

NORTHEAST WISCONSIN FAMILY CARE

Creation of the NEW District and Governing Board Appointments

State Statute 46.2895 (see attached) establishes Long-Term Care Districts and specifies the method of appointment and the requirements for the District Board. .

In addition to the above language, State Statute 46.281 (11g)(b) also requires that DHS submit certain information to the Legislature's Joint Finance Committee prior to any expansion: *[1] documentation that the county consents to administration of the family care benefit in the county, [2] the amount of the county's payment or reduction in community aids under s. 46.281(4), and [3] a proposal by the county for using any savings in county expenditures on long-term care that results from administration of the family care benefit in the county.*

NEW has been informed by Kathleen Luedtke that the plan for use of the savings does not require that the funding be used for long term care or human services and the county plan could be to use the savings to reduce tax levy or for tax relief.

Rolf Hanson and Mary Kennedy discussed the formation of the District and appointment of the Board with the District's attorney, Andy Phillips. This summarizes that discussion.

Involvement of Tribes in NEW District

There is still an outstanding issue regarding the involvement of the Tribes in the NEW District. Tribes, along with counties, can be one of the governments that create the District, which is a quazi-governmental organization. Additional meetings need to occur with the Tribes to determine their interests.

Appointment of consumers and "at large" members:

The Steering Committee and Elected Officials made a preliminary decision that the Board would include three consumers and two "at large" experts with managed care experience. Andy believes that the consumers must be appointed to the Board prior to any action on the Wisconsin Retirement System notification since consumers are required in the Board composition. The statute provides that members of the Long-Term Care District Board can only be appointed by the counties.

The difficulty is that the number of consumers and "at large" managed care experts will be less than the number of counties in the District. Therefore, the initial consumers and "at large" managed care experts need to be appointed by name in the county board resolutions that create the District. Subsequent to the initial appointments, replacements can be selected by the governing board and ratified by the county they reside in; rather than by all seven counties.

This necessitates a process to select consumers and "at large" members prior to the passage of county board resolutions creating the District. It is recommended that a

subgroup of the Steering Committee solicit interested consumers and “at large” members (with consultation from all counties) and recommend a slate of consumer and “at large” members for inclusion in the County Board resolutions. We have sample notices and application forms for these Board positions from other Districts. This process should be completed before the resolutions are finalized – July or August 2010. Although the statute does not require specific representation of consumers from each target group, the NEW District would intend to have one representative from each target group -- developmental disabilities, physical disabilities and elderly.

Number and Content of Resolutions:

We would use two county board resolutions. The first, to be done by early fall, would create the District and call for the appointment of the “county” representatives on the Board consistent with County policy concerning appointments to committees. Each County’s resolution would appoint the selected consumers and “at large” members by name. We would assure county officials that, although we realize there are a number of unanswered questions at this point, we will not move forward with Family Care until we come back to them with a second resolution.

The second resolution would authorize the District to enter into the contract with the State to provide Family Care. It would be completed after the NEW District had received the notice that the State intends to contract with NEW for Family Care but before NEW begins start up. That resolution would also contain the language required by the Legislative Joint Finance Committee prior to Family Care expansion.

Andy suggests getting the draft resolution out to county corporation counsels prior to the Policy Maker Summit for comment.

Action on the Wisconsin Retirement System Notification

Andy Phillips advises that it is possible for the NEW District Board to meet once before November 15th. They would need to elect a chair, act on the WRS notification and appoint someone to sign the WRS notice on behalf of the Board. It will not be necessary for them to have their complete by-laws, policies and procedures completed before they act on the WRS notice. This will allow them to work on their by-laws and policies and procedures over the next few months.

A policy on paying per diems and travel expenses would be needed prior to the first meeting.

Open Meetings

Andy recommends that, once the District Board is created, each county post the District Board meetings as open meetings and comply with the open meetings law regarding notices, minutes, etc.