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SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

March 13, 1997 Hearing Room B

3:00PM Tapes 35 - 36

MEMBERS PRESENT:

Sen. Bill Fisher, Chair

Sen. Jeannette Hamby, Vice-Chair

Sen. Marylin Shannon

Sen. Susan Castillo

Sen. Thomas Wilde

MEMBER EXCUSED: Sen. Lenn Hannon

STAFF PRESENT:

Anne E. Tweedt, Administrator

Sandy Thiele-Cirka, Administrative Support

MEASURES/ISSUES HEARD:

Informational Meeting

County Perspectives

- * **Mike McCracken, Association of Oregon Counties**
- * **Lee Hockman, Director, Douglas County Health & Social Services**

Review of Issues

- * **Barry Kast, Administrator, Mental Health & Developmental Disability Services Division**
- * **James Toews, Assistant Administrator, Office of Developmental Disabilities Services**

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

Tape/#	Speaker	Comments
TAPE 35, A		
003	Chair Fisher	Calls meeting to order at 3:10 pm, announces the upcoming public hearing to be held on Thursday, April 3. Opens informational meeting.
<u>INFORMATIONAL MEETING</u>		
025	Lee Hockman	Association of Oregon Community Mental Health Programs, introduces Mike Sedlock, Program Manager, Development and Disabilities Services, Marion County. Submits testimony supporting the closure of Fairview (EXHIBIT A).
053		<ul style="list-style-type: none"> * continued state/county partnership * flexibility to determine cost-effective and quality resources * adequate and consistent resources * direct care wage increase * develop capacity at the local level * wait list must receive secondary priority * financial savings from Fairview must be re-invested into community services
090	Chair	Asks Sedlock if he is in agreement and if he has anything to add to

	Fisher	Hockman's testimony.
092	Sedlock	States he is in agreement and has nothing to add.
094	Sen. Castillo	Asks if Hockman is familiar with the state's plan to close Fairview.
095	Hockman	States they have all read it very carefully and in most aspects, they support it and believe it is a very well thought out plan.
109	Judi Ingles	Program Director, Oregon Community Support, Lane County. Explains it is a 24-hour residential program that serves people with severe developmental disabilities. The program has homes in Marion, Benton and Lane Counties, and currently supports about 25 people. Continues overview of program and testifies in support of community settings for the severely disabled.
159	Ingles	Continues testimony, explaining training and philosophy of staff, and states she is in wholeheartedly in support of closing Fairview.
160	Chair Fisher	Asks if that statement is her personal view or that of Oregon Community Support.
162	Ingles	States it is her group that is in support of the closure.
188	Chair Fisher	Asks where the people being served are from.
193	Ingles	Explains they are from all over Oregon, but all the residents did at one time live at Fairview.
197	Chair Fisher	Asks if some of the family members currently live close by.
195	Ingles	Explains some of them do, but others do not have family members.
200	Chair Fisher	Asks if the agency started up all at once, or if it slowly transitioned into existence.
201	Ingles	Explains the agency was originally just a couple of homes in Lane County, but it grew over time, and eventually expanded into Marion and Benton Counties.
206	Chair Fisher	Asks how the program phased in the Fairview residents.
217	Ingles	States she is unable to answer that question, but will provide the information.
230	Chair Fisher	States it would be helpful to know if there was a relationship with Fairview prior to any of the residents coming, and asks Ingles to submit her written testimony into the record (EXHIBIT B).
246	Sen. Castillo	Asks how readily available support services are for the program's clients.
250	Ingles	Replies there are qualified professionals throughout Oregon who specialize in specific areas, and they have not had a problem finding skilled people to help support their clients.
259	Sen.	Asks if that includes medical and dental care.

	Castillo	
260	Ingles	Explains dental care has been difficult, but they have an agency nurse who works with the 11 people they serve in Lane County, so it hasn't been that difficult to get the services.
265	Barry Kast	Administrator, Mental Health & Developmental Disability Services Division, introduces James Toews, Office of Developmental Disabilities Services. States the plan being considered does more than just close Fairview (EXHIBIT C). Explains it also addresses those who are not being served or who are being underserved, and states the community system needs "shoring up financially." Adds that the costs are mal-distributed, and "we spend far too much on too few, and those resources need to be unlocked and reallocated to make the system work effectively and serve more people."
315	Kast	Continues testimony, stating the solution to the problems surrounding Fairview is to change the way they do business, to continue the shift toward community-based care, and to work with families to help meet the needs of the developmentally disabled and their families.
342	Kast	States they have about 360 people in institutions, 5500 people in community programs, and 10,000 who are served through the community-based system.
360	Kast	Highlights prior issues raised: * Comparing the severity of disabilities between those who reside at Fairview and those who live in the community programs or go unserved altogether. * Risks: Are we exposing Fairview residents or local communities to some risk which is avoidable? * How the plan affects the state's relationship with the federal government. * Will there be a safety net in place when this plan is implemented? * The ramifications of Westcare's proposal, which the department is in the process of analyzing.
410	James Toews	Assistant Administrator, Office of Developmental Disabilities Services, begins addressing above issues.
TAPE 36, A		
005	Toews	Reviews fact sheet on level of mental retardation in exhibit B.
015	Chair Fisher	Asks where the other facilities are that are listed in fact sheet.

18	Toews	States it also includes the Eastern Oregon Training Center in Pendleton.
032	Chair Fisher	Asks for and receives clarification on definition of "severe" vs. "profound" disabilities.
043	Chair Fisher	Asks if it is that basis on which they would draw the conclusion that this is a fair cross-section of those in the community and those on waiting lists.
047	Toews	Explains the cross-comparison is based on matched pairs of data on variables such as behavior, communication, physical disability, etc.
052	Chair Fisher	Asks for and receives confirmation that Toews believes it is an accurate analysis.
054	Toews	Addresses issue of high risk behavior, and states it is a very legitimate concern. Explains that 213 individuals are currently within the corrections system, most with mild to moderate retardation, and nine are former Fairview residents who left the institution in the 1970's.
100	Toews	States individuals who pose a high risk to themselves or the community will be recommended to be placed in a state operated home.
113	Kast	Adds it is a myth that the state has dumped people into the community without any supportive services.
134	Toews	Continues explaining the resources used in crisis back-up and follow-up services for people in the community.
195	Toews	Explains they are responsible for providing other alternatives throughout the region when institutions such as Fairview are no longer available, highlights plans for implementing six regional back-up systems. Gives brief history of the circumstances which led to the consent decree, which the state signed with the U. S. Department of Justice (DOJ) in 1989.
260	Toews	Explains circumstances leading up to decertification of Fairview and how it resulted in the loss of seven or eight million dollars in federal funding, while the state scrambled to put together a plan to get Fairview recertified.
312	Toews	Addresses relationship between Fairview and DOJ, and the current dilemma regarding keeping DOJ out "at the front end." States they have had a hard time recruiting experts to testify in the state's defense when it comes to injuries and other problems.
367	Sen. Castillo	Asks for clarification as to whether Toews thinks the current proposed plan will meet the test of DOJ's scrutiny.
380	Toews	States he cannot speak for DOJ, but "they have looked at the plan and have approved it in concept." They have expressed concerns about the problems in the community services system and have asked for more information regarding the quality assurance

		system.
400	Sen. Castillo	Asks if DOJ will continue to review the closure process and the placement of the residents who are currently at Fairview.
435	Toews	Explains they are still discussing whether DOJ has jurisdiction over following people into the community, and there is some dispute over the issue.
TAPE 35, B		
006	Toews	Explains concerns about Westcare Management proposals. States they had a very cordial meeting, but states Westcare's plan is more of a conceptual one that needs a lot of adjustments.
022	Toews	Continues explaining until 1987, there were 10 different organizations and every one has either closed, downsized, decertified, or threatened with decertification.
029	Chair Fisher	Asks what the pay scale was in these facilities compared to Fairview at the time.
032	Toews	Explains the pay was significantly lower and it was mainly an issue of state versus private employees.
034	Chair Fisher	Comments it was extremely difficult to get cooperation from the state at that time when it came to getting others into the program, and asks if that is an accurate characterization.
039	Toews	Responds that the rates had fallen behind in those programs, but every one they worked with was extremely cooperative and urges Chair to contact the staff to get their opinions. Explains that Oregon was the very first state that entered the home and community-based waiver program, and gives brief history of program.
065	Chair Fisher	Rephrases question and asks if there weren't many care providers who wanted to get involved but were not, and still are not, able to.
072	Toews	Confirms they have, indeed, curtailed the size of the Intermediate Care Facility for the Mentally Retarded (ICFMR) program because of funding and policy choices, but of those organizations that have shifted into the waiver program, families, consumers and agency staff are all happier than they were under the old structure.
088	Chair Fisher	Asks for and receives clarification on whether the multi-bed agencies still exist.
091	Sen. Fisher	Asks if it is technically impossible to upgrade and adopt ICFMR status.
094	Toews	Responds it is technically possible, the state could decide to expand the ICFMR program, but he does not know what that would do to the waiver.
101		Discussion held on the pros and cons of recertifying under the ICFMR vs. the waiver program.
		States in the eyes of parents with children at Fairview, this plan

140	Toews	does represent a breach of faith, because their sons and daughters went into Fairview because no other adequate choices were provided for them, and they were assured their children would be cared for for the rest of their lives, so this plan is a very painful decision because it merely redistributes the current level of funding and does not provide any extra resources.
188	Chair Fisher	Shares his concerns that it may not be reasonable for anyone to make promises about forever, because people's needs change and factors arise that are out of our control, and asks for Toews' opinion.
223	Toews	Acknowledges this is a volatile, changing environment with no guarantees, but that every parent needs to have some sense of security their children are safe, and the state needs to work pro-actively toward developing a plan to help them attain that assurance.
261	Sen. Castillo	States she agrees the closure isn't about being "right" or "wrong"--it's about being as helpful as you can to as many people as you can, and urges committee to keep that in mind. States her support for this plan because she sees it achieving that goal.
274	Sen. Shannon	States she is still concerned about the people once they get out into the community, and feels the state has not budgeted enough money to pay the caretakers.
280	Chair Fisher	States it is clear to him that there are very adequate funds to care for the ones who are here now in the community.
285	Sen. Shannon	Asks why people are lobbying her to get a pay increase to a dollar above minimum wage.
287	Chair Fisher	States the adequate care and the minimum wage are two separate issues.
292		Discussion continues on issue of caretakers' wages and pros and cons of supporting the closure of institutions.
321	Sen. Castillo	Asks about the effective date of the wage increase, and states is this a critical piece to the success of the plan and this transition. Asks Toews' opinion on the issue.
340	Toews	Responds that an immediate wage increase would be the best scenario to stabilize existing community action. Explains how the minimum wage measure and its timing has had an impact on the impact of wage increases for community caregivers. Uses Washington as example of a state that has invested in higher wages and benefited.
410	Sen. Castillo	States her belief that keeping the kicker fund would help alleviate this problem.
418	Sen. Shannon	Asks what we would do the following year when there is no kicker fund.
		Explains the wage issue is prevalent in every human service

421	Kast	program, and the Department of Human Resources is addressing this issue before the Ways and Means Committee, but this type of increase cannot be financed in the department's budget as the Governor has brought it forward.
TAPE 36, B		
010	Chair Fisher	States he agrees with Kast's statement, and wonders why Fairview did not rethink its improperly designed "dinosaur" of a campus plan earlier and make modifications which would better serve the needs of the people rather than spending all this money trying to make the buildings and grounds functional.
069	Ronda Newhouse	26 years old, states she lived in a large group home for 4.5 years and is currently living independently. Testifies about her experience in a 30 bed institution and speaks in support of community environment.
110	Sen. Fisher	Asks if her experience in the group home helped prepare her to live independently.
113	Newhouse	Explains it did, but she is much happier now living independently in Portland with a helper.
129		Question and answer session continues on Newhouse's prior living situations.
137	Sen. Castillo	Asks Newhouse to compare the level of care received in each of the living settings.
140	Newhouse	Explains she did not get much staff attention when she lived in the 30 bed facility.
147	Chair Fisher	Asks if they encouraged her to learn to take care of herself there.
149	Newhouse	States care was mostly provided, and she wasn't encouraged at all, and there was a little more encouragement when she moved to the smaller group home.
158	Sen. Shannon	States she can see Newhouse's happiness in her face, and asks if she has ever been to Martin Cottage.
160	Newhouse	Responds that she has not been to any of the cottages at Fairview.
162	Chair Fisher	Asks about the amount of ongoing education she has received since leaving the home.
167	Newhouse	States she graduated from high school in May of 1990.
170	Chair Fisher	Asks for and receives clarification that she feels comfortable being in her own home and can get out and around. Asks if she has a job.
175	Newhouse	States she is a receptionist at Integration and Independence and has been employed there for almost four years.
180	Chair Fisher	Asks if she uses public transportation.
181	Newhouse	States she does.

184	Chair Fisher	Asks why she left Hermiston to come to the 30 bed home.
195	Newhouse	States she would prefer not to comment on that.
199	Chair Fisher	Asks for and receives confirmation that she did not come from a larger home in Hermiston.
213	Chair Fisher	Asks Newhouse's escort to state her name for the record.
215	Lois Kittson	States her name and explains she is from Albertina Kerr Center and is one of Newhouse's support people.
218	Chair Fisher	Adjourns meeting at 4:48pm.

Submitted By, Reviewed By,

Sandy Thiele-Cirka, Anne E. Tweedt,

Administrative Support Administrator

Transcribed By,

Julie Havel,

Administrative Support

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EXHIBIT SUMMARY

A - Written testimony and resolution 96-B4, Lee Hockman, 2pp.

B - Written testimony, Judi Ingles, 3pp.

C - Fact Sheet overviews, Barry Kast, 13pp.
