

2014 Community Mental Health Agreement – Budget Implications



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Disability Rights Center's Mission

The Disability Rights Center is dedicated to eliminating barriers existing in New Hampshire to the full and equal enjoyment of civil legal rights by people with disabilities.

DRC

- Founded in 1978
- New Hampshire's designated Protection and Advocacy agency
- Authorized by federal law
 - “to pursue legal, administrative and other appropriate remedies” on behalf of individuals with disabilities
- Independent from government & service providers
- Nonprofit

What Is Protection and Advocacy?

- A nationwide network of congressionally mandated, legally based disability rights agencies.
- Authority to provide legal representation and other advocacy services, under all federal and state laws, to all people with disabilities.
- Monitor, investigate and attempt to remedy adverse conditions in facilities such as New Hampshire Hospital.
- Work to ensure full access to inclusive educational programs, financial entitlements, healthcare, accessible housing and productive employment opportunities.
- Outreach, training, advocacy, individual legal representation, class action litigation, policy advocacy

What was the Basis of the Mental Health Litigation?

- Civil rights lawsuit on behalf of adults with serious mental illness who are institutionalized or at risk of institutionalization
- Designed to ensure the provision of community mental health services, avert unnecessary institutionalization or hospitalization, and promote recovery and quality of life
- The Americans with Disabilities Act (ADA) recognized that society has tended to isolate and segregate individuals with disabilities and created a clear mandate to end this pervasive form of discrimination.
- The ADA requires that individuals be provided with services and treatment in the most integrated setting appropriate to their needs

Improving New Hampshire's Mental Health System

- DRC engaged in lengthy investigation over several years
- United States Department of Justice conducted independent investigation
- Parties engaged in negotiations
- 2012 DRC files suit in federal court
- USDOJ joins suit
- Federal Court certifies case as class action
- 2014 Settlement Agreement reached and approved by Federal Court



Budgeting for the Community Mental Health Settlement Agreement

- Settlement structured over 6 year period
- Settlement Agreement calls for development and implementation of services
- Settlement Agreement does not include a specific dollar figure
- NH DHHS and Governor determine budget request
- USDOJ and DRC don't determine the budget number; they do monitor development and implementation of services, and compliance with the Agreement

The High Cost of An Inadequate Community Mental Health System

- What we know: there is a high cost to an inadequate community mental health system
 - New Hampshire Hospital – well over \$1000/day (largely general fund dollars; most community services receive 50% federal match)
 - Glenclyff Home – over \$124,000/year
 - Emergency Rooms
 - Community Hospitals/Acute Care
 - State Prison
 - County Jail
 - Nursing Homes
 - Law Enforcement
 - Group Homes

Mental Health System – Historical Overview

- NH was once a leader in community integration
- In the 1980's NH began implementing a major plan for restructuring the mental health system
- NHH was to be largely phased out in favor of an expanded community-based system
- The commitment that NHH would only be utilized for short-term acute psychiatric care has gone by the wayside
- The promise for a robust community mental health system was never realized
- The needless institutionalization of individuals with mental illness has increased dramatically over the past two decades

Historical Overview (cont'd.)

- In 1989 NHH had 900 admissions
- By 2009 admissions had increased to 2278
- The number of admissions increased 70% over ten years
- Discharges from NHH have been delayed due to the unavailability of community resources
- The infrastructure of the Community Mental Health System was crumbling
- Local hospital emergency rooms, NHH, county jails and nursing facilities have been feeling the effects of this crisis

Impact on Citizens

- People are unnecessarily languishing in institutional settings
- Others are repeatedly cycling in and out of the hospital and living in a constant state of disruption and change
- Individuals with mental illness and their families suffering from this crisis of care

The Community Mental Health Settlement Agreement

- Services to be added under the Agreement:
 - Over 450 Supported Housing Units
 - 16 Community Residence Beds
 - Hundreds of Supported Employment slots
 - Assertive Community Treatment available to 1500 individuals at a time
 - 3 Mobile Crisis Teams
 - Peer and Family Supports
 - Transition Planning

Does the Litigation Shift, Expand, or Save Resources

- There is the need for upfront investment – expansion
 - Community services are far more cost effective
- In a balanced system – shifting of resources
- In some areas there may be cost savings –
 - Fewer people in high cost facilities
 - Reduction in emergency room usage
 - Reduced burden on law enforcement, jails and prison
 - Enhanced federal revenue for community services

Budget Numbers - Complicating Factors

- \$24 million?
 - It is difficult to identify the investment in the services in the line items of the budget document
- Critical to ensure the money is going to the right services
- Shifting line items – some of the budgeted money for community mental health services moves from the Behavioral Health line item to the OMBP line items for Managed Care

Budget Numbers - Complicating Factors (cont.'d)

- Tracking money that goes to managed care to ensure that it is utilized for proper expansion of community mental health services
- Ensuring that money does not go to services or institutions that undermine the important long-term commitments made through the Settlement Agreement

Community Mental Health Agreement Benefits All NH Citizens

- Enhances employment for individuals with mental illness – brings in tax revenue
- Recovery results in decreased reliance on other State services
- Frees up resources everyone needs such as access to care in hospital emergency departments and law enforcement
- Individuals with serious mental illness can lead quality meaningful lives

Long-Term Vision

- Full implementation of the Community Mental Health Agreement - providing adults with serious mental illness high quality, integrated services that lead to recovery and quality of life.
- Improved access to community mental health services for children
- Improved access and reduced wait times for intake, psychiatry appointments, case management, and other important services
- Expansion of mobile crisis intervention
- Commitment to Workforce Development and Retention

The Time Is Now...

- New Hampshire has committed to, and has begun, the hard work of rebuilding New Hampshire's community mental health system
- This must be a high priority in this budget cycle