



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

August 13, 2015, 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: Crystal Hester, Paula Buege, Mike Lappen, Barbara Beckert, Justin Odulana, William Parke-Sutherland, Joanne Juhnke, M. Bachhuber

Members of the LPC Attending Via Conference Call: M. Lappen, B. Beckert

Department of Health Services (DHS) Staff in Attendance: Ryan Stachoviak, Kay Cram, Joyce Allen

MINUTES

Item 1: Call to Order

Review and Approval of the meeting minutes of July 9th, 2015

W. Parke-Sutherland moved to approve the minutes of July 9th, 2015.

J. Juhnke seconded the motion.

Motion carries, M. Neubauer, J. Odulana abstain.

Announcements

M. Neubauer announced at the September 8th meeting of the Milwaukee Mental Health Taskforce the Karen Avery Award will be presented.

J. Juhnke announced that the Children and Youth Committee (CYC) is planning to make changes to the chairs. J. Juhnke will be chair beginning in September, and R. Immler will be stepping down and will be replaced by Bonnie MacRitchie in January.

C. Hester stated that there will be a public hearing on August 17th regarding AB212. The bill is regarding filing for unemployment benefits. Taking a closer look there are many unintended consequences that could impact the disability community. Errors or mistakes could be taken as an act of concealment. Two consecutive mistakes would make the individual unable to apply for 7 years. SB140 is circulating through the Senate as well. B. Cudaback noted that there a bill in development which would prohibit someone with 3-5 DUIs from having a license for 10 years.

Item 2: Mental Health Reform Committee

W. Parke-Sutherland stated that discussions with the Mental Health Reform Committee have focused on Peer Run Respite. Zoning issues have been of key importance. There are meetings scheduled with

Representatives Tittl and Jagler to continue discussing these issues. It would be helpful to have someone from the LPC or the WCMH attend the meetings. The Fox Valley Peer Run Respite is open and has had 33 visitors so far and there has been a great deal of interest.

B. Beckert asked that the LPC discuss the Wisconsin Hospital Association behavioral health care legislation which is being developed. It would be beneficial to have a representative from the WHA come and talk about the plan at an upcoming meeting.

Bills of Interest

C. Hester noted that SB181, regarding treating to competency, requires additional detail regarding the time period which someone could be detained but so far nothing has been added to the legislation.

Regarding AB289 M. Bachhuber stated that it is important for EMS to have proper training and skills relating people with disabilities. C. Hester stated this bill very similar to AB249/SB210. The reasoning behind the bill is a desire for those who live in border regions to be able to receive services from across state borders. M. Bachhuber stated that training should be aligned for first responders. The bill should be paid attention to moving forward.

J. Juhnke discussed SB216 stating that the bill is another attempt to change the slide in reimbursement for school based aids. Schools are receiving less reimbursement for special education aids. Wisconsin is lagging behind other states. It is a positive bill, but strongly partisan and is unlikely to receive a hearing. The bill does have a fiscal estimate from the Department of Public Instruction (DPI). J. Juhnke will check in with Shel Gross to see what would be a good step to take regarding the bill.

M. Bachhuber would like to know more information regarding AB270. J. Allen stated that it is evidence based, meant to bolster someone's knowledge of AODA. M. Neubauer stated that training school board staff is an interesting concept. MH/SA issues are largely not understood among school boards, further education seems like it could be a positive. J. Allen stated Dr. Brown is the state expert along with Scott Caldwell of DMHSAS. Mr. Caldwell provides training throughout the state including with schools. It is unclear that in this bill how the training would be conducted. P. Buege suggested that the CYC look at this bill in more detail and if need be consult with Mr. Caldwell. More information regarding the bill would be beneficial.

J. Allen noted that there is the Safe Schools Healthy Students Grant program. A goal of the program is for schools to do screenings, rather than have schools refer students to the Criminal Justice System. It is hoped this would create there could be more referrals to the behavioral health system. A big part of this approach is to have a positive behavioral support framework. Culture change is a large goal of this effort.

J. Juhnke discussed AB239. There are voices on both sides on of the issue. What aspect of opting out of testing is a civil rights issues, or is requiring the testing a civil rights issue? The sense is that it is a partisan bill. This bill creates a right for students to opt out of testing. M. Bachhuber stated that there have been recurring issues regarding education and kids with SED and a lot of questions regarding voucher schools, testing, and responsibilities. Would it be beneficial to develop of a framework of a position statement regarding the needs of kids with SED? This position paper could then empower the WCMH to be proactive in addressing these issues. Issues of testing, privatization, charter schools, discipline, funding, seclusion and restraint, exclusionary discipline practices suggested as information

that could be provided in a statement. P. Buege recommended that the Children and Youth Committee take this position statement on to present to the WCMH.

C. Hester will work to get more information about SB198 from the bill authors. W. Parke-Sutherland asked if anyone knows more about SB181. CH stated that still working on identifying a timeframe for which someone can be held. As currently written the bill will not proceed. P. Buege recommended that the LPC continue to monitor the bill.

W. Parke-Sutherland questioned AB180, why does the bill focus on PTSD and pertain to a very narrow range of mental illness? C. Hester noted that this legislation could be a door for opening up legislation for other groups that could be addressed in the future. M. Neubauer stated that could be a door that opens for some things but could be something that closes doors as well.

Item 3: Federal Bills

J. Juhnke discussed a new bill which was introduced in the US Senate by Senators Murphy and Cassidy, SB1945, the Mental Health Reform Act of 2015. This new bill is different from the Barber bill which was introduced last session. This bill started with the text of the Representative Tim Murphy Bill, made changes, and removed certain elements. The big differences are assisted outpatient treatment portion is removed, provisions regarding Protection and Advocacy limitations are removed, reorganization of SAMHSA is less, and does not explicitly remove as much authority from SAMHSA leadership. The language defining Certified Peer Specialists, creating a medicalization from the T. Murphy bill, was retained. As it started with the T. Murphy bill, has carried over a lot of the medicalization and the medical definition of EBPs, and still exhibits a change from the recovery model approach. M. Bachhuber added that this bill does still seem to reverse the course of the precedent set in the New Freedom Commission from early 2000's but it is not as bad as the T. Murphy bill.

B. Beckert stated that it seems like a lot of the national organizations have not provided analysis of the bills and some have supported the bill. C. Hester stated that NAMI-Wisconsin had a different position on the bill than the national NAMI organization. W. Parke-Sutherland stated that some organizations have thought that by supporting the bill it would open the door for them to advocate for changes to the bill. P. Buege stated that the LPC will continue to look at the Murphy bills and it would be beneficial to have an analysis of SB1945.

Item 4: Other Committee Discussion

Online Criminal Records

M. O'Shasky stated that there are companies which take information from the Department of Corrections (DOC), post that information on their site, and then charge people to have the information removed from the site. These websites keep popping up. The information being taken off of the DOC website did not include residence nor is it always accurate. Some sites are now listing a person's residence. The sites do not state if the case was dismissed or if the person was acquitted. The information is often not up to date or accurate. The sites come across as an extortion measure. Sites are legal as they are pulling public information. But the linking of personal information is troubling. Other states have passed statutes allowing a citizen to ask the sites for their information to be removed without cost. There have also been some class actions suits but they have not made an impact. Many

of the companies are overseas which complicates matters. Some states also make it more difficult for people to access the records.

M. Bachhuber asked about the CCAP bill which would restrict the information available via that system. This is an issue that disproportionately impacts people with mental illness and could have a lot of abuses. J. Odulana noted that this is also a federal issue as criminal records can impact immigration. P. Buege suggested that given the failure of CCAP bill failure, a method could be similar to the laws passed by California. The extortion piece is very troubling.

W. Parke-Sutherland asked if this is something that could be brought up to the mental health reform committee in particular given their interest in stigma. An example of how stigma can impact people with MI. C. Hester stated that legislators Chris Taylor and Terese Berceau may be interested in developing legislation. B. Cudaback identified legislation which may address this problem which has been introduced. AB258/SB184 requires removal of information within 18 days without cost.

Item 5: DMHSAS Updates

Joyce Allen stated that the State is going through a new infrastructure/human resources training and staff are working hard to learn the new system. Lou Oppor, the Substance Abuse Section Chief has retired. The DMHSAS received a grant from SAMHSA to expand medication assisted treatment to serve rural areas which do not have access to opiate treatment sites. Some treatment sites were funded via legislation introduced by Representative Nygren. This funding will fund another region in the Sauk, Richland, and Columbia county area. Three northern regions utilize suboxone, and vivitrol, but also provide additional supports to stabilize people's lives and provide other therapies as needed. Funding is for roughly 1 million a year for three years.

The DMHSAS is also working on some other grants as well including the Project YES, transition age youth grant and the Veterans Outreach and Recovery Project. The state is also receiving additional technical assistance from Georgetown for wrap around services.

CCS and CST expansion and TA is ongoing. CST keeps bring on more counties. It takes time to get the network together, training, developing procedures. However, the DMHSAS is starting to see the outcomes of those efforts. J. Allen noted that DRW will be contracted with to provide more information to Wisconsin regarding parity.

Item 6: Public Comment

No public comment was made.

Item 7: Adjourn

Meeting adjourned at 3:00pm.