

Memo

From: Anita Roessmann, Staff Attorney with Disability Rights Montana

Re: Mental Health Legislative Update

Date: April 1, 2009

This week got off to a bang with a hearing on HB 132 in the Senate Judiciary Committee. This is one of the crisis bills. It has been nicknamed “the diversion bill” because it provides a legal mechanism for diverting a person who could be civilly committed away from the legal process if the person agrees to stay in in-patient treatment for up to two weeks. In other words, if there is a pending civil commitment petition that says that you should be civilly committed to the State Hospital, and if the professional person who examines you thinks that you could stabilize and return home in two weeks or less, then you can be given the option to agree in writing to remain in care for up to two weeks. During that two weeks, you cannot leave unless you are discharged, and the commitment petition is not dismissed until you are discharged.

The patient does not have to stay in a secure bed during the entire two-week period. The decision to move a patient to a less secure level of care or to discharge a patient before the two weeks is up remains a matter of medical judgment, though the county attorney or defense attorney can object.

HB 132 gives county governments a lot of financial relief because the state has to pay for the two-week diversion. (Counties have to pay for all the in-patient care provided during the time it takes to complete a civil commitment proceeding, so every patient diverted will typically save the county thousands of dollars). For law enforcement officers, HB 132 provides relief because they do not have transport State Hospital patients to court for commitment hearings. For patients it provides relief because they are served close to home, with participation by their families and other supporters, including community providers, and because they can be patients instead of “respondents” in a legal proceeding.

On Monday, HB 132 had 11 supporters, including NAMI, Billings Clinic, the Montana Hospital Association, the Sheriffs and Peace Officers Association, the County Attorneys Association, Western Montana Mental Health Center, The Center for Mental Health, the Eastern Montana Mental Health Center, Disability Rights Montana, and Lewis and Clark County. (Many other organizations not represented on Monday also support the crisis bills).

Park County Attorney Brett Linneweber told the committee that HB 132 “has been sorely needed for many years.” Right now, he said, “the only option is an all-or-nothing adversarial process.” And he also observed that as community mental health services have increased in Park County in recent years, he has seen fewer involuntary civil commitments.

For the first time since HB 132 was introduced, however, it had opponents. On Monday, the Governor’s office, DPHHS and the Montana State Hospital testified against HB 132. The major objections centered around funding. The opponents said \$4 million was not enough money to

fund the three crisis bills, that funding the bills with one-time stimulus money was “a setup for failure,” and that “the need to protect core services” from future funding cuts made new programs inappropriate.

Other objections included the September 9th implementation date because that doesn't allow enough time to prepare; lack of data; the need to find providers; the need to analyze costs; and the fact that some advocates had suggested closing down the Spratt Building on the State Hospital campus at some point in the future and using the savings to fund diversion beds in the community. When the committee asked one opponent why the Department would need a year to implement HB 132, she said that, among other things, there would need to be “an extreme amount of education of judges and county attorneys.”

There are answers to these objections:

- HB 132 can be amended to allow for a longer implementation period.
- A longer implementation date would also save money and make the \$4 million appropriation go farther.
- These bills and the funding for these bills do NOT downsize or close the State Hospital. Every organization that backs these bills values the care provided at the State Hospital and considers it an integral part of the service continuum. (It was this particular advocate's brilliant idea to suggest that the Spratt Building could be closed eventually and the savings used to fund community services—I thought that would result in a better staffed, higher quality State Hospital and save money, too. I've learned that was a Big Mistake and caused a lot of confusion. I apologize, everyone.)
- The appropriation for the crisis bills is called the “community crisis services demonstration project” because:
 - We don't know exactly how much diversion beds or other community crisis services will cost.
 - We think diversion and other crisis services will substantially reduce State Hospital admissions, but we don't know how much.
 - A demonstration project is an opportunity to collect data and analyze costs.
- The reason that funding community crisis and short-term treatment beds for the uninsured with one-time money is *not* a nutty idea is:
 - Over 60 psychiatric in-patient beds have opened, will open or could open in Montana between now and Christmas.
 - Except for the diversion beds that the Billings Clinic might consider opening, *none* of these beds are opening in reliance on the crisis bills or the demonstration project funding.
 - And most important of all, *the hospitals say they want to make the demonstration project work.*

WHAT HAPPENS NEXT:

1. The other two crisis bills, HB 130 and 131, will be heard in Senate Judiciary Committee on Thursday, April 2nd, at 9:00 a.m. in room 303 of the Capitol.
 - HB 130 requires counties or groups of counties to create crisis plans and provides some matching state funding.
 - HB 131 funds nine crisis beds for emergency detention, three in each service area.
2. The Senate Judiciary Committee will probably take executive action on all three bills by the end of this week or beginning of next week. The bills will be referred to the full Senate for preliminary approval and then go to the Senate Finance Committee for a hearing on the funding issue.
3. Meanwhile, the Senate Finance Committee will take action on HB 2, which has a \$1 million appropriation for the demonstration grant, and HB 645, which has a \$3 million appropriation for the crisis bills. Senate Finance will reportedly act on and approve both bills on Thursday and Friday.

WHAT YOU CAN DO:

1. Tell the Senate Judiciary Committee why the three crisis bills are important to your community, your family, or you.
2. Tell the Senate Finance Committee the same thing.
3. You can write to every Senator on each committee, but remember that lawmakers care most about the people who elected them, so be sure to write to the Senators from your home town.
4. Forward this email to others.

Here are three ways to communicate with the Senators on the Committees:

1. Use the on-line legislative message system:
<http://leg.mt.gov/css/sessions/61st/legwebmessage.asp> . These messages are printed out and delivered to Senators several times a day.
2. You can also leave a brief message at 406-444-4800.
3. Fax a letter to 406-444-4875
4. Mail a letter to Montana Senate, PO Box 200500, Helena, MT 59620-0500.
5. Click on the email address for the Senator in the table below. (This method is great for many Senators, but some do not check their personal email very often, and sometimes, their laptops break down. The most sure-fire way to get your message across is #1, above, the on-line message form.)

Senate Judiciary Committee	Hometown
Gary L Perry , Chair perrysd35@aol.com	Manhattan
Jim Shockley , Vice Chair No personal email address.	Victor

Aubyn Curtiss aubyna@interbel.net	Fortine
John Esp johnesp2001@yahoo.com	Big Timber
Greg Hinkle No personal email address.	Thompson Falls
Dan McGee No personal email address.	Laurel
Terry Murphy murphter5@yahoo.com	Cardwell
Larry Jent larry@imt.net	Bozeman
Carol C Juneau csjuneau@3rivers.net	Browning
Cliff Larsen cliff@larsenusa.com	Missoula
Jesse Laslovich jesselaz@yahoo.com	Anaconda
Lynda Moss lyndamoss@imt.net	Billings

Senate Finance Committee	Hometown
Keith Bales , Chairman senbales@wbaccess.net	Otter
Dave Lewis , Vice-Chair davelewis@aol.com	Helena
Gregory D Barkus gbarkus@gmail.com	Kalispell
Debby Barrett grt3177@smtel.com	Dillon
John Brenden No personal email address.	Scobey
John Brueggeman john@senatorjohn.net	Polson
John Esp johnesp2001@yahoo.com	Big Timber
Rick Laible ricklaible@aol.com	Darby

Jim Peterson jpranch@mtintouch.net	Buffalo
Rick Ripley No personal email address.	Wolf Creek
Ryan Zinke ryan@zinkeforsenate.com	Whitefish
Mike Cooney cooneyemail@aol.com	Helena
Steven Gallus steve.gallus@gmail.com	Butte
Ken (Kim) Hansen hansen_kenneth@email.com	Harlem
Bob Hawks r_hawks@imt.net	Bozeman
Trudi Schmidt trudischmidt@q.com	Great Falls
Mitch Tropila tropila@mt.net	Great Falls
David E Wanzenried daveew@gmail.com	Missoula
Carol Williams cwilliams@montanadsl.net ; jms@bresnan.net	Missoula

Please call Anita Roessmann, Staff attorney for Disability Rights Montana on her cell phone if you have any questions, 406-461-5350, or write to her at anita@disabilityrightsmt.org .

Thank you for all you do for people with disabilities