

**Testimony of the
Department of Health and Human Services**

Before the Joint Standing Committee on Criminal Justice and Public Safety

**In support of LR1515
An Act to Increase Mental Health Services in the Department of Corrections**

Sponsored by: Representative Malaby

Hearing Date: May 13, 2013

Senator Gerzofsky, Representative Dion, and members of the Joint Standing Committee on Criminal Justice and Public Safety, I am Mary Louise McEwen, Superintendent of Riverview Psychiatric Center, Department of Health and Human Services and I am here today to speak in support of LD 1515.

The intent of this LD is to improve access to mental health services by allowing the Commissioner of Corrections to accept four categories of inmates into a mental health unit within the Department of Corrections. The development of this mental health unit is of great significance to DHHS as it will not only provide treatment to individuals in need, but by allowing this treatment to occur within the Department of Corrections, beds within the DHHS system will be more readily available for admissions.

The first proposed category of individuals for this unit are inmates who are in need of an inpatient psychiatric bed due to mental illness and who pose a significant risk of physical harm to themselves or others as a result of that illness. These individuals are rarely able to be served by the two state hospitals due to lack of bed availability. As a result they may sit in an emergency room, remain in a county jail with 1:1 or 2:1 staff, and may not receive the appropriate level of treatment for their illness. Last fiscal year, the state hospitals received 37 referrals from the county jails. Of those, only 13 were able to be admitted. It is important to note that due to the consistent lack of bed availability, the county jails only refer those individuals who display the most serious of behaviors.

The second proposed category of individuals for this unit are inmates who have been found incompetent to stand trial due to a mental illness and because of that illness pose a likelihood of serious harm to others, and there is not sufficient security at Riverview Psychiatric Center to address this likelihood of serious harm. Riverview does not have the same tools as corrections facilities to manage aggressive, assaultive, and violent behavior. This behavior has seriously injured hospital staff causing them to be out of work for long periods of time and, in some cases, out of this line of work forever. Although staff rarely report assaults if an injury did not occur, last year staff at Riverview reported 102 injuries inflicted by clients. Of those 102 injuries, 65 were committed by forensic clients and 23 were OSHA reportable, which means they resulted in lost work time, loss of function, or reduced ability for staff to perform the functions of their job.

The third proposed category of individuals for this mental health unit are those individuals who have a mental illness and because of that illness pose a likelihood of serious harm to others, and for whom the State Forensic Service has determined the need for a period of psychiatric observation. As with the other categories previously mentioned, the inability for Riverview to provide sufficient security to address the likelihood of serious harm within the hospital is a factor with this group. Of the 65 injuries to Riverview staff last year committed by forensic clients, 17 were attributed to inmates sent to Riverview for observation.

The fourth proposed categories of individuals for this unit are those who have a court order for an evaluation that is currently performed in a county jail. These individuals are not sent to Riverview but would now have an option to get mental health treatment before and after that evaluation.

Over the past 18 months, Riverview has seen an increase in the number of forensic referrals. Riverview was originally designed to accommodate 44 forensic clients. Since January, 2012, the number of forensic clients has exceeded 44 and in April of that year reached an all-time high of 62. When clients at Riverview are violent and aggressive, not only are staff at risk, but other hospital clients who, because of their illnesses are vulnerable, are at risk and often easy prey for those with violent tendencies. Additionally, and of significant concern for all of us, is the fact that this situation limits the number of beds Riverview can utilize on a unit where an aggressive and violent individual is placed. This in turn increases the wait times for beds to be available for admissions. In 2012, the two state hospitals had 327 referrals for civil beds that could not be accommodated due to capacity and acuity.

We believe that creating a mental health unit within the Department of Corrections will allow for another option for those in our jails who are in desperate need of mental health treatment, create a safer environment at Riverview, and allow us to serve the civil and forensic clients that the hospital was designed to help.

This LD does have a fiscal note of 3.3 million due to the additional mental health staff that would need to be added to this unit. We are committed to working with the legislature, the Appropriations Committee, and the Governor's office to address this and hope that it will not deter you from moving forward with this critical need.

Thank you for your time and attention. I would be happy to answer any questions you may have and to have staff available for the work session.