



Children, Families, Health, and Human Services Interim Committee

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61st Montana Legislature

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November 23, 2009

Office of Legal Affairs
Department of Public Health and Human Services
111 N. Sanders St.
Helena, MT 59620

Dear DPHHS Office of Legal Affairs:

Please consider the following as comments on behalf of the Children, Families, Health, and Human Services Interim Committee (CFHHS) to the department's proposed rule notice (MAR Notice 37-491) regarding state matching grants to counties for crisis intervention, jail diversion, involuntary precommitment, and short-term inpatient treatment. These comments are based on discussion during the CFHHS meeting on November 16, 2009. The CFHHS Interim Committee is not asking for a formal delay in adopting rule notice 37-491 but would like the department's response and a chance to comment on that response prior to the rules being adopted. Present at the November 16 meeting, DPHHS Director Anna Whiting Sorrell assured the committee this would be possible. The committee is also asking that the department not delay sending out grant funds for counties that have submitted satisfactory applications.

COMMENT 1: It is unclear what categories of commitments will be reimbursed by the department under the proposed rules. It is only involuntary commitments, emergency and court ordered detentions or also voluntary commitments? Are voluntary commitments being reimbursed to counties? Please clarify.

COMMENT 2: Why can't the department use the matching grant formula established in HB 130?

<u>County population</u>		<u>Commitments per county</u>
State population	AND	Total commitments in state

Compare these two figures and a high-use county (commitments higher than population) will receive a lower percentage of matching funds. Please state why the department's proposed formula is preferable.

COMMENT 3: The department's proposed method of fund disbursement in Rule IV (when the amount requested exceeds legislative appropriation) calling for distribution of available funding on a pro rata basis by county population conflicts with the HB 130 language requiring a two-part sliding scale (based on population and commitments together). Why couldn't the department complete its calculation using the elements of the formula established in HB 130, then distribute

on a pro rata basis, rather than just distributing off the top using population?

COMMENT 4: The committee discussed using "admissions" for the funding formula versus "commitments." DPHHS clarified it was using "admissions" for its calculations. HB 130 uses the word "commitments." The department's rule is contrary to the statute. Please comment.

COMMENT 5: Several legislators expressed concern over whether the department's planned reimbursement scheme is accurately reflecting the Legislature's intent on reimbursement. Clarify whether grant amounts will be distributed across the state or directed towards specific areas that may already have programs in place. Please address the concern voiced by several legislators that the money was intended to go towards counties with models that are already working, not be spread across the state.

COMMENT 6: The department has stated crisis intervention team training and crisis response team expenditures will be eligible for match under the proposed rules. Please state your basis for this.

COMMENT 7: The CFHHS Interim Committee would like to know which counties have responded with a letter of intent to seek state matching grants and the department's proposed funding numbers accordingly.

COMMENT 8: Will the department commit half of the biennial appropriation for this program in the FY 2010 base budget year? If not, please comment as to ongoing funding to implement the matching grants program. Is it sustainable?

COMMENT 9: The department's preliminary state matching grant award figures indicate that some counties are slated to receive a larger grant amount than was asked for. Please explain.

COMMENT 10: HB 130 directed the department to adopt rules for implementation by August 1, 2009 and fully implement the grant program by September 1, 2009. Please address the delay in both these areas.

If you have any questions regarding the above comments or if any clarification is needed, please do not hesitate to contact me. The CFHHS Interim Committee looks forward to hearing from you regarding these comments and potentially scheduling a conference call if needed.. Thank you very much.

Sincerely,
Lisa Mecklenberg Jackson
CFHHS Staff Attorney

cc Anna Whiting Sorrell
Lou Thompson
Sue O'Connell

Lois Steinbeck

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