



State of Wisconsin

Wisconsin Council on Mental Health

1 West Wilson Street, P.O. Box 7851
Madison, Wisconsin 53707-7851

MEETING OF THE LEGISLATIVE AND POLICY COMMITTEE

May 14, 2015, 12:30 pm - 3:00 pm

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

Members of the Legislative and Policy Committee: Joanne Juhnke, Paula Buege, Annabelle Potvin, William Parke-Sutherland, Shel Gross, Mary Neubauer, Matt Strittmater, Kathie Knoble-Iverson, Justin Odulana, Mike Bachhuber, Tracey Hassinger, Barbara Beckert.

Department of Health Services Staff in Attendance: Kay Cram, Ryan Stachoviak, Maura Klein, Joyce Allen.

Guests in Attendance: Jolene Plautz, Dori Richards, Britt Cudaback, Carla Shedivy.

MINUTES

Item 1: Call to Order

Review and Approval of the meeting minutes of April 2, 2015

M. Strittmater moved to approve the minutes of April 2, 2015

W. Parke-Sutherland seconded the motion to approve the minutes of April 2, 2015

Motion carries, minutes approved. M. Neubauer and A. Potvin abstain.

Announcements

M. Neubauer announced Pieces: In My Own Voice, a production in Milwaukee, performed in Washington DC recently. S. Gross announced a forum on Evidence Based Approaches on Gun violence in two weeks which is sponsored by the Wisconsin Anti-Violence Effort (WAVE). W. Parke-Sutherland announced that Grassroots Empowerment Project (GEP) was selected again as statewide network to develop forensic peer specialist model in Wisconsin. The grant project will begin in October 2015.

Item 2: State Budget and Bills

S. Gross suggested that the Committee start by looking at what has been happening in the legislature. On Tuesday the Joint Finance Committee (JFC) modified the Governor's proposal regarding emergency detention (ED) procedures. The recommendation changed EDs in all counties to require an assessment by a mental health professional. This would have changed Milwaukee's policy to be in line with the rest of the state. The JFC approved the first part but took out the part regarding Milwaukee County at this point. The Legislative and Policy Committee (LPC) advocated removing all that language. The exact

impact is unknown which is concerning to advocates. M. Strittmater stated that there are still many unknowns. There is proposed one time money which would help support implementation. Looking down the road there are savings that can be achieved by this change, but counties often end up paying for the majority of these costs. M. Neubauer added that it was estimated under the original proposal it would cost Milwaukee County \$2.7 million to implement the changes. M. Strittmater stated that the original plan would have been very costly for counties. S. Gross noted that earlier today the JFC voted to not accept the changes to long-term care.

J. Juhnke discussed legislation which is a second iteration of something that was proposed by Senator Darling and Representative Kooyenga. The proposal, called the Opportunity Schools Partnership Program would allow charter school operators to take over failing public schools based on report card results. The Journal Sentinel published an outline of the proposal. The proposal entails that this takeover would remove certain schools from the Milwaukee Public Schools. This would be done under the authority of the County Executive, and would not have an elected board but an appointed one. A school would then be managed by a charter, or voucher school. This is problematic in that the teachers could be fired, and then could be re-hired but the teachers then could not form a teachers union. The voucher school would not need to abide by the Individuals with Disabilities Education Act (IDEA). The 20-30% of kids with special needs in these schools would lose all their rights, as well as the restrictions on seclusion and restraint which public schools must abide by. There are also questions regarding the use of exclusionary discipline. It is believed that this language will be included by the JFC in the budget. But as of yet no one has seen any of the statutory language. S. Gross asked if there are positions that should be considered regarding this proposed legislation. J. Juhnke stated that there are concerning things in this legislation and that it requires more discussion. Many do not consider that this is a budget item and that it should be proposed as a separate bill and allow for further discussion and comment. Action would likely need to be taken soon as the JFC will likely vote on the legislation early in the coming week. M. Bachhuber asked if the WCMH Executive Committee could meet prior to the WCMH meeting to allow for the WCMH to make a comment on this proposed legislation, as allowed in the WCMH by-laws. S. Gross stated as per the WCMH by-laws the Executive Committee could try to meet in the coming days.

M. Bachhuber moved that the LPC recommend that the WCMH Executive Committee meet and take a position against Opportunity Schools Partnership Program in Milwaukee Schools in the budget bill, as is timely and will be needed prior to next WCMH meeting.

W. Parke-Sutherland seconded the motion.

Motion carries unanimously.

P. Buege stated that JFC voted to excise the Office of Children's Mental Health section and will the Office will remain as is. The Office still does not have any operating funds. W. Parke-Sutherland asked if there is interest in introducing a bill to reconsolidate in the future? P. Buege stated that she did not believe so.

M. Bachhuber noted that the JFC considered transfer of the independent living program from the Division of Vocational Rehabilitation to DHS, there was concern regarding the language. The transfer will be occurring but with the language the Independent Living Council had requested. There are certain items regarding transportation which were pulled by the JFC but there are efforts being made to put together a compromise piece on transportation to address several of the problems.

J. Juhnke stated that the errata regarding the Children's Community Options Program (COP) did not address stakeholders concerns. Family support is all about family, the children's COP language was all about the children and the family was not mentioned. P. Buege noted that this could make it more rigid for supporting children at home. T. Hassinger noted the role of language and how important it can make or break legislation.

M. Bachhuber suggested that it could be of benefit to do training on legislation for the members of the LPC. This could help some of the newer folks understand some of the nuance of the legislative process. M. Bachhuber suggested that he could present for about 20 minutes at the next meeting, then more at the following meeting. T. Hassinger suggested a list of committees and resources would be helpful.

Item 3: Mental Health Reform Committee

The LPC reviewed the previous Mental Health Reform Committee meeting. This new assembly standing committee at the last meeting had presentations regarding criminal justice, seclusion and restraint, and veteran's issues. Other presentations included the Wisconsin Association of Family and Children's Agencies (WAFCA) and the Wisconsin Initiative for Stigma Elimination (WISE). S. Gross suggested the LPC discuss items the Committee wants to promote, and what the LPC would like to do in regards to advocacy with this committee.

M. Bachhuber suggested that the LPC propose language that would expand the meaning of community living resources to include peer run centers. In the last session of the legislature there was funding created for three peer operated respite centers in the state, designed to be houses staffed by peers who can help avoid raising a mental health crisis into a situation that would require hospitalization. Three of those centers were funded but only one has opened, the other two had local governments oppose the centers based on zoning patterns.

There are some possible solutions such as amending the Community Living Arrangement (CLA) legislation and zoning codes. S. Gross noted that DHS stated that they are constrained because these sites are their vendor agencies. S. Gross suggested that there could be a request from the Council to department to address. Request might include that they look at statutes, what are the concerns around zoning, talking to the folks around zoning. This may help identify if there is there a solution in statute or legal code, or are there other ways DHS can support these efforts. M. Bachhuber stated that there are analogous situations such as the fair housing act at the federal level was amended. CLA is narrowly defined, there could be American Disabilities Act (ADA) or Federal Fair housing Act are other options, but legal action would likely take a long time. These are the kinds of solutions which are potentially available, but as these are neighborhoods that are upset, the changes necessary could be problematic. W. Parke-Sutherland met with the zoning commissions of several cities. All have stated that there isn't any language in statutes to define what a Peer Run Respite is. All they state is that these appear to be CBRFs that don't want to become licensed. Commercial districts are locations where the Peer Run Respite may be allowed according to some communities' zoning laws. Madison is having a community meeting today to begin having a discussion to amend the Madison codes to allow for the peer run respite. P. Buege stated that working with a city to address zoning laws is probably a difficult avenue to pursue. This could be precedent setting as the future expansion of programs such as these is important. M. Bachhuber stated that a step that the LPC might need to be come up with is a definition that the stakeholders agree on and ask for legislation that could be incorporated into the law under the CLA

language. There may be other solutions that DHS could come up with but immediate action should be taken.

M. Bachhuber moved that the WCMH ask the DHS to investigate and explore solutions to the problems in legislature of peer run respites centers.

A. Potvin seconded the motion.

Motion carries, W. Parke-Sutherland abstains.

B. Beckert discussed Treatment and Diversion (TAD), stating that language change is required and TAD is another areas which could be addressed. S. Gross suggested another bill to promote could be one for stipends for consumers and family members. J. Allen noted that there is also a statutory barrier of language regarding the ability to provide stipends to people on councils/committees. S. Gross noted that stigma was identified as a priority of the LPC, as such it would seem as though the LPC should promote some action on stigma. W. Parke-Sutherland recommended that the WCMH encourage added funding to support people to become certified peer specialists. D. Richards asked whether there was money via DVR which would be available for peer specialist training. P. Buege stated that some people are depending on their eligibility. W. Parke-Sutherland stated that DVR is often only willing to pay for something that falls into a person's Individualized Employment Plan.

S. Gross summarized the topics raised by the Executive Committee:

1. Issues around expanded community living arrangements to include Peer Run Respite
2. Individualized Placement and Supports (IPS)
3. Treatment Alternatives and Diversion (TAD)
4. Stipends for Consumers and Family Members
5. Stigma
6. Funding for Peer Specialist Training

Item 4: DMHSAS Updates

CCS Rollout

J. Allen discussed CCS rollout, an approach for people with needs for people with greater than outpatient. Expansion would allow for counties to receive funding. If they come together in a regional model the counties would not have to pay for the matched share which would be paid for by the State. Current expansion is occurring. At this point working a lot with those areas where they did not have a CCS program in the region before. DMHSAS staff have been on the road providing technical assistance getting their programs running and getting people involved. Staff are making sure that there is the full array of services which CCS offers. Also note that it does take time to form the regions, counties have to build those relationships and learn how to do this together. There are currently 23 regions. B. Beckert asked what are the expectations being placed in this service by the Counties as part of providing this service. J. Allen stated that they are required to do a functional screen on an annual basis, parts of

which will be included in a report. The Division of Quality Insurance also visits any site with a provisional certification.

Regarding CRS, the Department has submitted a new state plan amendment. Federal law changed, now services have to be state-wide. The DMHSAS is trying to find a new authority to operate the program and is now hoping to place the service under 1905a. There is hope is that this will provide services to a wider group of people.

M. Strittmater stated regarding CCS expansion, the La Crosse region has been able to serve 90 additional children and 40 adults because the change is at no additional local cost. It is very complicated to run the program across county lines, but there are many benefits. The regional pilots are on track, the DMHSAS is not quite ready to fully implement the core list of benefits across the regions. The Medicaid system is not ready to accommodate at this point.

Item 6: Public Comment

No public comment.

Item 7: Adjourn

Meeting adjourned at 3:30pm.