

**DALLAS METROCARE SERVICES**

**BOARD OF TRUSTEES  
MEETING MINUTES OF**

**May 17, 2007**

# METROCARE SERVICES

## REGULAR MONTHLY MEETING of the BOARD OF TRUSTEES

### MINUTES OF May 17, 2007

A Regular Meeting of the Board of Trustees of Metrocare Services convened at 11:35 a.m. in the Board Room on May 17, 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 1:30 pm. A quorum was present.

The following Trustees were present:

Mr. Cooper  
Mr. Driver  
Mr. Migl  
Mrs. Noble  
Sue Ringle  
Elsa Rodriguez

Late arrival(s): Ms. Walton-Brooks arrived at 11:40

Board Member(s) Absence Excused: Mr. Orr

**Staff Present:** 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 April 26, 2007 – Regular Board Meeting:

Mr. Cooper, Chairperson, called for any comments or corrections to the meeting minutes of April 26, 2007. There were no comments or corrections presented. Mr. Driver made a motion to approve the minutes. The minutes were approved.

##### 2. Chairman's Report

- **Committee Meetings:** Mr. Cooper said that the next Committee meetings are schedule for June 21<sup>st</sup> and the Board meeting for June 28<sup>th</sup>. Mrs. Ringle noted that if more than four Board members attended the upcoming conference in Houston, then there would not be a quorum present. Mr. Cooper said that if an adjustment has to be made to these meetings they will do so.

##### 3. Chief Executive Officer's Report:

**Consideration of Acceptance of Chief Executive Officer Report:** Linda Thompson presented this report in Dr. Baker's absence.

During the month of April they visited with the Arc and with the MR Planning Advisory Committee to share with them the redesign for the benefit model for general revenue services planned for FY 08. Ms. Thompson said this was received fairly well. An overview was presented to the parents group during the months of January and February with more details to be provided once the Board approves the proposal.

The Early Childhood Intervention program completed its transition over to electronic medical records. Metrics have been set-up and data is being collected in the areas required by the state program leaders.

During the month of April staff worked to obtain alternative placement for those families displaced after the Achievement Center of Texas (ACT) decided to end their contract with this center. To date ten individuals have been placed with other providers, and a number of these families are staying with ACT until Metrocare or another provider is able to open up another Day Habilitation program on the eastern side of the county. The network has over 100 day habilitation slots, but they are primarily for the southwest side of the county. Many of these families elected to do private-pay until another program becomes available on their side of town.

We continue to respond to inquiries related to the RFP placed on the sale of the ICF-MR facilities. A response has been submitted to the Department of Aging and Disability Services (DADS) for the April 13<sup>th</sup> settlement proposal regarding the unfair penalties in our HCS programs.

Dr. Baker continues to respond to requests for information around the HB2439 around the equity-of-funding issue.

Discussions continue with ValueOptions around the concerns for cost of services.

**Significant Exceptions on Metrics:** While not apparent on this month's metrics, persistent problems around recoupments, sanctions and penalties continue to come in from DADS on both the MRA and MRP services. Information pertaining to what the Center is doing internally to address these issues is included in the packet. The benchmarks remained unchanged from the time they were placed on the packet.

Ms. Ringle said that HB2439 equity of funding is a misstatement that equity is addressed in an appropriations rider. Mr. Driver asked what were the prospects of a day care on the east side. Ms. Thompson said Mr. Aston is trying to locate some facilities and he is also investigating the possibility of additional funding from the Department of Human Services (DSHS). They have an adult day service program that they fund that provides a larger daily rate than the general revenue. Mr. Aston is looking on how to integrate the funding from DADS with perhaps another funding source to make this feasible. Ms. Thompson said they are looking for a structure that is suitable.

There were no other questions posed for this item.

(Please refer to the May 17, 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. Mrs. Ringle seconded. All were in favor, motion carried.

## FISCAL MANAGEMENT REPORTS

Mr. Driver, vice chair of the Business and Finance Committee called on Mr. Munson to briefly summarize his report.

4. **Consideration of Approval of Financial Report for April 2007 (unaudited):** Mr. Munson referred to the page 9693 on the statement of revenues and expenses. He said for the current month the Center had a positive margin of approximately \$600K. This exceeds plan by approximately \$400K, and on a year-to-date basis this pushed us above plan for the year. He said two contributing factors that allowed us to have such a positive month are the pharmacy services in the mental health division and the changes implemented in the mental retardation services during the months of March and April in trying to rein in the over-expenditure in General Revenue (GR) with the external provider network.

Mr. Munson was asked if the pharmacy was not being able to expand due to collection of payments. Mr. Munson said that they had problems with the 340b payor, WHI Walgreens Health. He said that effective May 1<sup>st</sup> V/O changed providers so these problems are not anticipated to be on-going. Metrocare is still working on pharmacy expansions with two providers, LifePath Systems in Colin County and Adapt, to open pharmacies at their locations.

Ms. Ringle said that back in August Mr. Munson had projected the center would have a net profit of \$1,751,341. She asked for an updated projection figure for the end of the fiscal year. Mr. Munson said that at present there are \$826K unaudited reported net. He projected \$1.2 or 1.3M preaudit, assuming there are no significant or unforeseen changes.

Mr. Munson said there is an offer on the Inwood property, but that there would not be any gain for the center upon the sell of this property. Discussion ensued.

There were no additional questions posed for this item. (Please refer to the May 17, 2007 Board packet for a detailed account).

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

5. **Issues Associated with Sanctions, Penalties and Recoupments in Mental Retardation Provider and Mental Retardation Authority Division:** Ms. Thompson presented a written report and said this report provides information identifying either the recoupments or sanctions that the center has received during this fiscal year.

The Autism Treatment Center \$1M recoupment request: This started when DADS initiated a conversation with this center about refinancing individuals in residential settings who are receiving general revenue dollars. In the conversations with the Autism Treatment Center it was discovered that 5 of these individuals were also in the deaf/blind waiver and DAS believes that regulations that are in effect forbid the use of general revenue dollars for any waiver. The state has requested information from this center dating back to 1998 to find out how much money was paid to the Autism Center. Last week the center received a demand letter from DADS for \$1 million. Dr. Baker has generated a letter back to DADS asking for the contractual clauses they cite in asking this center, rather than ATC, for a refund. The center is still waiting on a response to the letter.

Ms. Ringle asked what position is DADS invoking when saying that we cannot augment the rates. Ms. Thompson said the position they are taking is that on the contract it reads that anyone on a Medicaid Waiver program cannot use any general revenue dollars. These programs are stand-alone and they are considered all inclusive and the waivers are expected to pay for all of the needs for an individual. Ms. Ringle asked if the current contract with

DADS is similar to prior years or if this has changed. Ms. Thompson said that for the most part this is very much the same. There was some wording on the previous contract about people in waiver programs, but during the years of Legacy TDMHMR there is some discussion that it was ok and at one point we had a line item on our budget specifically for the Autism Program. This is the information Dr. Baker pulled together and submitted to DADS.

Home Community Based Services (HCS) \$150K recoupment request is a result of the Medicaid piece of the audit conducted back in December. The center has appealed this request and has submitted additional information supporting the services that were provided to the individuals in question.

Annual Quality Assurance (QA) and Texas Home Living Review occurred this past March. This contract has a provision that reads that if there are any repeat citations in any specific areas then there are sanctions associated. The citations don't necessarily have to be the same, but if they fall in the same area they considered this repeat offenses. The center is pulling down information so that the center can challenge the repeat clause if they are not identical.

Early Childhood Intervention (ECI) placement on high-risk status. There have been some information and improvements around this program. Ms. Thompson said Dr. Graves will provide a detail report on the findings.

Part of the issues for this center is that prior to the elimination of TDMHMR, the department had an outcomes-based monitoring systems. They did not necessarily look at records for documentation support. Instead, they had interview processes and if families were comfortable and they felt that their needs were being met then the state was satisfied. When the federal oversight agencies started looking at the department as a whole they felt that this system was inadequate for the amount of federal dollars they were receiving and they requested the department go back in and redesign the quality improvement system. So they did this over the past three 3 years and they now have a quality assurance review process in which documentation is extremely important. They are very rigid and this organization has struggled with meeting this particular requirements. We have put in place some aggressive monitoring processes for the staff, and we have also had conversations and technical assistance requests from both DADS and DARS in relation to the process. Recently we revised our own internal monitoring protocols. For the last quality assurance review from DADS, the manager for their department visited with our staff. For the most part it was positive feedback, but they did offer suggestions that this center is now incorporating.

There were no additional questions posed for this item. (Please refer to the May 17, 2007 Board packet for a detailed account).

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

6. **Consideration of Approval of CEO's Signature on the FY 08 Texas Department of Public and Regulatory Services (TDPRS) Contract:** Mr. Munson said that in order the Center to execute this contract and receive Foster Care Maintenance Payment allocations from the Texas Department of Public and Regulatory Services the Board must approve the CEO's signature specifically for this contract. This contract agreement is entered each year with TDPRS, for Treatment Foster Care (TFC) services to children in Child Protective Services (CPS) custody. In the agreement, the Department's expectations for the management and the provision of community services are delineated.

There were no questions posed for this item. (Please refer to the May 17, 2007 Board packet for a detailed account).

Mr. Cooper entertained a motion to approve the CEO's Signature on the FY 08 Texas Department of Public and Regulatory Services Contract. Mr. Driver moved to accept. Ms. Walton – Brooks seconded. All were in favor, motion carried.

#### **REPORT OF THE SERVICE AND PROGRAM COMMITTEE CHAIR:**

Ms. Noble, chairperson of the Service and Program Committee asked Dr. Graves to present a summary of his report.

#### **SERVICE DELIVERY REPORTS**

7. **Consideration of Acceptance of Service Delivery Report for April 2007:** Dr. Graves referred to page 9697 of his report:

Early Childhood Intervention (ECI): Dr. Graves said that back in October the ECI program was placed on high-risk status by the Department of Assistive and Rehabilitative Services (DARS). Dr. Graves said that in the past two months, much work has been done to get off that status. They are now completely on-line for documentation. The most recent re-audit showed that the large majority of the areas showed progress. It will be a couple of weeks before they process their data to give us feedback on whether we will continue or be taken of high-risk status and what the recommendation will be.

Dr. Graves said he is hopeful of the outcome of this audit based on the response to Dr. Baker in terms of the original findings.

Texas Home Living Program (Tx HmL): This program also had an audit with more positive results. We were placed on a level one status, meaning they will be back to do another interview within thirty to forty-five days based upon some findings. A year ago we were placed on vendor hold on this program. The response to us at this point is that they saw much improvement in this program. Discussion ensued.

**SIGNIFICANT EXCEPTIONS:** Dr. Graves said that on chart audits, both the mental health and the mental retardation side broke 90% for the first time ever since he has been bringing this report to the Board.

There were no questions posed for this item. (Please refer to the May 17, 2007 Board packet for a detailed account).

Mr. Cooper entertained a motion to approve the Service Delivery Report for April 2007. Ms. Noble moved to accept. Ms. Walton Brooks seconded. All were in favor. Motion carried.

8. **Consideration of Approval of Revision to Board Policy 1.12:** Dr. Graves said that there were no significant changes to this Board Policy. The most significant changes to this policy reflects the current name of the Center, refinement of statutory references, relationship to Mission/Goals/Values and changes to membership appointment, terms and oath to reflect current Commissioners Court procedures.

Ms. Ringle referred to page 9705 under Terms. "No person shall serve on more than one officially designated county board at any one time". She asked where this information had been obtained. Dr. Graves responded that this was taken from the County Commissioners web-site and their codes.

Ms. Ringle referred to page 9704 Membership and asked if Mr. Cooper had a family member receiving services through Metrocare Services. Mr. Cooper responded that he has a family

member that is receiving mental retardation services, but not through Metrocare. She asked if anyone of the Board members had any family members receiving services through Metrocare Services referring to item "C."

Mrs. Noble moved to table the Revision to Board Policy 1.12 until further verification on county rules. Ms. Ringle seconded. All were in favor. Motion carried.

**9. Consideration of Approval of Revised Metrocare Services Board of Trustees By Laws:**

Ms. Thompson said this is just providing some background to the Board, but this particular issue surfaced when Metrocare decided to change its doing-business-as (dba). Requirements with our contract with the Department of Aging and Disability Services (DADS) include that we develop a Governmental Entities Plan. Through this process the center's bylaws were rediscovered. They had not been reviewed since 1967. The changes in the document reflects the name change to Metrocare Services, they also made change to reflect the current Board Officers. On the original document there is reference to their being a treasurer and a parliamentarian. In the old copy this is under article 4 on page 9720. This was removed because the Board currently has a Chairperson, Vice-Chair and Secretary. The changes that were reference to parliamentarian were in Article VI on page 9721 and Article IX on page 9722 they made a change and removed Parliamentarian and indicated the Board Chairperson.

Ms. Noble noted that the on page 9715 Article IX still shows the Parliamentary Authority. Ms. Thompson said she would make the revisions to reflect this change.

Mr. Cooper noted that in most By Laws he has seen there is one meeting called the "Annual Meeting", and this is a very prescribed portion of a corporation. This is when officers are elected. Ms. Thompson said that Article IV shows the elections and it is where this is address, but it is not referred to as an Annual Meeting.

Mr. Cooper asked if there are plans to re-file this with the secretary of state. Ms. Thompson said we have not, but Mr. Doug Barnes will do that and file the articles of incorporation. Ms. Thompson will follow-up with Mr. Barnes.

Mrs. Noble moved to table the Revised Metrocare Services Board of Trustees By Laws to check out whether we need to have an Annual Meeting explained and also to see if the Articles of Incorporation have been updated. Ms. Ringle seconded. All were in favor. Motion carried.

**10. Consideration of Approval of Mental Retardation General Revenue Consumer**

**Directed Benefit Plan for FY 08:** Ms. Thompson said what she is presenting is the redesign for FY08 for providing services to individuals with the general revenue funding. The plan designates a maximum dollar amount per individual that will be spent in each category. The number-served would be no more than 1,300 individuals in the external provider network, and each would have \$3,500 annually to choose services from unless they utilize the workshop on average of more than four days per week. If they utilize the workshop they then will have \$6,000 available. There would be a \$2,000 annual limit on professional and technical services. Ms. Thompson referred to page 9724 to show what the service array will look like. This plan has been shared with Arc of Dallas as well as the MR Planning Advisory/Network Advisory Committee. Once the Board is comfortable with the plan, there will be several meetings for families throughout the summer to make them aware of the combination of services and exactly how much service they can receive with these amounts. This will leave a pot of money in case there is someone with extenuating family circumstances. This will take effect in September.

Mr. Cooper asked how this compares to what is being done now? Ms. Thompson said the \$3,500 can be split in half giving them 161 hours of respite and 89 of community support for the year. If someone just wanted all respite they could have the maximum allowed by the

state which is 300 hours of respite with only a small amount of community support. If they decided to do without respite and have all of this in community support they would have 178 hours. Right now they are allowing people a maximum of 96 hours of respite and 96 hours of community support for the year. This is an increase versus the caps. Therapy services would purchase 29 sessions or 29 weeks.

There were no questions posed for this item. (Please refer to the May 17, 2007 Board packet for a detailed account).

Mrs. Noble entertained a motion to approve the Mental Retardation General Revenue Consumer Directed Budget Plan for FY 08: Mr. Driver seconded. All were in favor. Motion carried.

## QUALITY MANAGEMENT REPORTS

### ❖ RECOMMENDATION(S) FOR APPROVAL:

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

11. **Consideration of Approval of Presentation of the MR Local Service Area Plan for FY 08:** Mr. Aston said that as part of the annual contractual agreement between the Department of Aging and Disability Services (DADS) and Metrocare Services, a Local Service Area Plan is required to be posted on our web-site no later than June 1, 2007 to meet compliance with DADS. Mr. Aston said that there is a process that we go through to plan. Throughout the year there are a number of ways to gather information, there are public forums, such as the one at the Bachman Recreation Center and the one provided in our River Bend facility. Families came and this gave them an opportunity to complete surveys regarding services and to say if were meeting or what we need in the future. Surveys are also mailed out to individuals and the families we are serving. We meet with various advocacy groups and they are given the opportunity to mail out surveys. We have provider meetings with our network and they also get the opportunity to complete information. Once this is all completed the information received identifies the needs and the priorities. This is a standard format used across the state by the mental retardation authorities. Mr. Aston referred to page 9726 to show the Community Needs and Priorities. The Planning Advisory/Network Advisory Committee reviews the information and reports to the Board the Community Needs and Priorities.

There were no questions posed for this item.

(Please refer to the Board packet of May 17, 2007 for a detailed account of this report).

Ms Noble moved the Approval of the MR Local Service Area Plan for FY 08. Mr. Migl seconded. All were in favor. Motion carried.

12. **Consideration of Approval of Presentation of the MR Local Service Area Plan for FY 08:** Ms. Thompson said they continue with the enrollment activities for individuals that have been identified for the Home Community Based Services and the Texas Home Living Program. They are also waiting to see if and how many dollars are appropriated for FY 08 for additional slots for individuals in this community. We continue to work on improving documentation within the network for individuals. Work continues on charting timelines and audit scores for the Mental Retardation Authority (MRA). During the month of April there was one confirmed Abuse and Neglect incident with an external provider. The individual fell off the table while her diaper was being changed. The guardian has elected to move this individual to a different provider. There were 5 complaints confirmed, dealing with billing errors for medication, procedural errors by a physician when requesting medications requiring prior authorization, a broken lock in a bathroom door in one of the sites and 2-3



individuals whose follow-up appointments were scheduled beyond the seven day requirement they needed for follow-up with the clinic after being discharged from the hospital. All of the complaints were addressed by the appropriate service area director to the satisfaction of the individuals filing the complaints. There was one serious injury. A staff member failed to adequately secure a wheelchair in one of the vehicles. The wheelchair tilted during transport and the individual sustained a broken collarbone. The incident is presently being investigated by the Texas Department of Family and Protective Services. There were four medication errors all were with external providers. There were individuals out past the time of their medication and staff failed to assure their medications were provided. An individual received a double dose of medication. The pharmacy sent the brand name and the generic brand of the same medication. The nurse failed to notice this. There were no adverse effects, but the individual was terminated by the facility. There are two individuals that have restraints as part of their behavior programs. There were no emergency restraints during the month of April. Seven deaths were reported in the mental health division. They were primarily medical issues such as heart disease and cancer. There was one person that sustained a gunshot wound. The final ruling has not been determined on whether this was self-inflicted or a homicide done by the husband. One individual in the mental retardation division passed away due to medical issues. There were thirty-nine individuals not seen within 90 days. Team Leaders are working with the appropriate staff.

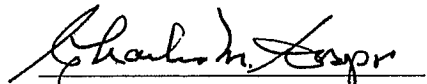
Outcomes Data: Mrs. Thompson said this remains the same and asked for any questions.

There were no questions posed for this item. (Please refer to the Board packet of May 17, 2007 for a detailed account of this report).

Ms Noble moved the Approval of the Quality Management Report. Mr. Ringle seconded. 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 12:40 pm.

Minutes approved by:

  
Charles M. Cooper, Chairperson

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

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