



Transforming Lives. Building Community Well-Being.

Mid-State Regional Advisory Board July 23, 2024

The Trillium Health Resources Mid-State Regional Advisory Board met in person at the Asheboro Office, 938 New Century Drive, Asheboro, NC, and via Web-Ex at 6:00 p.m.

Members Present: Commissioner David Allen, Commissioner Skip Alston, Commissioner Mary Hassell, Leann Henkel, Commissioner Priscilla Little-Reid (virtual), Ann Shaw and Commissioner Rick Watkins

Members Absent: Kishia Dunlap, Commissioner Carlvena Foster and Dr. Tommy Jarrell

Staff Present: Anthony Ward, Anne Kimball, and Sherry Bynum (recorder)

I. **Call to Order**

Chair David Allen called the meeting to order at 6:03 p.m. He welcomed everyone.

II. **Certification of Quorum**

Sherry Bynum certified a quorum.

III. **Adoption of Agenda**

Chair Allen called for a motion to adopt the agenda. Commissioner Rick Watkins made a motion to adopt the agenda. Ann Shaw seconded the motion. The motion was unanimously approved.

IV. **Approval of May 28, 2024 Meeting Minutes**

Chair Allen called for a motion to approve the May 28, 2024 meeting minutes. Ann Shaw made a motion to approve the minutes. Commissioner Mary Hassell seconded the motion. The motion was unanimously approved.

V. **Public Comments**

There were no public comments.

VI. **Tailored Plan – What does it actually mean?**

Anthony Ward, Regional Vice President gave an overview of the steps taken to get to the Tailored Plan launch of July 1, 2024. He presented a PowerPoint presentation on *Tailored Plan – What does it actually mean?*

- Highlighted the NC behavioral Health and IDD Tailored Plans
- Discussed who is enrolled in a Tailored Plan
- Discussed that Tailored Plans now cover physical health and other new services
- Tailored Care Management available
- How members can move between plans – Standard Plan and Tailored Plan
- Reviewed the important milestones before the Tailored Plan launched July 1
- Reviewed access to physical health care from a standpoint on what is covered and what did not change

VII. Director's Report

Anthony Ward, Regional Vice President, reported on the following:

▲ **Tailored Plan Launch**

- Tailored Plan – launched July 1, 2024. Mr. Ward noted some early themes that have emerged:
 - The Call Center/Call Lines are experiencing high call volume from members, up to 500 per day.
 - The Provider Services Support Line is experiencing high call volume from providers, up to 300 per day.
 - Non-emergency Medical Transportation, an external vendor, is experiencing challenges with availability of transportation and scheduling, including more than 900 members assisted by Trillium staff to arrange transportation.
- To help ease the Tailored Plan transition, several Provider and Member flexibilities are offered:
 - Relax medical prior authorization requirements, from July 1 – September 30, 2024.
 - Relax pharmacy prior authorization requirements, from July 1 – September 30, 2024.
 - Non-health plan participating providers paid at participating provider rates, from July 1 – September 30, 2024.
 - Non-health plan participating providers follow participating provider prior authorization rules, from October 1 – January 31, 2025.
 - Members have the ability to change their PCP from July 1, 2024 – January 31, 2025.

▲ **Trillium Advantage**

Mr. Ward discussed Trillium Advantage, a Managed Care model allows Managed Care Organizations, including Trillium Health Resources as a Tailored Plan, to offer additional benefits not traditionally covered through Medicaid and not typically offered as either behavioral health or physical health services. These additional benefits are often referred to as Value Added Services. Trillium has branded the Value Added Services as Trillium Advantage.

Trillium Advantage services include:

- Child Education Support for \$75 one-time per year for school supplies for covered children enrolled in Pre-K through 12 grade
- GED Test Vouchers for up to \$120 once per lifetime in GED Test financial assistance
- Gym Membership for up to \$250 per year for membership fees for qualifying members with no other available funding source to meet this need
- HOMES Funds to fund person-specific needs to maintain housing such as past due rent, past due utilities, and other housing related needs to maintain safe and stable housing
- One-Time Move-In Assistance to assist members with obtaining permanent housing
- Stay Connected Cell Phones offers one-time per lifetime assistance with a cell phone and service plan for up to one year
- Substance Use Recovery App, a mobile application and website to assist with building a 24/7 social support network made up of peers and caregivers
- Tailored Care Management Engagement offers up to \$50 per member per year for being active in participants in the member's own health
- Transportation for up to \$240 per year per household vouchers for bus passes, gift cards for ride share agencies and gift cards for gas, depending on availability

- o Youth Support Membership offers up to \$100 one-time per year per child membership for after school sports/activities or youth club memberships for covered children ages 6 – 18

Additional information about each Trillium Advantage program, including eligibility, application process and other details, can be found online at: <https://www.trilliumhealthresources.org/trillium-advantage>

▲ **Town Halls**

The Mid-State Region has conducted four (4) of the five (5) scheduled Town Hall meetings. The meetings have gone well with good attendance. The Guilford County Town Hall meeting is scheduled for Tuesday, July 30, starting at 10:00 a.m., at the Greensboro office.

▲ **Annual Report Updates**

Mr. Ward stated that the annual report to each county's Board of Commissioners for the Mid-State Region have been conducted. He expressed his appreciation to the Commissioners for their support during the presentations and during the year.

▲ **LME/MCO Consolidation Review – Eastpointe**

Mr. Ward reported that on June 27, NC DHHS' Office of the Internal Auditor released their independent review of Eastpointe Health Services. The purpose was to provide a review of:

- 1) Severance payments made Eastpointe to executive staff, and
- 2) The financial transactions between Eastpointe and its external general counsel

The scope of the engagement included Eastpointe's activities during and leading up to its consolidation with Trillium Health Resources.

The audit included a summary of 11 findings about severance payments made, bonus payments made, benefits received, revised and newly created employment agreements, contract changes, payments for retroactive dates, backdated contracts, deletion of emails that constitute public records and failing to provide public notice of Board meetings and failing to properly keep minutes as required by State Law.

The report included three (3) recommendations:

- 1) Trillium should seek recoupment of \$707,480 paid to the Eastpointe CEO and \$383,110 paid to the Eastpointe Chief Business Officer
- 2) NC DHHS should implement mandatory annual training for all LME/MCO Board members
- 3) In order to prevent abuse and/or wasteful contracts, during any future period where the NC DHHS Secretary has issued a consolidation directive, relevant parties should be prohibited from modifying or entering into new contractual agreements without receive written approval from the NC DHHS Secretary

▲ **SB 425 Legislation**

Mr. Ward reported that on June 27, the NC Senate considered a Proposed Conference Committee Substitute on Senate Bill (SB) 425, An Act Making Modifications to Law Pertaining to Health and Human Services.

- The Proposed Substitute included, among other adjustments, the following language:
 - o **PART XVI. AREA AUTHORITY ALTERNATIVE BOARD STRUCTURE**
SECTION 16.(a) No later than 14 days after this act becomes law, the area director of Trillium Health Resources shall submit for approval a new alternative board structure to the Secretary of the Department of Health and Human Services. With

regard to this submission, the Secretary may approve the new alternative board structure and appoint the initial board members without each county in the catchment area adopting a resolution approving the board structure or appointing the board members, notwithstanding the requirement in G.S. 122C-118.1(a).

- **SECTION 16.(b)** This Part is effective when this act becomes law.
- The Proposed Conference Committee Substitute was approved by the NC Senate that morning (June 27) and forwarded to the NC House for review. It was reviewed and approved by the NC House that afternoon and forwarded to the NC Governor for review and signature.
- On Wednesday, July 10, 2024, Guilford County's Attorney's Office filed a Complaint for Declaratory Judgement and Motion Permanent Injunction against the State of North Carolina, Sen. Phil Berger, Speaker Tim Moore, Kody Kinsley, Trillium Health Resources, and Joy Futrell in her professional capacity, requesting:
 - A permanent injunction enjoining the advancement, directive, operation, or enforcement of Part XVI, § 16.(a) and (b) of SB 425 such that the status quo is restored effective July 7, 2024
 - The Court determine that Part XVI, § 16.(a) and (b) of SB 425 is unconstitutional and is facially invalid and strike its advancement, directive, operation, or enforcement
 - The Court determine that Part XVI, § 16.(a) and (b) of SB 425 is unconstitutional and deprives Guilford County of exercising its constitutional right for health-related matters pursuant to NC Constitution Article II § 24, Article XIV § 3 and strike its advancement, directive, operation, or enforcement
- The hearing on Guilford County's Motion for Temporary Restraining Order was heard in Guilford County on Thursday, July 11, 2024 and the Judge determined the case should not proceed in Guilford County and was moved to Wake County.

VIII. Governing Board Report

Governing Board member, Commissioner Priscilla Little-Reid, highlighted items from the Governing Board report:

- ▲ The Governing Board has met twice since the May Regional Advisory Board meeting, May 30 and June 27.
 - The May 30 meeting included a presentation by Trillium's Finance staff, outlining the budget process for FY 2025, and the expected revenues and expenditures for the year.
 - The June 27 meeting included a public hearing on the proposed budget for FY 2025.
 - Other business during the June 27 meeting, included final budget revisions for FY 2024, approval of staff salary increases for the upcoming fiscal year, and approval of a revised Play Plan for FY 2025.
 - The meeting began with two (2) announcements from the Governing Board Chair indicating that the Eastpointe audit had been completed and the NC General Assembly approved legislation altering the Trillium Governing Board.
 - FY 2025 meeting schedule as approved. The next meeting is scheduled for Thursday, August 22 at the Beulaville office, starting at 4:00 p.m.

Governing Board member, Commissioner Skip Alston, further discussed the June 27 Governing Board meeting, SB 425, and the complaint filed by Guilford County. He offered a clarification on where things are now.

Commissioner Alston shared conversations he has had since June 27 with members of the General Assembly and other NC leaders about the introduction and passage of SB 425. He shared he had a meeting with Governor Cooper along with others and encouraged the Governor to advise the Secretary to not approve an alternate Board structure.

Commissioner Alston indicated his understanding that the Trillium CEO submitted her recommendations for the Trillium Governing Board last Friday, July 19, to Secretary Kinsley. He reported the structure includes 15 members – five (5) CFAC members, five (5) Regional Advisory Board members, and five (5) at large members.

Following enactment of the legislation, Guilford County filed a restraining order in Guilford County. The judge ruled the proper venue for the complaint was Wake County so the complaint has since been filed in Wake County.

He indicated Supreme Court judge Newby appointed three (3) judges to hear the complaint. Commissioner Alston stated the complaint will likely be heard in August. He received a request from Secretary Kinsley's attorney asking to postpone the hearing for two (2) weeks until the Secretary is back in the office. The complaint is asking for Motions for Temporary Restraining Order and Preliminary Injunctions to stay and suspend the CEOs submission of an alternative board structure to Secretary Kinsley; stay and suspend Secretary Kinsley from approving an alternative board structure submitted by the CEO, without each county in the catchment area adopting a resolution approving the board structure or appointing the board members.

Commissioner Alston indicated his belief that the legislation was drafted because of questions he was asking about contract review/approval. He indicated asking about a budget ordinance delegating signatory authority to the Trillium CEO and indicated having received an answer that there is no ordinance delegating that authority but that the delegation of authority was understood from earlier practice.

He indicated all counties should be concerned with the bill taking away authority/responsibility from the counties to appoint Board members and giving authority for the Secretary to approve the structure submitted by the CEO. Guilford County is asking the court to not take away authority of the counties to appoint who they want to represent their county.

Guilford County has hired an attorney. The attorney is asking all 46 counties to protect their constitutional right to select who represents their county on the Governing Board. There is no assurance that a County Commissioner will be on the Governing Board.

Commissioner Alston stated that he wanted to let everyone know where things are and why Guilford County has filed a complaint in order to protect their fiduciary responsibility to the citizens to oversee \$2.8B of taxpayer's money.

Mid-State Regional Advisory Board members discussed the legislation and Commissioner Alston's update. Commissioner Allen commented that an alternative board structure is an alternative to the requirements of 122C, which includes membership requirements. With the proposed Board structure, the Secretary may make the appointments. Commissioner Allen noted that it seems that the Secretary wants to wait until the outcome of the complaint before he makes a decision. Commissioner Alston commented that Secretary Kinsley's attorney stated that Secretary Kinsley would not take an action until the complaint has been resolved. Until a new Trillium Governing Board is seated, the current Trillium Governing Board is still in place.

Commissioner Alston commented that with the upcoming elections, Kevin Leonard, Executive Director of the North Carolina Association of County Commissioners, asked a question to the Secretary – if a vacancy should occur, who appoints the Board? There is no clear guidance on the question in the legislation.

Commissioner Rick Watkins stated that will be the most compelling agreement in court, giving away the statutory authority of commissioners to handle county budgets and approve dollars

and how that process works by statute and give the power to a CEO with the approval of the Secretary to bypass the process. You can't sidestep the people who have the responsibility by statute to make sure the money is held appropriate.

Commissioner Alston noted that Guilford County Commissioner Kay Cashion read the complaint at the recent National Association of Counties (NACo) Annual Conference. He encouraged all counties to get behind Guilford County on the complaint and commented that the Guilford County attorney has sent out a letter to all county attorneys requesting them to bring this before their board.

IX. Consumer and Family Advisory Committee (CFAC) Report

Leann Henkel, CFAC Chairperson, provided a Consumer and Family Advisory (CFAC) report, highlighting:

- ▲ Meetings – are held the 3rd Tuesday of each month. Reports are provided by staff.
- ▲ Membership – currently have 11 members. Anson and Montgomery County representatives are still needed.
- ▲ Upcoming Activities –
 - Meeting of the five (5) Trillium CFAC Chair and Vice Chairs August 2.
 - Hosting a Verbal De-escalation Skill training August 10
 - Participates on the Family Panel for Crisis Intervention Team (CIT) training for first responders.
 - Quarterly meetings of all CFACs with Trillium's Leadership beginning in September.

X. Comments

Chair Allen stated that currently the Mid-State Regional Advisory Board does not have by-laws. The Governing Board has a committee identified to adjust their by-laws. Since the Regional Advisory Board by-laws need to be in keeping with the Governing Board by-laws, the Mid-State Regional Advisory Board will adopt by-laws when the Governing Board by-law adjustments are finalized.

Chair Allen stated that the next meeting is scheduled for Tuesday, September 24, 2024, starting at 6:00 p.m.

XI. Adjournment

With there being no other business, Chair Allen called for a motion to adjourn the meeting. Commissioner Mary Hassell made a motion to adjourn the meeting. Commissioner Skip Alston seconded the motion. The motion unanimously approved. The meeting adjourned at 7:25 p.m.


Sherry Bynum, Clerk


David Allen, Chairperson

Packet Material:

- Tuesday, July 23, 2024 agenda
- Draft May 28, 2024 minutes
- Tailored Plan – *What does it actually mean?* PowerPoint
- Mid-State Regional Vice President Report
- Mid-State Regional Governing Board Report
- Mid-State CFAC Report