



Panel to begin work regulating youth homes

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By *JOHN STROMNES of the Missoulian*

Is solitary confinement in an isolated “hobbit hole” appropriate behavior-changing therapy for a troubled, defiant teenager?

Are leg restraints appropriate when bringing such teens to Montana against their will (but at their parents' insistence) to live in a private boarding school?

Who is responsible when an untrained youth “counselor” seduces teenagers half his age while they're in his care at a church-based residential facility?

These are some of the questions facing - but unlikely to be quickly answered - by the state's newly formed Board of Private Alternative Adolescent Residential or Outdoor Programs.

The board will take its first baby steps toward self-regulation of the unregulated - and burgeoning - “behavioral health-care industry” in Montana on Wednesday, with a public hearing in Helena on proposed administrative rules that will govern board procedures and the establishment of fees to register existing facilities.

The board was established by the 2005 Legislature as an alternative to a state Department of Health and Human Services measure that would have regulated the programs as health-care providers, as are similar facilities for youths confined by court order.

The push for regulation came about because of much-publicized concerns about the mistreatment or neglect of youths whose parents have enrolled them in behavior-modification programs in Montana, Utah, Arizona, the Caribbean, Mexico and even Central Europe.

Many of the programs operate without government registration or regulation, and abuses have occurred. In well-publicized cases from some “wilderness experience” programs, youths attending by parental order have even died.

Government and private therapeutic treatment programs for youths committed because of delinquency or crimes are intensively regulated in Montana. Many states also regulate the nonjudicial alternative programs, where the youths in custody are turned over by their parents. But in Montana, these private-pay, private-enroll programs are called “substitute-care providers” and are specifically exempted from state regulation.

In 2003, Montana's Department of Health and Human Services published a report, “Unregulated Youth Residential Care Programs in Montana,” to provide background information on the need for regulations.

In 2005, the sought-for legislation - which would have registered and ultimately regulated the programs - was proposed by DPHHS and would have been administered by the department, said Mary Dalton,

director of the DPHHS Quality Assurance Division.

The agency already regulates 380 residential facilities and 629 child day-care providers.

But the industry quickly mustered its forces - one program spent \$34,000 on lobbying - and proposed its own bill.

“When it became evident that the state would be moving in this direction (toward regulation), the programs wanted to be willing participants and ahead of the curve rather than being dragged along on a leash,” said Rep. Paul Clark, D-Trout Creek, who sponsored the industry's bill and himself works for two smaller wilderness-based adolescent programs in western Sanders County.

The industry bill differed in a number of crucial ways from the DPHHS proposal.

First, it put the entire registration and regulatory proposal under the auspices of the state Department of Labor and Industry, through a board mainly composed of industry representatives, instead of the health-care professionals in DPHHS.

Second, it exempted any faith-based or religious private behavioral therapy programs; at least seven of the 30 programs in Montana are faith-based.

Third, it would be self-supporting through fees and not cost taxpayers any money, as the DPHHS regulation presumably would have.

The Legislature weighed its options and quickly favored Clark's bill, which passed both houses easily. The DPHHS bill died in committee.

Dalton said the fact that Clark, a respected legislator who works in the industry, sponsored the industry bill and helped secure its passage. Clark said the fact that his proposal cost taxpayers nothing was “a big issue” to many legislators.

“The programs themselves, not the state, are paying for it. That was a big issue - \$40,000 and \$50,000 for the two years,” he said.

The first step in the approved process is to establish rules by which the board will operate and register existing programs. That will be the topic at Wednesday's meeting in Helena. The rules also propose how site visits will be made. A week's notification in advance must be given to the program, under the proposed rules.

Programs that are exempt include any that are already regulated, or recreational programs, or boarding schools or residential schools that focus on academics, or sports-oriented camps.

Specifically exempt are alternative residential programs that are adjunct to any organized church, such as Pinehaven near St. Ignatius.

The new board is composed of five members - three from various segments of the industry and two interested members of the public. Serving on the board at present are Clark, as representative of small programs; Michele “Mickey” Manning, principal at Spring Creek Lodge Academy west of Thompson Falls, with 500 students perhaps the largest such boarding program in Montana, and the largest employer in Sanders County; Mary Alexine of Chrysalis Inc., near Eureka, representing medium-sized programs;

Carol Brooker of Plains, a Sanders County commissioner; and Maureen Neihart of Laurel, a licensed clinical child psychologist.

The board must meet at least twice a year for two years to examine the benefits and drawbacks of licensing and registration. To do so, it will conduct an extensive survey of current standards and other issues.

It will report back to the 2007 Legislature and either recommend further legislation, or recommend the board be disbanded with no further action advisable.

The law asserts that “necessary licensure processes and safety standards for programs are best developed and monitored by the professionals that are actively engaged in providing private alternative adolescent residential care.”

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