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2003 SENATE HUMAN SERVICES

SCR 4021

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SCR 4021

Senate Human Services Committee

☐ Conference Committee

Hearing Date February 10, 2003

Tape Number	Side A	Side B	Meter #
1		X	1137 - 5580
2	X		2350 - 3440
Committee Clerk Signature <i>Donna Kramer</i>			

Minutes:

SENATOR JUDY LEE opened the public hearing for SB 4021 requiring the Department of Human Services to contract with mental health care providers and up to four regional hospitals to provide for the care of individuals with mental illness and drug and alcohol addictions.

SENATOR TIM MATHERN, from District 11 in Fargo, introduced the bill. There are three main parts with this resolution. One: Legislative Council study to consider changing the mission of the State Hospital from caring for individuals with mental illness and individuals with drug and alcohol additions, for persons referred by the community, to providing that sort of care for persons that are in the correction system. Two: Is to develop legislation to effect that purpose. Third: Requiring the Department of Human Services to contract with medical mental health care providers in up to 4 regional areas, four regional hospitals in the state, to care for individuals with mental illness and drug and alcohol additions. Clinical practices have changed. New and different approaches. Additional community based services. State Hospital patients have

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Senate Human Services Committee
Bill/Resolution Number SCR 4021
Hearing Date February 10, 2003

decreased. Prison population continuing to grow. ... Changing the State Hospital into treatment center needed. Movement of prisoners to the State Hospital ... constitutional problems. On dangerous ground ... people should agree to change. Essentially, we need a study, need to draft some legislation so that details of the change would be clear to the people, and we need to get to the business of community mental health treatment. (Meter # 1317 - 2166)

SENATOR TIM MATHERN and committee discussion: Question about being aware of what is being discussed in the halls, change in Grafton, budget at State Hospital, build-up of community services. (Meter #2167 - 2850)

SENATOR BROWN: Are you familiar with the study resolution that come before us last week on Jamestown?

SENATOR TIM MATHERN: I am familiar with that. There is a need for both. If both studies were accepted by the legislature, they would be brought together and have one study. The reason I did this one, even though I support the other one, I think this gets dramatically closer to the controversy. Mission of State Hospital needs to be studied. (Meter # 2851 - 3115)

BRUCE MURRY, employee of the North Dakota Protection and Advocacy Project. P&A supports SCR 4021. (Written testimony) (Meter #3277 - 3432)

CARLOTTA MCCLEARY, Chair of the North Dakota Mental Health Planning Council, encouraging the state to study alternatives to a shared campus between the State Hospital and the Department of Corrections. (Written testimony) (Meter #3520 - 3729)

AL STENHEJEM, Executive Director of Mental Health Association, testified in favor of SB 4021. He said he has gotten a number of e-mails regarding the issue. Hearing the direction of the state hospital is changing. Three elements missing. One: State legislature - if asked to fund

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Senate Human Services Committee

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anything at State Hospital - what is your purpose and role. Two: The decision excluded the consumers that are going to live with the decision that is made. Three: It exclude advocacy groups like our own that will have to implement it to make it work. ... Not expand prison at State Hospital. Extremely encourage study. (Meter # 3763 - 3995)

SENATOR BROWN asked is there a larger study here that deals with the whole issue of mental health, not just what's going on at the state hospital?

AL STENHEJEM continued discussion with committee: Once there is a vehicle of the Legislative Council, they'll say these are things that we need to do to understand the delivery of service that we're providing for the mentally ill in the state. ... We need to find the answer. ... Positions are being cut. ... Drastically cutting services for mental health field throughout the state of North Dakota. ... Ultimate goal has been established - Mental Health has not been brought into process. (Meter # 4005 - 4474)

CHRIS RUNGE, of North Dakota Public Employees Association, testified stating they would agree that an in-depth study of the state hospital should be done. They, too, have the same concerns that Mr. Stenhjem brought forth to this committee. (Meter # 4577 - 4684)

ALBERT F. SAMUELSON, psychiatrist practicing in Bismarck for 40 years, testified. Contracting services with the prison. Strongly supports spirit of this resolution. ... Gratifying move has been made in communities to treat mentally ill. ... The prison is in need of in-house services ... Continued need for specialized services. ... Study sharpens focus. (Meter # 4770 - 5516)

SENATOR LEE closed the Public Hearing for SB 4021. (Meter # 5580)

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Senate Human Services Committee
Bill/Resolution Number SCR 4021
Hearing Date February 10, 2003.

SENATOR LEE opened the committee discussion on SB 4021 and SB 2300. When discussing the resolution about the State Hospital, what your thoughts be as far including corrections and services to persons with developmentally disabilities. (Meter # 2350 - 2501)

SENATOR FISCHER: If we are to do a study, be as complete as possible. (Meter # 2422 - 2482)

SENATOR BROWN: Is it all possible to merge the SB 2300 with this one and, I agree with Senator Fischer, could we have a much larger study of mental health issues that include disabilities, facilities, and include mental health with corrections. ... (Meter # 2501 - 2587)
Continued committee discussion about corrections and areas it relates to mental health, treatment in mental health and addition, and a mandated study. (Meter # 2588 - 2880)

SENATOR LEE suggested that we note about facilities and treatment. Mental health and mental illness. Corrections as it relates to mental illness and addition treatments. See population and site reporting. (Meter # 2911)

SENATOR BROWN: What are the needs? How do we fit the needs into the facility?
Continued discussion regarding advocacy people and rationale behind supporting them. (Meter # 2932 - 3271)

SENATOR LEE: I was thinking Hog House Amendment ... starting all over again with the thoughts that we discussed today. Do a little thinking. We have until the 22nd. Addressing both bills. (Meter # 3440)

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SCR 4021

Senate Human Services Committee

☐ Conference Committee

Hearing Date 02/12/03

Tape Number	Side A	Side B	Meter #
1	x		2300 - 5533
Committee Clerk Signature <i>Donna Kramer</i>			

Minutes:

Senator Judy Lee opened the discussion on SCR 4021. All members were present.

Senator Judy Lee asked if the committee would be comfortable with wrapping SB 2300 into the more comprehensive resolution so we aren't working with two bills? Senator Brown learned this morning that there is a house resolution that also deals with the state hospital. Senator Brown said he talked to Representative Delzer last night about a study done during the interim that was never completed properly. It was turned over to the Department of Corrections and they wrote it the way they wanted it. Representative Delzer said he is in favor of figuring out where people should be. He would like to do a comprehensive study of Grafton, Jamestown, what is going on with mental health.

The Human Services Committee intern discussed differences in SB 2300 and SCR 4021. She will combine the two if the committee wants to take a look at it.

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Senate Human Services Committee

Bill/Resolution Number SCR 4021

Hearing Date 02/12/03

Senator Fairfield said she would prefer to take SB 2300 and roll it into SCR 4021. She likes that SB 2300 lists some stakeholders and wants that language to be included.

Senator Judy Lee said she agrees and thinks there will need to be an appropriation. The house bill will be heard early next week. She would like to get SCR 4021 into a format the committee likes then sit on it until the house bill is received.

Senator Polovitz asked if it is too late for an appropriation?

Senator Judy Lee said no.

Senator Polovitz asked if there is a need to hire a consultant?

Senator Judy Lee said she was thinking the same thing, someone without a vested interest and without a preconceived notion.

Senator Brown said someone independent.

Senator Judy Lee said there are two parts of this issue. First, are we doing the right thing in moving people around in these different facilities? Secondly, and more important than the facilities, how are we meeting the needs who are being provided services? What about Jamestown providing mental health treatment to several classes of citizens, the mentally ill, those who are incarcerated and need addiction treatment, the developmentally disabled. Would we use those professionals best by bringing all the citizens needing those services to them in Jamestown? Geographic location should be considered. She is getting excited about what could be accomplished if it is done right. (meter # 3519)

Senator Polovitz asked about not having an appropriation attached to the resolution. Is that a good way to kill it?

Senator Lee said she will speak with Senator Stenehjem regarding the best way to proceed.

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Bill/Resolution Number SCR 4021
Hearing Date 02/12/03

Senator Fischer said the appropriation could be an amendment to the Human Services bill and not address an appropriation in this resolution at all.

Senator Brown said if this becomes an in house study it would be worthless.

Senator Lee said the first part should be about the people and second part about the facility because the people are more important than the facilities.

Senator Lee discussed with the intern and the committee language changes in combining the bill and the resolution and recommending an independent study. (meter # 4144 - 5533) The intern will work with legislative council and incorporate the committee's recommendations into an amendment to SCR 4021.

Senator Lee closed the discussion on SCR 4021.

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SCR 4021 and SB 2300

Senate Human Services Committee

☐ Conference Committee

Hearing Date February 18, 2003

Tape Number	Side A	Side B	Meter #
1	X		150 - 3800
Committee Clerk Signature <i>Donna Kramer</i>			

Minutes:

SENATOR JUDY LEE opened the discussion on the two state hospital bills, SCR 4021 and SB 2300 both relating to proposed studies. She stated there is a similar house bill that was passed on Monday. Would like to have some more time to work off that one and have some more time to work on it.

Committee was asked to look at the proposed amendment to SCR 4021.

SENATOR LEE: The suggestion was that, if the committee agrees that we oppose both Senate bills until the House bill passed, that we might consider then doing away with both Senate bills and just have one. Then we can work on the House bill and the House bill people will work with us on this bill. ... Committee discussion on study commission. (Meter # 200 - 680)

SENATOR LEE stated that even though the committee feels strongly about the study ... mandatory study not taken lightly. Continued discussion about "integrated services", provisions

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Senate Human Services Committee

Bill/Resolution Number SCR 4021 and SB 2300

Hearing Date February 18, 2003

of services to persons with multiple needs, closing of state hospitals in other states, PSA study -

developmental study, and cannot ignore impact of community. (Meter # 681 - 1444)

SENATOR LEE: Recap of changes on amendment wanted. (Meter # 1504 - 1719)

SENATOR LEE: Thoughts on language that we want to use.

Committee was recessed until the afternoon (Meter # 2124)

SENATOR LEE reopened the committee discussion on SB 2300 and SCR 4021. The House resolution has passed the House, has already been messaged to the Senate, the majority leader had it in his hand and was assigning it to our committee immediately after the adjournment today. So, it is now in our committee's schedule. There is a copy of it, too. This bill has corrections, but the people who are sponsors of that bill are very interested in hearing what we're talking about with the State Hospital. So, in the interest of time, if you would be willing to move do not pass on the two Senate bills, we can do whatever we want with HB 3037 and incorporate whatever are thoughts might be on this one and we will have some time to do it correctly. (Meter # 2200 - 2290)

SENATOR BROWN made a motion DO NOT PASS.

SENATOR POLOVITZ seconded the motion.

SENATOR FAIRFIELD: Shared some concerns. (Meter # 2340 - 2426)

Roll call was read. 6 yeas 0 nays.

SENATOR ERBELE later volunteered to be the carrier.

SENATOR LEE: Had been assured there would no trouble in working with the House.

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Senate Human Services Committee

Bill/Resolution Number SCR 4021 and SB 2300

Hearing Date February 18, 2003

Committee discussion on combining the three bills: talk about mental health issues, about facilities - specifically the Jamestown Hospital.

SENATOR LEE: She stated the study to include all of what the committee had talked about.

Committee discussion continued about the merging of the bills SB 2300 and SCR 4021.

SENATOR POLOVITZ: Couldn't we use these bills as background to what we put together?

Three into one. (Meter # 2707 - 2794)

Continued committee discussion about concerns and merging of the bills. (Meter 2795 - 3170)

SENATOR FAIRFIELD: Made a motion to move the amendments (the one on the e-mail) to SCR 4021.

SENATOR POLOVITZ seconded the motion.

SENATOR LEE: Any discussion on the amendments? Request for committee discussion on the amendments. (Meter # 3240 - 3500)

Roll call was read. SENATOR POLOVITZ - yes, SENATOR FAIRFIELD - yes, SENATOR FISCHER - absent, SENATOR ERBELE - no, SENATOR BROWN - no, SENATOR LEE - yes.

SENATOR LEE stated that amendment passed, so the resolution is as it sits with the changed her vote to no. So, it will be a no vote on the amendment, because I think we can work on it on HB 3037.

SENATOR ERBELE move a DO NOT PASS on SCR 4021.

SENATOR BROWN seconded the motion.

Roll call was read. SENATOR ERBELE - yes, SENATOR FISCHER - absent, SENATOR FAIRFIELD - no, SENATOR POLOVITZ - yes, SENATOR BROWN - yes, SENATOR LEE - yes. 4 yes and 1 no and 1 absent.

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Senate Human Services Committee

Bill/Resolution Number SCR 4021 and SB 2300

Hearing Date February 18, 2003

SENATOR BROWN later volunteered to be the carrier.

Committee meeting ended. (Meter # 3800)

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amend 2/18

4021

"A concurrent resolution recommending that the Legislative Council consider studying the needs of individuals with mental illness, physical or developmental disabilities, and drug and alcohol addictions, including individuals with multiple needs, and how the state responds to those needs. Consideration should be given to the long-term plans for the ND State Hospital, the Developmental Center, Corrections facilities, and other state facilities, the relationships among those facilities, and to the impact and availability of community services. Input should be solicited from interested parties, including citizens, administrators and staff at state and community facilities, Department of Human Services, Department of Corrections and Rehabilitation, advocacy groups, and the governing boards of state facilities providing services to those individuals.

The Legislative Council may contract with an independent party to conduct the study and to report its findings and its recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly.

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Proposed Amendments to Senate Concurrent Resolution No. 4021

Page 1, replace lines one through 25 with:

"A concurrent resolution directing the Legislative Council to contract with an independent party to study the needs of individuals with mental illness, physical or developmental disabilities, and drug and alcohol addictions, and how the state responds to those needs with consideration given to state facilities and the impact and availability of community services. Input should be solicited from interested parties, including citizens, state employees, the governor, state hospital, department of human services, department of corrections and rehabilitation, mental health association of North Dakota, North Dakota public employees association, advocacy groups, and the governing boards of state facilities providing services to those individuals. The Legislative Council shall report the findings of the independent party and its recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly.

WHEREAS, changes in clinical practices and service delivery systems have created a need for new and different responses in caring for individuals with mental illness, physical and developmental disabilities, drug and alcohol addictions; and

WHEREAS, over the past decade, more community-based treatment, service, and support options have been developed to support an individual's needs in or near the individual's own community;

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**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH
DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Legislative Council contract with an independent party to study the needs of individuals with mental illness, physical or developmental disabilities, and drug and alcohol addictions, and how the state responds to those needs with consideration given to state facilities and the impact and availability of community services. Input should be solicited from interested parties, including citizens, state employees, the governor, state hospital, department of human services, department of corrections and rehabilitation, mental health association of North Dakota, North Dakota public employees association, advocacy groups, and the governing boards of state facilities providing services to those individuals.

BE IT FURTHER RESOLVED, that the Legislative Council report the findings of the independent party and its recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly."

Page 2, remove lines one through thirty-one

Deanna Chiles
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10/23/03
Date

Date: 02-18-02
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 4021

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Motion to add Amendments

Motion Made By Sen. Fairfield Seconded By Sen. Polovitz

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee - Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
Senator Richard Brown - V. Chair.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
Senator Robert S. Erbele		<input checked="" type="checkbox"/>			
Senator Tom Fischer					
Senator April Fairfield	<input checked="" type="checkbox"/>				
Senator Michael Polovitz	<input checked="" type="checkbox"/>				

Total (Yes) 2 No 3

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Motion failed

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Date: 02-18-02
Roll Call Vote #: (2)

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS

Motion Made By Sen. Erbele Seconded By Sen. Brown

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee - Chairman	✓				
Senator Richard Brown - V. Chair.	✓				
Senator Robert S. Erbele	✓				
Senator Tom Fischer					
Senator April Fairfield		✓			
Senator Michael Polovitz	✓				

Total (Yes) 4 No 1

Absent 1

Floor Assignment Sen. Brown

If the vote is on an amendment, briefly indicate intent:

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REPORT OF STANDING COMMITTEE (410)
February 18, 2003 4:08 p.m.

Module No: SR-31-3157
Carrier: Brown
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SCR 4021: Human Services Committee (Sen. J. Lee, Chairman) recommends DO NOT
PASS (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SCR 4021 was placed on
the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-31-3157

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2003 TESTIMONY

SCR 4021

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**TESTIMONY: SENATE CONCURRENT RESOLUTION NO. 4021
SENATE HUMAN SERVICES COMMITTEE
JUDY LEE, CHAIRMAN
FEBRUARY 10, 2003**

Chairman Lee and members of the Human Service Committee: my name is Carlotta McCleary. I am the chair of the North Dakota Mental Health Planning Council. On behalf of the Council, I am here to encourage the State to study alternatives to a shared campus between the State Hospital and the Department of Corrections and to develop a long-term plan for the State Hospital.

The council is concerned that the impact of prison facilities being co-located at the state hospital will only further increase the stigma associated with mental illness. With a combined campus, North Dakota will be perpetrating the false image that people diagnosed with mental illness are also criminals.

This study needs to look at the availability of community based mental health services to ensure that individuals have access to adequate and appropriate services. Without an increase in community based mental health services that truly meets the needs of individuals with mental illness, many individuals will fall through the cracks. Currently, we are seeing cuts to services in the community. The State Hospital provides a valuable safety net for individuals requiring a high level of care that is not available in communities across the state.

On behalf of the Council, we encourage the State to study alternatives to a shared campus between the State Hospital and the Department of Corrections and to develop a long-term plan for the State Hospital. During the interim, we encourage the Legislature to maintain the LaHaug and the Adolescent Center buildings exclusively for State Hospital patients.

Thank you.

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TESTIMONY
NORTH DAKOTA PROTECTION AND ADVOCACY PROJECT
SENATE CONCURRENT RESOLUTION 4021
FEBRUARY 10, 2003
SENATE HUMAN SERVICES
SENATOR JUDY LEE CHAIRMAN

Chairman Lee and members of the Senate Human Services Committee, my name is Bruce Murry and I am an employee of the North Dakota Protection and Advocacy Project (P&A). P&A supports SCR 4021.

People thrive best when they are included as equal members of their community. A move from a centralized state hospital to regional acute-mental illness centers would move people with mental illnesses closer to their communities, both geographically and functionally.

Home and community based services would allow people with mental illnesses increased dignity, personal responsibility, and economic participation. Facilitating people moving to private homes or apartments, buying from local businesses, and paying local taxes would help North Dakota. People with mental illnesses could influence the quality of their care through the exercise of personal choice.

Regional mental health hospitals with 16 or fewer beds are eligible for medical participation. This would allow the state to simultaneously save money and use the remainder to increase the quality of care.

The strategic plan for the NDSH should be established by the Legislature and based first upon the needs of North Dakotans with mental illness. It should not be an executive decision that is reactive to the needs of corrections. If the Legislature finds the time is ripe to accelerate the move toward home and community based services, P&A would support such a move. If such a move cannot be made this biennium, this study would be appropriate.

Thank you for this opportunity and I am available for any questions.

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