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Paul R. LePage
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Appropriations and Financial Affairs Committee
Health and Human Services Committee
5 State House Station
Augusta, ME 04333

Dear Committee Chairs:

Upon reviewing the questions in your letter dated January 6, 2017, I find that all of them have either been answered already, are rendered irrelevant by the Legislative Council's failure to timely approve the Augusta facility and my subsequent decision to build a stepdown unit in Bangor instead, or can be answered by a review of the facility's staffing RFP, which should be public sometime this week.

I would be happy to personally explain at the next joint hearing of your committees why I believe Bangor is a better location than Augusta at this point. However, I ask that you refrain from asking questions that you already know the answer to or questions that have already been answered by Commissioner Mary Mayhew and her staff. I have no interest in participating in the usual dog-and-pony show that the Legislature likes to put on for the media and the lobbyists. I am focused solely on building this facility in Bangor as quickly as possible so those suffering from mental illness can be properly cared for.

I cannot emphasize enough how important it is for this secure stepdown unit to be built in a timely manner, without legislative obstruction. Riverview Psychiatric Center has been operating without Centers for Medicaid and Medicare Services (CMS) certification for three years, drawing down \$3.5 million per quarter in federal Disproportionate Share Hospital (DSH) payments. Some have questioned whether the state can legally spend this money, despite the fact that CMS continues to disburse it.

Commissioner Mayhew sent a letter to the Appropriations Committee dated September 14, 2015, in which she asked you, on behalf of my Administration, to determine whether continuing to draw down DSH funds is worth the risk of federal recoupment. The Legislature did not respond conclusively and so we have continued to draw down that funding. However, Maine taxpayers should not be forced to deal with this massive financial liability any longer. They need Riverview recertified and the fastest way for that to happen is for the Legislature to do nothing.

The Legislature has done nothing but hinder the process of getting Riverview recertified. When my Administration first proposed a secure stepdown unit for Riverview in 2015, the Legislature said they did not have time to deal with the issue, denied the proposal, and swept the funding we had identified to pay for it. If that had not happened, we might already have this facility built and be well on our way to recertification.



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Last year, I proposed to allow the DHHS Commissioner to place extremely violent Riverview forensic patients at the Intensive Mental Health Unit (IMHU) at Maine State Prison—an authority that was included in the original bill to create the IMHU and even approved by the HHS Committee but stripped by Appropriations at the last minute. Despite initially voting for it the first time, Democratic lawmakers killed that proposal again.

The Legislature thinks it helps by passing bills like the one last year to increase salaries of some Riverview workers, but that proposal ignored DHHS recommendations and ended up only hurting morale at the hospital for its arbitrary allocation of raises to some but not others. The Legislature has also hurt Riverview by churning out a nonstop, three-year drumbeat of politically-motivated and often baseless attacks, usually using committee hearings as a springboard. The Legislature does this despite the Court Master telling it in a written report last year of the extremely harmful effect it has on employee recruitment and retention.

Shortly after the stepdown unit proposal received a full public vetting by the Augusta Planning Board and the Capitol Area Planning Commission, the Attorney General either began enforcing or reinterpreted an obscure statute that requires projects in the Capitol Area to be approved by the Legislative Council—a statute ignored by the Attorney General at least 30 times in recent years, including when Riverview itself was built.

DHHS staff then appeared before the Legislative Council three times to answer questions about the proposal. After addressing every concern and answering every question, at the third meeting, legislative leaders didn't even call administration experts up to speak, even as they mused that there were still unanswered questions.

Commissioner Mayhew then met privately with every member of Democratic leadership and their staff and answered every question they had. Speaker Gideon publicly stated her intent to get the project approved by Christmas. Representative Fredette even offered a reasonable compromise to have the Council approve the plan in December with a promise from DHHS to attend committee hearings on the project when the full Legislature reconvenes. However, Speaker Gideon reneged on her vow to approve the plan by Christmas and made it clear that the Council would not approve it until after DHHS had run the gauntlet of legislative kangaroo courts. If I agreed to that approach, this facility would quite simply never get built.

Aside from approving a few early funding requests, the Legislature has done absolutely nothing to help improve the situation at Riverview. It is this miserable record that forces me to do everything in my power to remove the Legislature from this process. Maine people deserve better. Let me know when you are meeting next and I will gladly explain why Bangor is the best location for this facility.

Sincerely,



Paul R. LePage
Governor