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Maine pays for kids to go to out-of-state treatment facilities where investigation found abuse

by **Callie Ferguson**

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Family members of people who were abused become emotional after watching a video last Wednesday during a Senate Finance Committee hearing to examine youth residential treatment facilities on Capitol Hill in Washington. Credit: Mariam Zuhaib / AP

Maine adolescents with severe behavioral and mental health needs are at residential treatment facilities across the country that were the subject of a recent scathing federal investigation into their abuse and neglect, and disability rights advocates had previously warned state health officials about one of the out-of-state programs, the Bangor Daily News found.

Last Wednesday, the U.S. Senate Committee on Finance published the findings of a two-year inquiry into residential programs operated by the country's largest for-profit providers of behavioral health care for youth, triggered by mounting abuse allegations at facilities around the country.

The resulting 135-page report, titled “**Warehouses of Neglect**,” found a pattern of physical and sexual violence, unsafe practices, poor supervision and inadequate treatment at programs run by Universal Health Services, Acadia Healthcare, Devereux Advanced Behavioral Health and Vivant Behavioral Healthcare. The facilities rely heavily on taxpayer dollars from state Medicaid programs.

In the report and during a public hearing that presented its findings on June 12, lawmakers drew particular attention to a pair of Acadia Healthcare facilities in Arkansas that Maine approved in 2018 to serve youth enrolled in MaineCare, the state's Medicaid program. The report also criticized a third MaineCare-enrolled program in Florida run by Universal Health Services.

A spokesperson for the Maine Department of Health and Human Services, which oversees MaineCare and children's behavioral health services, confirmed the programs are currently serving youth from Maine.

The findings raise disturbing new questions about a practice that has already troubled mental health advocates, parents and lawmakers for years: that dozens of Maine children and adolescents have to travel across state lines to receive behavioral health treatment because it is not available in state. Many have pressured state government to rebuild in-state services and end the practice because therapeutic interventions are less effective when youth are so far from their communities, and it is harder for their families, advocates and the state to oversee their care from a distance.

Youth who end up out of state have struggled to be admitted by Maine providers, and they often end up in locked facilities, which don't exist in Maine. The number of out-of-state youth — who may be under the guardianship of family or the state when they are referred — has hovered around 50 or 60 at any point in time in recent years.

Most are served by New England programs, according to state records and interviews with advocates, parents and providers. But over time, children also have been sent farther away to the for-profit programs described in the Senate's investigation that are largely located in the South and West.

More youth started to go out of state as community-based behavioral health services eroded, increasing the likelihood that youth with behavioral disorders would escalate to a point where they were institutionalized in hospitals, residential facilities and the state youth prison. The U.S. Department of Justice notified Maine officials in June 2022 that the over-institutionalization amounted to systemic violations of the Americans with Disabilities Act.

At the same time, a workforce crisis has prompted some residential treatment facilities in Maine to close or reduce the number of youth they accept, particularly youth who require a higher degree of supervision due to aggression and defiance. State health officials recently raised reimbursement rates in an effort to reverse years of disinvestment that intensified during the administration of former Gov. Paul LePage, but the problem has persisted.

Atlee Reilly, the legal director for Disability Rights Maine, a legal advocacy organization that has federal oversight authority of facilities that serve people with disabilities, said the most powerful part of the Senate's investigation report was that it "calls out the lie" that youth are sent away to receive better care than they could get in Maine.

While the report centers on concerning practices at for-profit facilities, it more broadly critiques states' reliance on sending youth to out-of-state facilities instead of funding ways to treat them in more therapeutic settings, closer to home.

“This should be a call to action that youth we are sending to far-flung places are not safe or getting what they need,” Reilly said.

Lindsay Hammes, a spokesperson for the Maine Department of Health and Human Services, said in a statement the department “is closely reviewing the report and is concerned by its findings.”

“Fewer than 10 children are currently enrolled at the facilities you’ve referenced,” she said, referring to Millcreek Behavioral Health and Piney Ridge Treatment Center in Arkansas, and SandyPines Residential Treatment Center in Florida.

She declined to say exactly how many youth are receiving state-funded care at facilities named in the report, citing privacy concerns due to the small numbers.

Millcreek, based in Fordyce, Arkansas, has been plagued by reports of excessive physical restraints, sexual abuse and poor supervision by staff, according to press reports and state records, the Senate investigation reported. A 2020 [article](#) co-published by ProPublica and the Chicago Tribune referred to it as the “misery mill.” In 2019, Alaska stopped sending youth there due to concerns about its use of restraints, the report states.

In one instance a girl who had tried to kill herself multiple times was regularly strip searched and, at least twice, subjected to vaginal cavity searches, according to the report. Despite nightly strip searches, staff failed to notice the scars and wounds of her self-harm.

The Senate report also took aim at Piney Ridge in Fayetteville, Arkansas, for an overreliance on physical restraints and the use of medication to sedate youth, and for secluding youth in violation of federal rules. Employees at the facility restrained and secluded youth 110 times in a 30-day period.

“They have improved recently, but it took years and years of sustained pressure that had to come from outside,” a lawyer from Disability Rights Arkansas, Reagan Stanford, testified during the Senate committee hearing last Wednesday.

In its investigation, the Senate committee reviewed more than 25,000 pages of records, talked with dozens of people and visited treatment facilities. Many of the examples of maltreatment appear to come from licensing documents in 2018 and 2019.



Reagan Stanford, with Disability Rights Arkansas testifies Wednesday during a Senate Finance Committee hearing to examine youth residential treatment facilities on Capitol Hill in Washington. Credit: Mariam Zuhaib / AP

The examples in the report are not outliers, senators and witnesses described at the hearing. Poor conditions and the risk of abuse are “endemic” to a business model that prioritizes profit over providing quality care and supervision for adolescents who require intensive treatment due to their disabilities or behavioral health disorders, it argued.

Staff are often unqualified or poorly trained for their difficult jobs, and the facilities therapeutic by nature — were often in despair, the investigation found. It cited a facility called SandyPines that Maine has contracted with since 2019 as an example of how

documenting their use of regulated practices such as placing youth in seclusion. It noted examples where staff seemed unfamiliar with the rules. Florida regulators also cited the program in 2021 for mold growing in the bathrooms.

In 2019, a lawyer and an advocate from Disability Rights Maine traveled to Millcreek, located in a rural area about 70 miles south of Little Rock, after hearing concerning stories from Maine youth who received treatment there, Reilly said. During their visit, they toured the campus and had a chance to interview the youth living there, according to a Powerpoint presentation the agency later showed to state officials summarizing their observations, which Reilly shared with the BDN.

While some of the youth spoke highly of their individual therapy sessions, they did not seem to be receiving more intensive or skilled treatment than if they had stayed in Maine, the presentation stated. The youth reported that their education consisted mostly of worksheets. When the advocates asked the program CEO about this, he reportedly responded that “books are weapons.”

The advocates described the residential units as “chaotic.” They witnessed two boys get into a physical fight after a period of escalation during which no staff intervened. Another told them that the worst part about Millcreek was the “bullying and getting jumped.” The youth slept in rooms with cinder block walls, some with chipping paint, according to photos.

The Maine advocates concluded that the facility did not comply with the rights afforded to youth with disabilities in Maine. It is standard for the state to require contracted out-of-state providers to comply with MaineCare’s licensing rules when they enroll in MaineCare.

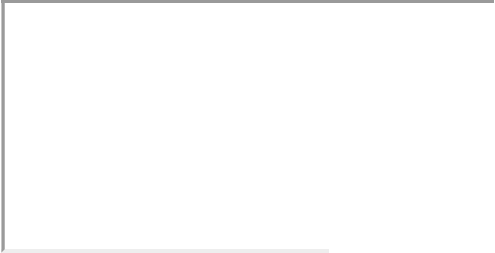
Hammes, with the health department, did not respond to a question about how the department responded to the presentation.

State health officials vet all out-of-state programs that enroll in MaineCare by having them provide information about their physical facilities, treatment program, staffing ratios and educational services, Hammes said.

State officials also have monthly meetings with providers, and “at times, site visits occur,” she said. Like in-state providers, out-of-state providers are required to report major incidents, such as restraints or runaways, to Maine officials, who may follow up, Hammes said.

“The safety and wellbeing of Maine children is our top priority and we will take all appropriate action to ensure facilities where Maine children are placed meet our standards,” Hammes said.

Reilly’s organization periodically requests a census from the department of where Maine youth are receiving state disability services. The most recent census, from Nov. 1, 2023, shows that two youth were receiving treatment at “Habilitation Center Inc.,” which is listed as the billing name for Millcreek, in records that the BDN separately obtained through a records request this spring. One of the children was listed as being in state custody, according to the agency’s records.



None were at Piney Ridge, as of the census. Two children were at SandyPines in Florida. A third child in state custody was receiving care at another Acadia facility in Missouri that the Senate investigation did not mention by name.

“If I was in charge of sending kids to facilities named in this report, I would have staff on a plane to go talk to them,” Reilly said. “It seems to rise to the level of something you need to check out for yourself.”

A representative from Acadia Healthcare did not return a call seeking comment on Monday.

Universal Health Services has disputed the allegations that its facilities were not safe or properly staffed, according to a statement reported by NBC News.

