

Northeast Michigan Community Mental Health Authority Board

Board Meeting [In-Person, Zoom, Uber Conference]

November 12, 2020

I. Call to Order

Chair Eric Lawson called the meeting to order in the Board Room at 3:00 p.m.

II. Roll Call and Determination of a Quorum

Present: In Person: Les Buza, Roger Frye, Eric Lawson, Gary Nowak, Gary Whuk
Via Zoom: Bob Adrian @ 3:05 p.m.
Via Uber Conference: Bonnie Cornelius, Judy Jones, Terry Larson, Pat Przeslawski

Absent: Albert LaFleche (excused)

Staff & Guests: Carolyn Bruning, LeeAnn Bushey, Connie Cadarette, Mary Crittenden, Erin Fletcher, Lynne Fredlund, Ruth Hewett, Cheryl Kobernik, Larry Patterson, Nena Sork, Jen Whyte

III. Pledge of Allegiance

Attendees recited the Pledge of Allegiance as a group.

IV. Appointment of Evaluator

Roger Frye was appointed as evaluator of this meeting.

The meeting was paused briefly due to technical difficulties with the Zoom connection audio.

V. Acknowledgement of Conflict of Interest

There was no conflict of interest to acknowledge.

VI. Information and/or Comments from the Public

No information or comments were presented.

VII. Educational Session – Compliance Report

Jen Whyte, Compliance Officer, provided an overview of the compliance program. She reports there are seven elements required by the Michigan Department of Health and Human Services via our contract. She reviewed each of the elements: 1. Code of Conduct Standards, Policies and Procedures; 2. Compliance Program Administration; 3. Training, Screening and Evaluation; 4. Developing Effective Lines of Communication; 5. Monitoring, Auditing and Internal Reporting; 6. Discipline and 7. Investigations, Documentation Process and Corrective Action Plans.

Jen Whyte informed Board members of their responsibilities related to compliance noting they are charged with reviewing the Compliance Plan and Code of Conduct, compliance related policies, and approving the annual compliance report. Board members, having the highest level of oversight of the program, are informed of matters related to the compliance program. Board members must comply with the compliance plan and abide by the standards of conduct in performing activities. She reports the Board receives training on the Deficit Reduction Act (DRA). This includes addressing False Claims Act, the Anti-Kickback Statute, the Whistleblowers Act and information about preventing and detecting Fraud, Waste and Abuse.

She reports staff must be provided information addressing State and Federal laws, the rights of employees to be protected as Whistleblowers and any related policies and procedures.

Federal False Claims Act is a Federal statute covering fraud involving any federally funded contract or program, including the Medicaid program. Jen gave definition of what elements are included in the Act. Examples – up-coding, billing for unnecessary services, billing for services not provided, billing for items or

services performed by an excluded provider and failing to repay overpayment within 60 days of identification.

Services documentation requirements – must have sufficiently detailed service description, documentation must be legible (if paper copies) and the Electronic Health Record (EHR) must be signed and dated with proper credentials by the rendering health care professional. It is imperative the begin and end times be recorded accurately for any codes being billed. Descriptions must be included with goals and objectives identified and must contain the current status of the individual served and future treatment recommendations.

Annual compliance reporting component include data mining and analysis of paid claims, audit performed, overpayments collected, identification and investigation of fraud, waste and abuse, corrective action plans implemented, provider disenrollment and contract terminations. The past fiscal year included audit of provider claims, clinical case reviews, discharge summary audits, staff training requirements, NMRE Delegated Function review, Home- and Community-Based Services heightened scrutiny review and the Medicaid Event verification. With staff reorganization at the NMRE, the Medicaid Event verification data will not be available until the end of November.

Jen Whyte reported the Agency had five disenrollments and/or contract terminations. Of this, one provider discontinued services due to COVID, one retired and one emergency placement did not work out. She reported related to compliance complaints – 14 were internal complaints and seven external provider complaints. Three correction action plans were required from internal and external providers each. The corrective action plans could be coding issues or documentation issues, which just required training of staff. There were no OIG reports this fiscal year.

Moved by Gary Nowak, supported by Gary Wnuk, to receive and file the Compliance Report as presented. Roll call vote: Robert Adrian, Les Buza, Bonnie Cornelius, Roger Frye, Judy Jones, Terry Larson, Eric Lawson, Gary Nowak, Pat Przeslawski, Gary Wnuk; Nays: None; Absent: Albert LaFleche. Motion carried.

VIII. Approval of Minutes

Moved by Roger Frye, supported by Gary Nowak, to approve the minutes of the October 8, 2020 meeting as presented. Roll call vote: Ayes: Robert Adrian, Les Buza, Bonnie Cornelius, Roger Frye, Judy Jones, Terry Larson, Eric Lawson, Gary Nowak, Pat Przeslawski, Gary Wnuk; Nays: None; Absent: Albert LaFleche. Motion carried.

IX. Consent Agenda

1. Contracts

a. Hospital Contracts

- i. BCA Stone Crest**
- ii. Cedar Creek Hospital**
- iii. Pine Rest Christian Mental Health Services**
- iv. Forest View Hospital**
- v. Havenwyck**
- vi. Healthsource of Saginaw**
- vii. Marquette General**
- viii. Mercy Health St. Mary's**
- ix. War Memorial**

b. Bay View Center

Moved by Roger Frye, supported by Gary Nowak, to approve the Consent Agenda as presented Roll call vote: Ayes: Robert Adrian, Les Buza, Bonnie Cornelius, Roger Frye, Judy Jones, Terry Larson, Eric Lawson, Gary Nowak, Pat Przeslawski, Gary Wnuk; Nays: None; Absent: Albert LaFleche; Motion carried.

X. FY20-21 Budget Amendment #1

Connie Cadarette reviewed the variances in the revenues in the proposed budget amendment noting the rents are affected as the lease for the clubhouse property will expire with us at year end and Touchstone will be assuming the lease so the rent income has been reduced. She noted COVID funding the Agency received in last fiscal year most likely would not be in play during this current fiscal year. Connie noted the last amendment had such a strange outcome due to COVID and the initial preliminary budget was actually based on a budget two years ago. There is nothing budgeted for the Behavioral Health Home as the funding for that program is still unknown. She noted there are some large variances in programs such as Autism due to the program transitioning to a contractual relationship versus providing in-house services.

Larry Patterson reviewed the capital purchase portion of the budget. He reviewed the HVAC and parking lot areas. He noted the computer equipment is considerably lower due to many of the purchases made in last fiscal year due to anticipated budget reductions in the new fiscal year.

Connie Cadarette reviewed the variances in the staffing portion of the budget. She notes there was a decrease of 7.38 FTEs which is quite modest considering the ABA program went contractual.

Moved by Gary Nowak, supported by Les Buza, to approve Budget Amendment #1 as presented. Roll call vote: Ayes: Robert Adrian, Les Buza, Bonnie Cornelius, Roger Frye, Judy Jones, Terry Larson, Eric Lawson, Gary Nowak, Pat Przeslawski, Gary Wnuk; Nays: None; Absent: Albert LaFleche. Motion carried.

XI. November Monitoring Reports

1. Treatment of Individuals Served 01-002

Pat Przeslawski noted the October meeting was rather lengthy due to the reports reviewed at the meeting. Ruth Hewett reported the complaints are running average. Gary Wnuk notes keeping numbers average under the challenging environment we are currently in is commendable.

2. Budgeting 01-004

Connie Cadarette reviewed the preliminary of the Statement of Revenue and Expense for month ending September 30, 2020. The column entitled "Budget September Year to Date" was copied incorrectly; however, the bottom numbers are accurate. Board members in attendance received a corrected copy of the report. Connie Cadarette noted the excessive funds in Medicaid indicated at the bottom of the report for almost \$2.5M are excess dollars, which have already been deducted from the report. She reported Northeast did receive \$40,000 in General Funds from another board and due to the way spend-downs were treated, we ended up with an excess in General Funds in the amount of \$37,803.

Gary Nowak thanked the Agency for returning the \$2.5M to the NMRE. It was noted the Agency did increase some expenses as ethically as could be to look forward and made needed purchases prior to the end of the fiscal year.

Connie Cadarette reported this report is preliminary and there will be some adjustments to this report as things are finalized. She noted the State has sent out directives on how some expenses must be classified. Larry Patterson reviewed the expense lines with large variances. He noted some of the variances will be adjusted when the final report is wrapped up as some items still need to be reclassified to other lines. He reported the Property & Liability line is due to the retainer fee established with the agency's attorney's new firm. He reviewed some of the late year maintenance expenses at a couple of our group homes. The Miscellaneous expense is driven by the State Facility services. Gary Wnuk inquired about the impact of the auto insurance changes this year and it was noted this is a self-insurance umbrella with a municipal agent.

3. Financial Condition 01-005

Connie Cadarette reviewed the Statement of Net Position and Change in Net Position for month ending September 30, 2020. This is also a preliminary report. She notes the days of unrestricted net position has gone down a bit due to the dollars we will be returning to the NMRE.

4. Ends 04-001

Nena Sork reviewed the monitoring report related to the Ends the Board established for last fiscal year. Mary Crittenden noted there were struggles in tracking the sub-end related to the individuals with co-occurring disorders. She noted this was something that required manual tracking. The service sub-ends are as follows:

Services to Children

1. A. 75% of all children who complete treatment (targeted case management, outpatient counseling, Home-Based Services and Wraparound) will show a 20 point decrease in CAFAS scores at the completion of service.

Status: 79% of children/adolescents met the sub-ends goals for the year.

Services to Adults with Mental Illness and Persons with I/DD

2. A. Development of two additional contract residential providers within our catchment area to increase capacity for persons requiring residential placement.

Status: Four local Adult Foster Care Homes were developed in this fiscal year.

B. Development of additional supported independent services for two individuals currently living in licensed Foster Care.

Status: Five individuals transitioned to living independently in less restrictive settings.

Services to Adults with Co-Occurring Disorders

3. A. 90% of those persons prescribed Buprenorphine for opioid dependence will have an objective in their plan of service addressing their substance use recovery goals.

Status: Of the 12 qualifying cases, eight individuals have objectives addressing substance use disorder/medication assisted treatment within their Plans of Service (67%). Factors contributing to this unmet goal are recent case holder changes due to staff resignation and an ongoing need for staff training on Plans of Services.

Financial Outcomes

4. The Board's Agency-wide expenses shall not exceed Agency-wide revenue at the end of the fiscal year (except as noted in 5.B)

Status: As of September 30, 2020, Agency-wide revenues exceeded Agency-wide expenses by \$309,348.

5. The Board's major revenue sources (Medicaid and Non-Medicaid) shall be within the following targets at year-end:

A. Medicaid Revenue: Expenses shall not exceed 100% of revenue unless approved in advance by the Board and the PIHP.

Status: As of September 30, 2020, Medicaid funds were underspent by \$2,196,243 and Healthy Michigan funds were underspent by \$294,125.

B. Non-Medicaid Revenue: Any over-expenditure of non-Medicaid revenue will be covered by funds from the Authority's fund balance with the prior approval of the board.

Status: As of September 30, 2020, General Funds were underspent by \$82,855. Of this \$45,052 will be allowed to be carried forward to FY21 and \$37,803 will be owed back to the State.

Community Education

The Board will provide community education. This will include the following:

6. A. Disseminate mental health information to the community utilizing available technology and at least one Report to Community annually.

Status: The Annual Report was completed in May 2020.

B. Develop and coordinate community education in Mental Health First Aid for adults and youth, trauma and the effects of trauma on individuals and families, suicide prevention, co-occurring disorders and the increasing violence in our society.

Status: Due to COVID, many of the scheduled trainings had to be put on hold. In keeping with the Stay Home, Stay Safe investigating options to provide training using technology, etc. is being sought. There was participation in many training in the first six months of this period and staff participated in the Alpena Suicide Prevention walk, Project Connects and Pop-Up Pantry. Nena Sork reported community education was continued with what was available in the COVID environment. Some trainings were converted to a virtual presentation versus in-person trainings.

C. Support community advocacy.

Status: A staff member has been working with the local NAMI Formation group in attempting to establish a local NAMI Chapter in Alpena. Currently, this group is stalled due to issues at the national level.

Nena Sork noted the goal of the Agency falls directly in line with assuring individuals are in the least restrictive environment.

Moved by Pat Przeslawski, supported by Gary Wnuk, to accept the November monitoring report as presented. Roll call vote: Ayes: Robert Adrian, Les Buza, Bonnie Cornelius, Roger Frye, Judy Jones, Terry Larson, Eric Lawson, Gary Nowak, Pat Przeslawski, Gary Wnuk; Nays: None; Absent: Albert LaFleche. Motion carried.

XII. Board Policy Review and Self Evaluation

1. Treatment of Individuals Served 01-002

Board members reviewed this policy. Pat Przeslawski reported this policy does cover what is needed.

2. Staff Treatment 01-003

Board members reviewed this policy. Pat Przeslawski reported this was revised just last year and this policy also seems to cover all areas needed.

3. Ends 04-001

The Ends policy proposed revision would incorporate the Sub-Ends established during the Board's Strategic Planning session.

Moved by Roger Frye, supported by Gary Nowak to approve the revisions to Ends policy 04-001 as presented. Roll call Vote: Robert Adrian, Les Buza, Bonnie Cornelius, Roger Frye, Judy Jones, Terry Larson, Terry Larson, Gary Nowak, Pat Przeslawski, Gary Wnuk; Nays: None; Absent: Albert LaFleche. Motion carried.

XIII. Linkage Reports

1. Northern Michigan Regional Entity (NMRE)

a. NMRE Contract Extension

This request is for approval of Amendment A to the contract this Agency holds with the Northern Michigan Regional Entity. This amendment will extend the current contract through December 31, 2020 and will include to Behavioral Health Home program. Approval is recommended.

Moved by Gary Nowak, supported by Les Buza, to approve contract extension. Roll call vote: Ayes: Robert Adrian, Les Buza, Bonnie Cornelius, Roger Frye, Judy Jones, Terry Larson, Eric

Lawson, Gary Nowak, Pat Przeslawski, Gary Wnuk; Nays: None; Absent: Albert LaFleche. Motion carried.

b. NMRE Clubhouse Amendment

This request is received from Northern Michigan Regional Entity and would allow the pass through of grant dollars for the Clubhouse program for \$100,000. This Agency contracts with Touchstone to provide clubhouse services. This grant was for last fiscal year.

Moved by Roger Frye, supported by Gary Nowak, to approve this Agreement for the Clubhouse Federal Grant Award as presented. Roll call vote: Ayes: Robert Adrian, Les Buza, Bonnie Cornelius, Roger Frye, Judy Jones, Terry Larson, Eric Lawson, Gary Nowak, Pat Przeslawski, Gary Wnuk; Nays: None; Absent: Albert LaFleche. Motion carried.

c. Board Meetings

i. October 28, 2020

Gary Nowak inquired as to whether Board members had any question. Eric Lawson reported a statement in the September meeting minutes indicated the State is over-obligated in the sum of \$15M on SUD Block Grant funds and requested clarification. Gary Nowak reported the NMRE Board approved the CEO's contract at the October Board meeting.

ii. September 23, 2020

The minutes from the September meeting were including in materials for this meeting.

2. Community Mental Health Association of Michigan (CMHAM)

a. Fall Board Conference – October 26 – 29 Virtual

Mary Crittenden and Erin Fletcher attended the Virtual Conference. Mary reported the Telehealth sessions were very good. She noted there was some resources made available for telehealth. Erin Fletcher noted she attended a session [Charting a Course to a Good Life], which uses a grid with a star and assuring supports in three areas of the star are integrated into the lives of an individual receiving services. Erin Fletcher reported an issue with technical difficulties associated with the virtual conference.

Cheryl Kobernik reported she also attended the virtual conference noting it was beneficial to listen to the keynote speakers like Alan Bolter and others.

XIV. Operations Report

Mary Crittenden provided an overview of the services provided during the months of September and October. May reported the doctor services and MI Case Management had a busy month in September. She reported there was an admission to the state hospital in September as well. In October, the doctor services increased even more. She noted in October the Home-Based services also increased. There were 13 private inpatient admissions in the month of October.

XV. Nomination's Committee Report

Terry Larson reported the Nomination's Committee met just prior to this meeting. As Alpena County has already conducted interviews for Board positions, the sample letter included in the materials for the Nomination's Committee was sent prior to the interviews. Bob Adrian reported Alpena County should have their appointments by November. Letters will be sent to Alcona and Montmorency counties as Albert LaFleche and Gary Wnuk will not be seeking reappointment. Gary Wnuk submitted a letter to the Board indicating he will serve through the December Board meeting and will be requesting Alcona County appoint a commissioner to replace him on this Board. Alcona and Montmorency counties will be encouraged to appoint a commissioner or an individual with lived experience.

XVI. Chair's Report

1. FY20/21 CMHAM Membership Dues

The membership dues for the Community Mental Health Association of Michigan for FY20/21 is \$13,727.00.

Moved by Gary Nowak, supported by Gary Wnuk, to approve the FY20-21 CMHAM Membership Dues as presented. Roll call vote: Ayes: Robert Adrian Les Buza, Bonnie Cornelius, Roger Frye, Judy Jones, Terry Larson, Eric Lawson, Gary Nowak, Pat Przeslawski, Gary Wnuk; Nays: None; Absent: Albert LaFleche. Motion carried.

Eric Lawson reported Pat Przeslawski received a 20-year acknowledgment certificate from the Board Association. Eric Lawson thanked Pat Przeslawski for her service.

XVII. Director's Report

1. Director Report

Nena Sork reported she attended the Northern Michigan Opioid Response and Prevention Committee meetings in October. She noted she attended the Finance Director and Operations meeting at the NMRE. She met with HUB to lock in healthcare rates for calendar year 2021. She attended the NMRE Board meeting. She also attended the NACBHHD Fall Board meeting and webinar. She reported the Emergency Management Leadership in the region met to discuss potential COVID outbreaks in our communities.

Nena Sork reported we just received agreements for Care Connect 360, which allows our Agency to gain access to the Medicaid billing warehouse. There are two agreements needed to allow this Agency to engage in using this resource. One is the Data Use Agreement for web application – PIHP and the second is a Data Use Agreement for client level data extract – PIHP.

Moved by Gary Nowak, supported by Gary Wnuk, to approve the Director to execute the agreements for CareConnect 360 – 2021 CareConnect 360: Client Level Data Extract-PIHP and 2021 CareConnect 360: Web Application – PIHP. Roll call vote: Ayes: Robert Adrian, Les Buza, Bonnie Cornelius, Roger Frye, Judy Jones, Terry Larson, Eric Lawson, Gary Nowak, Pat Przeslawski, Gary Wnuk; Nays: None; Absent: Albert LaFleche. Motion carried.

Nena Sork reported Robert Gordon would be joining the Biden organization leaving the position at the Michigan Department of Health and Human Services vacant.

Nena Sork reported last week we had our first staff person, who had worked with persons we serve, testing with COVID +. Monday morning it was identified a group home supervisor who also worked with our residents tested positive. We are monitoring staff and residents in the group home. Nena Sork noted District Health is working closely with this Agency and would be able to provide testing kits and our nurses could take the test kits to the home to obtain test samples, if necessary. Nena Sork reported there was also an AFC home, whom we contract with, in one of our counties with residents testing positive. She indicated those individuals who tested positive and are all doing well.

Nena Sork reported due to the increase in COVID, staff are being scaled back in the office setting with staff reporting to the office setting on limited days. They will work from home the remaining days.

2. QI Council Update

The draft of the QI Council minutes were distributed to Board members in attendance at this meeting.

XVIII. Information and/or Comments from the Public

There was no information or comments presented.

XIX. Information and/or Comments for the Good of the Board

There was no information or comments presented for the good of the Board.

XX. Next Meeting

The next regularly scheduled meeting of Northeast Michigan Community Mental Health Authority Board will be held Thursday, December 10, 2020 at 3:00 p.m.

1. Set December Agenda

The December agenda items were reviewed.

XXI. Evaluation of Meeting

Roger Frye sent his appreciation to Gary Wnuk for service to this Board. He noted the meeting began with some technical difficulties. He noted participation was good. Roger Frye thanked staff for their continued hard work and commend them for doing a wonderful job.

XXII. Adjournment

Moved by Les Buza, supported by Gary Wnuk, to adjourn the meeting. Motion carried. This meeting adjourned at 4:27 p.m.

[signed electronically by Bonnie Cornelius on 12/10/2020]
Bonnie Cornelius, Secretary

[signed by Eric Lawson on 12/10/2020] _____
Eric Lawson, Chair

Diane Hayka
Recorder