

# BOARD OF MENTAL HEALTH

## State of Mississippi

239 North Lamar Street  
1101 Robert E. Lee Building  
Jackson, Mississippi 39201



February 9, 2017

To Concerned Mississippians:

As Chairman of the Board of Mental Health, I am once again writing to inform you of the potential impact of passage of Senate Bill 2567, the "Mississippi Health Agency Reorganization Act of 2017." Today, Senator Buck Clarke amended the bill to remove two of the three agencies that were previously included. The only agency that remains in the bill is the Mississippi Department of Mental Health (DMH). The Senate passed the bill 25 – 24. It was our speculation all along that this bill was in retaliation to DMH and today it was proven true when the bill was amended to apply only to our agency and removed the Mississippi Department of Health and Mississippi Department of Rehabilitation Services.

There were many false statements spoken on the floor of the Senate today in regards to DMH that I want to address. But, first I want to thank Senator Hob Bryan for standing up for the people served by DMH and the employees of DMH as he passionately spoke about the damaging impact to the agency if it is politicized and placed under the Governor. In addition, Senator Bob Dearing and Sen. Tommy Gollott also spoke openly for the people served and staff. I also want to thank each of the Senators that voted against the bill. Thank you for doing what is right!

The passage of this bill would change the way the public mental health system is currently structured and how it is operated. This bill would place DMH under the control of the Governor and places the Board of Mental Health in an advisory role only. The executive director of the agency would be appointed by the Governor and confirmed by the Senate. While there is no longer a provision removing employees from the SPB, there is a provision in Section 1 that states, "(2) The Executive Director of the Department of Mental Health shall be authorized to combine or abolish employee positions as necessary to carry out the provisions of this act, and the Executive Director is authorized to reorganize such offices, services, programs or other activities so as to achieve economy and efficiency and if he finds such action to be in the public interest."

On August 26, 2016, Vice-Chair Robert Landrum, the Executive Director of DMH, and myself met with the Governor and had a very positive discussion about the agency with no complaints voiced by the Governor. We have invited the Governor and Lt. Governor on multiple occasions to come and tour DMH's Programs and they have yet to do so.

As Chairman and supporter of the state's mental health system, I am concerned that Mississippians will be adversely impacted with passage of these bills. The passage of this bill will impact you as a Community Mental Health Center, advocacy group, advisory council, family member, consumer, or concerned citizen of Mississippi. I am respectfully requesting you take action NOW and contact your legislators if you share my concerns.

The Board of Mental Health is composed of nine members appointed by the Governor of Mississippi and confirmed by the State Senate. Currently, six of the members were appointed by Governor Bryant and the others were appointed by the

previous Republican Governor. The purpose of having a board is to avoid political interference, provide continuity of quality care and professional oversight of services.

It was said on the floor of the Senate that all but seven states have the Department of Mental Health under the control of the Governor. This is not true. According to a Substance Abuse and Mental Health Services report, a total of 14 states have a mental health board or council with direct oversight. It appears there are nine states with agencies reporting directly to the governor, and 25 have one organizational level between the agency and the governor.

It was also said on the floor of the Senate that DMH gave over \$11 million in raises last year. This isn't true either. For FY16 there was a decrease in actual Personal Services expenditures (salaries, wages and benefits) when compared to FY15. The difference is a decrease of \$3,534,083.69. Last fiscal year, there was a total of \$7.1 million in transactions that are being referred to as raises.

These so-called raises are not increasing the expenditures of the agency. This increase is the result of trying to keep up with constant turnover as a result of low salaries paid to employees such as Direct Care Workers. For instance, direct care workers have an approximately 48 percent turnover rate each year. It was stated on the floor of the Senate that only 53 of the employees who received "raises" were Direct Care Workers. In reality, 63% of all salary adjustments at DMH went to this group of employees. As employees are hired to replace employees who have left, the spending associated with their hiring and reclassification does not represent cumulative spending.

The same tenet holds true for many other reclassifications. As employees leave or retire from DMH, other employees may have the opportunity to be promoted into those positions, allowing DMH to keep the skills and knowledge base of existing employees. An employee making such a move may receive a salary increase, but it comes with a new position and new responsibilities. In many cases, employees have received new positions and responsibilities and retained those of their previous position as well. Again, it does not represent additional spending.

Lastly, it was stated that we are under a court order with the Department of Justice. Again, this is not true. The fact is that a complaint was filed against the State of Mississippi to enforce the rights of adults with mental illness to receive services in the most integrated setting appropriate for their needs. DMH is listed as a party along with the Division of Medicaid which is under the Office of the Governor. There is no court order. It was also stated that DOJ recommended DMH be placed under the Governor. We know of no recommendation from DOJ to that effect.

There are many false statements being made and a state agency that provides vital services to thousands of Mississippians is being used as a power play. Again, I ask that you consider the facts that have been shared and contact your legislator to express your concerns. Since Senate Bill 2567 passed today, it will be sent to the House of Representatives. Your voice and your role in the public mental health system is vital to the people we serve and support. Families, employees, consumers, and all concerned Mississippians the time is now to speak up and be heard! I hope you will consider my request and act quickly.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Richard Barry". The signature is fluid and cursive, with a long horizontal stroke at the end.

J. Richard Barry  
Chair, Board of Mental Health