Montana Legislature Overrides Governor’s Veto of SB4 – DPHHS must provide prompt details and reports of Abuse and Neglect of Patients at Montana State Hospital to Disability Rights Montana

HELENA, MT – A supermajority of Montana Legislators voted to override the Governor’s veto of Senate Bill 4 (SB 4), upholding the Legislature’s unanimous passage of the bill. SB4 requires the Department of Public Health and Human Services (DPHHS) to provide prompt reports of alleged abuse and neglect at Montana State Hospital (MSH) to Disability Rights Montana (DRM), the state’s independent, federally mandated, non-profit Protection and Advocacy System for people with disabilities.

“It is humbling that the legislature recognized the importance of SB 4,” said Bernadette Franks-Ongoy, Executive Director of Disability Rights Montana. “The passage of SB4 represents an important milestone towards the goal of increased transparency and accountability and improved patient outcomes at MSH.”

SB-4 came out of the Children, Families, Health, and Human Services Interim Committee due to its concerns over the significant issues that arose at MSH over the course of its meetings. Reports of deaths and injuries at MSH led to the Centers for Medicare and Medicaid Services (CMS) issuing an “immediate jeopardy” finding concerning the health and safety of all patients at MSH. In a short period of time, this was followed with a Notice of Termination by CMS of MSH’s certification. The loss of certification meant that MSH could no longer bill Medicaid for services. More importantly, it meant that CMS would no longer inspect MSH based on its stringent regulations and expertise.
With the loss of CMS regulation and inspection, the main purpose of SB-4 was to add to the oversight of MSH by allowing DRM to receive accurate information concerning abuse and neglect allegations as soon as possible after incidents occurred. DRM is mandated under federal law to monitor mental health facilities and to investigate, when necessary, incidents of abuse and neglect. However, prior to SB4’s passage, DRM did not receive any initial information directly from MSH. Therefore, it could only be alerted to possible abuse and neglect through anonymous reports, monitoring visits, or reporting in the press. By requiring direct reporting of abuse and neglect to DRM, SB4 enhances DRM’s ability to act swiftly on reports and help prevent further harm to MSH patients. SB4 also brings MSH in line with similar requirements for reporting of abuse and neglect incidents to DRM at the Intensive Behavior Center in Boulder which have been in place since 2013.

About the organization

Disability Rights Montana is the federally mandated Protection and Advocacy System and Client Assistance Program for Montana, protecting and advocating for the civil, legal, and human rights of persons with disabilities of all ages and across Montana. DRM has the authority to monitor and investigate the provision of services for people with disabilities anywhere in the State. This includes schools, hospitals, prisons, and jails. People with disabilities have a right to be treated equally, with dignity and respect, and should never have to experience any mistreatment, exploitation, abuse, or neglect.

###end###