

Current Status: *Pending*

PolicyStat ID: 10695220



Date Issued: N/A
 Effective: Upon Approval
 Last Approved Date: N/A
 Last Revised Date: N/A
 Next Review: 3 years after approval
 Owner: Kathleen Flynn Post:
 Mental Health Board
 Research Analyst
 Policy Area: Mental Health Board
 References:

Mental Health Board Policy on External Board Appointments

Purpose:

The purpose of this policy is to ensure that MHB appointments to other Boards is done in accordance with its statutory and regulatory requirements and in accord with our mission.

Scope:

Mental Health Board and external Advisory Boards / Task Forces requiring MHB representation.

Policy:

- A. The Mental Health Board has the overall responsibility for the safety and quality of care, treatment, and services provided by BHD.
- B. The Mental Health Board identifies those responsible for the planning, management, and operational activities of the Behavioral Health Division.
- C. The Mental Health Board may nominate representatives to participate in advisory leadership groups which are aligned with the mission of the MHB.
- D. The Mental Health Board representatives to other Boards will provide ongoing reports to the full Governing Body MHB or relevant committee in a timely manner.

Definitions:

N/A

Procedure:

1. Nominations for such external Board positions and/or Task Force memberships may come from the requesting agency, the Office of the County Executive, Board members or BHD administration.
2. Nominations will be reviewed by the Governance Committee to be sure that those nominated are representative of those we serve and share the values of person centered, recovery-oriented services.
3. After the slate of nominees is approved by the County Executive, if needed, and the Governance Committee, the slate will be presented to the full MHB for approval which will not be unreasonably

withheld.

4. Appointed representative(s) will hold the responsibility to report pertinent facts from the outside group to the appropriate committee or to the whole MHB Board in a timely manner.

References:

N/A

Monitors:

MHB will solicit reports from appointed representatives as needed.

Attachments

No Attachments

Approval Signatures

Step	Description	Approver	Date
		Michael Lappen: BHD Administrator	pending
		Kathleen Flynn Post: Mental Health Board Research Analyst	11/5/2021



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DATE: August 17, 2021

TO: Kathleen Eilers, Chairwoman
MHB Governance Ad Hoc Committee

FROM: Alan Polan

SUBJECT: Advisory Legal Memorandum: Clarification of the Legal Responsibilities and Potential Liabilities of Governance

For the purpose of this memorandum, my understanding of the question being asked is to clarify the legal responsibilities and potential liabilities of board member of the Mental Health Board. Per my review of 51.41 Wis. Stats and the Mental Health Board bylaws, the following would be the list of legal responsibilities/legal duties of a Mental Health Board member:

1. Oversee the provision of mental health programs and services in Milwaukee County.
2. Allocate monies for mental health functions, programs, and services in Milwaukee County within the mental health budget
3. Make the final determination on mental health policy in Milwaukee County.
4. Replace the Milwaukee County board of supervisors in all mental health functions that are typically performed by a county board of supervisors.
5. Facilitate delivery of mental health services in an efficient and effective manner by making a commitment to all of the following:
 - a. Community-based, person-centered, recovery-oriented, mental health systems.
 - b. Maximizing comprehensive community-based services.
 - c. Prioritizing access to community-based services and reducing reliance on institutional and inpatient care.
 - d. Protecting the personal liberty of individuals experiencing mental illness so that they may be treated in the least restrictive environment to the greatest extent possible.
 - e. Providing early intervention to minimize the length and depth of psychotic and other mental health episodes.
 - f. Diverting people experiencing mental illness from the corrections system when appropriate.
 - g. Maximizing use of mobile crisis units and crisis intervention training. (Article II-Object)
6. Attempt to achieve costs savings in the provision of mental health programs and services in Milwaukee County.
7. Cooperate and consult with the department on recommendations for and establishing policy for inpatient mental health treatment facilities and related programs in Milwaukee County.
8. The Board will assure the quality, safety and effectiveness of acute inpatient services in compliance with Joint Commission Standards and safety, quality and effectiveness of long-term inpatient services in compliance with State and Federal regulations

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The Office of Corporation Counsel strengthens the County community and empowers residents through highly competent, creative, compassionate and responsive legal services provided in strategic partnership with County stakeholders to optimize decision making, reduce risks, and maximize public resources.

As to any potential liabilities of a board member engaged in the above-stated legal responsibilities and as to my review of 893.80 Wis. Stats and relevant case law, there is immunity for acts carried out by government officials carrying out governmental policy. Accordingly, no suit could be brought against any the Board and its members who are engaging in quasi-legislative functions that fall under the previously stated list of legal responsibilities. If there are other responsibilities of the board that do not fall under the previously stated list that you want clarification as to potential liabilities as it may pertain to the Board and its Members please advise and we can discuss further.

Very truly yours.

/electronically signed by Alan M. Polan/

Alan M. Polan

Assistant Corporation Counsel

Attachment

Mental Health Board Responsibilities

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 - f. Diverting people experiencing mental illness from the corrections system when appropriate.
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