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EDWARD C. GALE (1862-1943)
FRANK A. JAMES (1908-1959)
NATHAN A. COBB, SR. (1905-1976)
BERGMANN RICHARDS (1866-1978)
EDMUND T. MONTGOMERY (1904-1987)

*ALSO ADMITTED IN WISCONSIN
*ALSO ADMITTED IN NEW MEXICO

March 23, 1989

Senator David Durenberger
Plymouth Building
Minneapolis, MN 55402

Re: S.384 - Chafee Bill v. H.R. 854 - Waxman et al Bill

Dear Dave:

I am enclosing a video tape prepared by Mn CAR of some of our profoundly and severely retarded sons and daughters who reside in the Faribault Regional Treatment Center. I respectfully ask that you view this 15 minute tape.

I am also enclosing a bound volume of 12,500 petitions signed by Minnesotans who are opposed to the closure of programs for mentally retarded persons residing in our State RTCs (Institutions). I assure you that there are many more citizens of Minnesota opposed to the Minnesota Department of Human Services and ARC plan that are for it.

I am also enclosing for your staff some literature written by professional experts who enjoy the highest national reputation that support our position that State and Community Institutions (those over 15 beds) should not be destroyed for mentally retarded persons especially for those who are profoundly and severely retarded or medically fragile or higher functioning mentally retarded persons who have severe behavioral or mental illness.

Dave, the Chafee Bill and the Minn. DHS bill are budget busters and will result in death and severe injury and at a minimum a substandard lowering of the quality of life for persons who are profoundly and severely retarded. I am enclosing a series of articles from the Los Angeles Times to illustrate my point. Also last year due to Minn. DHS pressure four mentally retarded persons were discharged to small communities settings and died from seizures or seizure related causes. We also know of one who died from drinking salt water; and two who died from being struck by automobiles while crossing the street.

Senator David Durenberger

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We have just learned that Minn. DHS is proposing that medically fragile mentally retarded persons and the others having severe aggressive behavioral problems are to be placed in the same small six bed facility - this planning is highly dangerous.

Dave, I believe there are undoubtedly some bugs in the Waxman bill, but I understand it would not impose any limitation on Federal Medical payments for services provided to individuals with mental retardation in large institutions; it would not restrict the right that Medicaid beneficiaries have under current law to freedom of choice of provider. It would not require the State to develop and implement a five year plan to transfer individuals from large institutions to small community based settings, and it would not prohibit the Secretary from promulgating or enforcing quality standards for Medicaid funded services, whether in the institution or in the community. It is vastly superior to the Chafee bill.

I hope, Dave, you will not sign on the Chafee bill before we have an opportunity to discuss the matter with you. We will be happy to meet with you at your convenience in Minneapolis or in Washington, D.C. Unfortunately, we do not believe your amendments solve your or our major concerns.

Very truly yours,

Melvin D. Heckt
President, Minnesota Chapter
Congress of Advocates for the Retarded, Inc.

MDH:ejt

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