



State of Wisconsin

Wisconsin Council on Mental Health

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MEETING OF THE LEGISLATIVE AND POLICY COMMITTEE

January 14, 2016, 12:30 pm - 3:00 pm

1 West Wilson Street, Conference Room 630, Madison, Wisconsin

Members of the Legislative and Policy Committee (LPC) in Attendance: Joanne Juhnke, Mike Bachhuber, Justin Odulana, Dori Richards, Crystal Hester, Barbara Beckert, William Parke-Sutherland, Kit Kerschensteiner, Mike Lappen, Shel Gross, Britt Cudaback

Department of Health Services (DHS) Staff in Attendance: Mike Derr, Kay Cram, Joyce Allen, Dan Kiernan

Guests in Attendance: Marc Herstand

Minutes

Item 1: Call to Order

Introductions

S. Gross noted that there currently are 13 committee member seats filled. Carol Keen is no longer on the committee, Stacy Paul has stepped down and Tracey Hassinger may not be able to continue serving.

Review and approval of minutes of December 10, 2015

S. Gross suggested last two sentences of first full paragraph on page 2 be moved to the above paragraph. S. Gross also pointed out several spelling and wording errors on page 3 to be corrected. D. Richards noted that in first full paragraph on page 3, beginning of 4th sentence should read, "There are *nine* peer support specialists..."

J. Odulana moved to approve the minutes.

B. Cudaback seconded the motion.

Motion carries, minutes of December 10, 2015, modified as proposed by members, are approved.

Announcements

J. Juhnke referenced a series of articles on children's mental health that are running in the Appleton Post-Crescent over the next three months. S. Gross: The Gannett papers is holding several town meetings in conjunction with this effort. On 5/5/16, findings from those meetings will be presented to legislators at the Overture Center in Madison. W. Parke-Sutherland: Solstice House (Peer Respite Center) opened in Madison on 1/4/16, and has plans for meeting the needs of persons with physical disabilities. The third Peer Respite Center will be open in a few months. Also, GEP's Empowerment Days is scheduled for May 10-11th at the Concourse Hotel. Finally, GEP is holding a listening session on Re-entry Peer Specialists at the Mendota Conference Center on Jan. 26th.

J. Allen: DHS is funding a new position with ATI to help develop the parent peer specialist certification process. M. Lappen: Ozaukee Co. recently opened its sober living house, overcoming local zoning snag.

Item 2: 2017-19 Budget Priorities – Process Considerations

S. Gross reminded committee members that the committee must provide information and ideas to the full council on the process for establishing budget priorities. J. Juhnke said that the Children & Youth Committee can help with this at the May meeting. Committee members reviewed the handout *Bill Tracking Criteria and Process*. J. Odulana suggested deleting three words in the third bullet, Criteria for Tracking Bills section. C. Hester suggested deleting the 4th bullet in the Process section.

W. Parke-Sutherland moved to approve the *Bill Tracking Criteria & Process* handout, with above changes.

C. Hester seconded the motion.

Motion carries, *Bill Tracking Criteria & Process* handout is approved, with above changes.

S. Gross: Next month, this committee should start discussing what type of a process it wants.

Item 3: Legislative Tracking

S. Gross referenced handout listing six LRB bills: The first five are from the mental health reform committee, while the last (LRB 4095) is distinct from the others.

Review new bills for inclusion on bill tracking

1. The LPC discussed LRB 2028 (also AB 709), regarding creation of an individual income tax deduction for certain income earned from the practice of psychiatry. S. Gross will take the lead in monitoring the bill.
2. The LPC discussed LRB 2837 (AB 713), relating to access to and prior authorization for mental health services under the MA program. S. Gross noted that DHS has major concerns with both parts of the bill. Marc Herstand stated that the National Association of Social Workers (NASW) sees this bill as an issue, noting the great frustration levels with paperwork and turn downs. This bill is a step in right direction. For example, Minnesota doesn't even require prior authorization. S. Gross will take the lead in tracking this bill.
3. The LPC discussed LRB 2840 (AB 710), relating to stipends for WCMH. W. Parke-Sutherland will take the lead with tracking.
4. The LPC discussed LRB 2841 (AB 664), relating to permitting mental health services in school to be provided by outside clinics. J. Juhnke: The Department of Public Instruction (DPI) and the Division of Quality Assurance (DQA) jointly developed policy related to operations of a branch clinic operating in a school that is incorporated into the certification process. Wisconsin Family Ties (WFT) opposes this legislation and believes the bill can improve. Adopting the bill would run the risk of being able to track clinics altogether. J. Juhnke will lead efforts to track this bill.
5. LPC discussed LRB 3573 (AB 712), relating to certification of outpatient mental health clinics. M. Lappen will lead tracking of bill. He notes importance of someone looking at books every two years.

6. LPC discussed LRB 4095 (AB 667), which relates to procedures for investigating claims of abuse and neglect of children with disabilities. B. Beckert and K. Kerschensteiner made comments. B. Beckert will lead tracking of bill.
7. Also, LPC discussed AB 657, which would add \$1 million per year for additional TAD grants. M. Lappen noted that '16 grants will be much the same, while '17 grants will be competitive. S. Gross: this bill relates to AB 52. M. Lappen and S. Gross will both lead tracking of this bill.
8. Furthermore, LPC discussed LRB 3482 (AB 708), which addresses zoning for peer run respite centers, would permit them to be treated like community living arrangements. W. Parke-Sutherland will track.

Committee positions on Bills

1. LRB 2841 (AB 664) – M. Lappen: Council should abstain from voting, there are numerous positions on this bill, both pro and con. Several committee members suggested Council could point out both pro and cons of bill without taking position. J. Juhnke suggested that committee recommends Council should identify pros and cons of bill, identify concerns of moving ahead with current legislation, and suggest that DQA, DPI, providers and families all explore what concerns can be addressed under current regulatory approach.

J. Juhnke moved the committee recommend Council take action as suggested above.

C. Hester seconded the motion.

Motion carries, for the Council to take action on AB 664 as described above.

2. LRB 2840 (AB 710), (AB 708) and (AB 657) – W. Parke-Sutherland suggested that all three bills be lumped together in a motion recommending Council support of the bills.

W. Parke-Sutherland recommended that the Council support AB710, AB708, and AB657.

M. Lappen seconded the motion.

Motion carries.

3. The LPC discussed AB 667 relating to model procedures for investigating reports of abuse or neglect involving children with disabilities.

K. Kerschensteiner moves that Committee recommends Council support AB 667.

W. Parke-Sutherland seconded the motion.

Motion carries, to recommend that the Council support AB 667.

4. Regarding LRB 2028, C. Hester expressed mixed feelings about the bill. K. Kerschensteiner noted that if bill would be disincentive to practitioners to accept patients because they would lose MA benefits for taking the tax deduction, then Council shouldn't support bill. Members of the committee decided that the LPC needs more information before taking a position on LRB 2028.

Prior Bills Tracking

1. Regarding AB 52 K. Kerschensteiner noted that this bill would permit county and tribal TAD programs to work with certain violent offenders. She has heard that Atty. Gen. Schimel opposes this bill. S. Gross: MH Council supports this bill. M. Lappen: Some Ozaukee County persons fear that if

violent offenders are served, may lead to bad results. Committee decided that in the letter to Rep. Hutton, the draft will reference the Criminal Justice Coordinating Council, and the letter will “cc” Atty. Gen. Schimel.

2. AB 510 (Mental Health care for certain veterans) – M. Lappen: Bill seems to be “dead in the water.”
3. AB 414 (Medical Assistance Purchase Plan) – Committee members discussed whether retirement accounts would harm eligibility for services. S. Gross: The positives outweigh the negatives of the bill, so committee supports pressing forward with bill. Still need clarification on hardship measure.
4. AB 354 (reinstating 48 hr. waiting period for handgun purchases) – Nothing is happening with bill.
5. AB 568 (terminating tenancy for criminal or drug-related activity) – B. Cudaback: Opposes bill because it would allow landlords to provide 5-day notice to vacate based on mere suspicion of drug or criminal activity even if tenant suffers from substance abuse or mental health issue. C. Hester noted other problems with bill.

B. Cudaback moved that Committee recommends Council oppose AB 568.

W. Parke-Sutherland seconded the motion.

Motion carries to recommend that the Council oppose AB 568.

6. AB 480 – LRB 4414 would allow guns in K-12 schools. Relates to AB 480, which would allow concealed guns on college/university campuses. J. Odulana: Universities should be allowed to opt out from allowing concealed weapons.

J. Odulana moved that Committee recommends Council oppose AB 480.

C. Hester seconded the motion.

Motion carries to recommend that the Council oppose AB 480, M. Lappen abstains.

Item 4: Federal Legislation

SR 2646/S1945

S. Gross noted that WCMH opposes this bill. The Senate passed SB 993/HB 1854. Some discussion ensued on President Obama’s suggested restrictions on gun purchases for certain persons with mental health illnesses, whether he would enact via Executive Order. This is an area of concern. S. Gross suggested this proposal be included in February 2016 LPC agenda.

Smoking Ban in Public Housing

M. Lappen stated concern that this bill would be used by landlords as pretext for getting rid of tenants who may suffer mental illnesses. Perhaps bill could include a grandfather clause that protects existing tenants from being removed for smoking. The LPC took no action.

Item 5: DMHSAS Updates

J. Allen stated that the federal budget had recently passed, and includes new allocations for the CMHBG, however the exact amount is still unknown. Also, Congress increased the set-aside requirement from 5% to 10% for the Coordinated Specialty Care early intervention program. Congress has pushed

SAMHSA to enforce that the block grant be utilized to serve persons with Serious Mental Illnesses and Children with Serious Emotional Disabilities.

The DMHSAS is moving forward with Peer Specialist certifications, and is now expanding into developing Parent Peer Specialist certifications. The Division is also working on developing an Integrated Peer Specialist certification. The DMHSAS and partners are recruiting trainers for this new curriculum to provide train the trainers.

Item 6: Legislative and Policy Committee Membership

S. Gross noted the LPC currently has two openings and asked the committee about candidates to fill those vacancies. Seats could be filled by a representative from a statewide organization involved in advocacy, or by a service provider. B. Beckert suggested the LPC consider geographic and racial/ethnic/cultural background of candidates. Diversity of the Committee is important. W. Parke-Sutherland suggested that the Committee consider housing specialists and peer specialists.

S. Gross stated that his term on the WCMH expires 6/30/16, and he's not planning to request reappointment. As such the LPC will need a new chairperson who is a member of the WCMH. A new co-chair should be appointed who can then transition to be lead chair.

The LPC members indicated they want future meetings to also begin at 12:30 p.m. with morning meetings with DHS.

Item 7: Public Comment

No public comment was made.

Item 8: Adjourn

Meeting adjourned at 3:03 pm.