

DALLAS METROCARE SERVICES

**BOARD OF TRUSTEES
MEETING MINUTES OF**

June 21, 2007

METROCARE SERVICES

REGULAR MONTHLY MEETING of the BOARD OF TRUSTEES

MINUTES OF June 21, 2007

A Regular Meeting of the Board of Trustees of Metrocare Services convened at 12:00 p.m. in the Board Room on June 21, 2007 at 1360 River Bend Drive, Dallas, Texas.

I. Call To Order/Roll Call

Mr. Cooper, Chairperson of the Board, called the meeting to order at 12:00 pm. A quorum was present.

The following Trustees were present:

Mr. Cooper
Mr. Driver
Mr. Migl
Mrs. Noble
Mr. Orr
Elsa Rodriguez
Ms. Walton-Brooks

Board Member(s) Absence Excused: Mrs. Ringle

Staff Present: Dr. Baker, Linda Thompson, Dr. Graves, Kyle Munson and other Metrocare staff.

II. **CITIZENS' COMMENTS:** The procedure for public comments was available at the meeting for those interested. No public comment was received.

III. ISSUES TO BE CONSIDERED:

1. Approval of the meeting Minutes of May 17, 2007 – Regular Board Meeting:

Mr. Cooper, Chairperson, called for any comments or corrections to the meeting minutes of May 17, 2007. There were no comments or corrections presented. Mrs. Noble made a motion to approve the minutes. The minutes were approved.

2. Chairman's Report

- **Quality Council Board Liaison:** Mr. Cooper announced that Ms. Rodriguez was appointed to be the Board's liaison to the Center's Quality Council.
- **MR Foster Homes Oversight report:** Dr. Baker said that Mr. Drew Dixon is out of town this week and will not be able to present the report on the MR foster care oversight activities the Arc of Dallas provides for this center. This will be rescheduled for the August Board meeting.
- **MR Planning Advisory Committee report:** Ms. Walton-Brooks, Board liaison said Ms. Sifuentes was not able to be here today. She proceeded to give the report

saying that at the last MR PAC meeting they discussed the Request for Proposal (RFP) regarding the proposed sale of the Intermediate Care Facilities. Feedback from PAC members is due to David Aston by Tuesday, June 26th. Ms. Walton-Brooks said the proposal from D&S is the proposal the center and the committee favored, because the company has been in that business for a while and they will had the best plan to assure continuity of care. Mr. Munson said D&S was an all-inclusive deal consisting of all 56 bed licenses and properties. In all there were 5 bids received.

- **MH Advisory Committee:** Mr. Leonard Keesee said the Committee expressed concern over the Resiliency Disease Management (RDM) model, saying that essentially this has two standards that apply to consumers. Ms. Richardson, the newly appointed committee member, said that the consumers presently in probation do not have the same options as non-probationers to choose a lesser treatment protocol until engaged into treatment. In addition it was noted that stakeholders representing the judicial system did not participate in the development of the RDM model. Ms. Richardson pointed out that the expectation for probationers to comply with court reporting demands and treatment demands can often be overwhelming, increasing their symptoms. This observation lends credence to the contention that medication with case management may be preferable during the initial course of treatment. The MH-PAC recommends that the Board confirm with the State and legislative bodies that public defenders, as well as other judicial stakeholders, are included in the development of future practice models involving the forensic population. Mr. Keesee referred to a recent article in the Dallas Morning News that highlighted the serious problems associated with the Dallas Board and Care and Assistive Living facilities. The Committee believes that the underlying cause is underfunding for housing for those with severe mental illness in Dallas County. The Committee recommends that the Board encourage external advocacy programs such as NAMI and the MHA to develop housing lists monitored and approved by these advocacy organizations. Furthermore, the committee recommends Metrocare strongly voice underfunding with State management and local and State legislative representatives. Mr. Keesee said he has spoken with people from both NAMI and the MHA and they are planning a meeting to possibly develop this further. There were no questions posed for this item.

- ❖ **Consideration of Approval of Contract of Employment of Chief Executive Officer:** Mr. Cooper said that, as in previous years, evaluation forms for the CEO will be distributed amongst the County Commissioners, stakeholders, the Center's senior management staff and the Board. Mr. Cooper asked that everyone return these forms once completed to our legal counsel, Mr. Doug Barnes, in the self-addressed envelopes provided. Mr. Barnes will tabulate the results and send this results to Mr. Cooper who will then present the results at the August Board meeting. Mr. Cooper said that, as in past years, he has separated the salary determination for the CEO from the evaluation process.

There were no questions posed for this item.

Mr. Cooper made a motion to approve a new Contract of Employment for the CEO position before the current one expires on July 30th. Mr. Driver moved to approve, saying that in light of Dr. Baker's leadership that the contract be approved with a 10% increase in salary. All were in favor; motion carried

- **Committee Meetings:** Mr. Cooper announced that there would be no committee meetings in July. All three committees will meet at their regular times on August 16th starting at 11:30 am. The full Board will meet on August 23rd beginning at 1:30.

3. Chief Executive Officer's Report:

Consideration of Acceptance of Chief Executive Officer Report: Dr. Baker referred to page 9795 saying that during the month of May the Center continued to work on the recovery from the over-expenditures in the mental retardation division from earlier in the year. He said those efforts have been successful financially. He said there is less confusion and concerns from families as this progresses.

Early Childhood Intervention Program (ECI): Dr Baker said that they are feeling more confident that the ECI program is going to be kept open until next fiscal year due to the fact that the state has been working so hard with center staff on training.

Dr. Baker said discussion continues with the Department of Aging and Disability Services (DADS) regarding the recoupment of dollars associated with the Autism Treatment Center.

The Provider of Last Resort bill has been signed. Additional information will be presented today related to this and how they would like to set up the MR Provider Service to assure provider of last resort availability to the patients.

Two grants were received during the month. This was due to early efforts from the development department to do local fundraising with some of the foundations locally.

Discussions continue with ValueOptions pertaining to the Center's contract.

Mr. Cooper asked if with the passage of the bill of Provider of Last Resort, the Center was able to become the mental health (MH) authority? Dr. Baker said the Center could function as the MH Authority under this bill. However, what this bill is requiring is that the rest of the state authorities do what NorthSTAR does in terms of increasing choice of service providers. They must set up a network just like our MR program has. Discussion ensued.

Mr. Migl referred to page 9798 and asked about items number nineteen and twenty related to recoupments. Dr. Baker said that these are the recoupments he referred to previously when he was talking about the Autism Treatment Center, that is, the \$987K recoupment DADS wants. Discussion ensued.

There were no other questions posed for this item.

(Please refer to the June 21, 2007 Board packet for a detailed account of this report).

Mr. Cooper entertained a motion to accept this report. Mr. Driver moved to accept the report. All were in favor, motion carried.

Consideration of Acceptance of Development and Community Education Report: Dr. Baker said that Ms. Stephens and Jesse would present the quarterly report on community development. Ms. Stephens said that the development team is working hard to develop new avenues for Metrocare in our community. She said they are doing a lot of "friend-raising" before they do hard fundraising. The effort is to educate the community on the services this agency has available for the citizens. They have been developing some collateral materials, new logo, new image and working on some new exhibit materials. She said that they are trying to merge all of these tools to be used for fundraising so that they present a single brand for Metrocare in the community. Mr. Jesse Aguilera noted that the Center is looking at other sources for revenue. He said that the Center has approached other federal agencies rather than the same ones we have applied to before and we will continue to pursue this as we pursue diversification.

Ms. Noble thanked Ms. Stephens for all of her work. She said that Board members when

we shop in stores that support us, we should thank the managers and let them know we appreciate them and that's why we shop at their stores. Ms. Noble said as a Board they are a part of the fundraising and she encouraged everyone to contribute to the first fundraising letter by sending in a contribution.

Mr. Cooper said this Center has been remiss in not starting this sooner also saying this would continue to grow. He commended all those that worked on bringing this about.

There were no other questions posed for this item.

(Please refer to the June 21, 2007 Board packet for a detailed account of this report).

Mr. Driver moved to accept the report. All were in favor, motion carried.

CITIZENS' COMMENTS: Mr. Cooper announced that Ms. Cheryl Spivey was late in arriving, but she would like to present her citizen comments at this time. Ms. Spivey spoke of the staffing problems at the Althsuler Clinic. She also presented her concerns about harassment by non-clients who linger in that clinic.

FISCAL MANAGEMENT REPORTS

Mr. Orr called on Mr. Munson to briefly summarize his report.

- 4. Consideration of Approval of Financial Report for May 2007 (unaudited):** Mr. Munson referred to the page 9804 on the statement of revenues and expenses. He said for the month of May the organization had a positive margin of revenues exceeding expenses by \$395K, thus exceeding plan by \$227K. He said this puts the Center on a positive position for the year-to-date of \$228K. He said this is due very much in large part by the positive effect in the MR area of reduction in purchase services. Responding to Mr Migl's earlier question about the Autism Treatment Center recoupment request, Mr. Munson said they have not accrued for any of the almost \$1 million that DADS wants to recoup because they are still arguing the case. He said that Governmental Accounting Standards specify that until you have an actual commitment of payment you do not recognize the liability. So far, the Center has not recognized any liabilities in the financials regarding the Autism Center issue. Mr. Munson reported that overall the agency is doing well.

There were no questions posed for this item. (Please refer to the June 21, 2007 Board packet for a detailed account).

Mr. Cooper entertained a motion to accept this report. Ms. Walton-Brooks moved to accept the report for May. All were in favor, motion carried.

- 5. Consideration of Acceptance of the FY07 Third Quarter Reports on Finance, Human Resources and Information Systems:**

Mr Munson summarized the areas in his report:

- Financial Investments:
Increase in value on cash investments from last month.
- Salary Adjustments > \$5,000:
This period covered the cumulative annual merit increase, as well as the market salary adjustments for the psychiatrists and the medical directors.
- Community Services Contracts > \$100,000:
These are primarily the contracts paid to the GR providers. To date the Center has spent over \$5.7 million on the external service providers.
- Non-Community Services Contracts > \$25,000:

The only item that applies to the non-community services contracts is the contract with the firm of Scott, Singleton and Fincher for the external audit \$50K.

- Leases > \$25,000:
Metrocare has one lease whose value exceeds \$25,000. This lease is the Planet, our data center location. This cost approximately \$7,200 a month.
- Legal Expenses: Year-to-date \$11K.
The third quarter included the standard contract with our general counsel Mr. Doug Barnes. Glast, Phillips, and Murray provided services related to the sale of the Forest property and bond documents.
- Goods, Supplies, Equipment and Capital Assets > \$15,000:
This represents the upgrade of the Lancaster/Kiest pharmacy for \$17K
- Participation by Historically Underutilized Businesses (HUB):
This has remained consistent, percentage-wise

- Information Technology Project Update:
Key projects completed during the quarter
 - PsychConsult 5.5.4 Upgrade
 - Hillside Campus Network Hardware Upgrade
 - ECI Implementation into PsychConsult
 - Implementation of New TIMA Note
 - Upgrade Communication Network from Riverbend to the Planet

Planned projects for the upcoming quarter:

- Citrix Improvements and Monitoring
 - Bench Reports – Design in Microsoft Reporting Services
 - Computing Hardware Physical Inventory
 - Implement Treatment Plan Builders in PsychConsult
 - Outcomes Measures Report Review and Evaluation
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- Human Resources:
 - Reduce Employee turnover*
Running high on the employee turnover exceeding 25%
 - Time to Hire*
Mr. Munson said this measure added for FY07 was set at <35 days, they are presently at 22 days and improving.
 - Employee Training*
Exceeding the goal of 90%: actual at 91.9%

There were no questions posed for this item.

(Please refer to the June 21, 2007 Board packet for a detailed account).

Mr. Cooper entertained a motion to accept this report. Mr. Driver moved to accept. All were in favor, motion carried.

REPORT OF THE SERVICE AND PROGRAM COMMITTEE CHAIR:

Ms. Noble, chairperson of the Service and Program Committee asked Mr. Tom Clark to present this report on behalf of Dr. Graves.

SERVICE DELIVERY REPORTS

6. **Consideration of Acceptance of Service Delivery Report for May 2007:** Mr. Clark said he would report on several programs within the division referring to page 9820 of this report.

HCS: Added 4 new consumers. This brings the census to 72 consumers. This puts it at capacity, but also shows an increase of 6% over the last four weeks.

ICF/MR: Received 5 responses to the RFP. Staff scored them using financial and clinical criteria before taking them to the PAC advisory committee.

Career Design Development Services (CDDS): Ms. Cindy Higgs met with the Metroplex Employment Model to inquire about Metrocare being included in this model. This model is a consortium that involves Department of Assistive and Rehabilitative Services (DARS), mental health providers, supported employment providers in Dallas and Tarrant County. This program target people they consider high-risk consumers and it helps them gain employment.

Early Childhood Intervention (ECI): Mr. Clark said that beginning last April the program has monitored seven metrics of compliance with the State targets. He said 6 showed improvement, although only one was at target. At this time they are still waiting on the formal report of this State Audit completed in May.

Behavioral Psychiatric Services (BPS): Mr. Clark said the largest obstacle to reaching budgeted service delivery is vacant psychologist positions. He said they are doing market adjustments and have actively and assertively market these positions. They have found 2 applicants and hopefully have these filled soon to start delivering these services.

The Pathways clinic has been piloting a new patient flow model the last couple of months. He said they believe this model really improves efficiency for consumer flow and gets people through much faster. It maximizes doctor time use. He said they would like to start rolling this out to other sites in the center in the upcoming months.

An all-medical staff forum was conducted in May. At that time they also provided some TIMA (Texas Implementation of Medication Algorithms) training.

Significant Exceptions on Priority Metrics with Action Plans:

Minimum Level of Care Hours (MLOC): Target 85%; Achieved 76% a one percent increase from last month.

MR Chart Audits: Target 95%, achieved 89%, this showed an improvement of 3% from last month.

The MR Monthly Revenue Target: \$566K the actual achieved was \$440K.

Mr. Clark said that in order to improve all these they would have to bring together all the Team Leaders with a team that is underperforming or not performing well in the audits and meet with them weekly to strategize on a corrective plan. He said when they started this with RDM audits they saw improvement right away and they are confident that this same strategy will work with this others as well

There were no questions posed for this item. (Please refer to the June 21, 2007 Board packet for a detailed account).

Mrs. Noble moved the acceptance of the Service Delivery Report for May 2007. All were in favor, motion carried.

- 7. Consideration of Acceptance of Report on HOMES-Olmstead Grant:** Dr. Baker asked Mr. Clark to present this report to make sure the Board is aware of problems the Center has encountered with this grant. Mr. Clark said what this illustrates is some significant

weaknesses in our grant oversight and management processes. Mr. Clark referred to page 9825 of his report and explained some of the problems that the Center encountered in implementation of this grant, and how those problems have impacted the process whereby grants acquired by this Center in the future will be monitored. He also discussed the action that the Center is taking regarding this particular grant. Mr. Clark said the expiration date for this grant is July 31st and so far the Center has only used \$102K, or one-third of the \$317K. Only 25% of the documentation required has been completed.

Mr. Clark said they have asked the internal auditor to look at some of the grants acquired by the Center and all the processes presently in place to make recommendations of how we ought to modify this. A workforce has been placed internally to work in collaboration with the auditor to make sure we have solid processes in place going forward so that these same mistakes are not repeated.

There were no questions posed for this item.

Mrs. Noble moved the acceptance of the report on HOMES Olmstead Grant. All were in favor, motion carried.

- 8. Consideration of Approval of Revision to Board Policy 1.13 on Policy on Board Meetings, Minutes and Protocol:** Dr. Baker said that there were no significant changes to this Board Policy since the last time it was updated. The current changes reflect the current name of the Center.

There were no questions posed for this item.

Mrs. Noble moved the approval of the Revision to Board Policy 1.13. All were in favor, motion carried.

- 9. Consideration of Approval of Revision to Board Policy 1.12 on Board Membership and Terms of Membership:** Mr. Clark said this policy was being brought back from last month. He said there was a question raised regarding the language that stated that a Board member could not serve on two county boards at the same time. Confirmation was received that this language is accurate. There was also an error when writing it: The first sentence of "Item A" was duplicated again under "Item C." This has been corrected. There were no questions posed for this item.

Mrs. Noble moved the approval of the Revision to Board Policy 1.12. All were in favor, motion carried.

- 10. Consideration of Approval of Revised Metrocare Services Board of Trustees By-Laws:** Ms. Thompson said that the bylaw were being brought back from last month. She said there were questions regarding the frequency of meetings and about the filing of articles of incorporation, as well as about the requirement for an annual meeting. Ms. Thompson said they consulted with our legal counsel, Mr. Doug Barnes, who indicated that neither a filing nor an annual meeting is required. Mrs. Thompson said she is bring back this By Laws updated as presented in the Board Communication on page 9845.

Mrs. Noble moved the approval of the Revision to Board of Trustees By-Laws. All were in favor, motion carried.

- 11. Consideration of Acceptance of Quarterly Reports on Service Delivery.** Ms. Thompson said her written report includes background information related to the refinance-to-Medicaid issues that have caused problems with some of the providers in the network, especially Autism Treatment Center (ATC), but also Community Homes for Adults Incorporated (CHAI) and Sequoia.

There were originally six individuals in the ATC identified, but currently none of this individuals are being considered for refinance because it was determined that they all were already in a Medicaid program. There is one additional person in the GR contract, but is not eligible for Medicaid benefits and would not be appropriate to be enrolled.

Currently 4 individuals who are residing in Sequoia have received Medicaid HCS slot offers and are in the process of being enrolled into the Home Community Based Service Program (HCS). However, CHAI is not a certified HCS provider. So CHAI has attended the initial training and has obtained the application to start the process of becoming an HCS provider. DADS is asking for an aggressive action plan without dragging this out. The intent is not to interrupt the living situation of the people at CHAI who are being refinanced, if this can be prevented. However, if CHAI is not able to obtain certification within a specified timeframe then DADS will still put the consumers into Medicaid HCS slots, and they will need to select from the HCS provider list.

Dr. Baker said that the people that all of the consumers involved in this process where DAS wants to refinance from general revenue (GR) into Medicaid have, for years and years, received large sums of general revenue to support their residential treatment based on old agreements between TDMHMR and those providers. Now DADS is saying they don't want to continue to do this and all three of the organizations are complaining.

Dr. Baker said the difference with ATC is that the consumers are receiving Medicaid already, and so from DADS' perspective it looks like the provider is "double dipping." With the other consumers, they just want to take the allocated GR place them on a Medicaid program and have them be paid only by Medicaid.

However, in all of the cases, the Medicaid dollars represents less money to live on. Dr. Baker said this is a significant issue for these people and we will continue to make that point to DADS

Local Plan: Mrs. Thompspon said the Local Plan was posted on our website as required by the State. The Local Plan identifies the priorities identified by family members and communities for adults and for children. She said some of these services are currently available, but not necessarily at the amounts desired by families. The PAC will continue to advocate for more availability of these services in the community.

Medical Records: Mrs. Thompson said the information on records, compliance and audits stands as presented on her written report.

There were no questions posed.

Mrs. Noble moved the Acceptance of the Quarterly Reports on Service Delivery for the Local Plan and Medical Records. All were in favor, motion carried.

Mr. Cooper asked if this refinance process was a way for DADS to justify its existence to the Legislature and people are getting caught in the middle. Dr. Baker said he thought the goal was to move as many dollars into Medicaid waivers as soon as possible because of the associated match received from the federal government. It actually makes more dollars available to the State, but for the individuals it does not work this way. Ms. Noble asked if the State is aware that people are going to end up getting less. Dr. Baker said they are aware.

QUALITY MANAGEMENT REPORTS

❖ RECOMMENDATION(s) FOR APPROVAL:

After discussion and upon motion duly made the following item(s) were approved:

009876

12. Consideration of Acceptance of Quality Management Report for May 2007: Mrs. Thompson said her report contains an update and a little background on some clean-up they are continuing to do. The Mental Retardation Authority (MRA) is making sure the HCS interest list is correct and that the listed dates of enrollment are accurate. Approximately 300 official requests have been submitted to DADS on behalf of individuals with incorrect interest list dates with the supporting documentation to "back date" the interest list with the correct date. Ms. Thompson said that they had such a significant number of requests that DADS has requested the Center to go back and look at all the individuals that had entered into service from 1999 through 2003. Ms. Thompson said with the help of the IT department they were able to go back and retrieve all the initial contact or evaluation dates for individuals in that timeframe. The records were reviewed and anyone with dates showing discrepancies was resubmitted to DADS with supporting documentation. Ms. Thompson said they did not stop with the year 2003, but went ahead and looked at all individuals that had entered into services through the year 2007. She said they are anticipating additional slots being appropriated by the last Legislative Session and they want to be prepared.

There were no questions posed for this item.

(Please refer to the Board packet of June 21, 2007 for a detailed account of this report).

Ms Noble moved the Acceptance of the Quality Management Report for May 2007. All were in favor, motion carried.

13. Consideration of Acceptance of FY07 Third Quarter Reports on Quality Management and Research: Ms. Thompson said her report contains information regarding the performance measures and targets identified in the DADS contract. She said we are in compliance. Ms. Thompson said she included information on self-identified issues regarding compliance regarding information billed to Medicaid or Medicare. Also on her report there is a listing of current research approvals that are in place at this Center, along with update on Grants. The information stands as presented.

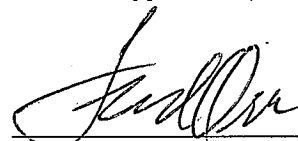
There were no questions posed for this item. (Please refer to the Board packet of June 21, 2007 for a detailed account of this report).

Ms Noble moved the Acceptance of the FY07 Third Quarter Reports on Quality Management and Research. All were in favor, motion carried.

IV. EXECUTIVE SESSION: There were no issues to discuss.

V. MEETING ADJOURNMENT: There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting adjourned at 12:00 pm.

Minutes approved by:



~~Charles M. Cooper, Chairperson~~

Fred Orr, Vice Chairperson

Minutes recorded, transcribed and distributed by:
Martha L. Toscano
Assistant to the CEO and DMS Board of Trustees

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