



December 19, 2018

The Honorable Tim Walz
Governor-elect
Transition Office
321 State Capitol
75 Rev Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155

Dear Governor-elect Walz:

On behalf of the Mental Health Legislative Network, a coalition of over 40 organizations representing various aspects of the mental health system, we write to ask that when your administration takes office you repeal Bulletin #18-76-01 regarding provisional discharge of direct care and treatment patients. Implementation of this bulletin, issued on December 18, 2018 will be detrimental to people living with mental illnesses involved in the criminal justice system.

The tension between jails and state operated services has been great over the past several years. Enactment of the 48-hour law has caused major problems in our mental health system. The law requires that anyone who is in jail and is committed be moved to a state operated program within 48-hours. The intention – to not have people with serious mental illnesses languish in jail – was good but while it solved the problems sheriffs faced, it created “flow” issues in our mental health system. Now very few people can get into state operated programs from our community hospitals. Little attention is paid to the fact that people with mental illnesses are in the jails often for months before being deemed incompetent to stand trial and then committed.

This bulletin requires people with mental illnesses who no longer need the level of care provided by state operated programs to be discharged to the community – even if their competency has not been restored. While this will open up beds in state operated programs it does not account for the fact that there are no community competency restoration programs. This will result in people with mental illnesses returning to jail. Jails often have limited drug formularies, and rarely offer therapy. The state offered to share their competency restoration curriculum but this is not good enough.

The real problem with the issuance of this bulletin is that it was done in isolation. There was no input or collaboration with counties, county attorneys, community providers, defense attorneys, sheriffs, judges or advocates. This action exacerbates the problem created by the 48 hour law. Now they have “fixed” the problem for state operated programs but created new problems in the community that will have a serious and significant impact on people with mental illnesses involved with the criminal justice system.

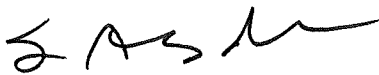


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Please retract the bulletin and call on the Department of Human Services to gather stakeholders to have a frank and honest discussion about both the 48-hour law and the problems faced by state operated programs. Charge them with creating compromises and solutions to address the problems. Complex problems cannot be solved by one entity – it just creates more problems.

Sincerely,



Sue Abderholden, MPH
Executive Director
NAMI Minnesota
Co-Chair MHLN



Shannah Mulvihill
Executive Director
Mental Health Minnesota
Co-Chair MHLN

CC: Commissioner Piper