

ANNUAL REPORT

FY2019

A Report to the Governor Regarding the Status of
Mental Health Facilities and Treatment Programs
Inspected by the Board from July 2018 through June
2019.

Mental Disabilities Board
of Visitors

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MENTAL DISABILITIES BOARD OF VISITORS BOARD MEMBERS AND STAFF

BOARD MEMBERS

Daniel Laughlin	Anaconda, Montana
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Vacant	Montana
Melissa Ancell	Poplar, Montana
Sicily Morris	Billings, Montana
Amy Tipton	Edgar, Montana

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SITE INSPECTIONS FY 2018

Date of Inspection	Facility	Team Members
March 2018	Montana Developmental Center, Boulder http://boardofvisitors.mt.gov/Portals/38/Documents/Site%20Inspection%20-%20Montana%20Developmental%20Center%20Boulder%20March%202018.pdf?ver=2019-01-09-124414-717	Daniel Laughlin, Board Member Dennis Nyland, Mental Health Ombudsman (MHO) Dan Ladd, Executive Director, BOV Craig Fitch, Staff Attorney
June 2018	Pathways Treatment Center, Kalispell http://boardofvisitors.mt.gov/Portals/38/Documents/Site%20Inspection%20-%20Pathways%20Kalispell%20June%202018.pdf?ver=2019-01-09-124435-670	Daniel Laughlin, Board Member Sue Bodurtha, Consultant Craig Fitch, Staff Attorney LuWaana Johnson, Staff
Site Inspections Completed for FY 2019		
November 2018	Montana Mental Health Nursing Care Center, Lewistown http://boardofvisitors.mt.gov/Portals/38/Documents/Site%20Inspection%20MMHNCC%20November%202018%20with%20Facility%20corrections.pdf?ver=2019-02-20-134841-190	All BOV staff and Board Members were able to participate in this site inspection.
January 2019	Yellowstone Boys and Girls Ranch, Billings http://boardofvisitors.mt.gov/Portals/38/Documents/YBGR%20Site%20Report%20Feb%202019.pdf?ver=2019-07-08-163007-643	Amy Tipton, Board Member Melissa Ancell, Board Member Sicily Morris, Board Member Dennis Nyland, MHO Michelle Rheinhart, Consultant Craig Fitch, Staff Attorney
April 2019	Acadia, Butte http://boardofvisitors.mt.gov/Portals/38/Documents/Acadia%20Montana%20Report%202019.pdf?ver=2019-07-08-162953-813	Dan Laughlin, Board Member Jeff Folsom, Board Member Michelle Reinhart, Consultant Dennis Nyland, MHO Craig Fitch, Staff Attorney LuWaana Johnson, BOV Staff
May 2019	Montana Developmental Center, Boulder	Dan Laughlin, Board Member Jeff Folsom, Board Member Dennis Nyland, MHO Craig Fitch, Staff Attorney
June 2019	Billings Clinic Psychiatric Center, Billings, MT	Amy Tipton, Board Member Melissa Ancell, Board Member Dennis Nyland, MHO Richard Holt M.D., Consultant Craig Fitch, Staff Attorney

In accordance with §53-21-104:

Types of Inspections:

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

- routine, scheduled inspections, or
- special inspections prompted by specific issues that come to the Board's attention.

Other Functions and Duties of the Board

- review and approve all plans for experimental research or hazardous treatment procedures involving people admitted to Montana Development Center or any mental health facility
- annually complete an inspection of the Montana Developmental Center
- review and, if necessary, conduct investigations of allegations of abuse or neglect of people admitted to Montana Development Center or any mental health facility
- review and ensure the existence and implementation of treatment plans
- inquire concerning all use of restraints, isolation, or other behavioral controls
- assist persons admitted to Montana Development Center or any mental health facility to resolve grievances, and 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.

BOV Helena office

The advocate for the Board of Visitors (BOV) and Helena office staff assisted statewide constituents, their families, and members of the public via phone calls, emails and/or face-to-face meetings during the past fiscal year. Reasons for contacting the BOV are numerous and varied, to include, but not limited to, people requesting assistance, submitting grievances, arranging home visits for loved ones committed to state institutions, discussing a variety of options for loved ones, and concerns about getting their loved ones into a community-based setting, discussing commitment issues with a facility such as the Montana Developmental Center (MDC) in Boulder, the Montana State Hospital (MSH) in Warm Springs, or the Montana Mental Health Nursing Care Center (MMHNCC) in Lewistown, Montana. Oftentimes, family members just need to talk to someone who listens in a compassionate, non-judgmental way and help explain the process to them. The Helena Office was without staff for the vast majority of this fiscal year and so the Staff Attorney, the Warm Springs Legal Secretary and the staff for the Mental Health Ombudsman worked together to provide coverage.

BOV / MONTANA STATE HOSPITAL OVERVIEW AND STATISTICS FY 2018

Under 53-21-104(6) MCA, the Board of Visitors (BOV) shall employ and is responsible for full-time legal counsel at the state hospital whose responsibility is to act on behalf of all patients at the state hospital. The BOV's attorney represents patients at Montana State Hospital (MSH) during recommitment, guardianship, and transfer to Montana Mental Health Nursing Care Center hearings, and during administrative hearings (Involuntary Medication Review Board and Forensic Review Board). BOV staff also talk to patients and attend the grievance committee meetings when a grievance is filed. During the fiscal year, MSH admitted nearly 800 individuals for treatment and coordinated discharge from the facility for nearly as many patients. Average daily census at the MSH campus including the forensic unit at Galen, for the past fiscal year was approximately 221. BOV staff also review grievances and complaints of abuse and/or neglect from the Galen facility, regularly schedules reviews of the treatment plans and other documentation for these individuals, and assists the patients to navigate the forensic legal process without offering specific legal advice. BOV meets regularly with the administrator of MSH to present concerns and discuss issues related to advocacy of the patients served at the facility.

	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>
ADMISSIONS TO MSH	743	798	790	691
DISCHARGES FROM MSH	770	783	818	658
LEGAL REPRESENTATION				
Petitions for recommitment (<i>total number</i>)	137	154	219	242
Court Hearings	30	14	23	30
Recommitment	14	10	11	20
Transfer to MMHNCC	0	1	1	1
Guardianship	14	2	5	2
CI-90	2	1	6	7
Involuntary Medication Review Board (IMRB)	191	168	161	302
Initial	91	82	72	169
14-Day Review	78	65	62	96
90-Day Review	22	21	27	37
Forensic Review Board (FRB)	22	49	23	20
ADVOCACY				
Grievances (total number)	992	1006	959	1213
Resolved by program manager	728	800	633	839
Addressed by Committee	247	206	326	374
Abuse/Neglect investigations	31	44	41	30
Treatment Plan Reviews conducted by BOV	260	352	363	272

OBSERVATIONS

The financial difficulties that Montana experienced during the fiscal years 2017 - 2018, created a heavy burden on Montana's mental health system. Many of the state's traditional providers of public mental health treatment were forced to cut services and jobs. As a result, many of the state's most vulnerable citizens were left without access to needed community mental health resources. It should not come as any surprise that the census at Montana State Hospital (MSH) was up over that two-year span. Unfortunately, MSH is the most expensive and most restrictive place to treat our fellow citizens who have a mental illness and thus the legislative cuts to the mental health budget were likely a more expensive transfer of costs

BOV was not immune from these financial difficulties either. The past couple of years BOV has not been able to complete the number of site inspection goals that we had set for ourselves. The Board has returned recently to its regular site inspection schedule for 2019 due to the extended staff vacancy savings. The Mental Health Ombudsman staff have volunteered to assist during the vacancy.

In addition, Montana State Hospital has seen a marked increase in the civil commitment of individuals whose primary diagnosis is an intellectual/developmental disability (ID/DDD). Such commitments to MSH are inconsistent with the statutory scheme but communities and community judges have nowhere else to send these clients since the closing of the Montana Developmental Center.