

To Brian Schweitzer, Governor

Dear Governor Schweitzer:

We are pleased to submit to you this Report of the Mental Disabilities Board of Visitors (the Board). The Board provides a detailed report to the Governor's office of each of its reviews of mental health facilities and the Montana Developmental Center. This report provides additional information about the Board and details its activities for the period January 1, 2006 through December 31, 2007.

This report includes information about the work undertaken by the Board in accordance with its statutory obligations. It also gives an overview of the site reviews it has conducted during this reporting period, and recommendations for transformation of Montana's public mental health system and improvements at the Montana Developmental Center.

The Board continues to benefit significantly from assistance provided to it, either directly or indirectly, by consumers, family members, consumer and family organizations, clinicians, service provider personnel, staff and advisors in the Governor's office and the Department of Public Health and Human Services, and others. On behalf of the Board, we thank all those persons and agencies for the key role that they continue to play in enabling the Board to fulfill its responsibilities.

The Board operates in a highly complex environment, in which there are many tensions and challenges, and therefore it must inevitably navigate with care the points of view, experiences, priorities, and limitations of state administrative agencies, provider organizations, advocates, service recipients, consumers, and families. We feel confident that the Board has performed its difficult work always with the interests of mental health consumers and their families foremost in mind.

Yours sincerely,

Gene Haire

Gene Haire

Executive Director

Joan-Nell Macfadden

Joan-Nell Macfadden

Chair

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1. In Review: 2006 - 2007

The Board has completed its 32nd full year of operation since its inception in 1975, and continues to:

- (1) conduct consumer-oriented reviews of mental health facilities and the Montana Developmental Center,
- (2) assist consumers in resolving complaints about public mental health services and about services at the Montana Developmental Center,
- (3) provide in-house legal representation and advocacy to patients at Montana State Hospital.

Site Reviews

The Board completed 9 reviews of mental health facilities and 1 review of the Montana Developmental Center from January 2006 through December 2007.

<p><u>January 2006</u> Kids Behavioral Health Residential Treatment Butte</p>	<p><u>March 2007</u> Shodair Psychiatric Services Residential Treatment / Inpatient Psychiatric Treatment Helena</p>
<p><u>March 2006</u> Center for Mental Health Community Mental Health Center Great Falls, Havre</p>	<p><u>April 2007</u> Acadia Montana (formerly Kids Behavioral Health of Montana) Residential Treatment Butte</p>
<p><u>April 2006</u> Western Montana Mental Health Center Community Mental Health Center Bozeman</p>	<p><u>June 2007</u> Center for Mental Health Community Mental Health Center Helena</p>
<p><u>September 2006</u> Montana Developmental Center Developmental Disability Residential Facility Boulder</p>	<p><u>August 2007</u> Western Montana Mental Health Center Community Mental Health Center Bozeman</p>
<p><u>December 2006</u> Montana State Hospital Warm Springs</p>	<p><u>November 2007</u> Billings Clinic Psychiatric Services Inpatient Psychiatric Treatment / Partial Hospitalization Billings</p>

MENTAL DISABILITIES BOARD OF VISITORS

FACILITY	(A) DATE OF BOV SITE REVIEW	(B) TREATMENT IS HUMANE, CONSISTENT WITH ESTABLISHED CLINICAL AND OTHER PROFESSIONAL STANDARDS?	(C) TREATMENT MEETS REQUIREMENTS IN STATE LAW?	(D) DO TREATMENT PLANS EXIST? ----- ARE TREATMENT PLANS BEING IMPLEMENTED?	(E) STATUS OF USE OF BEHAVIORAL CONTROLS.	(F) DID FACILITY CONDUCT EXPERIMENTAL RESEARCH OR EMPLOY HAZARDOUS TREATMENT PROCEDURES?	(G) WERE THERE ALLEGATIONS OF MISTREATMENT OF RESIDENTS OF RESIDENTIAL FACILITIES OR PERSONS ADMITTED TO MENTAL HEALTH FACILITIES?	(H) STATUS OF BOV INVESTIGATIONS OF ALLEGED MISTREATMENT OF RESIDENTS.	(I) MEDS ADM TO PTS AGAINST THEIR WISHES? ----- IS REVIEW PROCESS EFFECTIVE?
Kids Behavioral Health Butte	1/19-20/06	Significant improvement during past three months	YES	YES / YES	Significant improvement during past three months	NO	Significant improvement during past three months	Resolved	NO / NA
Center for Mental Health Great Falls / Havre	3/2-3/06	YES	YES	YES / YES	Not used	NO	NO	N/A	NO / NA
Western Montana Mental Health Center Bozeman	4/27-28/06	YES	YES	YES / YES	Not used	NO	NO	N/A	NA
Montana Developmental Center Boulder	9/28-29/06	YES	YES	YES / YES	Used appropriately	NO	YES	Resolved	NO / NA
Montana State Hospital Warm Springs	12/6-7-8/06	See complete report	See complete report	YES / YES	See complete report	NO	YES	See complete report	YES / YES
Shodair Psychiatric Services Helena	3/29-30/07	YES	YES	YES / YES	Used appropriately	NO	YES	Resolved	NO / NA
Acadia Montana (formerly Kids Behavioral Health) Butte	4/26-27/07	YES	YES	YES / YES	Used appropriately	NO	YES	Resolved	NO / NA
Center for Mental Health Helena	6/28-29/07	YES	YES	YES / YES	Not used	NO	NO	N/A	NO / NA
Western Montana Mental Health Center Hamilton	8/17/07	YES	YES	YES / YES	Not used	NO	NO	N/A	NO / NA
Billings Clinic Psychiatric Services Billings	11/8-9/2007	YES	YES	YES / YES	Used appropriately	NO	NO	N/A	NO / NA

Individual Assistance from Helena Office

Mental Health Assistance ¹:**165 cases**
Montana Developmental Center Assistance ¹:**246 cases**

Legal Representation and Advocacy at Montana State Hospital

Legal representation in commitment
hearings, guardianship /
conservatorship, and transfer
hearings.....**445 cases**

Representation of patients in
forensic review and involuntary
medication hearings (including
14-day and 90-day reviews).....**437 cases**

Assistance with grievances.....**289 cases**

Education

The Executive Director and staff provided information about the Board and its statutory purpose at a number of mental health treatment venues, the Montana State Hospital, Montana Developmental Center, and other organizations during the course of the year.

Attendances at Conferences

Board Members, Executive Director, and staff attended a number of conferences, workshops and continuing education including: NAMI-Montana Mental Illness Conferences – 2006 and 2007; Cultural Diversity Training – 2007; Countering Internalized Stigma Among People with Mental Illness – 2007, Winds of Change (MMHA) Conference – 2007.

Participation on Committees, Councils, Associations, Organizations

Board Members, Executive Director, and staff are active participants in a number of committees, councils, associations, and organizations addressing critical issues affecting services of people with mental illnesses and developmental disabilities including: Admission and Discharge Review Team(Executive Director is the Chair of this group), Mental Health Transformation / Information Workgroup, Montana Developmental Center Human Rights Committee, Developmental Disability Program Quality Council, Developmental Disability Program Rates Reimbursement Advisory Group, Montana Association of Community Disability Services, Montana Association of Community Disability Services Systems Advocacy Committee, Great Falls Mental Health Crisis Peer Support Board, Great Falls (CIT) Crisis Intervention Investigative Committee, Great Falls Early Childhood Mental Health Coalition, Montana State Hospital Grievance Committee, Montana Mental Health Association, National Alliance for the Mentally Ill, Service Area Authorities, Local Mental Health Advisory Councils, and the Mental Health Oversight Advisory Council.

Interaction with the Legislature

Board Members and the Executive Director attended and testified on issues and bills before various Committees during the 60th Legislative session and during the 2005 – 2006 and 2007 - 2008 Interims.

2. Highlights: 2006 - 2007

Clinical Consultants

The Board retains a number of clinical consultants. These consultants participate in site reviews and perform other clinical reviews at the Board's request. Consultants who worked for the Board during this period are:

William Doctor, PharmD, BCPP
 Pat Frawley, MSW, LCSW
 Carla Cobb, PharmD, BCPS
 Irene Walters, RN
 Sheila Smith, MEd, LCPC
 Jack Hornby, MD
 Jacki Hagen, PharmD
 Stan Fleming, MA, LCPC

Consumer Consultants

The Board places a particular emphasis on the consumer perspective in its review of mental health and developmental disabilities facilities. During this period, the Board retained the services of one consumer consultant:

Tom Bartlett

Website

The Board's website is linked to the Governor's Office website. The website address is: <http://boardofvisitors.mt.gov>

Reviews and Outcomes

Reviews conducted

The Board has fulfilled its legislative responsibilities diligently throughout its existence. Since 1996, the Board has conducted 73 formal site reviews of mental health and developmental disabilities treatment facilities across Montana. Emphasizing a holistic, collaborative, collegial approach in its reviews, the Board believes strongly that the quality of its relationships with service providers over time is critical to the credibility of its recommendations and efforts to improve services.

Results of reviews

The Board makes a number of written recommendations in its reports on mental health and developmental disability facility reviews. From January 2006 through December 2007, the Board made a total of 168 recommendations to ten facilities. Recommendations addressed the following areas: consumer employment training and placement; individual living skills training; independent advocacy services; assessment, treatment plan formulation, and revision; sensitivity to and staff training for issues related to mental health care for American Indian people; medication administration; abuse and neglect policy; staff knowledge, competency, and training; consumer rights; interagency collaboration; program structure; and co-occurring disorders treatment.

Strategic Plan

The Board continues to update its ongoing, dynamic strategic plan. During its annual Board meeting in August 2007, the Board further expanded its strategic planning efforts by retaining the services of a planning facilitator. The current strategic plan can be found on the Board's website at

<http://boardofvisitors.mt.gov/> .

Future Directions

The Board and its staff will continue to improve the sophistication and effectiveness of its facility reviews, its assistance to individuals, and its legal and advocacy services. Priorities for the next two years are identified in the Board's strategic plan.

- Propose more significant state mental health service involvement with Indian reservations / tribes.
- Develop satisfaction survey for people who request assistance from the Board.
- Increase participation in mental health Local Advisory Councils and Service Area Authorities.
- Maintain persistence in advocating for development of a coherent conceptual framework for mental health system planning with the New Freedom Commission goals as the foundation.

Dedication of Board Members and Staff

It continues to be the Executive Director's privilege to work with the dedicated professionals on the Board and staff.

The Governor's Office continues to identify and select individuals of high integrity, expertise, and community standing to serve as members of the Board.

The dedicated staff members of the Board of Visitors continue to perform in a way that serves the interests of the citizens of Montana at a very high level. Colleen Nichols recently logged her 25th year as Paralegal, Assistant to the Executive Director, and developmental disabilities specialist, and continues to function as a foundation of stability and excellence. Craig Fitch has developed into a statewide expert in mental health advocacy and legal representation as the Board attorney and manager of its legal services office at Montana State Hospital. His ongoing professionalism, insight, humility, and common sense are critically important to the depth and credibility of the Board's decision-making. LuWaana Johnson joined the Board of Visitors team in October 2006 and has made a significant contribution to the professionalism and efficiency in the legal services office. Her ability to engage constructively with staff and empathize with patients has enhanced the Board's "customer service" at Montana State Hospital.

Summary

The Mental Disabilities Board of Visitors has continued to perform its essential functions under Montana law. The Board has established a record of excellence, and has developed processes and a body of knowledge that contribute significantly to the efforts of consumers, family members, the State of Montana, and the many committed service providers to continually improve services for people with mental disabilities.

3. Purpose and Functions of the Board

The Mental Disabilities Board of Visitors was created in 1975 by the Montana Legislature to provide independent oversight of publicly-funded mental health services and developmental disabilities residential facilities. The Board is an independent board of inquiry and review that is responsible to ensure that the treatment of all persons either voluntarily or involuntarily admitted to a mental health facility in Montana or the Montana Developmental Center is humane, is consistent with established clinical and other professional standards, and meets the requirements set forth in state law.

The Mental Disabilities Board of Visitors is attached to the Governor for administrative purposes, and employs staff that carry out its duties. The Board consists of six persons appointed by the Governor for two-year terms.

Types of Review

The Board may conduct reviews at any time, but reviews are primarily:

- (1) routine, scheduled reviews
- (2) special reviews prompted by specific problems that come to the Board's attention

Other Functions and Duties of the Board

- (1) review and approve all plans for experimental research or hazardous treatment procedures involving people admitted to Montana Development Center or any mental health facility
- (2) review, and if necessary, conduct investigations of allegations of abuse or neglect of people admitted to Montana Development Center or any mental health facility
- (3) review and ensure the existence and appropriateness of treatment plans
- (4) inquire concerning all use of restraints, isolation, or other behavioral controls
- (5) assist persons admitted to Montana Development Center or any mental health facility to resolve grievances
- (6) report to the director of the Department of Public Health and Human Services if the Montana Development Center or any mental health facility is failing to comply with the provisions of state law

4. Membership on the Board

Board members during the period covered by this report were :

Joan-Nell Macfadden, Chair..... Great Falls
 Suzanne Hopkins, Vice-Chair Lewistown
 Teresa Lewis, LCSW..... Harlem
 Sandy Mihelish..... Helena
 Susan Duffy Missoula
 Brodie Moll Ronan

5. Administration of the Board

Mental Disabilities Board of Visitors staff :

Colleen Nichols, Paralegal Helena
 Craig Fitch, J.D., Attorney Montana State Hospital
 LuWaana Johnson, Paralegal Montana State Hospital
 Gene Haire, Executive Director..... Helena

6. Recommendations for Transforming Mental Health Care in Montana

In making recommendations to the Governor's office and the Department of Public Health and Human Services, the Mental Disabilities Board of Visitors draws on its experiences with and observations of every kind of mental health program in Montana over 32 years. The Board's Standards are based on these experiences as well as extensive research into what high quality public mental health services look like.

The Board believes that the most compelling template for mental health system transformation is contained in the goals and recommendations in the final report of:

- the **New Freedom Commission on Mental Health**
<http://www.mentalhealthcommission.gov/reports/reports.htm>

Other bodies of work that similarly define the characteristics of transformed mental health care for adults with serious mental illness and children with emotional disturbance are:

- NAMI's **Grading the States 2006: A Report on America's Health Care System for Serious Mental Illness**
http://www.nami.org/qtstemplate.cfm?section=grading_the_states&lstdid=681
- **The Campaign for Mental Health Reform**
<http://www.mhreform.org/>
a collaboration of 17 national health organizations, representing millions of Americans, dedicated to making mental health a national priority and early access, recovery and quality in mental health services the hallmarks of our nation's mental health system
- policy recommendations of the **Mental Health Liaison Group**
<http://www.mhlg.org/>
52 national organizations representing consumer, family members, advocates, professionals and providers

The final report of the New Freedom Commission on Mental Health is called ***Achieving the Promise: Transforming Mental Health Care in America.***

The Mental Disabilities Board of Visitors' four overarching recommendations for transforming mental health care in Montana continue to be:

- I. Adopt the framework and strategic objectives of the New Freedom Commission on Mental Health as a model for programming and system development in Montana.
- II. Proactively partner with the Substance Abuse and Mental Health Services Administration (SAMHSA) to aggressively implement Evidence-Based Practices.²
- III. Review and replicate what other states have been doing to use the New Freedom Commission Report Goals and Recommendations in mental health system transformation.³
- IV. Envision what a functional, fully-developed, state-of-the-art mental health system should look like in Montana, then work with the Legislature over time to fund that system.

Specific recommendations for system transformation are contained in the Board's Report to the Governor for July 1, 2004 through December 31, 2005.

The following recommendations reflect common themes that have emerged as general needs throughout Montana's public mental health system based on the Board's site reviews.⁴

All organizations providing mental health services should:

- 1) develop dynamic strategic plans
- 2) develop a service evaluation strategy that promotes participation by staff, consumers, family members, other service providers, and other community stakeholders
- 3) routinely measure health and functional outcomes for individual consumers; publish aggregate outcome data
- 4) provide comprehensive, professionally-prepared information to consumers and family members about mental illnesses, evidence-based services, medications, and community resources
- 5) proactively identify and (with permission) include family members in consumers' treatment
- 6) take responsibility for ensuring consumer access to primary health and dental care
- 7) develop cultural competence among staff, and strong collaborative working relationships with experts in culturally competent mental health services
- 8) develop minimum staff competency standards and provide comprehensive training to ensure staff competence
- 9) focus primarily on provision of established evidence-based practices and emerging best practice models
- 10) develop appropriate employment support for consumers
- 11) move assertively toward full implementation of integrated services for persons with co-occurring psychiatric and substance use disorders
- 12) ensure easy-to-access, fast-response crisis response and intervention services
- 13) proactively take responsibility for quality consumer transitions into and out of services, especially to and from higher levels of service

7. Recommendations for the Montana Developmental Center

In making recommendations to the Governor's office and the Department of Public Health and Human Services, the Mental Disabilities Board of Visitors draws on its experiences with and observations of its developmental disabilities specialist, Colleen Nichols, on a weekly basis at Montana Developmental Center over 24 years.

BOV Recommendations:

- 1) Develop and provide community-based living options for people when they have achieved maximum treatment benefit at the Montana Developmental Center.
- 2) Reconfigure the current living/treatment environments at the Montana Developmental Center so that consumers have the opportunity to receive treatment in an atmosphere that is conducive to treatment (i.e., fewer residents in each unit and individual bedrooms).
- 3) Implement a viable sex offender treatment program for adults with developmental disabilities in a community-based setting as an extension to the Therapeutic Milieu and Level System Program for Sexual Offending Behaviors program at the Montana Developmental Center.
- 4) Develop long-range strategic and funding planning that evolves the Montana Developmental Center from a long-term residential treatment facility into a specialized, short to medium-term treatment and training facility.

Endnotes:

¹ Includes requests for assistance, requests for information, referrals, and direct assistance.

² Adults - Illness Management and Recovery, Medication Management, Assertive Community Treatment / Case Management, Family Psycho-education, Supported Employment, Integrated Treatment of Co-occurring Disorders; *Other EBP* : Consumer-run / Peer Services, Mobile / Intensive / In-home Crisis Services, Psychiatric Rehabilitation, Supported Housing. Children: Behavioral Therapy for children with autism, Family Education and Support Services, Family-Based Prevention and Intervention Programs, In-Home Crisis Services, Home and Community-Based Services Waiver, Intensive Case Management, and School-Based Mental Health Services.

³ Other states' New Freedom Commission-based SAMHSA Transformation grant projects to focus on are in Connecticut, Ohio, and Washington.

⁴ Mental health organizations do a good job in certain of these areas as reflected in individual site review reports, however these areas are generally in need of improvement throughout the system.