**BACKGROUND INFORMATION:** Cameron Gilliland, Deputy Administrator Division of Family and Community Services provided information about Proposed Secure Treatment Facility Legislation at the 2017 January Council meeting. Changes were suggested to this legislation by Council members during this meeting. Council members voted at the January meeting to assign this Legislation a Priority 3.

**Minutes for Conference Call February 16, 2017**

**Members Present:**

Jim Baugh

Rebekah Forster-Casey

David Dekker

Korynne Donehey

Holly Giglio

Kristie Oakes

Debra Parsons

Emily Petersen

Jessica Rachels

TeRonda Robinson

Carly Saxe

Kelby Selders

Colleen Sisk

James Steed

**Staff:**

Christine Pisani

Suzie Hanks

**Council Meeting**: The meeting was called to order at 1:15 PM MST by Debra Parsons, Council Chair.

Christine Pisani explained that the purpose of calling the Council meeting was to discuss the revised Secure Treatment Facility Legislation introduced to the House Health and Welfare Committee, House Bill 187. While several changes had been made to the proposed legislation, based on concerns previously discussed at the January Council meeting, not all concerns were addressed. Christine asked Jim Baugh to discuss the legislation as now written.

Jim Baugh outlined several concerns:

1. The treatment team is allowed to limit residents’ rights as written now. While people can now talk to their attorney and Disability Rights Idaho (as the state Protection and Advocacy agency) the treatment team can limit or deny other communication without procedural safeguards. For example: a guardian’s right to communicate with their ward could be restricted by the treatment team without due process.
2. The statute states that the facility will be licensed under newly developed licensure rules for this facility only. The rules will be developed when the legislation passes. However, the proposed legislation contains an emergency clause allowing for the housing of individuals at SWITC immediately before rules can be adopted. Jim stated that he was uncertain why such an emergency clause would be included. Why couldn’t the facility operate under existing rules until new rules were adopted?
3. There is existing statute that prohibits using seclusion/isolation. However, Cameron discussed the need to establish a secure room at SWITC immediately. This is a potential issue as putting one person in a secured room in the Medical unit at SWITC would, in fact, isolate the individual and be seclusion.
4. This legislation states that residents will not receive active treatment. Jim is unclear why residents would not receive treatment.
5. There was some confusion about fiscal impact of the legislation. The chair had a fiscal impact statement but no one else.
6. What would be the staffing ratio of this facility?

Jim stated that the revised bill made improvements but DRI would not support the bill.

Holly asked: Guardians could be restricted from communicating with their ward without a court order? Jim: Yes. Holly stated that even prisoners were allowed to communicate with family. Jim clarified that the bill does not prohibit communication. It states that the treatment team can prohibit communication.

Dave Dekker asked if this bill had been approved by the Governor. Since the bill was introduced by a state agency, it was reviewed by the Governor’s office.

Council asked for clarification of who would be housed at the facility.

Holly Giglio moved: The Idaho Council of Developmental Disabilities opposes House Bill 187: Secure Treatment Facility. Rebekah Forster-Casey seconded. Hearing no discussion, Suzie Hanks, staff, polled members individually. The motion carried with 13 votes in favor, 0 votes opposed and Debra Parsons as Chair abstaining.

Adjourned 1:45 PM