



INTERHAB

INDEPENDENCE  
INCLUSION  
INNOVATION

June 5, 2011

Dear Deputy Secretary Moreno:

We have serious and growing concerns regarding the difficulties families are facing in accessing psychiatric residential treatment facilities (PRTFs) when their child with a developmental disability has serious psychiatric and behavioral challenges. We appreciate your staff's efforts to hear and review our concerns, but we want to convey to you a sense of urgency that this matter be resolved sooner rather than later. We hope as a result of this letter to hear from you to set a time tomorrow or Wednesday when we might convene a conference call to discuss the following matters.

Information we recently received has given us greater cause for concern. Written guidance we have reviewed, which was internally distributed from a CMHC director to their staff, seems to confirm our previous suspicions; i.e., that efforts to divert children away from PRTF placements are being undertaken in a manner which is not clinically sound, professionally ethical, nor perhaps even in compliance with State or federal guidelines.

From all appearances, it appears the State, its contractor KHS and their subcontractors at the CMHC level, have engaged in very non-transparent behaviors and are refusing to acknowledge the extent to which children with significant mental, behavioral and developmental challenges and their families are being used as financial game-pieces, in which a child's circumstances are being held hostage by one party and used as a bartered commodity by a second party. Both parties seem to point to the other party as to the cause of the problem. For all practical purposes, accountability for this matter is like a dead fish, it smells bad at either end.

This is not a matter which the Department can take lightly.

In response to earlier concerns, the Department indicated only that it had identified excessive utilization in certain areas of the state in the PRTF program, and had taken steps with KHS to remedy this alleged over-utilization.

However, CMHCs have the apparent understanding from SRS and KHS that they face financial penalties if utilization is not slowed down in a number of areas, including PRTFs; and, at least some CMHCs have been told that they can claim savings to protect the financing of their services by cutting services provided by other networks (PRTFs) over which they have clinical referral authority but in which they have no financial interest.

The professional obligation to provide clinically sound referral practices appears to have been sacrificed, and the effect, rather than correcting instances of over-utilization, has been to dramatically curtail all PRTF placements, irrespective of the needs of the child involved.

In the latest three month period, SRS data show a diversion rate of 70% compared with the average for last year of about 17%! Clearly access to this vital resource has been dramatically curtailed. Children in need of PRTF services, their families, and the providers who serve them have been placed at serious risk in a variety of ways.

While it is true that the State has made no secret of its efforts to slow spending, it is also true that the planned slashing of PRTF utilization was never communicated to the Legislature, which surely would have been concerned enough to consider some remedies. We feel certain a public discussion of this matter would have resulted in more appropriate and defensible professional remedies, and that more sensible fiscal remedies could be found as well. All legislators will be incredulous to learn that the net effect of slamming the door on PRTFs is that children will be diverted into more costly settings.

Actions which improperly block children from having access to needed service are wrong.

The State must be willing to openly address it, and to resolve the matter.

There is already public scrutiny growing in this matter, legislators are seeking information on its progress or the lack thereof, which elevates the importance of our role, i.e. to raise this again with the Department, to seek greater clarity as to how to address and resolve these issues.

I look forward to hearing from you.

Sincerely,

Tom Laing, Executive Director  
InterHab

CC:

Secretary Rob Siedlecki  
Rick Shultz  
Mike Hammond