

Maine Developmental Services Oversight and Advisory Board

Dear Senators Rotundo and Ingwersen, Representatives Gattine and Myer, and Esteemed Members of the Joint Standing Committee on Appropriations and Financial Affairs and Health and Human Services:

My name is Richard Estabrook. I am writing to urge you to approve the \$58,715 budget for the Maine Developmental Services Oversight and Advisory Board (“MDSOAB”). I began attending monthly meetings of the MDSOAB in January 2013. I was appointed by Governor Mills to be a member of the MDSOAB on November 14, 2014. For approximately ten years I have been serving as the MDSOAB designee on the Review Team that reviews behavior modification or management plans and safety plans pursuant to 34-B MRS §5605(13)(B)(2).

The MDSOAB is an “Independent Advisory Board” under 5 MRS §12004(J)(15). Independent Advisory Boards have a separate line item in budget documents. Their primary responsibility is to “evaluate the performance of departments or agencies of State Government, recommend policies and procedures to the Governor and the Legislature for adoption, serve in an advocacy capacity for a specific group or sector of the population or hold hearings for the evaluation of policies and issues.” (See 5 MRS §12004-J)

The MDSOAB was first conceptualized in 2007 in the legislation that is known as the “Mechanism of Future Compliance” law, LD 1907 of the 123rd Legislature, “An Act to Clarify and Affirm the Scope of Services Available to Persons with Mental Retardation or Autism.” Historically the State of Maine had fallen out of compliance with the Pineland Consent Decree (1978-1994). As a result of litigation, the state modernized the Pineland decree and entered into the Community Consent Decree (1994-2010.) The Community Consent Decree provided that in order to be able to comply with the decree, the state had to have “mechanisms of future compliance” in place, to guarantee that it would not backslide in the future. Special Master Clarence Sundram convened a work group to devise state laws that were intended to come into compliance with this requirement of the Decree. The group drafted the legislation that through state law extended the rights that were in the Community Consent Decree not just to class members but to all persons with intellectual disabilities or autism in Maine.

The role envisioned for the MDSOAB was that it would be a robust monitor of the system of care. In essence, the MDSOAB was designed to replace the federal court as monitor, but with a group of informed citizens instead of a judge with judicial and equitable powers.

In order to understand the scope and complexity of the challenge the MDSOAB faces in performing its monitoring functions, it is instructive to read just one part of its enabling statute, 34-B MRS §1223(10)(A), "Access to Information": "The department shall provide the board" ...information about ..."case management, reportable events, adult protective and rights investigations, unmet needs, crisis services, quality assurance, quality improvement, rights investigations, unmet needs, budgets and other reports that contain data about or report on the delivery to or for the benefit of persons with intellectual disabilities or autism...." The list is formidable. You can get a feel for the immense challenge it is for a volunteer board to sort through information and be on top of all of these diverse interconnected areas. The MDSOAB needs a knowledgeable and dedicated executive director to guide it. As explained elsewhere, our current executive director, who has many years of experience in the system of care, is retiring. We need to hire a replacement who has similar understanding and skills. It is primarily for this reason we are asking for an increase in the yearly allocation to the MDSOAB. We need to do all that we can to find and retain the best talent willing to undertake the task.

One of the other services that the MDSOAB provides is to oversee the correspondent program. 34-B MRS §5001(1-B) defines a correspondent as "next friend" to a person with intellectual disability or autism. The correspondent has a right under state law to be invited to any personal planning meeting pertaining to the person. (34-B MRS §5470-B(2)(B)) Currently approximately 50 or 60 people have correspondents. The system of care serves approximately 7,500 persons. This program has room to grow. I personally have seen how effective a correspondent can be, simply by being a friend to the person and helping the person in the planning process. Where there is an active correspondent, the quality of life of the person receiving services invariably rises. I would like to see the MDSOAB be able to grow this program. I believe that if the additional funds are permitted, it will improve the chances of extending the correspondent program to other persons who will benefit from this service.

Sincerely,

Richard Estabrook

Brunswick, ME

