



State of Wisconsin

Wisconsin Council on Mental Health

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

MEETING OF THE LEGISLATIVE AND POLICY COMMITTEE

September 14, 2017 from 12:30 pm - 3:00 pm

1 West Wilson Street, Conference Room 630, Madison, Wisconsin and via Conference Call

Members of the Wisconsin Council on Mental Health (WCMH) Legislative and Policy Committee (LPC) in

Attendance: Christopher Wirth, Crystal Hester, Dori Richards, Joanne Juhnke, Justin Odulana, Karen Iverson-Riggers, Kit Kerschensteiner, Phil Robinson, Mike Lappen (via teleconference)

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

Guests in Attendance: H.J. Waukau, Mark Herstand

Item 1: Call to Order

Karen Iverson Riggers called the meeting to order at 12:36 p.m. Crystal Hester co-facilitated the meeting.

Review and approval of minutes of August 10, 2017

Minutes of August 10th, 2017 approved unanimously with minor amendments.

Announcements

Crystal Hester shared some upcoming events:

- National Mental Illness Awareness Week is the first week of October, 1-7. NAMI is facilitating a special "white board project" to put faces on social media. Distributing whiteboards to each of the Wisconsin NAMI affiliates, each includes the phrase, 'mental health matters because...' and a large blank space that can be filled in with a personalized message. For more details see the NAMI Wisconsin website: <https://www.namiwisconsin.org/miaw/>
- [NAMI Healing Art Show](#) set to kick off National Mental Illness Awareness Week for September 30, 2017.
- [NAMI Wisconsin's Young Professional's Event](#) is set for Thursday, October 26, 2017. The event is focused on young professionals and high school aged youth that are thinking about the workforce who are interested in getting involved in the nonprofit sector and networking. Attendees must register but the event is free of charge and free food will be served. Dori Richards indicated that she would like to get the word out to the deaf community. Interested parties can learn more about the event and register at the following webpage: <https://www.eventbrite.com/e/advocates-of-tomorrow-young-professionals-networking-event-tickets-36731137822?aff=es2>

Public Comment

H.J. Waukau, from the Wisconsin Medical Society introduced himself. He is a policy specialist representing physicians and doctors. The Society is in the process of creating a new mental health/behavioral health task force to reduce stigma and increase access. The Society regards it as critically important to have a strong connection with the LPC and DHS.

Item 2: Council Updates and Strategic Planning

WCMH Fall Tour

Karen Iverson Riggers reported on the WCMH Fall Tour in Madison. The Council heard from several Dane County programs including Chrysalis, Wisconsin Family Ties, Journey, SOAR, and Building Bridges (for school-based children age 4-8 that are not already connected to services). Additionally, the Council toured Cornucopia was briefed on the Combined Mental Health and Substance Abuse Prevention and Treatment Block Grant application.

WCMH Strategic Plan

Brief update on strategic plan in that LPC provided feedback on strategic plan as have other WCMH Committees. The Council may go in a different direction than the strategic plan, delving deeply into a single key issue for the year and deferring to the Committees to take the lead on other priorities.

WCMH Resignations

There have been a number of resignations from the Council. Karen Iverson Riggers is now the vice chair and is on the Nominating Committee. Vacancies on the Council include a provider seat as well as a person with lived-experience. Julie-Anne Braun, the previous Vice Chair, and Jacqueline Borthwick, a provider, resigned.

Future WCMH Meeting

It is planned that during the November Council meeting there will be more work on the strategic plan. There should be more information at the next LPC meeting

Item 3: Budget Priorities Status

Joint Finance Committee has finished their work on the state budget. Joanne Juhnke reported on updates since LPC last met, relevant to the education recommendations of the Children & Youth Committee. Joint Finance included some improvements to the school mental health section of the Governor's budget, with additional funding for school mental health partnership grants and some additional guidance on advisory structures for the grants. Joanne Juhnke and Phyllis Greenberger had participated with the Coalition for Advancing School-Based Mental Health in creating the proposed language for the amendment. Funding was also designated for student mental health consultation. Unfortunately, the special education categorical aid spending level remained frozen, though an increase for high-cost special education categorical aid was added.

In a surprise move, Joint Finance expanded special needs vouchers, a program to which the Council has been steadfastly opposed. The enrollment requirements for the program were loosened in ways that undercut the

voucher proponents' original justifications for the program; students will no longer need to have been denied open enrollment between districts, nor will they have to attend a public school in the prior year. These changes are estimated to transfer \$3.1 million from public school districts to private voucher schools across the biennium, about the same amount as the new school mental health grants will bring into the public schools. Further, the funding structure for the special needs vouchers will move to a cost-based system, such that if a private school spends less on a student than the standard voucher amount (currently \$12,000), they can claim the standard amount. However, if they spend more, they can submit their costs to DPI and be reimbursed at 100% of the first \$18,000 out of district funds, and 90% of costs beyond \$18,000 out of GPR. Since this new structure starts in the next biennium, no fiscal estimate was provided.

During the JFC meeting, Rep. Katrina Shankland expressed a number of the objections to the special needs voucher program that the Council and other organizations have raised for years, including the fact that private schools are not required to follow the Individuals with Disabilities Education Act (IDEA). Rep. Shankland also read a list of 20 organizations that expressed objections to expanding the program via enrollment requirement or funding structure changes, including Mental Health America of Wisconsin, NAMI Wisconsin, and Wisconsin Family Ties.

Justin Odulana requested an update on AB288. Members of the LPC discussed budget priority updates and a list of bills pending.

Item 4: Legislative and Policy Updates and Discussion

State Legislation

A motion was approved with support of Children and Youth Committee that was in opposition to conversion therapy. Joanne Juhnke asked if the Council gave direction on what the Council wanted to do with affirming this. The Council had a motion to write a letter of support.

New Bills to Review and Approve

AB355: The state Public Defenders office made contact via email regarding this bill which is related to scheduled narcotics. Wisconsin Children and Families had testified. Kit Kerschensteiner suggested that this was a re-work of a bill that was floated last year. Dori Richards, questioned the relationship to mental health, scheduled narcotics could be viewed as abuse or neglect. There was the issue of whether they were prescribed or not. Phil Robinson suggested that it may be tied to neonatal abstinence. Kit Kerschensteiner indicated that the legislation could lead to being charged with felony for neglect, if one interferes with the opportunity for education or if one fails to protect from exposure. It could set-up adults who are involved in county systems for another ensnarement in legal charges with vague definitions (e.g., 'interfering with opportunities for education"). Members of the Committee had consensus to add this to the bill tracker. Phil Robinson agreed to track the bill. There was a hearing on the Senate side but not yet the Assembly. Crystal Hester will send the contact at the Public Defender's office to Phil Robinson.

AB434: Relating to workers compensation claims by certain public safety employees for PTSD. As it was explained to Crystal Hester, it makes it easier to file for workers comp, in that they don't have to have sustained a physical injury. Kit Kerschensteiner explained that in tort situations, an injury claim cannot be merely based on emotional injury. It is a question of how much time/energy the Committee wants to invest in this. Dori Richards

suggested this might be a lower priority item. The Criminal Justice Committee (CJC) had discussed the related concerns of high burnout and suicide at a meeting where there was not a quorum. It may be a better fit for the CJC.

Members of the LPC discussed several Criminal Justice Bills (AB 465, 466, 467, 468). Joanne Juhnke explained they are all democratic bills introduced by Leon Young and David Crowley (of Milwaukee). The consensus of the LPC was no to track these bills.

AB 465 would move all remaining juvenile justice facilities—Lincoln Hills and Copper Lake—over to Department of Children and Families (DCF) from the Department of Corrections (DOC). AB466 would ban solitary confinement for breaking facility rules; AB 467 would require prescription medications in a juvenile facility would need to be dispensed by a nurse; AB 468 would require a Type 1 juvenile facilities (i.e., secure lock up like Lincoln Hills or Copper Lake) to be located in Milwaukee County. Kit Kerschensteiner explained that Milwaukee wanted to have a facility closer to the city. There is a statute now that says you have to have a facility north of some particular line (thus in Irma). Karen Iverson Riggers asked Mike Lappen about the bill. Mike Lappen explained that he had not been involved in the discussion, especially with Hector leaving. Joanne Juhnke suggested that rather than the council making a specific recommendation, the approach might be to look to fund a stakeholder process with a five-year horizon; in the nearer term, have a consultation with Lincoln Hills and Copper Lake. Kit Kerschensteiner mentioned that it could be taken further to move away from a prison-based orientation to something more like the Missouri model, noting that if there were to be another prison built, then there is an impetus to keep it filled. Rather a task force to focus on getting rid of all of the antiquated facilities would be the best, rather than doubling the facilities. It is understandable that Milwaukee would like the youth closer to families but what could be done to make that happen short of creating another prison type facility.

Kit Kerschensteiner suggested that the bill regarding solitary confinement, in light of the lawsuit and prescription medication, are bound up in a settlement so there may not be any latitude for legislation in light of the pending court case. Joanne Juhnke also indicated that it would be reasonable to hold back on this legislation given the current situation.

AB 393 is regarding limiting restraints of pregnant women. The CJC is tracking the bill. The bill originated from Taycheedah Prison cases and then an incident where a baby died in the Milwaukee County Jail. The LPC consensus was to let the CJC put a motion forward regarding the legislation.

Members of the LPC discussed LRB 3435. Notice was sent to Crystal Hester from Ryan Stachoviak regarding Rep. Janel Brandtjen of a Legislative Reference Bureau analysis of a bill to allow an officer trained in Crisis Intervention Team (CIT) to provide a “crisis assessment” in an emergency detention situation as required under Chapter 51. Apparently, the proposed legislation was at the suggestion of the Menominee Falls Police Chief.

The Senate appropriations committee has approved the bill to restore the Mental Health Block Grant (MHBG) back to the prior year’s level, thanks to advocacy of many including the members of the WCMH. Several of the state NAMIs have written to the congressional delegates. Shel Gross was working with the Mental Health America affiliates around the country. The House appropriations committee had approved the reduced level.

Apparently the full House has voted on the appropriations package, which may well include the recommendations that the appropriations committee had approved.

Bill Tracking Document

LRB 0504 was circulating for sponsorship, and just passed the deadline. Members of the LPC discussed legislation introduced by Rep. Romaine Quinn at the behest of very persistent constituent on the Autism spectrum who had a negative interaction with law enforcement. The bill would allow for an alert to law enforcement that the person has an invisible disability in the computer system of DMV. The issue is not the diagnosis that the person has, but rather that an individual has communication issues. The bill took language from an Illinois initiative according to Kit Kerschensteiner. The proposed alert in computer records would be voluntary but the alert wouldn't be accessible until the law enforcement agency already had examined a driver's license or state identification, after an interaction had already been initiated. It could potentially heighten liability of a law enforcement agency. There is no provision for funding any training of law enforcement agencies. Phil Robinson suggested a more self-directed approach rather than handing a "card" over to law enforcement. Apparently, it looks like the bill will move quickly through the legislature. Since the WCMH will not meet until November, it was suggested to refer this proposed legislation to the Executive Committee for further consideration.

Crystal Hester noted that there is Crisis Intervention Team training in Wisconsin but asked about the reverse, to teach consumers how to interact with law enforcement. Dori Richards indicated that Denise Johnson provides training to law enforcement on how to interact with deaf and hard of hearing. With respect to deaf persons, Dori Richards' perspective that effectively handing a card through a window in a traffic stop would have virtually no effect on overcoming communication barriers. Justin Odulana recommended that the bill should be looked at further. Karen Iverson Riggers indicated that a motion was not required, that it could be discussed by the Executive Committee.

Joanne Juhnke had to leave the meeting at 2:03 p.m. but Karen Iverson Riggers indicated that there still was a quorum.

Regarding AB481/SB390 Shel Gross sent a thank you letter out on behalf of the Council on the Family Court Bill.

AB 288 regarding licensing, Chris Wirth attended the hearing in the morning, but there was 7-8 hours of testimony. Issues brought up were around the process of appointment of the committee that oversees the license of the applicants or whether the license should be deregulated. Mark Herstand noted that he spoke to the lead legislator about concerns: 1) totally partisan board, conservative anti-regulatory; 2) no public hearings; 3) a comment period as opposed to a public hearing.

There was a budget bill that would empower the Department of Safety and Professional Services to study all of these licenses to send a report. Mark Herstand will recommend to his board that they oppose this. The proposal is not bipartisan and has had no public hearings.

Members of the LPC discussed SB295. Chris Wirth indicated that the bill would require a review of all administrative rules, sun setting all rules every seven years unless a re-adoption is done according to the

language in the bill. It was not known what the language was around the re-authorization process. Thirteen groups are registered in favor of the legislation.

Regarding AB 296 Kit Kerschensteiner indicated that the bill requires DSPS to establish and maintain a self-certification registry to use the title, "state certified" deeming an individual as certified by an organization that the state approves of as a certifying body. An individual considered "licensed" would include individuals in self-certification directory.

There was consensus to track SB295 and SB296 Chris Wirth and Tammy Conrad will track it as well. Kit Kerschensteiner agreed to take this issue on since Disability Rights Wisconsin (DRW) has already testified against SB 295

Item 5: Division of Care and Treatment Services (DCTS) Update

Joyce Allen provided an update regarding Public Meeting Notices. As of September 1, 2017 under Executive Order 235, public meeting notices are now posted on Publicmeetings.wi.gov. Effective October 1, DHS has eliminated prior authorization for FFS for MH/SUD outpatient mental health services. In-home and child and adolescent day treatment wasn't affected. The Annual Crisis Intervention Conference will be held September 28-29, 2017 at the Kalahari. World renowned suicidologist, Dr. David Jobes will have the leadoff keynote among many other relevant offerings. Dan Kiernan has been promoted to Section Chief overseeing behavioral health in the Division of Medicaid Services, reporting to Rachel Currans-Henry.

Item 6: Future Agenda Items

Agenda items that were noted:

- Invite Dan Kiernan to the October Meeting.
- Lethal Violence Protection Order gives the family to seek a court injunction to have the gun removed from the home.
- Gun self-registry. Rep. Melissa Sargent wants to have a self-registry to allow for voluntary removal of guns from the home, without court involvement.

Item 7: Adjourn

Karen Iverson Riggers adjourned the meeting at 2:37 p.m.