



STATE OF MARYLAND  
**DHMH**

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Maryland Department of Health and Mental Hygiene  
201 W. Preston Street • Baltimore, Maryland 21201

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – John M. Colmers, Secretary

The Honorable Susan W. Krebs  
1696 Springmount Drive  
Eldersburg, MD 21784

Dear Delegate Krebs:

As we have discussed, I would like to document for you the plans that the Department has for opening a new unit for individuals with developmental disabilities who have been committed to the Department by the courts. The unit will provide long term therapeutic treatment in a secure setting located on the Springfield Hospital Center campus. The program will be called the Sykesville Secure Evaluation and Therapeutic Treatment Program (SETTP) and will be located in the Muncie Building. We plan to open the unit during the fall of 2008.

The current plan is for the SETTP to provide services for up to 22 residents. Residents of the SETTP will be individuals being admitted from 2 locations. Approximately 9 residents will be individuals who are currently located at the Rosewood Center in Owings Mills. As Rosewood is closing, these individuals must be relocated to another program. The remainder of the residents will be those transferred from another SETTP located in Jessup. The Jessup SETTP opened in July 2008 and is a small program designed to serve primarily as an evaluation unit for individuals who are referred directly from the court. They will receive an assessment and evaluation over a 21 to 90 day period that will determine if their needs can be met in the community or if they need longer term treatment in a more structured program and secure setting. Some individuals will be discharged to the community and others will be transferred to the Sykesville SETTP. The Sykesville program will be longer term than that in Jessup. We estimate that these residents will be in treatment a minimum of one year. Once the treatment team determines the individual is appropriate for the community, they make a recommendation to the court and then the court must agree.

As we believe that the demand for the program will grow, we are just beginning a capital planning project for a larger program. The concept is construction of a cluster of small homes (called pods) that house 6 residents each. As the population grows, additional pods would be added. We believe that this is preferable to a building which could be outgrown and provides a better therapeutic environment for the residents. We estimate that it will take a minimum of 2 to 3 years to see this project through the capital planning and budgeting process and then through construction. It will likely be located elsewhere in the State.

The SETTP will be licensed by the Office of Health Care Quality and governed by regulations, policies and procedures. The emergency regulations were approved by the AELR Committee and they have called for a hearing on the final regulations. We worked with advocacy groups including the Disabilities Council and MDLC as well as the Public Defender's Office on drafts until we reached agreement on the language. We are willing to consider any suggestions regarding amendments to the final regulations as well.

The individuals who will be admitted to the SETTP have been found incompetent to stand trial or not criminally responsible for the crimes with which they have been charged. They have been committed to the Department for treatment in an attempt to restore competency so that they can then stand trial. Their charges parallel those found in the general public. As some of them may be considered dangerous, the unit will be a secure one. The Department retained a consultant from New York whose career has been dedicated to the development and operations of programs of this nature. He has made many security recommendations that we have adopted and are currently making to the unit. Renovations include new doors, a computer access double door for entry, cameras for better visualization down hallways, special treatments for the windows so they cannot be broken, and for the outside courtyard a new finely meshed fence that curves inward at the top. In addition each resident will receive a risk assessment upon admission to determine the risk for escape. This assessment also helps determine an appropriate level of staffing for that individual and the unit as a whole. Staff will receive all necessary training for safety and 2 guards will be present on the unit at all times.

The difference between the populations at Springfield and the SETTP is that the patients in Springfield Hospital are mentally ill. They can benefit significantly from appropriate medications and therapy. Once these measures have taken effect, they typically are able to interact safely with society. The individuals who will reside at the SETTP are developmentally disabled and have mental retardation. They often have cognitive limitations and sometimes behavioral challenges. They can benefit from behavioral therapy and successfully return to the community. As the two populations differ and as is required by licensing and certifications bodies, the residents of the SETTP and the patients at Springfield will not be in contact with each other. The residents are housed in a separate building from the patients, will not have grounds privileges and will not be participating in employment or other programs with the patients.

The Department will work with Springfield Hospital and the State Police regarding notification procedures for the neighboring businesses and community should an escape of a dangerous individual take place. We have drafted a notification policy for all of our facilities which we will use as a basis to develop a protocol on the Springfield campus. The safety of the residents, the staff, and the community are a priority. Springfield has had a history of safety for 113 years. We plan to continue that record with the SETTP as a new tenant. The economic development project at Warfield is important and we will continue to work with them as we move into the unit at Springfield.

We understand that the community has reservations about the new unit. We want to assure them that it will be a good neighbor so they should have no concerns. We believe that the addition of the unit to the campus will be invisible to the community. We will be happy to participate in a community forum to help answer any questions that they would like to pose to us.

You had expressed some concerns about the rights of the individuals who will be residents of the SETTP. As mentioned earlier the advocates and the Public Defender's Office and others have

toured the unit, asked questions, and been involved in developing the regulations. There are no outstanding issues with them as far as we know. DHMH has a Resident Grievance System in place for all of our facilities. It has a staff of 12 individuals who are assigned to and physically located on the facility campuses. They hear, investigate, and resolve thousands of complaints filed by our patients/residents every year. We have already made assignments of a rights advisor to each of the 2 new SETTPs. In addition, the Public Defender's Office will be visiting once a week.

You had also expressed concern about the judiciary's role in making placements. The statute states that the judiciary may commit an individual to the Department. The Department has taken the position that it is in the best position to make the clinical determination of the most appropriate facility (psychiatric, state residential center or SETTP) that meets the clinical and security needs of the individual. The Courts have deferred to our judgment. The Department evaluates hundreds of individuals a year without incident. At this time, the Department is not proposing any change to the statute. The Department does not plan to make the charging documents available publicly, but charging information is more generally available on the internet at [courts.state.md.us](http://courts.state.md.us).

If you have any additional questions or concerns regarding the new Sykesville SETTP, please contact Anne Hubbard, Director, Office of Government Relations at 410-767-6481.

Sincerely,

A handwritten signature in black ink that reads "John Colmers". The signature is written in a cursive style with a large, stylized "J" and "C".

John M. Colmers  
Secretary

Cc: David W. Edgerley  
The Honorable Allan H. Kittleman