

Date: June 6, 2012

Re: Response to Audit Department's Review of Our Space Contracts for Peer Support Services

To: Hector Colon, Milwaukee County Health & Human Services Director

From: Karen Avery, Associate Director IndependenceFirst
Barbara Beckert, Milwaukee Office Director, Disability Rights Wisconsin
Melissa Butts, Certified Peer Specialist
Molly Cisco, Executive Director, Grassroots Empowerment Project
Kristina Finnel, President/CEO, Mental Health America of Wisconsin
Peter Hoeffel, Executive Director, NAMI Greater Milwaukee
Mary Neubauer, Certified Peer Specialist

This letter is a response to the May 4, 2012 report from the Audit Department, regarding concerns about the Our Space Contracts for Peer Support Services. These concerns were raised in our letter of November 30, 2011 (attached) calling for an independent investigation of the contract. The November 30th letter and this response are from five of the major mental health and disability advocacy organizations in our state: Disability Rights Wisconsin, Grassroots Empowerment Project, Mental Health America of Wisconsin, NAMI Greater Milwaukee, and IndependenceFirst. In addition to these five organizations, two mental health consumer leaders and experienced peer specialists formerly employed by Our Space also signed on.

We are united in the concerns we expressed in the November 30th letter and felt compelled to take action based on the many concerns shared with us by peer specialists employed by Our Space over several years. We had shared these concerns with previous Behavioral Health Division (BHD) administrators, but action was not taken. Director Colon, we appreciate your responsiveness to our concerns, the work by County Audit staff to investigate, and the eleven corrective action steps included in the Audit report. We thank the Department of Audit and Directors Colon and Lucey for their efforts to date to address these serious concerns.

The May 4th investigation report includes eleven corrective actions /recommendations from the Department of Audit to address the concerns with Our Space. These address a wide range of issues such as procedures for ensuring background checks are performed, requiring agency staff to ensure staff are aware of the newly developed grievance and whistle blower protections, and recommendations to address security concerns at supportive housing. We ask you, Director Colon, to take action to implement all eleven recommendations and provide oversight to ensure they are operationalized by Our Space on a continuing basis, and where applicable, by other provider agencies.

We believe in the value of certified peer specialists, more informal peer support, and consumer run services – but they must be well run and based on recovery values, with appropriate oversight and quality assurance by Milwaukee County. National research has shown that hiring and promoting/supporting Peer Specialist Services in your business or organization reduces hospitalization and emergency room crisis visits in consumers by over 40%. Individuals who work with Certified Peer Specialists maintain their recovery longer. Their goal is to promote wellness, independent living, self-direction, recovery focus, enhancing the skill and ability of consumers to meet their chosen goals.

The many problems we raised and that were confirmed by the auditors also indicate a need for additional training of employers and ongoing technical assistance, as well as greater oversight and quality assurance by Milwaukee County. This is especially important to recognize given the County's commitment – which we share – to move to a community based system. Plans for redesign of the Milwaukee County mental health system include an expanded role for peer specialists. That is why this investigation is so important – for these services to be effective they must be of high quality, recovery based, with adequate oversight and quality assurance.

We are sending a letter of response to the audit for several reasons. We commend the Department of Audit for the eleven recommendations they have provided – we have some additional recommendations for your consideration. In addition, while we do not want to engage in a “he said she said”, we believe it is essential to clarify some areas of the report where information was incomplete or misleading.

ADDITIONAL RECOMMENDATIONS

In addition to the eleven recommendations provided by the Department of Audit, we ask you to consider these additional recommendations:

- 12. Recommendation: Improve Quality Assurance and Oversight for contracted services.** We commend the County for increasing community-based services and the use of peer specialists; however, in order for them to be effective, the quality of the services must be monitored and evaluated on a regular basis. The concerns addressed in this investigation clearly affirm that the current oversight and quality assurance for contracted services are not adequate. There should have been adequate oversight of contracted services to prevent these problems from occurring at all – or at a minimum to allow for early identification and resolution. Instead, serious concerns were shared with County administrators over three years with very limited action – the concerns were not comprehensively addressed.

We strongly encourage Milwaukee County to move forward with implementing the QA/QI Steering Committee, as recommended by the Mental Health Redesign Task Force. This committee should be charged with developing quality indicators for community-based services, as well as other services provided by BHD. These should include evaluations of consumer satisfaction, contract compliance, quality of life (e.g., independent living, meaningful life options); emergency detentions; discharge planning; person-centered planning and recovery orientation; cultural competency; trauma-informed care; and use of evidence-based practices. The Quality Assurance function must be adequately staffed and a firewall should be in place to ensure complete independence.

- 13. Recommendation: Provide training for providers on how to successfully hire and support peer specialists.** The recommendations of the Mental Health Redesign Task Force and the Human Services Research Institute strongly endorse an expansion of services provided by certified peer specialists. As a result, many agencies contracted by BHD to provide targeted case management (TCM) or Community Support Program (CSP) are moving forward with and hiring peer specialists for the first time. The role of a peer specialist is new to employers and it is essential to provide employers with the support and education they need to be successful and to avoid the serious concerns which were addressed by this investigation.

We recommend that BHD work with the Redesign Task Force and consumer groups to develop a plan for educating employers about the role of peer specialists. Such training should include the role and responsibilities of a peer specialist, information about required training and certification of peer specialists, employers responsibilities such as support on benefits concerns and accommodations; the requirement to inform employees about required grievance procedures and Whistleblower policies, and also more general training about recovery. Resources for such training include the Wisconsin Peer Specialist Employment Initiative (<http://www.wicps.org/index.html>). Their *Employer Guide: How to successfully hire and support Certified Peer Specialists* is available at no charge and should be used as a resource for BHD staff working with peer specialists, as well as providers contracted with BHD.

- 14. Recommendation: Review County policies regarding whether county staff may serve on the board of agencies which have county contracts.** Having BHD leadership serve on the board of contracted provider raises concerns about a potential conflict of interest regarding contract awards, as well as possible lack of objectivity when serious performance concerns are raised about a provider, as they were regarding Our Space over a period of several years. During this same period of time, Our Space had staff from the BHD leadership team serve on their Board of Directors (some are listed on the attachments). Since BHD contracts with Our Space to provide

services to BHD clients, this could be a conflict of interest. We raised this concern with Directors Lucey and Colon when we met in December to discuss the concerns in the letter. Prior to our meeting, they had also become aware of this practice and also saw it as a potential conflict of interest. They asked their staff member to resign from the Our Space board. We urge the departments of Audit and Health and Human Services to review policies regarding county staff service on board of contracted agencies, to avoid potential conflicts of interest with agencies that have County contracts.

AREAS OF THE REPORT REQUIRING CLARIFICATION

There are several areas of the audit report where we believe further clarification is needed.

- A. The audit includes comments from the director of Our Space recommending that "individuals who write letters such as this one must meet face to face with the agency they are making complaints about".

Clarification: Each of us who signed on the November 30th letter received a response (attached) from Attorney John Dobroski, an Officer of Our Space, threatening legal action in retaliation for our letter. There was no request to meet and discuss the concerns. Our Space replied to our letter with threats of legal action – not with an invitation to meet. Historically, our agencies have each received complaints from peer specialists employed by Our Space over a period of several years. **Client confidentiality restricts our ability to share those complaints directly with Our Space unless the client requests that we do so.** All of the peer specialists who contacted us with complaints regarding Our Space expressed fear of employer retaliation if they made a formal complaint. Although we offered to assist these individuals by attending a meeting with them and their employer, or directly contacting their employer, none of the peer specialists who contacted our agencies gave us permission to do so. Instead, they agreed that we could confidentially share their complaints with the leadership of the Milwaukee County Behavioral Health Division, the agency which contracts with Our Space for peer specialist services. We shared these concerns with three BHD directors. Although the leadership expressed a commitment to addressing these concerns, little action was taken until recently. Director Paula Lucey did take action to address several areas of concern, including the use of stipends to pay some peer specialists. Director Lucey requested a meeting with the Our Space Executive Director to discuss a number of the concerns we had shared with BHD. She tried several times to schedule such a meeting. The meeting(s) did not occur because the Our Space Executive Director cancelled them. The December 2012 Health and Human Needs agenda included a proposal to renew the contract with Our Space for Peer Specialist services for two more years, and to increase the amount of the contract. We were disturbed by this proposal, given the serious concerns we had shared with BHD over several years. We again shared our concerns with Directors Colon and Lucey who encouraged us to formally submit these concerns. We did so in our November 30th memo requesting an investigation.

- B. On page 16 of the report, the Executive Director of Our Space "*questions the objectivity of Ms. Beckert of Disability Rights Wisconsin. Ms Beckert serves on the Board of Directors of the National Alliance of the Mentally Ill (NAMI) which is the agency most like to benefit from Our Space losing its Peer Support contracts.*"

Clarification: This is a serious allegation attacking Beckert's ethics and integrity and must be addressed directly. The allegation made by Our Space has no basis in fact. Our Space alleges that NAMI Greater Milwaukee (Our Space gives an incorrect name for the agency) seeks to compete for the contracts Our Space currently holds to provide peer support services at the Mental Health Complex and at supportive housing. This is not supported by the facts. NAMI Greater Milwaukee has never applied for a County contract to provide peer specialist services at BHD or community housing sites and has not indicated an interest in doing so. Most recently, in April 2012, BHD released a new RFP for a community agency to provide peer specialist services for BHD clients. A number of community agencies applied for this contract, including Our Space;

NAMI Greater Milwaukee did NOT apply. Our Space further alleges that Barbara Beckert's motives in requesting the investigation of Our Space were motivated by her desire to get a county contract for NAMI rather than to ask the county to investigate the many complaints that DRW and other advocacy agencies have received from peer specialists regarding Our Space. Since NAMI Greater Milwaukee has not applied for such a contract, this accusation has no basis in fact. The facts are that Barbara Beckert and Disability Rights Wisconsin have been directly contacted by peer specialists employed by Our Space who shared the very serious concerns reported in the November 30 letter. Beckert's motivation in requesting this investigation was to address these serious concerns about quality, safety, and service delivery. As noted earlier in this memo, there has been concern about objectivity and potential conflict of interest concern related to the contract with Our Space - BHD leadership serving on Our Space board over a number of years until that practice was recently halted by HHS/BHD leadership.

- C. The report references "Concern No 5" regarding a supportive work environment (p. 10) and "Concern No. 6" regarding punitive treatment of staff who share serious concerns.

Response: We acknowledge the efforts made by auditors to explore these concerns, and urge you to implement recommendations 5, 6, and 7 regarding the very recently enacted Written Grievance and Whistleblower policies. However, we believe there were barriers which made it difficult for Audit staff to fully address this topic. We respect the expertise of Audit staff but it lends itself best to traditional audit concerns – clear cut issues regarding finances, whether background checks are being conducted and documented, whether an agency does or does not have a grievance policy, etc. It requires a different approach to assess more subjective concerns about a supportive work environment and staff fears of employer retaliation if complaints are shared.

We had an opportunity to meet with staff from the Department of Audit and Contracts Administration on February 22, 2012 to discuss our November 30th letter. At that time, we strongly emphasized the fears that peer specialists employed by Our Space had expressed to us of losing their jobs or being otherwise penalized if they shared concerns with management. Two members of our groups are peer specialists who were formerly employed by Our Space, one in a supervisory role, and could testify to their personal experience where staff were rebuked and/or penalized for raising concerns. We offered several recommendations including the following:

- Due to anxiety that peer specialists may have about disclosing work place concerns, precautions should be taken to provide a safe confidential setting for them to speak, outside of the work place. This importance of these precautions is especially important because many peer specialists are trauma survivors.
- Communications about the investigation should come from an independent third party and not from Our Space.
- Peer specialist should be contacted in advance about the request to participate in an interview, and have the opportunity to designate a "safe" location of their choice and if they wish to have a support person accompany them the interview. Holding interviews at the work place was strongly discouraged because of concerns it would limit full disclosure.
- It would be ideal to have someone with expertise in peer support and trauma informed care conduct these interviews and/or be present or at a minimum provide guidance on how to structure the interviews in a manner that would limit trauma and encourage disclosure. We provided the need names of two state experts (Alice Pauser and Lalena Lampe) who were willing to provide free technical assistance and/or participate in interviews.

When we shared these suggestions at the February meeting, there was a very positive response from Audit staff and we were encouraged that the recommendations would be incorporated in to the investigation. However, based on what we have heard informally from some of those interviewed and from Audit staff, it appears that these recommendations were not implemented; Interviews did occur at the job site and some peer specialists reported feeling uneasy about this and unwilling to speak openly in the work place. Some expressed concern about losing their job. State staff with expertise were not consulted with to design the interviews in a way that would

limited trauma and encourage disclosure. We believe that to the extent these practices were not implemented, it constrained the ability of some peer specialists to speak openly about their concerns and to get the most complete information to inform this investigation. We understand that peer specialists were given a number if they wished to call afterwards with concerns and wanted to acknowledge that as a good practice.

If future investigations of this nature are conducted with mental health consumers, including peer specialists, we urge you to reconsider these practices, including conducting interviews at the workplace, as it may limit the ability of employees to speak openly about work place concerns. **We suggest consideration of contracting with an independent agency with expertise in serving mental health consumers and trauma informed care to conduct these interviews.** Milwaukee County currently contracts with Vital Voices for Mental Health to interview service recipients, so there is precedent for this model.

NEXT STEPS

Thank you again for taking our concerns seriously. We urge you to move forward with the recommendations provided by the Department of Audit and also hope you will consider and implement the additional recommendations provided in this memo. We look forward to meeting with you to discuss all of the recommendations and explore how we can work together to enhance the quality of services provided by certified peer specialists and ensure greater independence and better lives for people with mental illness.

Cc: Marina Dimitrijevic, Chairwoman, Milwaukee County Board of Supervisors
Milwaukee County Board of Supervisors
Chris Abele, Milwaukee County Executive
Amber Moreen, Chief of Staff, County Executive's Office
Scott B. Manske, Milwaukee County Comptroller
Paula Lucey, Administrator, DHHS-Behavioral Health Division
James Mathy, Administrator, DHHS-Housing Division
Joan Lawrence, Executive Director, Our Space
Kelly Bablitch, Chief of Staff, County Board Staff
Carol Mueller, Chief Committee Clerk, County Board Staff

ATTACHMENTS

November 30th Letter regarding Peer Specialist Contract with Our Space

December 2nd letter from Attorney John Dobroski, Office of Our Space

List of Our Space board from 2009 990

List of Our Space board on 2011 letterhead