors Major Budget Highlights	
<ul style="list-style-type: none"> Increases in general fund are due to present law adjustments and a decision package to increase the travel budget 	
Major LFD Issues	
<ul style="list-style-type: none"> Federal special revenue is likely to disappear 	

Funding

The following table shows program funding, by source, for the base year and for the 2007 biennium as recommended by the Governor.

Program Funding Table Mental Disabilities Bd Visitrs						
Program Funding	Base FY 2004	% of Base FY 2004	Budget FY 2006	% of Budget FY 2006	Budget FY 2007	% of Budget FY 2007
01100 General Fund	\$ 204,989	68.3%	\$ 215,768	69.7%	\$ 215,483	69.6%
03580 6901-93.778 - Med Adm 50%	95,255	31.7%	94,009	30.3%	93,966	30.4%
Grand Total	\$ 300,244	100.0%	\$ 309,777	100.0%	\$ 309,449	100.0%

The office is funded with general fund and federal special revenues from DPHHS Medicaid funding, which is used to pay a portion of the personal services costs of the mental health ombudsman.

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The federal funding of \$188,000 over the biennium is from the Department of Public Health and Human Services (DPHHS). This funding is governed by the Center for Medicare and Medicaid Service, which is examining the funding associated with the Board of Visitors and the mental health ombudsman. Pending the results of the examination, there is a possibility that this funding will be discontinued, and may be retroactively disallowed. At the time of this writing, a determination has not been reached.

If the federal funding included in the 2007 biennium request is disallowed, OBPP would:

- Replace the federal special funds with general fund
- Reduce appropriations
- Eliminate the ombudsman position

If the federal funding of \$190,871 used in the 2005 biennium is disallowed retroactive to the beginning of FY 2004, the Governor's Office intends: 1) to replace the FY 2004 funds with funds carried forward from FY 2003, approximately \$90,000; and 2) request supplemental funding for the FY 2005 funds.

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget proposed by the executive. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

	Fiscal 2006					Fiscal 2007				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					7,780					7,418
Vacancy Savings					(9,862)					(9,847)
Inflation/Deflation					(43)					(42)
Fixed Costs					1,658					1,676
Total Statewide Present Law Adjustments					(\$467)					(\$795)
DP 1 - Board of Visitors Operating Expenses	0.00	10,000	0	0	10,000	0.00	10,000	0	0	10,000
Total Other Present Law Adjustments	0.00	\$10,000	\$0	\$0	\$10,000	0.00	\$10,000	\$0	\$0	\$10,000
Grand Total All Present Law Adjustments					\$9,533					\$9,205

DP 1 - Board of Visitors Operating Expenses - This request of \$10,000 general fund each year of the biennium would restore the program's travel and operating budget. The Board of Visitors has a statutory obligation to visit Montana's public mental health facilities.

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The \$10,000 was removed in the budget balancing efforts last session. The request, if funded, would cover board member honorariums as well as board and staff mileage, lodging, meals, and travel.

4. Goals for the 2007 Biennium...

Strategic Goal # 1.

Treatment services in Montana's mental health facilities and in the Montana Developmental Center will be humane, consistent with established clinical standards, incorporate evidence based practices, and comply with Montana law.

Strategic Objective 1.1

The Board will actively engage with Montana's mental health facilities and with the Montana Developmental Center through site reviews and ongoing dialogue.

Performance Indicator 1.1.1

At least 14 site reviews during the 2007 biennium.

Performance Indicator 1.1.2

Implementation by facilities of at least 90% of the recommendations contained in site review reports.

Performance Indicator 1.1.3

Achieve 90% positive satisfaction rating from facilities reviewed.

Strategic Objective 1.2

The Board will achieve improved consumer and Native American involvement in its work.

Performance Indicator 1.2.1

Recruit two Native American to serve on the Board and two to serve as consultants.

Performance Indicator 1.2.2

Recruit two consumers to serve as a consultants.

Strategic Goal # 2.

Legal rights of people receiving services from Montana's mental health facilities and the Montana Developmental Center will be respected, upheld, and protected.

Strategic Objective 2.1

The Board will actively support individual consumers in their requests for assistance.

Performance Indicator 2.1.1

100% of calls for assistance responded to within 24 hours or by the beginning of the next business day.

Performance Indicator 2.1.2

Achieve 90% positive satisfaction rating from consumers receiving assistance.

Strategic Objective 2.2

The Board will actively provide legal representation and advocacy services to patients at Montana State Hospital.

Performance Indicator 2.2.1

100% of patients undergoing commitment hearings, filing grievances, alleging abuse, and undergoing involuntary medication hearings at Montana State Hospital receiving full legal representation and/or advocacy services.

Performance Indicator 2.2.2

100% of calls for advocacy assistance responded to within 24 hours or by the beginning of the next business day.

Performance Indicator 2.2.3

Achieve 90% positive satisfaction rating from patients receiving assistance.

Strategic Goal # 3.

Treatment services in Montana's mental health facilities and in the Montana Developmental Center will be fully developed, of the highest quality, effective, and compassionate.

Strategic Objective 3.1

The Board will actively engage in a number of mental health system development activities.

Performance Indicator 3.1.1

Attend at least 80% of the Mental Health Oversight Council meetings, Mental Health Caucus meetings, and system meetings scheduled by the Department.

Performance Indicator 3.1.2

Implementation by facilities of at least 90% of the recommendations contained in site review reports.

Strategic Objective 3.2

The Board will actively engage in a number of developmental disabilities system development activities.

Performance Indicator 3.2.1

Attend at least 80% of the developmental disabilities system meetings scheduled by the Department.

Performance Indicator 3.2.2

Attend at least 80% of the program development meetings scheduled by the Montana Developmental Center.