

Montana State Legislature

2013 Session

Additional Documents include:

- * Business Report**
- * Roll Call- attendance**
- * Standing Committee Reports,**
- * Table Bills, Fiscal reports etc.**
- * Roll Call Votes**
- * Witness Statements**
- * Informational items**
- * Visitor Registrations**
- * Any other Documents;**
 - ~ Petitions if any?**
 - ~ Any and all material handed in after the meeting end.**

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BUSINESS REPORT

**MONTANA SENATE
63rd LEGISLATURE - REGULAR SESSION**

SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

Date: Friday, February 8, 2013

Place: Capitol

Time: 3:00 PM

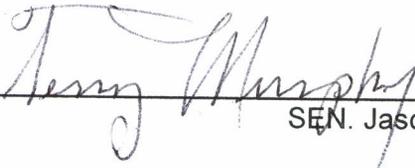
Room: 317-A

BILLS and RESOLUTIONS HEARD:

SB 254 - Plan for Closure of Montana Developmental Center - Sen. Mary Caferro

EXECUTIVE ACTION TAKEN:

Comments:


SEN. Jason Priest, Chair

MONTANA STATE SENATE

Roll Call

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

DATE: Feb. 8, 2013

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
CHAIRMAN JASON PRIEST		X
VICE CHAIRMAN TERRY MURPHY	X	
SENATOR MARY CAFERRO	X	
SENATOR GREG JERGESON	X	
SENATOR FRED THOMAS	X	
SENATOR DAVE WANZENRIED	X	
SENATOR ART WITTICH		X

MONTANA STATE SENATE
Visitors Register
SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

Friday, February 8, 2013

SB 254 - Plan for Closure of Montana Developmental Center

Sponsor: **Sen. Mary Caferro**

PLEASE PRINT C-L-E-A-R-L-Y

Name	Representing	Support	Oppose	Info
Terry Minow	MEA, MET		X	
Chuck MAZUREK	Jackson County		X	
Tim TWARDOSKI	AFSCME and AFL-CIO		X	
Joel Peden	MT Ind Living Ctrs	X		
Shyla Patera	NCICS	X		
Tara Mastel	JUDC	X	X	
Michael Fitzpatrick	myself	X	X	
Jim Wilkinson	myself	-	X	
Patricia Newman	myself		X	
Jim Heckert	RSS		X	
Kelsen Young	MCADSD			X
Quint Myerson	MPRA		X	X
Kenji Swain	Self	X		
Emma BEROOS	self	X		
Matt Kuntz	NAMI Montana			X
Ben Donaldson	self		X	
Kirk Wagoner	House District 77		X	
Melise Jordan	Advocates Against Injustice	X		
Stacy Fisk	Disability Rights MT	X		
Jim Whealon	Self		X	
Jim Keay	SD-38		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
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Friday, February 8, 2013

SB 254 - Plan for Closure of Montana Developmental Center

Sponsor: **Sen. Mary Caferro**

PLEASE PRINT C-L-E-A-R-L-Y

Name	Representing	Support	Oppose	Info
Bradie Mull	Mission Mtn. Enterprises	X		
Ian Harrington	U/DC		X	
Steve Heavenlo	DRM	X		
Laurie Danforth	DRM	X		
Leonard Wortman			X	
Mike Lewis			X	
Mike Cudowski	Rawlley Services			X
Dave Kusch	Jefferson County	X		
JANE LEE HAMMAN	Self		X	
Fran Sadowski	MDSC			X
Jan Anderson	Boulder Monitor		X	
Bill Palmer	Self	X		
LORI WESS	Self	X		
Larry Noonan	AWARE Inc.	X		
AUUA PICHETTE	MD BOV			X
Mandi Wilson	MDC-Boulder Citizens		X	
Janet Streib	MDC-Boulder Citizens		X	
Andrée Larose	Private Citizen	X		
Bernie Frances Ongay	DRM	X		
Elizabeth Jones	DRM	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Emge, Julie

From: Dan Aune <dan@mhaofmt.org>
Sent: Friday, February 08, 2013 12:01 PM
To: Art Wittich; David Wanzenreid; Dennis Priest; Fred Thomas; Greg Jergeson; Emge, Julie; Mary Caferro; Terry Murphy
Subject: SB 254, an act appointing a temporary transition planning committee to develop a plan to close the Montana Developmental Center

Senator Priest and Committee Members:

Thank you for your public service and willingness to take testimony on this important legislation. My name is Dan Aune, Executive Director of Mental Health America of Montana (MHA of MT). MHA of MT is a 65 year old MT mental health advocacy and education non-profit organization. We represent six affiliate chapters in MT and are an affiliate to the Mental Health America National. I represent our Board of Directors, Affiliate Chapters, and members in offering this testimony. My hope is to be at the hearing schedule, Friday – January 11th, but weather may prohibit my travel and I wanted you to have a hard copy of the public testimony I would offer.

MHA of MT stands in support of SB7 which Senator Caferro is sponsoring. The Board of Directors of MHA of MT has discussed this for some period and have decided to weigh-in as supportive of the legislation with the intent to have this vulnerable population served in communities. We ask that there is thoughtfulness to workforce development with providers who serve this population and a well thought out transition.

Respectfully,

Dan M. Aune
Executive Director
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Bozeman, MT 59771
(406) 587-7774 Office
(406) 595-1200 Cell
www.mhaofmt.org

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Dear Chairman Priest and members of the Senate Public Health, Welfare and Safety Committee,

I am writing today to urge you to support SB 254, a bill that would appoint a temporary transition planning committee to develop a plan to close the Montana Developmental Center in Boulder.

SB 254 is not about privatization or union busting. It is about protecting the civil rights of individuals with disabilities and meeting the state's obligation to provide services in the least restrictive setting possible.

I believe that we have the moral obligation to stand up for the rights of individuals with disabilities from all walks of life no matter the type of disability one has. Institutions, like MDC, are often remnants of our past system of long term institutionalization and are often ill suited to working with a state system of community supports. This is because they are based upon a model of placing many people in crisis together in a congregate care setting, which makes it difficult and expensive to try to prevent conflict between residents.

There is a law, the ADA, passed in 1990, which guarantees people with disabilities the right to receive services in the least restrictive setting possible, which is the community. The civil rights of people with disabilities stated in the ADA were affirmed by the US Supreme Court's Olmstead decision. Any services and supports that the good staff members can deliver there can also be delivered in the community. In addition to the moral rightness of closing MDC, the money saved can be used to serve many more people who have been waiting for years for services.

Individuals who would move out of the institution and into a community setting would still need services and so this is not about killing any jobs either, those jobs would simply move out into other settings to provide the services. It costs over \$250,000 per person per year to serve somebody in that facility which is ridiculous considering that community services can be provided for cheaper cost and probably be more effective.

Further, individuals who are sent to MDC for temporary placements are often kept there for several years and sometimes decades for no reason at all.

Closing this facility in a thoughtful and methodical manner that ensures the safety of residents as well as communities is the right thing to do both for the individuals with disabilities as well as for the state of Montana.

Respectfully,

Travis Hoffman
Missoula, MT
thoffman@summitilc.org
406-396-8159

Good afternoon and thank you for this opportunity to provide testimony on the issue of closing the Montana Developmental Center (Boulder River School, to those of us old enough to remember). Unfortunately, I am not able to be there in person, but hope you take this testimony with the sincerity it is written.

My name is Robert Liston. I was born and raised in Helena, went to Michigan for Graduate school and worked there for several years. I now live and work in Missoula. In addition, I have lived with a disability for over 40 years. I write this testimony in favor of the closure of MDC and urge you to provide the resources for each person to receive the services and supports to move into communities, hopefully in areas where they have family and/or acquaintances. This is going to take planning prior to leaving and continued support once they move. One of the biggest problems MDC has had over the past 15 years since I have been back in Montana, is that discharge plans have been developed, but there were not community providers available or willing to put the services in place. Each person needs their own plan, and they should not be moved out "en masse" into group homes—little institutions.

I have been working in the field of disability rights; including developing and providing the various services and supports that individuals need to live in the community. Some of the people I have had the privilege to work with were those who were deaf, blind, and had significant cognitive disabilities; persons who would have no way of understanding their likes and dislikes (which comes from close observation and getting to know the person); many people with significant autism and most other developmental disabilities; and people with "single digit" IQ's.

There are so many reasons that MDC should have been closed by now. I could potentially talk with you all day on those reasons, but I want to focus on one.

It is the law and the right thing to do! Under the Americans with Disabilities Act of 1990, persons with disabilities are to receive services and supports in the most integrated setting possible. This was affirmed by the U. S. Supreme Court in 1999 in the *Olmstead* Decision that told Georgia they could not unjustly "discriminate" against people because of their disability. With the amount of money that Montana already spends for the individuals still at MDC, it has proven it is not an "undue burden" to the state, and could probably save money by doing the right thing.

Again, I thank you for taking up this issue and sincerely hope you decide to vote to close MDC and to move people into communities the right way, one person at a time and with the services and supports they need. They have been incarcerated for the crime of having a disability long enough.

Thank you,

Bob Liston
8625 St. Vrain Way
Missoula, MT 59808
406.544.9495
adaptbob@gmail.com

Good Afternoon, and thank you to the committee for the opportunity to present my testimony. My name is Marsha Katz and I am a 67 year old resident of Missoula.

I want to urge you to pass legislation that will close the state institution in Boulder, and move the residents one at a time into community homes with appropriate services and supports.

I married into Montana, and have lived and worked here for the past 15 years after moving from my birthplace of Michigan, where I spent 20 years working in a community-based disability rights organization that assisted people to move from institutions into the community. I know what's possible because I have done it.

There is no one currently in MDC who presents any more of a challenge than any of the people I helped transition into the community in Michigan. I know it can be done.

To those in the unions who might oppose closing MDC, I would say to them and to the legislature that while I respect the concern for those jobs, there is no legal or moral justification for keeping people with disabilities virtually imprisoned in order to maintain jobs. Jobs cannot be preserved on the backs of the freedom and dignity of people with disabilities.

To those in the Boulder community I would say something similar. The welfare of a community should not rest on the backs of people who are being denied the freedom and dignity they are guaranteed by law, both federal and state. It is time for the creative minds in Boulder and Helena to reinvent and repurpose and diversify the town of Boulder so it can continue to thrive and grow and provide a good quality of life for its residents.

To those who worry that people with the most significant disabilities and challenging behaviors couldn't possibly live in the community, I would say that if they can live in Boulder, they can live in the community...there is absolutely nothing magical about the four walls of an institution....any services and supports that can be delivered in MDC can be delivered by the same people within the four walls of a real home in the community.

There are some who might tell you that certain services don't exist in the community- services that they think are needed by MDC residents. I would tell those people that those very services will be developed one person at a time as people move from MDC to community homes...they will be developed around each person, according to that person's specific needs as detailed in legally required person-centered plan. And if there are a few specific needs that the creative minds in this state cannot figure out how to meet, then I promise that there are many others across the country who have already dealt with similar situations, and who would be glad to offer assistance.

In closing, there is no good reason to keep people warehoused in an institution when they can be served just as well or better in a community home, near family and friends. And the money saved overall by serving people in the community can then be used to serve many more people who have been waiting for years to be properly served by the state. Seems like a win-win to me. Thank you again for this opportunity to speak, and please cast your votes to close MDC and use precious tax dollars more efficiently to serve many more Montana citizens.



POSITION STATEMENT OF THE
MONTANA COUNCIL ON DEVELOPMENTAL DISABILITIES

ON THE FUTURE OF
THE MONTANA DEVELOPMENTAL CENTER

The Montana Council on Developmental Disabilities (MCDD) believes persons with developmental disabilities should be served in the least restrictive environment.

The Council further acknowledges that in some instances community placements may not be possible, not because of the person but due to the lack of community based service and support delivery options.

Any action plan determined by the Legislature for potential closure of the MDC must be determined by the ability of the state and community based service providers to assure that the services and supports are in place to serve persons transitioning from MDC.

Prior to any action being taken on the future of MDC the Council would endorse the following steps be taken;

- Review and analysis of the current community based service delivery system performed by an outside independent evaluator group.
- Assessment of the services and supports needed, but not currently available, from community based service providers to serve persons transitioning from MDC, and the required financial and other resources needed to serve this population, again by an outside independent group.
- Publish a report to all system stakeholders for consideration and/or future actions surrounding MDC.

- The Council believes that there will be a need for a crisis unit, located somewhere in the state to assist community-based providers and persons being served in the community who find themselves in a crisis unable to be resolved in the community.

This position statement was adopted by the Montana Council on Developmental Disabilities on January 18, 2013.



Dear,

February 11, 2013

Please do not close the facilities that help the developmentally disabled in Boulder, MT. It is already a residential facility not an institution; the campus is comprised of few separate homes in a wonderful community. It is used to rehabilitate the developmentally disabled so that they may one day return to their own community. The campus at Boulder invites the families to help, encourage and guide their children while they stay at the campus. Mr. Haire the director of the campus told me "our goal is to rehabilitate each person coming onto this campus in three-five years or sooner." These individuals have been court ordered to the facilities at Boulder and they need our protection and help. We the state of Montana rebuilt the campus at Boulder in the 1990's it looks like a New England village and many people who visit say it does not even closely resemble an institution, please visit the grounds for yourself.

Two years ago we had to move one of the residents from one of our "farms" due to her violent temper and outburst, which could hurt her or the staff taking care of her. There was not and is not any facility or group home equipped to supervise this sort of situation with 24 hours of care except the campus at Boulder.

Twice in the last 30 years the state legislature has tried to close the facilities at Boulder, and the state has realized that the needs of the developmentally disabled population in Montana was too great, and would not work without these facilities. The campus is working in the rehabilitation of those people who need it now, why close it when we need it for our developmentally disabled children now and in the future?

Thank you and God bless you.
Sincerely

Lowell Bartels
C.E.O. and co-founder Farm in the Dell, International

Emge, Julie

From: Rhoades, Jessica (HHS)
Sent: Thursday, February 14, 2013 12:07 PM
To: Emge, Julie; jason@priest2010.com
Subject: FW: Comments from West Mont Administrative Team on SB 254

Dear Chairman Priest and members of the Senate Public Health and Welfare Committee:

Kris Bakula is the President of West Mont, which operates 11 residential facilities including the Farm in the Dell and Melodee House and three Helena vocational centers.

Ms. Bakula was unable to attend the hearing on Senate Bill 254 but asked that her comments be distributed to members of the committee.

Thank you,

Jessica Rhoades
Montana Dept. of Public Health
and Human Services
jrhoades@mt.gov
Office: (406) 444-3666
www.dphhs.mt.gov

From: Kris Bakula [<mailto:KBakula@westmont.org>]
Sent: Thursday, January 31, 2013 12:39 PM
Cc: Admin Team
Subject: RE: LC2015 attached MDC

The West Mont Administrative Team offers the following feedback on SB 254:

- We believe too much valuable time has already gone into “closing” MDC and that more productive time should be spent improving the services currently provided at MDC that are actually part of the continuum of care in the spectrum of services provided to individuals with developmental disabilities
- Serious caution should be exercised in ratcheting the safety net MDC has provided for years down to 12 individuals or less – jail is **not** a less restrictive alternative
- Instead of spending even more money on brick and mortar in another community (or communities) why not continue to use what works at MDC and repair/change what doesn't – this would also preserve the community of Boulder as opposed to gutting one of its main economic infrastructures
- If the current administrative structure of MDC is not effective and/or cost efficient, and we are not totally convinced this is true, wouldn't it make more

sense as a first step to replace the state-driven model with a non-profit model at the existing facility and let the non-profit entity prove it can do the job better – moving the buildings and clients at huge expense to another place is not going to change the needs of the clients

- The 13 member transition planning committee outlined in the draft of LC2015 is comprised of only 2 providers and 2 primary or secondary consumers, possibly 3 depending upon the representative from BOV, nor is there representation from MDC itself. We strongly believe that these very serious decisions should have input from a majority of professionals and consumers who have hands on experience.

This is the Cliff Notes version of many of our discussions, but it provides you with an overview. I have no idea if other providers share our concerns, or not. I can add that 4 of the 6 of us on the Admin Team have over 140 years of experience, so we have some insight into what has worked and what hasn't since the onset of deinstitutionalization.

Kris Bakula
406-447-3176

From: Rose M. Hughes [<mailto:rhughes@rmsmanagement.com>]
Sent: Wednesday, January 30, 2013 11:53 AM
To: 'Rose M. Hughes'
Subject: LC2015 attached MDC

I just received a new draft of the MDC legislation – when you review the legislation and provide your comments to me, please use this version of the bill. Thanks!

Rose

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