



KANSAS
ASSOCIATION OF
COUNTIES

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Testimony to the House Corrections and Juvenile Justice Committee
on HB 2291
February 16, 2017

Chairman Jennings and Members of the Committee:

KAC opposes HB 2291, as the legislation appears to shift custody of state prisoners—and the costs associated with those prisoners—to the county sheriff while awaiting placement in a state psychiatric hospital.

KAC will defer to the Kansas Sheriffs Association for more detailed testimony as to the effects of HB 2291. We have included a 2016 newspaper article that might be helpful background information on the staffing shortage that arose last year at Larned State Hospital, which caused the state hospital to move inmates. We appreciate the struggle the State is encountering due to shortage of staff and beds at state hospitals, and the current limitations on the Department of Corrections. However, Kansas counties do not want to become the escape valve for the pressures on these state institutions.

We appreciate the committee's consideration of our concerns regarding this bill.

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Kansas plans inmate transfers in response to Larned hospital staffing shortage

HIGHLIGHTS

Mental health inmates will be moved from Larned State Hospital to free up staff

Inmates will also be shifted within correctional facilities

Internal e-mails highlight concerns about understaffing at Larned



BY BRYAN LOWRY
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TOPEKA — In an effort to relieve a staffing shortage at a state psychiatric hospital, the state of Kansas will shift more than 100 mental health inmates among several facilities run by multiple agencies.

Starting Monday, the Kansas Department of Aging and Disability Services (KDADS) will transfer 60 mental health inmates from special units at Larned State Hospital to a correctional facility on the same campus, which is run by the Kansas Department of Corrections.

The correctional inmates, who have mental health needs, were being housed in a special forensics unit at the hospital, which is run by KDADS, as part of a 2006 agreement between the two agencies meant to alleviate overcrowding on the mental health unit at the adjacent correctional facility, according to Angela de Rocha, spokeswoman for KDADS.

However, in the face of a staffing shortage, which has sparked safety concerns, KDADS plans to gradually transfer the inmates back to the Department of Corrections and close down two units in the state hospital in order to free up staff members to fill gaps elsewhere in the hospital.

“This is intended to be a temporary move to help further alleviate the staffing concerns,” KDADS Secretary Tim Keck wrote in a letter to Larned employees Wednesday. “This move will free up 25 to 30 staff who will then be able to help in other parts of the hospital.”

Keck noted in the letter that he has “heard from some that they would leave (Larned State Hospital) if we close these particular units. I hope that is not the case as we need you now more than ever.”

The state's other psychiatric hospital in Osawatomie recently lost its Medicare certification after federal auditors found that understaffing had led to gaps in safety. That will cost the state \$1 million a month in federal funding until the hospital regains certification.

Numbers provided by KDADS showed the hospital has 239.5 positions vacant out of the budgeted 924.5 positions, or 26 percent.

Internal e-mails from Larned obtained by The Eagle highlight concerns about understaffing.

Last week, the leader of one hospital unit sent out an e-mail to the entire hospital with the subject line "SOS - Distress Call" explaining that her unit was in "desperate need" of extra staff with three patients in need of one-on-one care, but only four mental health technicians on duty.

Another e-mail highlights the long hours being worked by staff and states that one mental health technician was 118 hours over her maximum allowable overtime limit but still was being denied vacation time.

KDADS informed lawmakers on a health care oversight committee of the plan to shift inmates in an e-mail Wednesday evening.

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THEY'RE PROBABLY NEEDING A RELIEF VALVE BECAUSE OF ALL THAT ENORMOUS OVERTIME, SO I'M GUESSING THAT'S REALLY THE LOGIC ... TO GIVE THE STAFF SOME BREATHING ROOM.

Sen. Jim Denning, R-Overland Park, on moving patients out of Larned State Hospital

"They're probably needing a relief valve because of all that enormous overtime, so I'm guessing that's really the logic ... to give the staff some breathing room," said Sen. Jim Denning, R-Overland Park.

Denning said that the hospital has had a difficult time recruiting employees as the area around it has lost population.

"I think there's more patients in those facilities than population surrounding it," Denning said. "When I grew up in Great Bend, which is right down the street from Larned, it was the cat's meow to work there.

"But everything has changed. And they have a very, very difficult time just recruiting. The workforce just isn't there, especially when they need professionals like nurses and MDs."

A 'shell game'

De Rocha said that the inmates being moved from the hospital to the adjacent correctional facility "will get the same treatment."

"The way that the state is addressing their mental health issues will not change," de Rocha said.

In order to make room for the inmates, the Department of Corrections will have to transfer 60 prisoners from its facility in Larned to other correctional facilities.

The agency will then have to transfer general population inmates out of those other correctional facilities to county jails around the state - which have contracted with the Department of Corrections - in order to make room for the mental health inmates being moved from Larned.

Adam Pfannenstiel, spokesman for the Department of Corrections, said that any prisoner moved to a new facility "in need of mental health services will get the appropriate care based upon their need."

Rebecca Proctor, executive director for the Kansas Organization of State Employees, said that mental health workers at Larned as well as correctional officers at Lansing Correctional Facility - which is preparing to take in some of the displaced inmates - have expressed concern about shifting the inmates between facilities.

"The officers working that unit (in Lansing) have expressed that they don't feel they have the proper training to deal with mental health inmates," she said. "So while you may be alleviating staffing problems at Larned by moving some of these inmates out there is concern ... by staff at both facilities about the inmates being able to get the services that they need."

Proctor called shifting inmates a shell game and said it would exacerbate staff retention problems at both the state hospitals and prisons.

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NO MATTER WHAT YOU DO HERE, IF YOU DON'T SOLVE THE PROBLEM BY ADDRESSING THE UNDERLYING ISSUE, WHICH IS STAFFING, YOU JUST SHIFT YOUR PROBLEM ELSEWHERE IN THE STATE.

Rebecca Proctor, executive director for the Kansas Organization of State Employees

“No matter what you do here, if you don’t solve the problem by addressing the underlying issue, which is staffing, you just shift your problem elsewhere in the state,” she said.

Sen. Laura Kelly, D-Topeka, a critic of Gov. Sam Brownback’s administration, called the situation “a classic example of ‘you reap what you sow’ ” in an e-mail.

“By virtue of intentional funding cuts, atrocious mismanagement and complete undermining of staff morale, the administration has backed itself into this disastrous dilemma,” Kelly said. “The plan to shift patients, inmates and staff around might result in some short-term relief, but it won’t solve the underlying problems.”

In the same letter announcing the shift of inmates, Keck, the KDADS secretary, told Larned employees that Chris Mattingly, an El Dorado man with a long history of hospital management, would be taking over as the interim superintendent of the hospital for the next six months while the state searches for a permanent superintendent.

The hospital’s previous superintendent, Tom Kinlen, announced his resignation last month.

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