

**COUNTY OF MILWAUKEE**  
Inter-Office Communication

**DATE:** June 10, 2016

**TO:** Sup. Theodore Lipscomb, Sr., Chairman – Milwaukee County Board of Supervisors

**FROM:** Héctor Colón, Director, Department of Health and Human Services

**SUBJECT:** **An informational report from the Director, Department of Health and Human Services, concerning the patient and staff safety audit requested by the County Board for the Behavioral Health Division**

**Background**

In April 2015, the Milwaukee County Board of Supervisors requested the Audit Services Division within the Department of the Comptroller conduct a follow up review of a 2010 audit of BHD patient and staff safety. On June 6, 2016, the County Board Chairman requested the Department of Health and Human Services (DHHS) provide an informational report concerning the release of patient-related records related to this audit.

**Discussion**

For the last several months, BHD has been cooperating and meeting with the Milwaukee County Auditor. During the course of the audit review, however, BHD and its Chief Medical Officer raised concerns about Audit's request to obtain and interpret patient-related data contained on incident reports. BHD has responsibility for maintaining patient confidentiality and adhering to Health Insurance Portability and Accountability Act (HIPAA) as required by federal law. In addition, incident and occurrence reports, and information acquired in connection with a review or evaluation, the purpose of which is to improve the quality of health care, are protected from disclosure under Wisconsin State statutes.

With these concerns in mind, BHD's Chief Medical Officer obtained external legal opinion to help inform decision making on the issue of release of incident reports. This opinion concluded that BHD's Chief Medical Officer has the legal discretion to release or not to release incident reports. The opinion was reaffirmed in a February 22, 2016 independent legal opinion from Corporation Counsel.

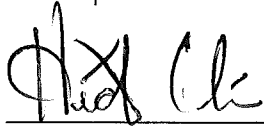
BHD is firmly committed to the health and safety of its staff and patients. Safety incidences are always taken seriously and responded to vigorously. Further, BHD recognizes the confidence and trust of our stakeholders and the public are critical to the successful operation of the division.

For these reasons, BHD and its Chief Medical Officer have continued to work with Audit to find a mutually agreed upon resolution. Currently, with the assistance of the Department of Audit, BHD is interviewing independent third party health care consultants to conduct a thorough review of BHD's

incident reports and issue recommendations for potential improvements. BHD anticipates a consultant to be selected and hired in the coming weeks.

**Recommendation**

This report is informational and no action is required.



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Héctor Colón, Director  
Department of Health and Human Services

cc: County Executive Chris Abele  
Raisa Koltun, County Executive's Office  
Duncan Shroud, Chairman, Milwaukee County Mental Health Board  
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