

SB 2014
Appropriations for the Protection & Advocacy Project
Senate Appropriations
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Testimony of Teresa Larsen
P&A Executive Director

I. PROGRAMS AND SERVICES

P&A's budget for the 2011-2013 biennium has minimal changes from 2009-2011. The budget submitted by the agency is the same as that of the Governor, with the exception of the Governor's increases for salaries and benefits. We are not requesting new FTE's. We are continuing to work on being more efficient and effective with our existing resources.

We have seven federal grants. As a minimum allotment state, we have seen very little growth in federal dollars over many years. These grants come through the U.S. Department of Health & Human Services (Developmental Disabilities, Mental Health, Help America Vote Act, Traumatic Brain Injury), the U.S. Department of Education (Individual Rights, Assistive Technology), and the Social Security Administration (Beneficiaries of Social Security).

At the same time, the agency's workload has increased significantly. Over the last two federal fiscal years, P&A provided advocacy and legal representation to a total of 1,739 clients (759 individuals in fiscal year 2009 and 980 clients in 2010). This is an increase of 376 cases, or almost 28%, from the two previous years. Information & referral was provided to 4,318 individuals, an increase of 893, or 26%, from the two previous years. 7,023 people participated in the agency's educational training sessions.

P&A moved to a centralized intake system in August 2009. Two Advocates, with help from a third, are responsible for receiving referrals and reports statewide. These Advocates screen calls, provide information and referral, determine eligibility for P&A services, and transfer casework to

regional staff. This process provides a number of benefits. It allows regional Advocates more time to focus on existing cases and investigations. It provides for a more consistent and timely response to callers. It helps P&A to provide better quality services, including assisting callers with managing any immediate and long term risks when reporting suspected abuse, neglect, or exploitation.

The change to a centralized intake system coincided with the added responsibility of receiving reports of 'serious events' specific to individuals with developmental disabilities. 'Serious events' include : 1) events that result in medical treatment or care, for physical or mental health, beyond first aid; 2) unauthorized use of seclusion, chemical, or physical restraint; 3) alleged sexual abuse or inappropriate sexual contact; and 4) death. The Center for Medicaid and Medicare Services (CMS) insisted that the Department of Human Services involve an independent party with all such incidents. In federal fiscal year 2010, P&A screened 915 such reports. Of these, 212 (23%) warranted an investigation, involving a total of 163 clients.

While there really is no typical case, I will give you a few examples of our work with individual clients.

CASE A: P&A received a report of a 'serious event'. A woman with developmental disabilities fell and was hospitalized. It was determined that she sustained a broken hip. She required surgery however, her guardian, who was a brother to the woman, refused to allow the necessary medical treatment. Her medical condition was quickly deteriorating and the doctor actually stated she would die without treatment and surgery. P&A initiated an emergency petition to change the guardianship. The new guardian authorized the required treatment and surgery, which was performed immediately. The woman recovered fully and eventually returned to her previous placement in a group home in rural North Dakota.

CASE B: P&A received a referral regarding a 76 year-old veteran who was at risk of nursing home placement. He and his wife wanted to continue

to live together in their own home as long as possible, but the veteran was experiencing a worsening impact from his disability and was struggling. There were issues with accessibility within their home. The wife worked during the day and could not be available 24x7 to provide her husband with assistance with all of his activities of daily living. P&A helped the couple identify needed supports and environmental modifications, as well as sources for obtaining services. They were able to get home modifications, assistive technology, and in-home services. The couple reported that these were instrumental in allowing them to continue living together in their own home.

CASE C: P&A received a referral regarding someone who was recently discharged from the women's prison. This 40 year-old individual was homeless (temporarily staying with a friend), diagnosed with a mental illness, and reportedly at risk of re-offending and being incarcerated. P&A helped her connect with services including temporary shelter, case management supports, vocational rehabilitation services, and needed medical services. This was not a quick or smooth process. At one point the woman was temporarily incarcerated and threatened suicide. Due to the relationship between her and the P&A Advocate, she was reconnected with the service delivery system and avoided further involvement with the criminal justice system. She obtained part-time employment, housing with support services, and stability regarding her mental illness.

In 2009, P&A was monitored by the federal Administration on Developmental Disabilities (ADD). The report, issued in 2010, found no compliance issues. The report was, in fact, very complimentary to P&A. One concern raised however, was P&A's use of the State's ITD-managed servers for document storage and e-mail. The monitoring team believed there could be confidentiality issues with client records. P&A has satisfactorily addressed the e-mail issue. While we believe security and protection under State law, as well as ITD practices and procedures, are sufficient to ensure confidentiality of client records, ADD may push P&A to

manage its own file and print server. This will be costly. We believe it's unnecessary and, at this time, are not asking for funds to implement this change.

II. 2009-2011 BIENNIUM FUNDING

For the current biennium, P&A has spent approximately 63% of its budget of \$4,713,179 as of November 30, 2010. This includes 68.5% of the \$3,797,459 budgeted for salaries and benefits and 41% of the \$915,720 budgeted for operating. All projected unspent federal funds from the 2009-2011 biennium are budgeted for the 2011-2013 biennium.

III. 2011-2013 BIENNIUM BUDGET

The proposed budget for the 11-13 biennium maintains nine offices located around the State and the existing 28.5 FTE's. We had a vacancy last fall for a short time for an Advocate position in Fargo. We currently have no vacancies.

The Governor's recommended budget includes the same salary and benefit increases as for all State employees. This provides a total of \$4,087,513 for salaries and benefits, an increase of \$290,054 from the current biennium.

The operating budget is \$1,051,740, which is an increase of \$135,881. Some items were decreased, such as travel, IT software supplies, printing, office equipment & furniture, repairs (which includes service contracts for copy machines), and IT-communications.

Other operating items were increased, such as IT-data processing, which will go from \$68,889 to \$108,177. Another area to be increased is fees/professional services. The majority of the \$78,242 increase is for Help America Vote Act activities. These are planned and implemented in conjunction with the Secretary of State's Office and the Association of Counties. Past activities have included production of a video and voting

booklet. Prior to the 2010 election, we collaboratively produced several media ads for TV, radio, and print.

A total of \$19,624 is included in the budget for video conferencing (Polycom) in the Bismarck office, \$10,000 of which is for equipment and startup costs for ITD. P&A does a significant amount of training on abuse, neglect, & exploitation for service providers around the State. Conducting these sessions via Polycom from the Bismarck office will make these activities more efficient and cost effective. The Polycom will also be used for monthly agency staff meetings. We will connect the Bismarck office, where 16 of the 29 staff work, with P&A regional staff who will use off-site facilities.

P&A asks for your support of SB 2014 as recommended by the Governor. Thank you for your time and consideration. I will be happy to answer any questions you might have for me.