



## **HHS – SUBCOMMITTEE ON LME GOVERNANCE**

**May 14, 2012**

**Room 643, Legislative Office Building**

The Subcommittee on LME Governance met on Monday, May 14, 2012 at 3:00 P.M. in Room 544 of the Legislative Office Building. Representative Pat Hurley served as Chair of the meeting. Members present were: Mark Botts, David Bullins, Robert Carruth, Connie Cochran, Laurie Coker, Yvonne Copeland, Johnnie Ray Farmer, Dr. Craigan Gray, Senator Fletcher Hartsell, Bob Hedrick, Steve Jordan, Dr. Beth Melcher, Foster Norman, Holly Riddle, Pam Shipman, Gordon Simmons, Rebecca Troutman, and Rosemary Weaver. Representative Verla Insko was also in attendance.

Dr. Pat Porter, Shawn Parker, Jan Paul, and Rennie Hobby provided staff support to the meeting. A Visitor Registration Sheet is attached and made a part of the minutes. (See Attachment 1)

Representative Pat Hurley served as Chair of the meeting in Chairman Nelson Dollar's absence. She called the meeting to order and welcomed members and guests. Representative Hurley turned the meeting over to Dr. Porter who facilitated the meeting.

Dr. Porter stated that Chairman Dollar wished to begin the meeting with several points. Reviewing, she said the subcommittee was convened at the direction of the Health and Human Services Oversight Committee for the purpose of identifying and recommending remedies for those provisions in statutes that would serve as barriers to the successful operations of the Local Management Entity - Managed Care Organizations (LME/MCO). Dr. Porter explained that that members were selected and appointed to the subcommittee because the General Assembly wanted to be informed by the perspectives and knowledge of those who are engaged in the management, delivery and receipt of services and supports for citizens with Intellectual and other Developmental Disabilities, Mental Illness and Substance Abuse Disease, and who have an abiding interest in assuring that the system is efficient, cost effective, of highest quality and, most importantly, responsive to the needs and preferences of the individuals with these disabilities and their families. Dr. Porter then asked members to introduce themselves and to identify who they represent.

Dr. Porter said that the goal today was to walk through the changes being proposed to be made to state statute. The changes proposed are a product of discussions during the last 4 meetings and the input members have provided throughout the process. She said the final revisions would be provided to the Health and Human Services Oversight Committee tomorrow for their review and if they vote to accept the recommendations from the subcommittee, legislation would be submitted and would follow the regular legislative process through Committee meetings and finally to the floor of the House and Senate for votes.

Shawn Parker, staff attorney from the Research Division went through the bill draft of proposed legislative changes. (See Attachment No. 2) He explained that Sections 1 and 2, applies to the role of the counties regarding the provision of mental health, developmental disability, and substance abuse services; Section 3, addresses the structure of the governance board; Section 4, relates to Area Authority board training; Section 5, is a conforming change making the CFAC term consistent with the area board term; Section 6 and 7, relates to a single county or an LMEs ability to merge or to disengage; Section 8, addresses the financing and titling of area authority real property; Section 9, amends the powers and duties of the area authority; Section 10 relates to confidentiality of competitive health care information; Section 11, addresses personnel changes; Section 12, conforms some of the consolidated health service agencies or boards that are currently in existence; and Section 13, relates to guardianship.

Dr. Porter engaged members in a discussion of the proposed legislation section by section. Comments and concerns from individual subcommittee members included the following:

**Section 1:**

- Concern that the role of the county may be weakened rather than strengthened regarding the quality of life outcomes and the quality of services.
- Training needed for county commissioners.

**Section 2:**

- Broader categories needed for stability of board.
- Strengthening the role of the CFAC may be stretching a person's ability to handle the demands on their time.

**Section 3:**

- Concern regarding the specificity of the categories of board membership.
- Concern that every county may not have a county commissioner on the board.
- Request that the phrase in line 18 and 19 on page 3 in regard to the non-voting provider member "and shall only participate in Board activities that are open to the public" be stricken. "Nonvoting" status is adequate control.
- Concern that social services expert must also have experience in MH/I-DD/SAS.
- Suggestion that appointments should be consistent with the area board bylaws.
- Adequate controls needs to be put in place to see that there are not too many people representing one organization/business.

**Section 4:**

- Special training should be provided for those not expert in MH/I-DD/SAS.
- There should be training in system development.

**Section 5:**

- No comments.

**Section 6:**

- No comments.

**Section 7:**

- Concern if an LME fails or withdraws and happens to be where the headquarters of the LME is located.
- Issues concerning real property will need to be looked into.

**Section 8:** - No comment.**Section 9:**

- Concern expressed over whose responsibility it is if an LME fails.
- Confusion was expressed over whether the local business plan was the same as the quarterly report.
- Does the Secretary have the authority to waive the business plan in statute?

**Section 10:**

- Need to insert certain criteria which should be met before an MCO can expand certain business functions while in other areas they are weak. Process is not open. Citizens need more input.
- Concern with using the term “competitive health care information” when there is no competition.

**Section 11:**

- Acknowledgement that LME/MCOs must have the freedom and authority to recruit and hire those individuals with the appropriate skills to operate this complex enterprise.

**Section 12:**

- Concern for families and individuals with disabilities and the cost associated with participating as a board member especially when direct support cost must be covered or must pay for respite.

**Section 13:**

- Concern that social services should not hold all of the responsibility for guardianship in cases where a parent and child need guardianship.

The points presented by members of the Subcommittee were discussed and noted. Many of the concerns were resolved by acknowledging the importance of a skilled and knowledgeable Board with the active participation of consumers and family members who could provide the oversight and guidance necessary.

There being no further business, Representative Pat Hurley adjourned the meeting at 4:40 P.M.

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Representative Pat Hurley, Presiding Chair

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Rennie Hobby, Committee Clerk