



MONTANA LEGISLATIVE BRANCH

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DATE: December 1, 2009

TO: Legislative Finance Committee

FROM: Lois Steinbeck

RE: Implementation of 53-21-1203, MCA (HB 130 – Crisis Services Grants)

INTRODUCTION

The Legislative Finance Committee (LFC) requested that the December 2009 meeting include a discussion of implementation of state matching grants for community mental health crisis services. The 2009 Legislature established and provided funding for state matching grants to counties for crisis intervention, jail diversion, involuntary commitment, and short-term community inpatient treatment for persons with a mental illness. Funding of \$1.2 million general fund per year was appropriated in HB 2 and restricted to fund mental health crisis intervention services (HB 130, HB 131, and HB 132).¹ HB 645 included a one-time appropriation of \$500,000 general fund, with \$475,000 allocated specifically to implement HB 130 (codified as 53-21-1203, MCA – Attachment 1). This memo summarizes the process that the Department of Public Health and Human Services (DPHHS) has followed to date in implementing 53-21-1203, MCA.

BASICS OF HB 130

In general 53-21-1203, MCA:

- o Establishes a matching grant program for counties for jail diversion and crisis intervention services, insurance coverage against catastrophic precommitment costs, if a county insurance pool is established pursuant to 2-9-211, and short-term inpatient treatment
- o Requires that grant amounts be based on available funding and the prospects that a county or multicounty plan will, if implemented, reduce admissions to the state hospital for emergency and court-ordered detention and evaluation and ultimately result in cost savings to the state
- o Requires DPHHS to adopt rules by August 1, 2009, to implement the program

53-21-1203 (2), MCA includes the following language about how grant amounts are to be determined:

¹ DPHHS allocated \$200,000 of the \$1.2 million to fund HB 131 – short-term mental health crisis services short-term beds_____. That left \$1.0 million to distribute for county matching grants.

“. . . The department shall develop a sliding scale for state grants based upon the historical county use of the state hospital with a high-use county receiving a lower percentage of matching funds. The sliding scale must be based upon the number of commitments by county compared to total commitments and upon the population of each county compared to the state population.”

PROCESS TO DATE

DPHHS requested that counties to submit letters of intent to apply for a grant by August 30, 2009. Thirty-seven counties submitted letters of intent. The anticipated grant requests totaled \$3.3 million - \$2.1 million higher than the available annual funding.

In order to limit total grant awards to the available appropriation, DPHHS calculated potential grant awards for FY 2010 based on population - \$1.50 per person in the county or multi county area served. Most potential grant awards are lower than the amount requested. However, in a couple of instances the potential grant award is higher than the initial request in the letter of intent. Attachment 2 shows potential grant awards.

DPHHS sent letters of the potential grant amount to each county and multi county service area on September 11. Counties have from September 1, 2009 to March 1, 2010 to submit the documentation necessary to draw down the grant award. DPHHS will evaluate each submission to confirm that it:

- 1) Outlines the crisis response plan and services starting with the initial notification to potential placement in local crisis services
- 2) Sets forth the agreements among and collaboration with local or regional entities and other counties if applicable
- 3) Includes a budget that shows expenses and revenue, including what amount of local match is available, whether the match is in kind or cash, and what expenses are one-time-only or start up costs

To date, two grant applications have been received (Yellowstone County and its 11 county partners and Missoula County). The department has not yet disbursed funds.

LEGISLATIVE INTEREST

The Children, Families, Health and Human Services Interim Committee (Interim Children and Families Committee) also considered implementation of county mental health crisis services matching grants. The letter written on behalf of the committee and the legal analysis prepared by legislative staff are in the LFC meeting note books.

Interim Children and Families Committee expressed several concerns to DPHHS at the rule hearing on November 23. DPHHS extended comment on the rules for another two weeks.

LEGISLATIVE STAFF LEGAL OPINION

There is also a copy of the legislative staff legal opinion about the determination of potential grant awards. In short the legal opinion concluded that the allocation of grant amounts based on

population does not comport with the statutory sliding fee scale based on population and commitments.

ATTACHMENT 1

53-21-1203. State matching fund grants for county crisis intervention, jail diversion, precommitment, and short-term inpatient treatment costs. (1) As soon as possible after July 1 of each year, from funds appropriated by the legislature for the purposes of this section, the department shall grant to each eligible county state matching funds for:

- (a) jail diversion and crisis intervention services to implement 53-21-1201 and 53-21-1202;
- (b) insurance coverage against catastrophic precommitment costs, if a county insurance pool is established pursuant to 2-9-211; and
- (c) short-term inpatient treatment.

(2) Grant amounts must be based on available funding and the prospects that a county or multicounty plan submitted pursuant to subsection (3) will, if implemented, reduce admissions to the state hospital for emergency and court-ordered detention and evaluation and ultimately result in cost savings to the state. The department shall develop a sliding scale for state grants based upon the historical county use of the state hospital with a high-use county receiving a lower percentage of matching funds. The sliding scale must be based upon the number of commitments by county compared to total commitments and upon the population of each county compared to the state population.

(3) In order to be eligible for the state matching funds, a county shall, in the time and manner prescribed by the department:

(a) apply for the funds and include in the grant application a detailed plan for how the county and other local entities will collaborate and commit local funds for the mental health services listed in subsection (1);

(b) develop and submit to the department a county or multicounty jail diversion and crisis intervention services strategic plan pursuant to 53-21-1201 and 53-21-1202, including a plan for community-based or regional emergency and court-ordered detention and examination services and short-term inpatient treatment;

(c) participate in a statewide or regional county insurance plan for precommitment costs under 53-21-132, if a statewide or regional insurance plan has been established, as authorized under 2-9-211;

(d) participate in a statewide or regional jail suicide prevention program, if one has been established by the department for the state or for the region in which the county is situated; and

(e) collect and report data and information on county jail diversion, crisis intervention, and short-term inpatient treatment services in the form and manner prescribed by the department to support program evaluation and measure progress on performance goals.

(4) The department shall adopt rules by August 1, 2009, to implement the provisions of this section.

History: En. Sec. 1, Ch. 479, L. 2009.

ATTACHMENT 2

County of Commitment, 2008 Population, Maximum Grant, Initial Request, and Preliminary Grant Amounts for Crisis Services by County and Multi-County Area

County of Commitment	7/1/08 Population	Max @ \$1.50 per Person	Potential Initial Request	Potential Grant Award	Percent of Total
Beaverhead	8,804	\$13,206			
Big Horn	12,798	19,197	Y		
Blaine	6,550	9,825			
Broadwater	4,590	6,885	L		
Carbon	9,721	14,582	Y		
Carter	1,268	1,902			
Cascade	81,775	122,663	\$500,000	\$122,663	11%
Chouteau	5,254	7,881			
Custer	11,188	16,782			
Daniels	1,650	2,475			
Dawson	8,558	12,837	27,300	12,837	1%
Deer Lodge	8,852	13,278			
Fallon	2,696	4,044	3,805	4,044	0%
Fergus	11,181	16,772	Y		
Flathead	86,844	130,266			
Gallatin	87,359	131,039	200,000	131,039	12%
Garfield	1,215	1,823	700	1,823	0%
Glacier	13,382	20,073	27,650	20,073	2%
Golden Valley	1,125	1,688	Y		
Granite	2,852	4,278			
Hill	16,568	24,852			
Jefferson	11,121	16,682	L		
Judith Basin	2,048	3,072	Y		
Lake	28,438	42,657			
Lewis & Clark	59,998	89,997	231,500	116,414	11%
Liberty	1,796	2,694	3,500	2,694	0%
Lincoln	18,885	28,328			
Madison	7,426	11,139			
McCone	1,724	2,586	3,362	2,586	0%
Meagher	1,900	2,850	L		
Mineral	3,895	5,843			
Missoula	105,650	158,475	355,550	158,475	15%
Musselshell	4,494	6,741	Y		
Park	16,099	24,149	106,615	24,149	2%
Petroleum	438	657	Y		
Phillips	3,948	5,922			
Pondera	5,943	8,915	7,000	8,915	1%
Powder River	1,699	2,549	140	2,549	0%
Powell	7,118	10,677	25,000	10,677	1%
Prairie	1,044	1,566			
Ravalli	40,396	60,594	248,500	60,594	6%
Richland	9,182	13,773			
Roosevelt	10,148	15,222	90,000	15,222	1%
Rosebud	9,182	13,773	10,080	13,773	1%
Sanders	11,033	16,550	70,000	16,550	2%
Sheridan	3,373	5,060	11,698	5,060	0%
Silver Bow	32,652	48,978	350,000	48,978	4%
Stillwater	8,660	12,990	Y		
Sweet Grass	3,807	5,711	Y		
Teton	6,023	9,035	9,641	9,035	1%
Toole	5,144	7,716	67,500	7,716	1%
Treasure	651	977			
Valley	6,899	10,349			
Wheatland	1,983	2,975	Y		
Wibaux	898	1,347	353	1,347	0%
Yellowstone	139,936	209,904	900,000	294,287	27%
Total	957,861	\$1,436,792	\$3,249,894	\$1,091,495	100%

Y = Yellowstone multi-county area and L = Lewis and Clark multi-county area

Source: Deb Matteucci, Behavioral Health Program Facilitator, DPHHS and Department of Corrections, e-mail, October 2, 2009.