

MINUTES OF THE SPECIAL STUDY COMMITTEE ON SOCIAL AND REHABILITATIVE
INSTITUTIONS

Held in Room 313-S at the Statehouse, at 12:30 p.m., on March 20, 1980

Members present were:

Senator Robert Talkington, Chairman
Representative Joe Hoagland, Vice Chairman
Senator Mike Johnston
Representative David Heinemann
Representative Phil Martin

Staff present were:

Fred Carman, Revisor's Office
Emalene Correll, Legislative Research Department
Ray Hauke, Legislative Research Department
Robert A. Coldsnow, Legislative Counsel

Conferees appearing before the committee were:

Robert C. Harder, Secretary, Department of Social and Rehabilitation
Services

The Chairman called the meeting to order.

Secretary Harder gave additional information regarding the candidate for the directorship of Mental Health and Retardation Services discussed on March 19. He furnished members with a copy of his letter to Mr. Hannah offering him the position and listing various duties he was expected to fulfill (Attachment A). He called attention to those paragraphs checked in red.

During discussion, Representative Hoagland asked the Secretary if the Department of SRS participates in any community-based programs for youth such as the McPherson Youth Center. Secretary Harder said the center was formerly a detention facility, and several years ago the county commissioners there agreed to turn it over to a non-profit organization with a board of directors who assumed responsibility for its program. It has changed from a detention facility with respect to its not being kept locked. SRS uses the facility extensively for youth in that part of the state and Wichita and contracts for services with the organization's board. Its program is reviewed by SRS when the contract is discussed, and local social workers help with this. Representative Hoagland noted that if area juveniles were committed to the custody of the Secretary who decides to send them to an institution and there was a breakdown of communication between the SRS institution and the local case worker, this would be a matter of concern to the committee. The Secretary agreed that all aspects of this program were not always the best, that sometimes the case workers feel they have discharged their responsibilities once a youth is admitted to a state institution. Representative Hoagland asked what portion of juveniles were sent to community programs rather than to an institution. The Secretary said there were 375-385 youths annually in all institutions; there were an additional 800-1000 in various group homes which does not include family foster care homes.

Representative Hoagland asked Secretary Harder, in view of civil service regulations, what his feelings would be if the committee recommended

that an individual employee be terminated and would this recommendation be probable cause for SRS to terminate that employee. The Secretary said he would have to say he did not know if the committee had superior authority over the rules of the civil service board. Representative Hoagland asked if it would be the Secretary's position to initiate a proceeding based on the committee's recommendation. Secretary Harder said he would move to do a special evaluation on that individual and would build from that.

With respect to the YRC, Representative Hoagland asked what the plans were for these programs during the next five to ten years. Secretary Harder said if the screening units can become established so they can do a better job of evaluation of youths who come in for the first time, in three to five years the Department may be in a position to start phasing down the YRC at state hospitals. Representative Hoagland noted complaints have been received from hospital staff that these youths are difficult to deal with in a hospital setting. He asked if the Secretary's personal philosophy was that it was an adequate arrangement. He replied it was compatible in trying to meet the needs of the youths, but he felt it was less than ideal. Representative Hoagland noted it might be difficult to phase out the YRC since placements probably will not decline. He asked if the existing Topeka State Hospital could be turned into another youth center like Osawatomie. The Secretary replied he has put up a trial balloon on closing the state hospital three times and it has been shot down three times. He thought with the present trend of placements, it might be feasible to make this change, but he hopes, in five years, there will be less demand for youths to be placed in these facilities, and it would not be the best use for the facility. He noted that whatever number of beds are available in a facility, that number will be filled. He felt it would be better to keep working toward community placements and facilities and use state facilities for the more difficult youth. Representative Hoagland questioned the possibility of a reduction in the number of beds needed when law enforcement personnel say juveniles involved in criminal activities are on the increase. The Secretary hoped some of the rehabilitation programs will have an impact, and the more difficult boys could all be accommodated at YCAT.

Representative Hoagland pointed out the Secretary had indicated that program development and treatment should be handled at the institutional level, and in some institutions, especially at YCAA, if there is a breakdown of program while the youth is a resident, who is going to handle the youth once he is discharged back to the community. Secretary Harder said he had spent an hour with Representative Cameron and has agreed to talk with Mrs. Cameron in hopes of learning more about the Atchison situation. He noted the information he receives tends to come from the superintendent or the program director. Representative Hoagland did not think his question referred to just Atchison, but the Secretary wanted to pursue that situation. He said he talked with Mr. Wilson today and started a process to call the Archison staff together within the next ten days for a two-hour session with a follow-up meeting of small groups. Once this is done, the top staff at YCAA will come to Topeka for a half-day work session to result in a work agenda to provide a comprehensive program seven days a week as required. He added that the program varies, and he is not always sure the program level is the same at all hospitals and institutions. The program cannot stop once a youth is discharged. He noted a grant under which a KU project follow up with youth in the

Kansas City area. He said this has been beneficial and was directly related to the SRS staff in the community. A similar program was ongoing at Beloit. He noted aftercare was not always consistent with local social workers and added there was a real deficit in aftercare programs. Representative Hoagland asked if the committee recommended that the Secretary have a minimum overview of programs at each institution, what would his reaction be. The Secretary said he would do all he could to carry it out, but there is a strong feeling from clinical staff against direction from SRS. His personal feeling would be to carry out the recommendation. He stated he would be comfortable in doing this and gave an example of his exercising his authority at Rainbow when he ordered a boy to be taken into Rainbow rather than be left on the street. He felt, however, any interference or suggestions from him should not be heavy-handed.

Representative Hoagland asked the Secretary's opinion of putting the youth centers under the Department of Corrections. He said if it is done, it should apply to ages sixteen and over. If the move to corrections was to incarcerate, it would be appropriate; if its purpose was for rehabilitation, they should be left with SRS. He added the greater number of juveniles are in foster or group homes, and it would be inappropriate to put these under the Department of Corrections.

Senator Johnston observed that throughout the committee's deliberations he has tried to keep its charge in mind in an effort to apply testimony to possible recommendations. He stated he has not been satisfied with any explanation related to management structure and personnel. The problems conferees have cited are not new and have existed for two or three years. He asked Secretary Harder to comment on the reasons why the outflow of charges and counter-charges at Atchison have not been resolved. Secretary Harder said it was difficult to answer without getting into personal names, and he does not do this in the public domain. Senator Johnston said the lack of ability to come to grips with the kinds of problems that Atchison has clearly affects its program. He was not trying to make trouble for anyone, and he did not want to get into personalities, but he felt an answer as it relates to the charge of the committee was merited. The Chairman mentioned the possibility of the committee going into executive session if personalities would be involved. Senator Johnston stated, in view of his comments regarding executive sessions at previous meetings, he would not suggest one, but he was deeply troubled with the Atchison situation. Representative Hoagland felt the question was germane to the committee's study, and an answer must be given. Representative Martin agreed it related to the function of the committee and the question needed an answer before the committee can make recommendations, but he felt the matter should be discussed openly. Senator Johnston said he was concerned that employees appearing before the committee, particularly those from YCAA, had insulated themselves from recrimination and action by the Department of SRS, that many people had appeared, and the committee should not be in a position to single out employees. In his opinion, an executive session was not valid. The Chairman pointed out his statement to conferees regarding recrimination was stated for the purpose of protecting employees from recrimination as a result of their appearance before the committee and on that basis alone.

Representative Hoagland requested the Secretary attempt to give an answer

that would satisfy the committee without getting into personalities. Secretary Harder pointed out that when the executive committee of SRS consisted of only ten or twelve people, it functioned as the personnel committee for the Department. As the committee became larger, it became impossible to talk about personnel matters in that body. There was no way of discussing strengths and weaknesses without discussing personalities. He asked to be excused from answering the question as there was no way he could trace through problems in terms of management without identifying personnel. He thought anything he said would be misinterpreted, and he did not feel he should put himself on the line and make the Department vulnerable. He stated again it was not a good practice to discuss individuals in public.

The Chairman noted, regardless of personalities, the situation at Atchison had been in existence since 1977, and the committee's concern is why there is no process in SRS that would recognize the problem of utilization of personnel and management and be able to deal with these problems in a period of two or three years. This is what the committee wants to know, and if there is no answer to that, the Chairman questioned what would keep the same situation from happening in other state departments. He noted there was a chart form and level of responsibility for all institutions and felt there should be a procedure to correct these problems which, in the Atchison situation, are no nearer being solved today than they were three years ago.

The Secretary said the committee had him in a hard place. Senator Johnston appreciated the Secretary's position and made a statement he had previously made to Mr. Wilson in that he hoped the Secretary would give the committee his assurance that he will take whatever steps are necessary to improve the Atchison facility and solve the problems that have been brought to the committee's attention. He did not know who was at fault but wanted steps to be taken so the committee's efforts will not be in vain. The Secretary said his answer to that was in the affirmative, and he would try to speak to the Atchison problem.

Secretary Harder said there seemed to be three groups of staff categories at the Atchison center: those geared to work with wayward and neglected children; those with authoritarian or custodial points of view; and those in the middle who sometimes shifted from one group to another. If this is accurate, the polarization seems to be on each side and not in the middle, and there has not been a cohesive force. Three years ago, a superintendent retired who had managed things from within his own vest pocket, and there was little communication. The Secretary felt, as a public agency, the management, budget, and program should be as open as possible, and a move was made at that time to put some correction in the system. As these moves were made, he found it was difficult to shift boys from the campuses because of the weaknesses in the administration and staff (excluding program people) at Atchison, and a recommendation was made that this facility move more difficult boys to Topeka.

The Chairman interrupted the Secretary and said the matter in question still needed an answer, and the committee should decide if an executive session was warranted for a meeting next week. Representative Hoagland moved that the committee go into executive session on Monday for the purpose of inquiring about personnel matters with Secretary Harder. He added the committee's concern is why it took so long for the Atchison problems to be diagnosed and what assurance the committee had these

problems will not occur again. Secretary Harder said he would be out of town on Monday. Representative Hoagland amended his motion to make the executive session date for Tuesday, March 25. Representative Heine-mann seconded the motion.

In discussion, Senator Johnston opposed the motion, stating his question was not meant specifically for the Secretary to name the employees responsible for the problems but why these problems occur. He felt if there was an executive session, everybody at Atchison will think the recommendations of the committee will be the result of the executive session. He did not want his question to be counter-productive but wanted the situation straightened out as soon as possible. He stated again the Secretary's assurance that this will be done would be adequate. Representative Hoagland objected to this, pointing out he would not be satisfied with a committee report that agrees with Secretary Harder that these problems won't happen again. The committee could not be thin-skinned about Atchison because the program for youth was too important. He stated he does not like executive sessions, but they are necessary to accomplish committee work. Representative Martin opposed the motion. He agreed an answer to the management philosophy in the state's largest agency was needed, and personnel as well as department administrators have to face the problems that should have been resolved. He did not feel an executive session, however, was a reasonable way of accomplishing this.

The vote was taken resulting in a tie. The Chairman voted against the motion, and it failed to carry.

The Chairman told Secretary Harder he was not satisfied with his response and thought he could give the committee an answer without getting into personalities as to why the Atchison problems were not reported through the chain of command and eventually to the Secretary. He was not concerned with personalities, but, officially, who failed to take the proper action at the time. He directed Secretary Harder to write a letter to the committee as to why the management structure of SRS has not recognized and come to grips with the Atchison situation before this time, excluding personalities. The committee will take the letter into consideration in its deliberations.

The meeting adjourned at 1:30 p.m.



Chairman

ATTENDANCE SHEET

MAR. 20, 1980

NAME

REPRESENTING

TOWN

Pulliam + 1

Merion

Sackman

Sowers



Attachment A

3-20

STATE OF KANSAS

JOHN CARLIN, GOVERNOR

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

ROBERT C. HARDER, SECRETARY

March 3, 1980

STATE OFFICE BUILDING
TOPEKA, KANSAS 66612

Mr. Jerry T. Hannah
P. O. Box 518
Waitsfield, Vermont 05673

Dear Jerry:

This letter is a follow-up to our interview in Topeka as well as several telephone conversations. We would like for you to take the position of director of Mental Health and Retardation Services.

As previously stated, the salary would be \$3,340 per month, and \$40,080 on an annual basis. This means that you are on Step C of salary range 44. We are also in a position to pay your moving expenses up to a total of 12,000 pounds. Hopefully, you could join us no later than May 1, 1980, and earlier would be preferable.

As you join the department, I would like to lay out some expectations in relation to your working for the Department of Social and Rehabilitation Services. I see the task of director of Mental Health and Retardation Services as a generalist responsibility. You will have strong central office support from various program people. The same will be true in terms of the operation of four hospitals for the mentally ill, four institutions for the mentally retarded, and three juvenile facilities. You will also have access to a network of social service and income maintenance chiefs in each of the 17 area offices. The number of employees under your direction would be approximately 5,000. I recognize that you come into the operation with a lack of experience in terms of direct institutional programs. I will expect that some extra homework will be done to offset deficiencies in that area.

My expectation will be that you will be completely conversant with the various programs operated by SRS, with the understanding that you will have a special knowledge and an ability to speak persuasively on the Executive Committee in terms of those programs for which you have direct responsibility. As a generalist, you would have a secondary interest and concern in relation to other human resource type programs in state and federal government, and would draw on those other resources as appropriate. I will expect you to maintain an equal balance between mental health and mental retardation. Additionally, while there will be a great deal of pressure to be solely on the side of community based programs, my expectation will be that there will continue to be a balance of program effort between hospitals and institutions and the community

March 3, 1980

based programs. You will need to keep in mind that there are a number of voices speaking in behalf of the community programs. Your voice, plus the voice of the Secretary, will often times be the only voices speaking in behalf of the hospitals and institutions. Serving as a spokesman for hospitals and institutions does not preclude the possibility of a serious review of the future destiny of hospitals and institutions.

✓ In that you are in a high visibility and key position within the State Department of Social and Rehabilitation Services, the expectation would be that you would have an ability to write clearly and concisely as we communicate with the public and especially as you communicate with your staff. As the director of the division, you would be expected to become immediately conversant with the programs within the Division of Services to Mental Health and Retardation and to be able to "think on your feet" and to respond to questions in various public settings. You would be expected to speak forcefully in behalf of the programs for which you have responsibility and in behalf of the mentally handicapped and troubled persons you will represent.

✓ In that you have been involved with various kinds of programs related to human services, I will expect that same humanitarian thrust to continue as you assume responsibilities within SRS. I am sure you recognize that as a part of an old-line, bureaucratic agency, an easy criticism of us is that we are immune from humanitarian concerns and that we are oblivious to the individual problems of the people we serve. I think it is absolutely incumbent upon the director of the division to communicate to his staff and to the public that we are concerned with individual problems and that we are concerned about our own staff being aware of the needs of the individuals and families. I think we have to work at being nonbureaucratic within a bureaucratic structure. We are obligated to free it up as much as we possibly can and still be mindful of the overall task assigned to us by the governor and the legislature.

As the director of the Division of Mental Health and Retardation Services, you will not have a direct budgetary responsibility. I will expect you to work closely with the Division of Administrative Services, and specifically with Finance, Accounts and Audits and with Reserach and Statistics to make sure that the various programs are funded on a solid financial base. I will expect you to work closely with the various support services in the interest of making sure that the services we provide are provided in a way that will stand the test of accountability. An ongoing problem with a human service agency like SRS, is that of being able to accumulate scientifically and rationally the necessary statistical information to demonstrate, without fabrication, the kind of work we are doing. Because of your extensive background through your academic training and various work experiences, I will expect you to provide us with real insight and guidance into methodologies whereby we can be more accountable for the fund for which the department is responsible.

Our present pattern is for the superintendents to come to town once a month, usually the first Thursday of every month. This coincides with the monthly meeting of the department committee on mental health and mental retardation which is on the first Wednesday of every month. The superintendents meeting affords the opportunity of discussion with the superintendents and clinical directors as to developments at the hospitals and institutions. In the past, these sessions have been primarily show and tell. I would like for us to reach a point of providing not only the show and tell, which is necessary from the standpoint of ongoing operations, but I would also like to use the superintendents meetings as a means of education and training so that the superintendents and clinical directors would have a better sense of the overall philosophy of the agency as well as providing us with the opportunity of giving them new ideas as to how we want the hospitals and institutions to function. Additionally, I have started a pattern of individual conferences with the superintendents, at least two or three times a year, and I would like to maintain that pattern.

From the standpoint of service integration, I would also point out that the chiefs of income maintenance and social services as well as the area directors are in Topeka generally once a month for informational purposes and training. I would see the necessity for you to have some involvement with these meetings in the interest of other staff becoming acquainted with you. Also, there will be occasions when there are problems in relation to service integration in terms of the hospitals and institutions. You would be the logical person to help iron out some of those problems.

We are an umbrella agency. We have the possibility of providing comprehensive and integrated services because we can tap the services of a variety of agencies within the umbrella. The Community Placement Program which got underway in July of 1974 is our most forceful illustration of the concept of integration. I will expect you to become tuned-in to this program and aid in its goals.

I will expect the division director to sit "loose in the saddle". You will be functioning as a peer to the other division directors within the SRS organization. Additionally, there will be chiefs sitting with you on the executive committee. In that sense, those who sit on the executive committee, including the Secretary, are all peers. I expect us to function in a democratic way. I expect each person to treat the other with a high degree of humaneness and civility as we conduct our business. I encourage an exchange of ideas between the individuals who make up the executive committee. I think it is only as we have strong ideas and a willingness to exchange ideas that we can hope to have tough decision making within SRS. In operating an organization as vast as SRS is, we cannot do that competently apart from tangling with each other over issues in the interest of making sure that the decisions we make have been thoroughly aired and the best thinking of the members of the executive committee has been brought to bear on these issues.

As the Secretary of SRS and as the one person in the department appointed

by the governor and confirmed by the senate, I am the political person within the department. I assume responsibility for the direct work with the governor's office, and with the legislature. That does not preclude division directors, on the invitation of the Secretary, the governor, or legislative chairmen, being involved in the process, but as a general methodology, the expectation is that the Secretary will have the day-to-day responsibility of involvement with the legislature. This means that the division director can direct his attention to the carrying out of programs. The division director can hopefully feel somewhat immune from direct political involvement and, with this immunity, can have a feeling of freedom to formulate programs in the way he sees best.

There will be a lot to learn as you join the department. You will need to direct your attention to many problems. We will have unlimited challenges. Fortunately, you will be joining us as we are getting underway with our next budget cycle. This will be a good way for you to become oriented to what it is we are doing within the agency.

There are specific problems which will need your immediate attention. Some of these problems lend themselves to advanced reading and preparation. Most of them will require our sitting down together to formulate action plans. The list is as follows:

1. the appropriate use of existing buildings and programs, and the appropriate staffing and funding related to those programs.
2. the inter-relationship of institutional programs to community programs.
3. maintenance of a monitoring program related to the use of drugs and seclusion.
4. a review of the programs especially as they are related to children and youth to insure their quick return to society when that is the most appropriate strategy for them.
5. the development of guidelines to insure that only those individuals who need institutionalization are being institutionalized.

In that there is currently a special legislative committee reviewing hospitals and institutions, and they will be coming forth with recommendations in the next several weeks, my expectation would be that you would be conversant with those recommendations. I would expect you to develop a corrective action plan and to begin an immediate implementation of their recommendations with the idea of a report back to the legislature in January 1981.

I have high expectations and high hopes in terms of your joining SRS.

Mr. Jerry T. Hannah

- 5 -

March 3, 1980

I am confident you will make an important contribution to our overall effort. I am looking forward to having you as an active participant in the Kansas State Department of Social and Rehabilitation Services.

Sincerely yours,

Robert C. Harder
Secretary

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