

The argument that folks who are served in the community lack fundamental protections and safeguards and outside monitoring similar to the residents at the Montana Developmental Center is simply not true.

MT DPHHS DDP Consumer protections for those served in the community are arguably more extensive, rigorous and more established in policy and procedure and actual practice than MDC safeguards. This critical issue has been misconstrued repeatedly during the debate on SB 411, and continues in discussions at the MDC Transitional Committee.

In fact, the DDP Community programs have in place long-standing rigorous and extensive Client Protection systems; with detailed policies and procedures that are more extensive, more rigorous, and more integrated into community service cultures and practice with much greater accountability than what has been historically seen at MDC. These consumer safeguards and protections for persons being served in the community are well defined in both Montana administrative rule and Montana state law.

To better understand the specific long-standing community service consumer protections against abuse, sexual abuse, neglect, self-neglect, and exploitation, please review the detailed MT DPHHS DDP Incident Management Manual found on the DDP website at:

<http://dphhs.mt.gov/Portals/85/dsd/documents/DDP/PoliciesandProcedures/IncidentManagementManual.pdf>

Please note the clear definitions of what constitutes reportable events including abuse, sexual abuse, neglect, self-neglect, and exploitation-the same definitions in law apply to treatment at MDC.

Despite the continued diminishing of the seriousness of these type of incidents at MDC as minor and insignificant by opponents of SB 411 and now by members of the MDC Transitional Committee; community providers must be at all times cognizant of protecting those they serve from these events. Please note the strict reporting timelines that community service providers must follow. Keep in mind that this reporting must be done on a central MT DPHHS DDP on-line Incident Reporting system so reporting is done in real time instantaneously. Follow up and corrective action with MT DPPHS staff is required.

DDP has an extensive network of dedicated Quality Assurance and other staff both regionally and in the central office with primary job responsibilities of assuring consumer protections, investigating critical incidents, and evaluating community programs compliance with DDP policies and procedures. These staff are based in ten (10) offices statewide:

<http://dphhs.mt.gov/dsd/developmentaldisabilities/DevelopmentalDisabilitiesRegionalOffices>

In addition, other MT DPHHS programs such as licensing and Adult Protective Services provide additional evaluation, monitoring, and protections. Finally, local law enforcement and county attorneys may be involved in investigating and prosecuting serious incidents.

More broadly, the protection of the health, well being, and safety of consumers in the community are the focus and critical elements of all DDP policy and procedure. Consumer protections and safeguards are integrated into all MT DPHHS DDP Community Programs Policies and Procedures which can all be reviewed in complete detail at:

<http://dphhs.mt.gov/dsd/developmentaldisabilities/DDPpolproced>

These are the same expectations of care as at MDC. The role of MT DOJ at MDC came about after recognizing that MT DPHHS could not monitor itself as a service provider. In the community MT DPHHS can provide the monitoring since they are not also the service provider.

The conversation at the MDC Transition Committee continues to suggest that DDP Community Providers do not have independent oversight in terms of incidents involving persons in their care. The MDC Transition Committee Board member comments including from Committee Chair Dan Villa would suggest that the types of incidents happening at MDC are widespread everywhere but are not known because community providers do not have independent oversight similar to the DOJ current role at MDC. MT DPHHS leadership present fails to educate the committee members or the public by failing to inform the committee or the public about the comprehensive incident reporting system long in place at DDP. If MT DPHHS DDP feels this system does not currently provide those served in the community they need to be responsible in addressing any shortcomings in the current system, and explain why the extensive dedicated DDP FTE involved in overseeing the system are not protecting consumers in the community from neglect and abuse. At the very least, MT DPHHS and DDP leadership need to speak up to inform committee members and the public that this consumer protection system has long been a critical part of the DDP community system