



## Children, Families, Health, and Human Services Interim Committee

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### 63rd Montana Legislature

#### SENATE MEMBERS

DAVID WANZENRIED--Chair  
TERRY MURPHY  
ROGER WEBB  
JONATHAN WINDY BOY

#### HOUSE MEMBERS

RON EHLI--Vice Chair  
JENIFER GURSKY  
CAROLYN PEASE-LOPEZ  
SCOTT REICHNER

#### COMMITTEE STAFF

SUE O'CONNELL, Lead Staff  
ALEXIS SANDRU, Staff Attorney  
FONG HOM, Secretary

# MINUTES LOG

Warm Springs and Deer Lodge, Montana  
September 17, 2013

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select *Committees*, then *Interim*. Once on the page for *Interim Committees*, scroll down to the appropriate committee. The written minutes summary, along with the audio and video recordings, are listed by meeting date on the interim committee's web page.

Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

#### **COMMITTEE MEMBERS PRESENT**

SEN. TERRY MURPHY  
SEN. DAVID WANZENRIED  
SEN. ROGER WEBB

REP. RON EHLI  
REP. JENIFER GURSKY  
REP. CAROLYN PEASE-LOPEZ

#### **COMMITTEE MEMBERS EXCUSED**

SEN. JONATHAN WINDY BOY  
REP. SCOTT REICHNER

#### **STAFF PRESENT**

SUE O'CONNELL, Lead Staff  
ALEXIS SANDRU, Staff Attorney  
FONG HOM, Secretary

#### **AGENDA & VISITORS' LIST**

Agenda ([Attachment 1](#))  
Visitors' list ([Attachment 2](#))

**MONTANA STATE HOSPITAL**  
**Warm Springs, Montana**  
**September 17, 2013**  
**8:00 a.m.**

*Due to technical difficulties, the audio recording of the Montana State Hospital presentation and related public comment was lost. That portion of the meeting is summarized on Pages 1 and 2. A copy of the Montana State Hospital presentation is available on the committee's Web site, at [www.leg.mt.gov/cfhhs](http://www.leg.mt.gov/cfhhs).*

**CALL TO ORDER AND ROLL CALL**

Sen. Wanzenried called the meeting to order at 8:08 a.m. The committee secretary noted the roll visually. Sen. Windy Boy and Rep. Reichner were excused. ([Attachment 3](#))

**AGENDA**

**MONTANA STATE HOSPITAL**

- **Overview of MSH Facility and Services - John Glueckert, Administrator, and David Schoening, Director of Clinical Services, Montana State Hospital**

John Glueckert welcomed the committee to the State Hospital and gave a brief overview of the tour that the committee will go on.

Mr. Glueckert gave a presentation on the Montana State Hospital ([Exhibit 1](#)).

David Schoening gave a presentation of the Montana State Hospital's Clinical Services ([Exhibit 1](#)).

Mr. Glueckert discussed barriers to the discharge process ([Exhibit 1](#)).

Sen. Wanzenried outlined procedures for public comment.

**Public Comment**

Patti Jacques commented on laws that needed to be changed, community recovery homes, and the costs associated with providing the newest medication for the mentally ill.

Niki Zupanic, Policy Director, ACLU of Montana, commented on the number of complaints the ACLU receives. She distributed written comments to the committee ([Exhibit 2](#)).

Gary Mihelish, NAMI-MT, said that the State Hospital is the only place that provides acute care to the mentally ill.

Beth Brenneman, Disability Rights Montana, commented on Mr. Glueckert's presentation and the need for additional community services.

John Lynn, Deputy Director of Western Montana Mental Health Center, Missoula, commented on the crisis programs in Montana.

Janice Reichelt, Phillips County, commented on her son's experience as a forensic patient at the Montana State Prison.

Alicia Pichette, Mental Disabilities Board of Visitors, said that the Board of Visitors has a full-time presence at the State Hospital.

## **MEMBERS OF THE COMMITTEE AND THE PUBLIC TOUR THE STATE HOSPITAL**

*The meeting reconvened at 11:22 a.m. Audio recording available for remainder of meeting.*

### **Public Comment**

0:00:46 John Wilkinson, citizen and family member of a State Hospital patient, commented on the opportunity to partner with the Department of Corrections in terms of establishing a re-entry program for forensic patients.

0:04:09 Rep. Jenny Eck commented on the study goals.

0:05:24 John Lynn commented on the percentage of forensic patients at the State Hospital.

### **• Committee questions**

0:07:05 Sen. Webb

0:07:26 Mr. Glueckert

0:10:26 Sen. Webb

0:10:30 Mr. Glueckert

0:11:40 Sen. Webb

0:11:53 Mr. Glueckert

0:12:18 Sen. Webb

0:12:25 Mr. Glueckert

0:12:59 Mr. Schoening

0:14:25 Mr. Glueckert

0:15:11 Sen. Webb

0:15:21 Mr. Glueckert

0:16:25 Sen. Webb

0:16:30 Mr. Schoening

0:17:50 Mr. Glueckert

0:18:14 Rep. Gursky

0:18:54 Mr. Glueckert

0:20:06 Rep. Gursky

0:21:36 Mr. Glueckert

0:24:18 Mary Dalton, Manager, DPHHS Medicaid and Health Services Branch

0:25:20 Mr. Schoening

0:28:15 Rep. Gursky  
0:29:24 Mr. Schoening  
0:30:58 Sen. Murphy  
0:31:24 Mr. Glueckert  
0:32:51 Sen. Murphy  
0:32:59 Mr. Glueckert  
0:33:26 Sen. Wanzenried  
0:33:49 Mr. Glueckert  
0:34:02 Sen. Wanzenried  
0:34:12 Glenda Oldenburg, DPHHS Addictive and Mental Disorders Division  
Administrator  
0:35:07 Sen. Wanzenried  
0:35:28 Mr. Schoening  
0:36:03 Sen. Wanzenried  
0:36:42 Mr. Schoening  
0:38:09 Ms. Oldenburg  
0:39:40 Ms. Dalton  
0:40:39 Rep. Gursky  
0:40:58 Rep. Pease-Lopez  
0:41:29 Mr. Glueckert  
0:42:16 Sen. Wanzenried  
0:42:30 John Lynn  
0:43:10 Beth Brenneman  
0:43:57 Sen. Wanzenried

#### **RECESS**

0:44:26 Sen. Wanzenried recessed the meeting at 12:07 p.m., to reconvene in Deer Lodge.

**MONTANA STATE PRISON  
Kohrs Public Library  
501 Missouri Avenue  
Deer Lodge, Montana  
1:00 p.m.**

**COMMITTEE MEMBERS PRESENT**

SEN. TERRY MURPHY  
SEN. DAVID WANZENRIED  
SEN. ROGER WEBB  
  
REP. RON EHLE  
REP. JENIFER GURSKY  
REP. CAROLYN PEASE-LOPEZ

**COMMITTEE MEMBERS EXCUSED**

SEN. JONATHAN WINDY BOY  
REP. SCOTT REICHNER

**STAFF PRESENT**

SUE O'CONNELL, Lead Staff  
ALEXIS SANDRU, Staff Attorney  
FONG HOM, Secretary

**VISITORS' LIST**

Visitors' list (**Attachment 4**)

0:44:48 Sen. Wanzenried reconvened the meeting in Deer Lodge at 1:00 p.m., and gave an overview of the agenda.

**AGENDA**

**MONTANA STATE PRISON**

- **Overview of MSP Facility and Mental Health Services**
  - ▶ **Leroy Kirkegard, Warden**
  - ▶ **Jill Buck, MSP Mental Health Director**
  - ▶ **Erin Israel, MSP Mental Health Discharge Planner**
  - ▶ **Todd Boese, Psychiatric Registered Nurse**
  - ▶ **Cathy Redfern, MSP Health Services Administrator**

- 0:47:24 Leroy Kirkegard, Warden, Montana State Prison, introduced the staff present at the meeting and gave a brief overview of the agenda for the tour.
- 0:52:09 Jill Buck, Registered Nurse and Certified Correctional Health Professional, gave a brief biography. Ms. Buck discussed a brochure entitled "Mental Health Services: Montana State Prison" (**Exhibit 3**).
- 1:10:05 Todd Boese, Psychiatric Registered Nurse, discussed the assessment process for offenders residing in segregated housing units, development of a new program to help inmates with repeated disciplinary problems succeed in the general population, and recruitment and retention of staff.
- 1:20:05 Erin Israel, Mental Health Discharge Planner, gave a presentation on discharge case studies (**Exhibit 4**).
- 1:31:28 Cathy Redfern, Health Services Administrator, discussed the prison's role in the array of criminal justice services. She also discussed recruitment and retention of staff.

#### **Public Comment**

- 1:36:58 Patti Jacques discussed the requirement of a 30-day public comment period for the Montana Mental Health Block Grant application for federal funds.
- 1:39:13 Beth Brenneman, Disability Rights Montana, commented on the difficulties of serving people with disabilities in the corrections system and the limitations of the prescription drug formulary.

#### Committee questions

- 1:41:55 Sen. Wanzenried
- 1:42:48 Ms. Buck
- 1:44:26 Sen. Wanzenried
- 1:44:53 Dr. Peter Edwards, MSP psychiatrist
- 1:45:30 Sen. Wanzenried
- 1:45:48 Dr. Edwards
- 1:45:57 Sen. Wanzenried
- 1:46:06 Dr. Edwards
- 1:47:13 Sen. Wanzenried
- 1:47:54 Dr. Edwards
- 1:47:58 Sen. Wanzenried
- 1:48:27 Dr. Edwards
- 1:48:30 Mr. Boese
- 1:48:42 Sen. Wanzenried
- 1:48:47 Dr. Edwards
- 1:49:11 Ms. Buck
- 1:49:19 Sen. Wanzenried
- 1:49:24 Dr. Edwards
- 1:49:33 Rep. Ehli
- 1:50:22 Ms. Buck
- 1:51:13 Dr. Edwards

1:52:14 Rep. Ehli  
1:53:00 Tom McElderry said that the people in prison may receive different medications than those in other state institutions.

## RECESS

### COMMITTEE MEMBERS TOUR THE MONTANA STATE PRISON

The meeting reconvened at 4:25 p.m.

#### Committee questions

1:54:40 Rep. Ehli  
1:55:25 Ms. Buck  
1:59:22 Rep. Gursky  
2:01:39 Ms. Buck  
2:04:32 Rep. Gursky  
2:05:11 Ms. Buck  
2:05:43 Rep. Gursky  
2:06:10 Ms. Buck  
2:09:24 Rep. Gursky  
2:09:43 Mr. Boese  
2:10:45 Sen. Webb  
2:11:08 Ms. Redfern  
2:12:04 Mr. Boese  
2:12:34 Ms. Redfern  
2:12:51 Sen. Webb  
2:13:10 Ms. Israel  
2:14:14 Sen. Webb  
2:14:22 Ms. Israel  
2:14:41 Rep. Pease-Lopez  
2:15:18 Ms. Buck  
2:15:49 Dr. Edwards  
2:16:57 Ms. Buck  
2:17:40 Dr. Edwards  
  
2:18:15 Sen. Wanzenried asked that a copy of the State Prison's budget request be sent to the committee for informational purposes only.

### COMMITTEE WORK SESSION

2:19:53 Sen. Wanzenried noted that the committee had agreed to review the HJR 16 study plan at this meeting to discuss whether to change the scope of the study.  
  
2:21:14 Ms. O'Connell reviewed the charges of the HJR 16 study and options the committee may want to consider after visiting the four facilities.  
  
2:24::28 Sen. Wanzenried  
2:24:38 Sen. Webb  
2:24:51 Ms. O'Connell

2:25:39 Sen. Webb

**Motion**

2:27:01 Sen. Webb moved to expand the HJR 16 study plan to include a review of community-based mental health services.

Discussion on motion

2:28:26 Rep. Gursky  
2:28:55 Sen. Webb  
2:29:20 Sen. Wanzenried  
2:30:39 Rep. Ehli  
2:32:48 Rep. Pease-Lopez  
2:34:00 Sen. Wanzenried  
2:34:13 Rep. Pease-Lopez  
2:34:18 Ms. O'Connell  
2:35:33 Sen. Wanzenried  
2:36:28 Sen. Webb  
2:36:55 Sen. Wanzenried  
2:37:17 Sen. Webb  
2:38:04 Rep. Ehli  
2:39:17 Sen. Wanzenried  
2:39:46 Rep. Ehli  
2:40:20 Sen. Wanzenried  
2:40:46 Rep. Ehli  
2:41:08 Sen. Wanzenried  
2:41:24 Ms. O'Connell  
2:42:07 Sen. Webb  
2:42:22 Sen. Wanzenried  
2:42:42 Rep. Ehli  
2:43:02 Sen. Wanzenried  
2:43:18 Ms. O'Connell  
2:43:48 Sen. Wanzenried  
2:44:06 Sen. Webb  
2:44:11 Sen. Wanzenried

**Motion withdrawn**

2:44:22 Sen. Webb withdrew his motion.

Further discussion on the work plan

2:44:22 Sen. Wanzenried  
2:45:00 Ms. O'Connell discussed potential items for future meetings, including assisted outpatient treatment, cost plans for people with developmental disabilities, inter-institutional transfers, and the statutes related to forensic patients.  
2:46:01 Sen. Wanzenried  
2:46:10 Sen. Webb requested more information on the statutes involving forensic patients.  
2:46:18 Rep. Gursky also asked for a legislative history on the statutes relating to forensic patients.  
2:46:38 Sen. Wanzenried discussed the November meeting.



2:47:02 Ms. O'Connell said that the committee will start on the SJR 20 study of prescription drug abuse and that will include a panel of law enforcement agencies to present issues that they are seeing.

2:48:07 Sen. Wanzenried

### **ADJOURNMENT**

2:48:36 With no further business before the committee. Sen. Wanzenried adjourned the meeting at 5:20 p.m.

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