

June 1999

STATE HOSPITAL AND DEVELOPMENTAL CENTER COLLOCATION STUDY

Section 31 of Senate Bill No. 2012, a copy of which is attached as an appendix, directs the Legislative Council to study the feasibility and desirability of collocating the Developmental Center and the State Hospital at one location and the feasibility and desirability of transferring additional buildings on the State Hospital grounds to the Department of Corrections and Rehabilitation.

PREVIOUS STUDIES

The 1993-94 interim Budget Committee on Government Finance studied, pursuant to Senate Concurrent Resolution No. 4063, the feasibility and desirability of establishing a women's correctional facility off the State Penitentiary grounds. The committee considered possible sites for a women's correctional facility including the Cedar Grove unit at the Developmental Center and the forensic unit at the State Hospital. The committee recommended that a separate women's correctional facility not be constructed. The committee determined that based on the cost estimates of constructing a new female correctional facility or renovating an existing facility into a women's correctional facility, it was not feasible to proceed with a separate women's correctional facility. The committee also determined that until the state has between 100 and 150 female inmates, it was not cost-efficient to have a separate women's correctional facility.

The 1991-92 interim Budget Committee on Government Services studied, pursuant to Senate Concurrent Resolution No. 4065, additional programs that could be implemented by the State Hospital and alternative uses for the facilities of the State Hospital.

The committee reviewed the following possibilities for additional uses of the State Hospital:

1. Treatment services for brain-injured persons.
2. Native American treatment services.
3. Treatment services for Native American adolescents who are mentally ill.
4. Treatment services for AIDS patients.
5. Treatment services for persons with serious drug abuse.
6. General health care for indigent people.
7. Long-term residential treatment services for chronic alcoholics.
8. Forensic hospital services.
9. Education services.
10. Public safety training facility.
11. Business incubator.
12. Office space for federal, state, or local governments.

13. Product center for makers of North Dakota products.
14. Treatment services for Alzheimer's patients.
15. Commercial space for private companies.
16. Minimum security correctional center.

The committee recognized the need for a long-term care treatment program for chronic alcoholics in the state, expressed support for the development of a residential rehabilitation unit for chronic alcoholics at the State Hospital, and encouraged the Appropriations Committees to consider the funding request for the 1993-95 biennium.

The State Hospital began providing a long-term treatment program for chronic alcoholics in 1997 and currently designates up to 12 beds for long-term treatment.

CONSTITUTIONAL PROVISIONS

Constitutional provisions relating to the State Hospital and the Developmental Center include: Article IX, Section 12, provides that certain public institutions of the state "are permanently located at the places hereinafter named" and further provides that a portion of the grant lands made available by an Act of Congress (the Enabling Act) are to be allocated to these institutions. One of the public institutions named is a "state hospital for the insane at the city of Jamestown, in the county of Stutsman." Another institution named is "and there shall be located at or near the city of Grafton, in the county of Walsh, an institution for the feebleminded, on the grounds purchased by the secretary of the interior for a penitentiary building." In addition, Article IX, Section 13, provides a further grant of lands for a "state hospital for the mentally ill at such place within this state as shall be selected by the legislative assembly."

Therefore, there is a constitutional requirement that there be a State Hospital in Jamestown and a Developmental Center in Grafton.

STATUTORY PROVISIONS

Statutory provisions relating to the location and mission of the State Hospital and Developmental Center include North Dakota Century Code Sections:

25-02-01. State hospital for the mentally ill - Location - Title - Administration and control. An institution for the care of the mentally ill must be maintained at the city of Jamestown and must be known as the state hospital. The department of human services shall administer and control the state hospital.

25-02-02. Additional hospital for mentally ill located at Rugby. The additional hospital

for the mentally ill authorized by section 13 of article IX of the Constitution of North Dakota must be located at or near Rugby, North Dakota.

25-02-03. Object of state hospital. The state hospital is an institution for mental diseases serving specialized populations of the mentally ill, including persons suffering from drug addiction or alcoholism. The state hospital is one component of the North Dakota mental health delivery system and serves as a resource to community-based treatment programs. The state hospital shall, pursuant to rules adopted by the department of human services, receive and care for all mentally ill persons, including persons suffering from drug addiction or alcoholism, residing within this state in accordance with this title, and shall furnish to those mentally ill persons all needed food, shelter, treatment, and support that may tend to restore their mental health or to alleviate their illness or suffering.

25-04-01. Developmental center at westwood park, Grafton - Name - Administration and control. A facility for developmentally disabled persons must be maintained at or near the city of Grafton in Walsh County. The facility must also be available for a person who is determined to be a person who may benefit from the facility's services. The facility must be known and designated as the developmental center at westwood park, Grafton. The department of human services has administrative authority and control of the developmental center at westwood park, Grafton, and westwood park.

25-04-02. Purpose of developmental center at westwood park, Grafton.

1. The developmental center at westwood park, Grafton must be maintained for the relief, instruction, care, and custody of persons who are developmentally disabled or other persons who may benefit from the services offered at the center. For this purpose the department of human services may introduce and establish such trades and manual industries as in its judgment will best prepare the residents for future self-support.
2. The department may provide onsite and offsite additional services and effectuate its powers and duties to best serve persons who are developmentally disabled and other persons who may benefit from those activities. The services provided and the duties effectuated need not be accredited by the accreditation council on services for people with developmental disabilities or certified by

the health care financing administration, or any other similar accrediting or certifying organization, if the service or duty is not provided to persons who are developmentally disabled or if such accrediting or certifying organization does not accredit or certify the service or duty.

STATE HOSPITAL SERVICES

The State Hospital provides mental illness services, substance abuse and addiction services, and services to children with serious emotional disorders. The 1999-2001 appropriation for the State Hospital totals \$50.9 million, \$35.2 million of which is from the general fund. The State Hospital is authorized 537.1 FTE positions. The State Hospital's 1999-2001 budget is based on a patient population of 161, 64 patients less than the State Hospital's 1997-99 budget. In part, this reduction results from the State Hospital closing one chemical dependency ward that serves 25 patients and transferring 14 elderly psychiatric patients to a special geropsychiatric unit in a community nursing home. The schedule below presents the average daily population at the State Hospital in recent years:

Fiscal Year	Average Daily Population
1996	229
1997	223
1998	221
1999 (estimate)	190

DEVELOPMENTAL CENTER SERVICES

The Developmental Center is a certified intermediate care facility for the mentally retarded. The 1999-2001 appropriation totals \$39.2 million, \$9.4 million of which is from the general fund. The Developmental Center is authorized 481.3 FTE positions.

The Developmental Center's budget for the 1999-2001 biennium is based on a population of 150, 11 patients more than its January 1999 population of 139.

The schedule below presents the population of the Developmental Center in recent years:

Fiscal Year	Average Daily Population
1996	148
1997	150
1998	145
1999 (estimate)	150

DEPARTMENT OF CORRECTIONS AND REHABILITATION - OPERATIONS ON STATE HOSPITAL GROUNDS

The 1997 Legislative Assembly provided an appropriation of \$11.9 million, \$7.4 million of which is from the general fund, for the Department of Corrections

and Rehabilitation to purchase and renovate three buildings on the State Hospital grounds for use as a 240-bed medium security prison and to operate the facility during the 1997-99 biennium. The Department of Corrections and Rehabilitation purchased three buildings--the extended treatment (ET) building, the forensic unit building, and the gymnasium building. The department renovated four of the six floors of the ET building, and the gymnasium building and began operating the James River Correctional Center in June 1998.

STUDY PLAN

The committee may wish to proceed with this study as follows:

1. Receive testimony from representatives of the Department of Human Services, including the State Hospital and Developmental Center regarding options for collocating the State Hospital and Developmental Center.
2. Receive information from representatives of the Department of Human Services, including

the State Hospital and Developmental Center on current usage of facilities at the State Hospital and Developmental Center.

3. Receive testimony from representatives of the Department of Corrections and Rehabilitation regarding possible additional uses of State Hospital facilities for the Department of Corrections and Rehabilitation.
4. Tour the State Hospital and James River Correctional Center in Jamestown and the Developmental Center in Grafton.
5. Receive testimony from interested persons regarding collocating the Developmental Center and the State Hospital and expanding the Department of Corrections and Rehabilitation's use of buildings on the State Hospital grounds.
6. Develop committee recommendations and draft proposed legislation regarding statutory or constitutional changes necessary to implement committee recommendations.

ATTACH:1

SECTION 31. LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying, during the 1999-2000 interim, the feasibility and desirability of collocating the developmental center and the state hospital at one location and the feasibility and desirability of transferring additional buildings on the state hospital grounds to the department of corrections and rehabilitation.