

Project Analysis

Prior to its closure in June 2009, the Rosewood Center was the only facility in Maryland that served the court-ordered forensic population with developmental disabilities. At the time the closure announcement was made, the facility housed 166 residents. All of the residents have since been transferred, many of them to community-based placements in the Baltimore metropolitan area. Although the department has implemented an interim plan for housing the forensic population at the Springfield Hospital Center (Sykesville SETT) and the Clifton T. Perkins Hospital Center (Jessup SETT), the facilities have an insufficient number of beds to accommodate the court-ordered admissions and lack additional space for vocational activities.

Currently, there is no appropriate surge capacity space at the current facilities or any other State facility. Furthermore, both the Jessup and Sykesville SETT units have no room for expansion and cannot provide a full spectrum of services. Due to developmental disabilities associated with the patient population, individuals cannot be safely housed in the criminal justice system. Similarly, as a result of forensic involvement, it is not appropriate to house these individuals in State Residential Centers run by the Developmental Disabilities Administration (DDA).

The existing SETT units do not have appropriate space for programs that develop job skills, improve independent living skills, reduce socially unacceptable behaviors, address mental health and substance abuse issues, and provide comprehensive behavioral therapy. More specifically, the current facilities only have one classroom for vocational training. This room must also be used for other group activities. Without a comprehensive vocational program, court-approved discharge is delayed. A lack of recreational space also poses problems. Outdoor space is available at the Sykesville unit; however, outdoor space at the Jessup unit must be shared with the patients of Clifton T. Perkins Hospital Center. Finally, there is insufficient space to teach independent living skills, such as cooking, grooming, and housekeeping.

The structure of the current SETT units also poses persistent security risks. At the Sykesville unit, the resident units have long hallways which do not sufficiently separate individuals making it difficult for staff to practice proximity controls to prevent incidents. Additionally, the communal bathroom, dining, and recreation areas contribute to the escalation of behavioral problems. At both the Sykesville and Jessup units, security devices are also insufficient. There are no personal alarm response systems and telephone alarms, which leave staff vulnerable if an incident does occur. Furthermore, there are drop ceilings and protruding light fixtures that patients can damage and use to harm themselves or someone else.

To address this situation, the *Capital Improvement Program* included programmed funding for a new SETT unit to house the court-ordered forensic population to be located in Jessup. Preliminary and detailed design funding was programmed over fiscal 2011 and 2013 in recognition of the approximate 18-month design schedule and construction split-funded over fiscal 2015 and 2016 which would allow construction to commence in June 2014.

Fiscal 2013 Authorization

The fiscal 2011 capital budget included \$1.15 million to begin designing the new SETT facility to house individuals with developmental disabilities who have been found by the courts to be incompetent to stand trial, not criminally responsible, or who are court-ordered for pretrial evaluation. The fiscal 2013 capital budget includes \$2.2 million for Phase II design of this project. The design start date is scheduled for May 2012, and construction of the facility is scheduled to begin in June 2014. The total estimated cost of this project is currently \$44.1 million, and the anticipated date for project completion is June 2016.

Issues

1. Scope of Proposed SETT Unit Conflicts with the Agency’s Mission to Serve the Court-committed Population in the Least Restrictive Setting

Background

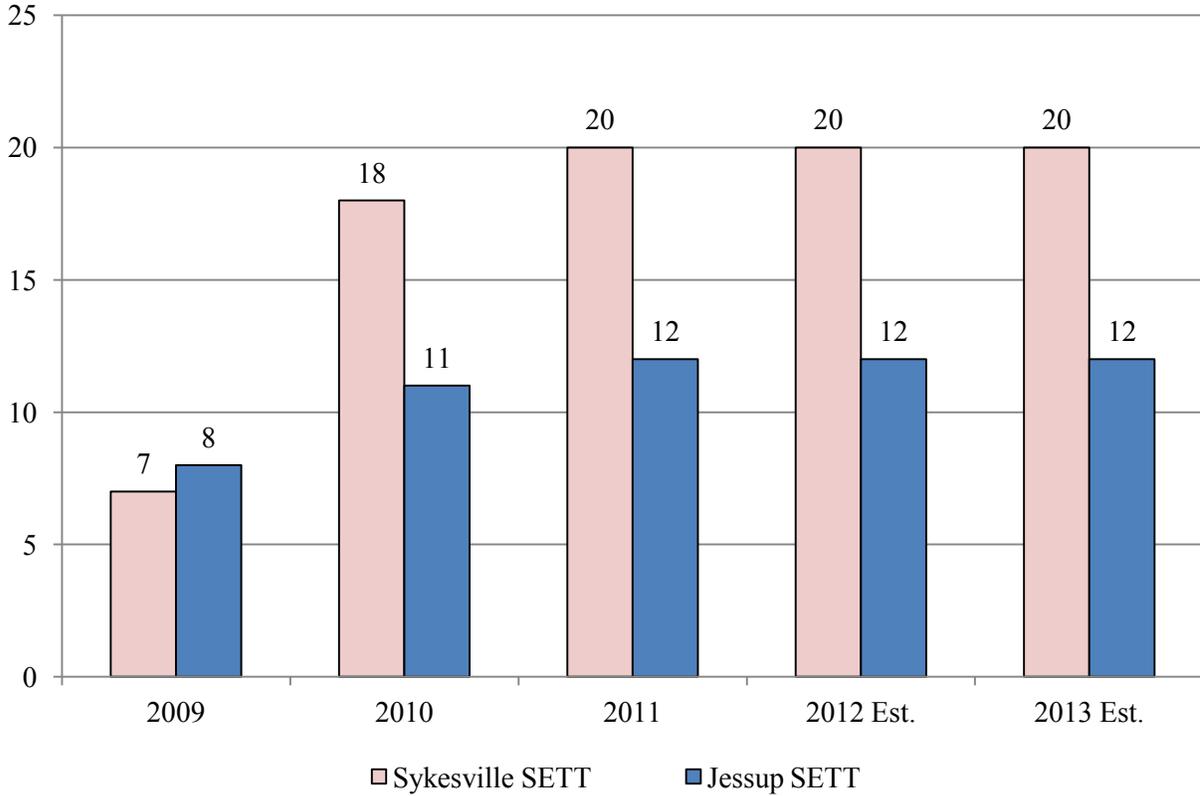
DDA is charged with serving individuals that are identified through the court system in need of treatment that qualify for DDA services. The individuals referred to DDA are either found not criminally responsible or incompetent to stand trial by the courts. Although it is the court’s final decision as to the placement status of the individual, DDA does make recommendations on the best place for treatment for the individual – in a community-based setting or in one of the SETT units at Jessup or Sykesville. Individuals presenting with dangerous behaviors that threaten public safety would be referred to one of the SETT units, while individuals presenting with behaviors that do not pose a threat to public safety would remain in the community with support and services as needed.

SETT Units Reached Capacity in Fiscal 2011

Beginning in fiscal 2009, DDA began to serve court-ordered individuals in the SETT units instead of in the existing State Residential Centers. As stated previously, there are two SETT units operated by DDA – one for evaluation and short-term treatment and one for treatment on a long-term basis.

The therapeutic evaluation component is housed at the Jessup SETT unit which became operational in July 2008 and houses a maximum of 12 individuals for 21 to 90 days. During the evaluation phase, DDA completes competency and behavioral evaluations and develops comprehensive service plans for individuals. The therapeutic long-term treatment facility, Sykesville SETT unit, became operational in December 2009 and has capacity for 20 individuals who have been identified through the Jessup evaluation unit. **Exhibit 1** shows the average daily population of each unit. As the chart shows, since fiscal 2011, the Jessup and Sykesville SETT units have remained at full capacity.

Exhibit 1
Average Daily Population of SETT Units
Fiscal 2009-2013



SETT: Secure Evaluation and Therapeutic Treatment Center

Source: Department of Health and Mental Hygiene

Scope of Proposed SETT Unit and Court-committed Community Placements

Needed bed capacity for the proposed SETT unit has been based on an analysis of past trends in admissions and average length of stay. These trends indicate a need for 75 beds to serve the two populations at Sykesville and Jessup. However, the Department of Health and Mental Hygiene (DHMH) proposed a 60-bed facility that consists of one main administration building and five residential duplexes. In order to meet this lower bed capacity, DHMH advised that it will aggressively reduce the average length of stay by expanding community-based programs acceptable to the Judiciary by utilizing community partners in the transition of low- to no-restriction individuals from SETT to the outside environment.

However, DDA’s mission is to serve individuals in the least restrictive setting, including the forensic population. At the time of this writing, a total of 105 court-identified individuals are served within the community under conditional release orders or pretrial conditions of release orders. Consistent with the agency’s mission, DHMH advises the scope of the current project is too large if the agency aims to serve more forensic placements within a community-based setting. Subsequently, DHMH advises there are modifications it would like to make to the current project to appropriately align the scope of the new SETT facility with the agency’s mission.

Modifications to the Proposed SETT Unit

DHMH advises that there is a need for a short-term evaluation unit, similar to the Jessup SETT unit, to address the evaluation phase. After the evaluation phase is complete in the SETT unit, DHMH advises individuals would be moved to therapeutic treatment homes sited at various locations across the State. The therapeutic residencies would be small, family-like homes to allow individual access to a range of community resources including social and vocational opportunities. These homes would utilize various passive security technologies to supplement staff supervision. Furthermore, DHMH advises homes would be run by private providers, as opposed to the State, allowing DDA to leverage federal funds to serve these individuals. Presently, expenditures to serve court-committed individuals in the SETT unit are supported by general funds only. Serving individuals in the community, as opposed to the SETT unit, allows the department to utilize matching federal funds claimed by the agency by serving these individuals through the Home and Community-Based Services waiver.

Concerns

The Department of Legislative Services (DLS) has various concerns regarding the modifications DHMH has proposed to the current project. For instance, the number of court-ordered individuals that DDA will serve each year is hard to predict and varies from year to year, depending on the number of individuals identified through the court system. **Exhibit 2** shows the number of forensic individuals discharged into community placements each year and the cost to serve them. Furthermore, there are only 45 to 50 licensed providers that serve court-involved individuals, and it is unclear how many additional community providers would be needed to support the agency’s plan to serve more individuals in the least restrictive setting. Furthermore, it is unclear whether the plan to serve a greater proportion of court-committed individuals in the community is feasible given the potential for community opposition.

Exhibit 2
Community Services for Court-committed Individuals
Fiscal 2005-2012

<u>Fiscal Year</u>	<u>Discharged into Community Placements</u>	<u>Estimated Annual Cost (\$ in Thousands)</u>
2005	18	\$1,730
2006	11	1,335
2007	21	3,460
2008	18	2,709
2009	55	6,441
2010	48	5,268
2011	40	4,970
2012*	19	2,173

* Fiscal 2011 and 2012 placements are based on the most recent estimates provided by the Department of Health and Mental Hygiene.

Source: Department of Health and Mental Hygiene

At the time of this writing, DHMH was unable to advise what the appropriate bed capacity for the new SETT facility should be. **Therefore, DLS recommends deferring funding for planning pending receipt of a report that provides a more detailed plan to alter the scope of the proposed SETT unit, including what the appropriate bed capacity for the facility would be. Furthermore, the report should advise the committees how DHMH plans to utilize therapeutic treatment homes to meet its mission of serving individuals in the least restrictive setting, including whether these homes will be used as step-down units.**

Prior Authorization and Capital Improvement Program

**Authorization Uses
(\$ in Millions)**

<i>Fund Uses</i>	<i>Prior Authorization</i>	<i>2013 Request</i>	<i>2014 Estimate</i>	<i>2015 Estimate</i>	<i>2016 Estimate</i>	<i>2017 Estimate</i>
Acquisition	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000
Planning	1.150	2.150	0.000	0.850	0.000	0.000
Construction	0.000	0.000	0.000	19.700	19.600	0.000
Equipment	0.000	0.000	0.000	0.000	0.000	0.650
Total	\$1.150	\$2.150	\$0.000	\$20.550	\$19.600	\$0.650

**Authorization Sources
(\$ in Millions)**

<i>Fund Sources</i>	<i>Prior Authorization</i>	<i>2013 Request</i>	<i>2014 Estimate</i>	<i>2015 Estimate</i>	<i>2016 Estimate</i>	<i>2017 Estimate</i>
GO Bond	\$1.150	\$2.150	\$0.000	\$20.550	\$19.600	\$0.650
Total	\$1.150	\$2.150	\$0.000	\$20.550	\$19.600	\$0.650

GO Bond Recommended Actions

1. Add language restricting the authorization.

MM06D	Dorsey Run – Secure Evaluation and Therapeutic Treatment Center	\$ 2,150,000
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Add the following language:

Dorsey Run – Secure Evaluation and Therapeutic Treatment Center (SETT). Provide funds to complete design of the new SETT, provided that no funds may be expended for project design until the Department of Health and Mental Hygiene provides the budget committees with a report that includes a detailed plan to alter the scope of the proposed SETT unit, including what the appropriate bed capacity for the facility should be. Furthermore, the report should advise the committees on how the department plans to utilize therapeutic treatment homes to meet its mission of serving individuals in the least restrictive setting, including whether these homes will be used as step-down units. The report should include how many therapeutic treatment homes would be needed based on the modified size of the SETT unit, including operating costs to serve these individuals in therapeutic homes in comparison to serving individuals in the SETT unit. Finally, the department should advise of efforts to work with community providers to establish therapeutic treatment homes in the State. The budget committees shall have 45 days to review and comment following the receipt of the report.

Explanation: The Department of Health and Mental Hygiene has advised it wishes to modify the proposed scope of the SETT unit. This language restricts the expenditure of funds for project design of the SETT unit pending the submission and review of a report that advises of the modified scope of the project.

Information Request	Author	Due Date
Report on the modified scope of the SETT unit	Department of Health and Mental Hygiene	45 days prior to the expenditure of funds

Capital Project Cost Estimate Worksheet

Department: Department of Health and Mental Hygiene
Project Number: MM06D
Project Title: Dorsey Run Secure Evaluation and Therapeutic Treatment Center
Analyst: Erin K. McMullen

Structure

New Construction:	41,540 Sq. Ft. X	\$290.00 Sq. Ft. =	\$12,046,600
New Construction:	40,337 Sq. Ft. X	\$330.00 Sq. Ft. =	13,311,210
Renovation:	0 Sq. Ft. X	\$0.00 Sq. Ft. =	0
Renovation:	0 Sq. Ft. X	\$0.00 Sq. Ft. =	0
Built-in Equipment:			0
Demolition:			0
Information Technology:	81,877 GSF X	\$0.00 GSF =	500,000
Telecommunications:			0
Miscellaneous – Other:			0
Miscellaneous – Other:			0
Miscellaneous – Other:			0
Subtotal			\$25,857,810
Regional Factor:	100.0%		0
Subtotal			\$25,857,810
Escalation to Mid-point:	4.42 Yrs. X	3.9% =	17.17% 4,439,786
Total Cost of Structure (Bid Cost)			\$30,297,596

Site Work and Utilities

Site Improvements:	2,318,625 + regional factor + mid-point escalation	\$2,716,733
Utilities:	1,292,891 + regional factor + mid-point escalation	1,514,880
Project Subtotal (Bid Cost)		\$34,529,209

Fees and Miscellaneous Costs

Green Building Premium:	2.0%	\$690,584
Total Construction Contingency:	5.0%	1,726,460
Inspection Cost:	2.2%	759,643
Miscellaneous:	CM Cost Construction Share	1,450,227
Miscellaneous:	CPM schedule	72,000
Miscellaneous:		0
A/E Fee through Construction Phase @	7.0%	2,537,900
A/E Special Services	3.0%	1,087,670
Building Equipment Commissioning	1.0%	302,976
CM Pre-Construction Fees	0.8%	276,234
Moveable Equipment		482,000
Information Technology Equipment		166,000
Total Cost of Project		\$44,080,903

Base Cost Per New Square Foot	\$290
Adjusted Cost Per New Square Foot (incl. escalation, contingencies, and Green Bldg.)	\$364
Base Cost Per Renovated Square Foot	\$0
Adjusted Cost Per Renovated Square Foot (incl. escalation, confing., and Green Bldg.)	\$0