

HJR 16: State-Operated Institutions ***Montana Developmental Center***

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for the Children, Families, Health, and Human Services Interim Committee
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General Overview

The Montana Developmental Center (MDC) provides treatment to:

- individuals who meet the statutory definition of "seriously developmentally disabled" and have been determined by a court to be in need of commitment to MDC; and
- individuals who have been convicted of a crime and for whom placement at the Montana State Prison or the Montana Women's Prison is not appropriate.

The Department of Public Health and Human Services (DPHHS) operates the facility, which is located on a 52-acre campus on the outskirts of Boulder.

The campus contains eight residences for the clients — five open residences and three buildings within the secure, fenced Assessment and Stabilization Unit (ASU), where residents have more supervision and fewer privileges. The campus also includes:

- a building where educational, habilitation, and treatment services are provided, including therapy for individuals with mental health conditions;
- a recreation building;
- a Vocational Department, which provides work activities in two buildings; and
- a medical building for basic medical and dental care.

All new clients are admitted to the ASU, where assessments are conducted in a secure environment. In general, clients move to less restrictive units within the ASU and then to the five non-secure residences as their treatment progresses.

The 2013 Legislature provided funding to allow MDC to serve up to 56 individuals at a time — a maximum of 12 residents in the ASU and 44 in the open residences.

Makeup of the MDC Population

Individuals are placed MDC because a judge believes they cannot be safely placed in a community or correctional setting. Most have a mental health or behavior issue that has resulted in a civil commitment proceeding and their removal from a community setting. Some have been convicted of crimes and placed at MDC as an alternative to prison.

In a civil commitment proceeding, a court must find that a person is both seriously developmentally disabled and in need of commitment before the person can be placed at MDC. State law defines as "seriously developmentally disabled" a person who:

- has a developmental disability;
- is impaired in cognitive functioning; and
- cannot be safely and effectively habilitated through voluntary use of community-based services because of behaviors that pose an imminent risk of serious harm to self or others.

In a civil proceeding, a court also may commit a seriously developmentally disabled person to a community treatment plan if appropriate and if services are available. In calendar year 2012, eight out of 56 petitions for commitment or recommitment involved community treatment plans. The remainder involved commitment to MDC.

Forty-eight individuals were at MDC in early August 2013. Thirty-eight had been committed through a civil proceeding, six were at the facility because of criminal convictions, and two had been committed on an emergency basis. The remaining two were at MDC because their commitment orders had expired but no community placement was available at the time.

Twenty-two of the 48 clients at MDC on July 29, 2013, had been diagnosed with a mental health disorder that would be similar to those considered by the state mental health system to be a Severe Disabling Mental Illness (SDMI) — one of the criteria that must be met for individuals to be served in the state-funded mental health system. However, DPHHS officials say most MDC residents have a major mental illness or significant problematic behaviors that require treatment even if the condition does not meet SDMI criteria.

The table below shows the crimes for which the individuals who have been criminally committed to MDC were convicted.

Criminal Commitments to MDC as of August 2013

Client	Crime	Date Sentenced	Total Sentence
1	Incest, Sexual Assault, Sexual Intercourse Without Consent	3/3/11	4 years
2	Sexual Assault	1/3/08	20 Years
3	Two Counts of Criminal Endangerment	6/20/12	20 Years
4	Two Counts of Sexual Intercourse Without Consent	2/1/11	25 years
5	Sexual Assault	6/8/09	15 Years
6	Sexual Abuse of Children	10/22/08	10 Years

Mental Health Services at MDC

MDC provides a comprehensive biopsychosocial assessment of all individuals committed to the facility. It also provides:

- individual and group therapy when identified in an individual's treatment plan;
- sex offender treatment for residents who have committed sex offenses; and
- medication management for individuals who have been prescribed psychiatric drugs.

MDC's mental health staff consists of a clinical director, a psychiatrist, a psychologist, two licensed clinical professional counselors, and a master's level therapist who is the process of becoming licensed.

Clients are provided with a weekly schedule of activities based on each resident's identified treatment needs. MDC's treatment track is organized by tiers and is designed to move clients from more restrictive to less restrictive settings as they approach discharge to community-based services.

MDC Appropriation and Average Costs

House Bill 2 appropriated about \$14.1 million in general fund for MDC in fiscal year 2014 and \$13.3 million in FY 2015. Those figures do not reflect pay increases or adjustments to retirement payments made in other legislation in 2013.

MDC expects to receive about \$6 million in federal Medicaid funds each year. About \$1 million of that amount is used each year to pay off construction bonds that were issued in the 1990s; the remainder goes into the general fund.

The average cost of treating an MDC client is projected to be about \$670 a day in FY 2014 and \$650 a day in FY 2015, or \$251,647 per year in FY 2014 and \$237,417 per year in FY 2015.

The Legislature reduced MDC's budget by about \$2.2 million this biennium to fund an additional 2 percent increase in reimbursement rates for providers of community developmental disability services.

Length of Stay and Recidivism

A court may commit a person to MDC for up to one year, and officials can file a petition for recommitment if they believe the individual needs to remain at MDC for further treatment. An individual sometimes remains at MDC even after a commitment order has expired because no community placement is available. When that happens, the individual will remain at MDC until a placement is found.

In early August 2013, the average length of stay for all MDC residents was just under 40 months. The average stay for individuals who were civilly committed was about 35 months, while the average stay for criminally committed individuals was 41 months.

From January 1, 2012, through Aug. 29, 2013, five clients who were discharged from MDC were readmitted to the facility because they met the criteria for commitment — they could not be safely and effectively treated through voluntary use of community-based services because of behaviors that posed the risk of harm to themselves or others. Four of the clients were readmitted within two months or less of discharge, while the fifth was readmitted five months after discharge. Four clients remain at MDC, while one has returned to the community.

Sources:

- Interviews with and e-mails from the following Department of Public Health and Human Services staff members from June through August 2013: Montana Developmental Center Administrator Gene Haire, Disability Services Division Administrator Rebecca de Camara, Developmental Disabilities Program Manager Jeff Sturm, MDC Clinical Director Polly Peterson, and DD Program Services Coordinator Leslie Howe
- Title 53, Chapter 20, Montana Code Annotated
- *2015 Biennium Fiscal Report*, Legislative Fiscal Division, June 2012, Pages B-83, B-85, B-88, and B-91
- Average daily and yearly cost calculations provided by Rob Miller, Legislative Fiscal Division

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