

GOVERNMENT OVERSIGHT COMMITTEE

(Joint Legislative Committee on Program Evaluation
And Government Accountability)

Meeting Summary
April 3, 2006
Accepted May 8, 2006

CALL TO ORDER

The Chair, Senator Mitchell, called the Government Oversight Committee to order at 1:20 p.m. in the Labor Committee Room.

ATTENDANCE

Senators: Sen. Mitchell, Sen. Raye, Sen. Dow,
Joining the meeting in progress: Sen. Courtney and
Sen. Bartlett

Absent: Sen. Perry

Representatives: Rep. Collins, Rep. O'Brien,
Joining the meeting in progress: Rep. Trahan, Rep. Crosthwaite,
and Rep. Canavan

Absent: Rep. Dugay

Legislative Officers and Staff: Beth Ashcroft, Director of OPEGA
Diana Stiles Friou, Principal Analyst, OPEGA
Susan Reynolds, Analyst, OPEGA
Wendy Cherubini, Analyst, OPEGA
Jennifer Reichenbach, Analyst, OPEGA
Scott Farwell, Analyst, OPEGA

Introduction of Government Oversight Committee Members

Members of the Government Oversight Committee introduced themselves for the benefit of the listening audience.

Director Ashcroft introduced Etta Begin, who will be joining the OPEGA office as Administrative Secretary on April 20, 2006. The Committee welcomed her.

RIVERVIEW BED CAPACITY

- **OPEGA Final Report Presentation**

Director Ashcroft referred to the Final Report on Riverview Bed Capacity. Comments from the Department of Health and Human Services had been incorporated into the report and were the only change since the draft report was issued in February.

Sen. Mitchell asked if the privacy issue raised by the Department of Health and Human Services in their comment to the report meant that relevant data on referrals to Riverview could not be collected. Director Ashcroft said she could not speak for DHHS, but she believes that a plan for collecting information while maintaining privacy could be developed.

- **Legislative Guide**

Director Ashcroft also reviewed with the Committee the “Legislative Guide for Assessing and Overseeing Maine’s Adult Mental Health System” that OPEGA had produced in conjunction with the Riverview Bed Capacity Review. The Committee requested that the Director send copies of the report and Legislative Guide to the committees of jurisdiction and make all legislators aware of them.

- **Public Comment on Riverview Report**

Sen. Mitchell acknowledged several members of the public that were in the audience including: Mary Francis Bartlett, member of the Bed Review Committee representing Maine Welfare Directors and Welfare Director for the City of Augusta; Mr. Bridgeo, Augusta City Manager; Chief McCamish, Augusta Police Department and Kimberly Davis, Legislative Representative for the City of Augusta.

Sen. Mitchell asked Ms. Bartlett whether the Bed Review Committee was still active. Ms. Bartlett said that at the present time the Bed Review Committee (BRC) was not meeting and the members were in hopes that Sen. Rosen’s current legislation would replace the oversight role of the BRC.

City Manager Bridgeo stated his concerns with the lack of adequate treatment facilities in Augusta. He said it was the City’s understanding that Riverview was contemplating moving forensic patients out of Riverview hospital to other less secured placements on the Riverview campus. He finds it very frustrating that problems remain unresolved after collecting data for two years on Riverview’s capacity and he asked the Government Oversight Committee to take the initiative and address these problems.

Augusta Police Chief McCamish reported to the Committee that the police officers in his department responded to many calls where individuals were in various states of mental health crisis. Chief McCamish also noted that it is sometimes scary or confusing for those receiving treatment at the emergency room the same time a patient with mental health issues is receiving treatment.

Rep. Collins asked Chief McCamish if he believed the City of Augusta dealt with more people with mental health issues than other cities of comparable size because Riverview is in Augusta, and if so, what are the costs associated to that. Chief McCamish said that many patients discharged from Riverview remain in Augusta and estimates that the Augusta police officers are dealing with 20% more mental health crisis situations than other cities. The additional costs to his department are in workers' compensation, overtime and the purchase of special equipment for severe crisis situations.

Rep. Kimberly Davis, legislator representing the City of Augusta, cited a report the Governor has on the optimal number of beds at Riverview per 100,000 persons in the population. She suggested the Committee get the numbers on how many people discharged from Riverview go back to their community and how many remain in the Augusta area. She also suggested that OPEGA work with the Joint Standing Committees on Criminal Justice and Health and Human Services.

Sen. Mitchell and the members of the Committee thanked Mary Francis Bartlett, City Manager Bridgeo, Chief McCamish, and Representative Kimberly Davis for attending and providing information to the Committee.

- **Review of Additional Information Provided by DHHS**

DHHS' response to GOC questions developed at the meeting of March 6, 2006 was summarized by Director Ashcroft. She noted that Elizabeth Jones has been hired to report to the department on whether Riverview should be expanded. She explained why Commissioner Harvey was not available to be at the meeting to answer Committee questions. Director Ashcroft indicated she would ask Commissioner Harvey to attend the next meeting, if the Committee so desired.

- **Discussion of Next Steps on This Topic**

Sen. Mitchell referred to the data collection recommendation made by DHHS in its comments to the Riverview report. Since the Bed Review Committee was no longer meeting, she was interested in having this data reported to the Government Oversight Committee instead. The GOC would also assure the data was reported to the committees of jurisdiction.

Rep. Trahan felt it was important to formalize that request and to somehow assure that the data being collected and reported be reliable. He suggested that the reporting be done through OPEGA.

Director Ashcroft questioned whether this would be a new review for OPEGA. Sen. Mitchell commented that it really would be in the category of follow-up on an open finding similar to follow-up done on other findings.

Committee members then discussed whether OPEGA should perform another review related to adequacy of capacity at Riverview. Sen. Mitchell noted that the review of data reliability had been performed as a first step, but there were still unanswered questions.

She expressed a continued interest in understanding what was happening with mentally ill individuals in emergency rooms who could not get in to Riverview. Other Committee members concurred.

Director Ashcroft reminded the Committee that a review of the emergency room question would constitute adding a review to OPEGA's work plan. She said she expected that it would not be a quick review but had not done enough research to be able to tell the Committee what would be involved in trying to answer this question.

As a result of the discussion, the GOC directed OPEGA to:

- send a letter to the Department of Health and Human Services stating the Committee's expectation that the Department provide monthly Riverview data to OPEGA and GOC. OPEGA will do some analysis of the data;
- get input from the committees of jurisdiction on what items identified in the Legislative Guide they would like to have reviewed; and
- do additional scoping work to determine what kind of effort would be involved in gathering and analyzing data on how long people in mental health crisis are staying in ERs statewide and why.

WORKSESSION

- **Review of Potential Scopes for Highway and Bridge Improvement**

Director Ashcroft referred committee members to the three options OPEGA recommended for a review of activities related to the Dept. of Transportation. She noted that they did not all involve the Highway and Bridge Improvement Program. OPEGA selected these three options because they all have financial implications; are areas that have not been reviewed before; and appear to offer opportunities for improvements. Only one can be accomplished in this work plan. The three options are:

1. *Urban-Rural Initiative Program (URIP)*: Is the funding provided to Municipalities, Counties, and Indian Reservations through this program being equitably distributed and utilized in accordance with statutory requirements?
2. *Local Match*: Does the Department of Transportation collect all the funds due from entities involved in projects that require a local match in a timely manner?
3. *Municipal Sand/Salt Building Program*: Now that the top priority sand/salt buildings have been constructed is it still appropriate and necessary for the Highway Fund to continue funding municipal sand/salt building construction? Have all municipalities in the lower priority levels that previously constructed their own sand/salt buildings been reimbursed properly by the Department?

The Government Oversight Committee asked Rep. Collins to talk with the Transportation Committee members and to report back at the next meeting on the Committee's preference.

- **Legislative Requests for OPEGA Reviews**

Director Ashcroft reported that two requests for OPEGA reviews had been received since the last meeting. Rep. Shields requested a review of the expenditures for the Tobacco Help Line being funded by Fund for Healthy Maine. Rep. Mills had requested a review related to DHHS licensing and auditing requirements for hospitals. The two Representatives were invited to speak to the GOC about their concerns.

- **Fund for Healthy Maine Expenditures (Rep. Shields)**

Rep. Shields has concerns with expenditures for the Tobacco Help Line and Training of Health Professionals budget funded by the Fund for Healthy Maine. \$1.8 million was budgeted for a 12 month period and the Bureau is requesting an additional \$500,000. He feels this is overly expensive for the number of staff resources assigned to the HELP Line.

- **Overlaps and Duplications in Hospital Licensing and Auditing
Re: DHHS vs. National Accreditation Organization (Rep. Mills)**

Rep. Mills believes that accreditation reviews by the Joint Commission on Accreditation of Healthcare Organizations and DHHS hospital licensing reviews are duplicate efforts that impose great administrative burdens on at least 22 of the states 39 hospitals. It may be an inefficient use of state resources.

- **Director's Proposed Changes to OPEGA's Annual Work Plan**

Director Ashcroft summarized the work completed, underway and remaining on the work plan. Four reviews have been completed; three are in progress and seven are planned.

Completed Reviews

MECMS Stabilization Reporting – Rapid Response
State-wide Information Technology Planning & Management
Title IV-E Adoption Assistance Eligibility
Riverview Bed Capacity – Rapid Response

In Progress

Guardian Ad Litem for Children (1)
Economic Development Programs
Vacant Positions

Planned

Bureau of Rehabilitation Services
Child Protective Services: Phase I
Highway and Bridge Improvement
Highway Fund Use by Department of Public Safety
Spurwink Schools (Program)
Support and Learning Systems

Director Ashcroft explained that there was insufficient time remaining in 2006 to complete all work scheduled. She recommended discontinuing the Vacant Positions review because the Executive Branch has done its own review and eliminated a number of vacant positions. Rep. O'Brien asked that OPEGA find out what positions were added. The information OPEGA has gathered to date and reason for discontinuing this review is to be provided at the next meeting.

Director Ashcroft suggested deferring Spurwink and Child Protective Phase I and beginning three projects in FY 06 with completion dates in FY 07. They include: Highway Fund Use by the Dept. of Public Safety; Bureau of Rehabilitation Services; and Support and Learning Systems. Some scoping work on two of these three projects has already been done.

Rep. Collins was interested in the status of OPEGA's review of highway fund use by the Dept. of Public Safety. Director Ashcroft said that the review has been initiated and that OPEGA expects to contract with an outside consultant for assistance. The review should be well underway by the end of this fiscal year.

Motion: That the Government Oversight Committee accept Director Ashcroft's recommended changes to OPEGA's Annual Work Plan for FY 06. (Motion by Rep. O'Brien, second by Rep. Crosthwaite, PASSED by unanimous vote).

The Committee also reiterated its request that OPEGA examine what data currently exists and develop a scope statement and hour estimate for a review of Emergency Room stays by individuals in mental health crisis.

REGULAR COMMITTEE BUSINESS

Rep. Crosthwaite asked if the complaint process could be incorporated in the GOC notebooks. Director Ashcroft said they would be included by the next meeting and she will also check into making meeting materials available on the web for Committee members prior to the meetings.

1. MEETING SUMMARIES OF THE FEBRUARY 27, 2006 AND MARCH 6, 2006 GOC MEETINGS

Motion: That the Meeting Summaries of February 27, and March 6, 2006 be accepted as written. (Motion by Rep. Crosthwaite, second by Rep. Collins, PASSED by unanimous vote).

2. REPORT FROM OPEGA DIRECTOR

• Project Status Report

- Riverview Bed Capacity – Rapid Response

The project is in the close-out phase.

- Guardian Ad Litem for Children

The fieldwork phase is complete and entering into the report phase. Estimate review is 90% complete.

- Economic Development Programs

Review is in fieldwork phase.

- Vacant Positions

Review is in the preliminary phase and currently on hold.

- Highway Fund Use by Public Safety

Review is not officially initiated. Scoping work is complete and RFP waiting to be re-issued.

- Highway and Bridge Improvements

Review not officially initiated. The early scoping work is complete.

3. SCHEDULE NEXT COMMITTEE MEETING

The Committee set Monday, May 1, 2006 at 2:00 p.m. for the next GOC meeting.

ANNOUNCEMENTS AND REMARKS

Rep. Crosthwaite asked if agendas could be formatted more like those of other committees.

Sen. Mitchell said she was concerned with meeting attendance and asked that members make every effort to attend scheduled meetings. The Committee members agreed that during the interim, meetings would be scheduled as needed.

ADJOURNMENT

The Government Oversight Committee meeting was adjourned at 4:00 p.m. (Motion by Rep. O'Brien, unanimous).