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State Representative Joe Sanfelippo's public testimony on Assembly Bill 939

Chairman Tittl and committee members, thank you for holding a public hearing on AB 939, which relates to trustees of Milwaukee County mental health facilities, Milwaukee County Mental Health Board vacancies, and the administrator of the behavioral health division.

In 2013, Act 203 created the Milwaukee County Mental Health Board (MHB) which manages and oversees the Behavioral Health Division (BHD) in Milwaukee County. This board of 13 members, 2 of which are non-voting, is the policy-making body for behavioral health services in the County. The Mental Health Board and the new structure for the County BHD have operated for 3+ years and there is a need for some small tweaks to the operation. This bill changes 3 distinct pieces of 2013 Act 203.

1. Current law requires any county with a county hospital to have a Board of Trustees appointed to bear the fiduciary and management responsibility for the hospital. The bill removes that mandate only for Milwaukee as the Mental Health Board fulfills that role in the county.
2. Currently the law allows the MHB to dismiss the administrator with 8 votes of the board (a 2/3 vote) OR the County Executive can dismiss the administrator with the concurrence of a majority of the MHB. This bill will maintain the power of the MHB to fire the administrator and allow the County Executive to fire the administrator without need for board action. The bill aligns the dismissal power of the County Executive over the BHD administrator with all other cabinet department heads in the County.
3. There are 3 seats for voting members on the MHB which are appointed by the County Executive from a list of nominees submitted by the County Board. This bill places a 60-day deadline on the County Board to submit a list of nominees to the County Executive if any of those 3 seats are vacant. Should a list of nominees not be submitted in that timeline, the County Executive must appoint a new MHB member meeting the qualifications of the seat but that nominee need not be nominated by the County Board. This will ensure that the County Executive can act to appoint members of the MHB and not leave the board in an extended period with a lack of full membership as there is currently no timeline for nominations to be submitted.

The MHB has made significant progress on closing the BHD facilities and modernizing mental health delivery in Milwaukee County since its inception. Please join us in supporting these changes to the Mental Health Board.

Again, Chairman Tittl and committee members, thank you for holding a public hearing on AB 939. I'm happy to answer any questions you have on this proposal.

Alberta Darling
Wisconsin State Senator
Co-Chair, Joint Committee on Finance

Testimony before the Assembly Committee on Mental Health
Assembly Bill 939
Monday, February 19, 2018

Thank you Chair Tittl and committee members for hearing Assembly Bill 939. This bill makes technical changes to the administration of the Milwaukee County Mental Health Board.

Under current law, county hospitals are required to have a board of trustees. In 2014, the legislature passed Wisconsin Act 203 to create the Milwaukee Mental Health Board to oversee the mental health programs and services in Milwaukee County. Since its inception, the Mental Health Board has been acting as the board of trustees; however, current law dictates that they must also appoint an additional board of trustees.

Assembly Bill 939 clarifies that Milwaukee County does not need a board of trustees so long as the Mental Health Board is acting. The Milwaukee County Mental Health Board has already assumed all of the responsibilities of a board of trustees. Assembly Bill 939 removes red tape and ensures that the board does not have unnecessary statutory burdens.

In addition to codifying current practice into law, the bill modifies the procedure for filling vacancies on the board. Under current law, the board of supervisors can submit suggestions to fill vacancies for five of the 11 members of the Mental Health Board. Assembly Bill 939 requires the board of supervisors to give their recommendations within 60 days of a vacancy. If no suggestion is given, the county executive may fill the vacancy, so long as the individual meets the criteria for that board member position.

Finally, Assembly Bill 939 allows the county executive, the director of the Milwaukee County Department of Health and Human Services, or eight members of the Mental Health Board to remove the administrator of the behavioral health division of the Milwaukee County Department of Health and Human Services.

I would like to thank Representative Sanfelippo for his work on this bill. I hope to count on your support on Assembly Bill 939.



OFFICE OF THE COUNTY EXECUTIVE
Milwaukee County

CHRIS ABELE • COUNTY EXECUTIVE

AB 939 - MILWAUKEE COUNTY MENTAL HEALTH BOARD STATUTORY CHANGES

Testimony on behalf of Chris Abele, Milwaukee County Executive

Assembly Committee on Mental Health

Monday, February 19, 2018

Chairman Tittl & members –

Thank you for holding this hearing today on AB 939, providing for statutory changes to the Milwaukee County Mental Health Board (MCMHB). County Executive Chris Abele support this bill in its entirety. This bill contains three different policy changes which can clarify or make more efficient the operations of certain parts of the behavioral health work in Milwaukee County.

In 2013, Act 203 created the Milwaukee County Mental Health Board which manages and oversees the Behavioral Health Division (BHD) in Milwaukee County. This board of 13 members, 2 of which are non-voting; is the policy-making body for behavioral health services in the County. The MCMHB replaced the County Board as the policy-making board for behavioral health services. 2013 Act 203 was passed by a total vote of 123-2 in both houses.

WHAT THE BILL DOES & WHY

- 1) Current law, created long before the MCMHB, requires any county with a county hospital to have a Board of Trustees appointed to bear the fiduciary and management responsibility for the hospital. ***The bill removes that mandate only for Milwaukee as the Mental Health Board fulfills that role in the county.*** This requirement was pointed out by the statutory LAB audit of the MCMHB in 2017 and it is redundant to appoint a trustee board when the MCMHB fulfills that role.
- 2) 2013 Act 203, current law, allows the MCMHB to dismiss the administrator with 8 votes of the board (a 2/3 vote) OR the County Executive can dismiss the administrator with the concurrence of a majority of the MCMHB. ***This bill will maintain the power of the MCMHB to fire the administrator and allow the County Executive to fire the administrator without need for board action.*** The bill aligns the dismissal power of the County Executive over the Behavioral Health Division administrator with all other cabinet department heads in the County.
- 3) There are 3 seats for voting members on the MCMHB which are appointed by the County Executive from a list of nominees submitted by the County Board. ***This bill places a 60-day deadline on the County Board to submit a list of nominees to the County Executive if any of those 3 seats are vacant.*** Should a list of nominees not be submitted in that timeline, the County Executive must appoint a new MCMHB member meeting the qualifications of the seat but that nominee need not be nominated by the County Board. This will ensure that the County Executive can act to appoint members of the MCMHB and not leave the board in an extended period with a lack of full membership as there is currently no timeline for nominations to be submitted.

Thank you again for holding this hearing and your support and approval of this bill is encouraged.