

Chairperson: Kathie Eilers
Research Analyst: Kate Flynn Post, (414) 257-7606
Board Liaison: Jodi Mapp, (414) 257-5202

**MILWAUKEE COUNTY MENTAL HEALTH BOARD
GOVERNANCE AD HOC COMMITTEE**

Friday, November 19, 2021 – 1:00 P.M.
Teleconference Meeting

MINUTES

PARTICIPANTS: Kathie Eilers, Walter Lanier, Thomas Lutzow, Mary Neubauer, and Maria Perez

SCHEDULED ITEMS:

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| 1. | <p>Welcome.</p> <p>Chairwoman Eilers welcomed everyone to the November 19, 2021, Mental Health Board Governance Ad Hoc Committee remote/virtual meeting.</p> |
| 2. | <p>Policy and Procedure for Mental Health Board Sanctioned Participation in Mental Health or Substance Use Treatment External Efforts.</p> <p>The Board's Research Analyst reformatted the information provided by Corporation Counsel and entered it into Polycystat. The policy is clear, concise, and just makes sense. The tone is one of partnership and dialogue, which will serve the organization well.</p> <p>The Governance Ad Hoc Committee unanimously, except for Committee Members Lanier and Neubauer who were not present when the recommendation was made, agreed to recommend approval of the Policy and Procedure for Mental Health Board Sanctioned Participation in Mental Health or Substance Use Treatment External Efforts to the Board.</p> |
| 3. | <p>Mental Health Board Self-Assessment Report and Analysis Follow-Up Items.</p> <ul style="list-style-type: none">• Clarification of the Legal Responsibilities and Potential Liabilities of Governance <p>This topic ties into the Board's self-assessment. It ranked high because Board Members indicated they don't have a full understanding as to their legal responsibilities. The Board's responsibilities are limited but protected. The initial ACT 203 memo/legal opinion written by Corporation Counsel will be reviewed by the Board's Research Analyst. The Committee isn't expecting any new or different information. The initial legal opinion should have been used as resource material to produce the document associated with this report. Both memos from Corporation Counsel will be considered at the Committee's next meeting, which will be held in early 2022.</p> <p>It is important the Board is precise as possible and not overreach its statutory authority. Corporation Counsel's memo prepared for this meeting did provided clarity. However, there is</p> |

SCHEDULED ITEMS (CONTINUED):

still the question of fiduciary responsibility. It is not clear based on their memo. According to the Human Services Research Institute (HSRI) report, the Board does have this responsibility. The question is whether this specific language is in the statutes. The area of fiduciary responsibility will be reviewed by the Research Analyst and made as an informed part of the discussion at the next meeting.

Committee Members raised concerns regarding changes made to the statute related to the dismissal of the Behavioral Health Division (BHD) Administrator. There should be a formal annual written evaluation and review of the Administrator's effectiveness in the role coming from the Mental Health Board put in place within the governance rules. The BHD Administrator's work performance evaluation needs to have input from the Board. Input should be provided unilaterally as part of the Board's own record with copies to be delivered to the other parties, which include the Administrator, Director of the Department, and the County Executive, and must be taken into consideration. The Board should not be silent. This needs to be included in the Board's responsibilities, whether it's to provide input into the evaluation of the Administrator or the Board conducts its own. It will let the Administrator's superiors know where the Board stands. The Research Analyst was directed to ensure this is included in the Board's responsibilities document.

Once finalized, the legal responsibilities and potential liabilities document will be used as an onboarding tool for new members and for Board education. The Committee will request the Board Chairperson allocate time, no longer than fifteen minutes, for such items on the Board's agenda for Board education.

- **Mental Health Board Training Requirements Related to the Medicaid Contract**

It was reported there is nothing listed in the contract pertaining to Centers for Medicare and Medicaid Services (CMS) requirements for Board training. The Board does need to pursue opportunities, as it moves through the self-assessment results connected to training, to train and educate themselves on fraud, waste, and abuse. As it relates specifically to the Medicaid contract, there was nothing found indicating this is a requirement. The Committee agreed the fraud, waste, and abuse piece should be made part of Board education. There will be a follow-up report on this at the next meeting. Committee Member Lutzow will also follow up with a definitive answer to whether the Wraparound contract requires governance training.

This Item was informational.

SCHEDULED ITEMS (CONTINUED):

This meeting was recorded. The official copy of these minutes and subject reports, along with the audio recording of this meeting, is available on the Milwaukee County Legislative Information Center.

Length of meeting: 1:07 p.m. to 1:35 p.m.

Adjourned,

Jodi Mapp

Jodi Mapp

Board Liaison

Milwaukee County Mental Health Board

**The next meeting of the Milwaukee County Mental Health Board Governance Committee
Will be scheduled at the Call of the Chair**

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