

Montana Academy

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To: Economic Affairs Interim Committee

I am writing both as a program owner and current Chair of the PAARP board. The PAARP board was created by the legislature in 2006 in response to public demand for oversight of private residential programs which until that time were beyond the scope of either state or federal regulation and monitoring since they did not use government funding and relied exclusively on private funding in contractual arrangements between programs and parents. At the time the legislation was passed there were between 20 and 30 such programs in existence, mostly small programs run in residential settings, but there were also a number of programs with more than 30 participants that usually existed in more boarding school like settings. All of these programs were established to provide longer term residential care for troubled teenagers who had failed to be safely contained in their own homes and communities. These teenagers present with a variety of emotional and behavioral symptoms but share the fact that they had failed to negotiate the struggles of adolescence in a safe and productive way with the help of parents and community resources. These children were also not removed from their homes and placed either under state responsibility by social services or by the judicial system. Therefore the burden to care for such children rests entirely with families and their ability to pay for private programs.

Prior to the legislation that created the PAARP board there had been a number of complaints as to safety standards and potentially abusive practices in some of these programs. Most of the private programs had operated for years with no problems or complaints. Most of these responsible program owners saw a need to establish oversight and standards of operation that would recognize and allow for the variety of programs that existed by not being overly prescriptive or regulatory, but at the same time providing standards that would ensure safety of facility and practice for children in these otherwise unregulated residential settings.

We believe that the PAARP board has established the correct balance of strong safety and practice standards with inspections that allow for a variety of programs needed to address the diverse problems of children and families they serve. The largest difficulty we have faced is the presence of a “loop hole” allowed in the legislation that permits residential programs that are “adjunct ministries” of churches established in Montana to be exempt from meeting our standards and regulatory authority. This has led several programs to remain unlicensed and to evade all regulation by claiming such religious affiliation. It is not at all clear to me why basic

standards of care and safety for children's residential programs should be different for religiously oriented programs.

In addition, a number of programs have closed in the past several years due to the impact of the economic recession. This has of course increased the licensing fee burden since our programs must sustain the allocated costs of having our board administered and staffed within the Department of Labor and Industry. While our licensing fees are high, they are much lower than the expenses that would be incurred by rules instituted by other departments who establish rules designed for programs in which the state has a fiduciary and custodial responsibility for children when the state has assumed protective custody. In private programs parents retain full custodial authority and can decide what level of structure and care is appropriate for their child and family. Moreover, our board has an excellent mix of program representation and independent public representatives which has allowed a good level of public concern along with members members who have relevant knowledge of real life factors that could create a burdensome, unreasonable and unnecessary levels of regulation.

On the other hand, all parents should have the security to know that every residential program in Montana requires programs to ascribe to basic standards of care and safety. If we returned to a policy of no required licensure there would be clear safety risks for participants and their families, and well run programs would be hurt since the lack of regulation would lead many parents to choose to send their children to other states which set safety standards, inspect, and regulate programs.

Therefore, as a founder and co-owner of one of the largest programs in Montana, and as the current chair of the PAARP board I hope the legislative committee continues to recognize the importance of maintaining our licensing board.

Sincerely,

John L. Santa, PhD