

Joint Finance Testimony on the 2009 -2011 Wisconsin State Budget

by

Fred Buhr, President & CEO
Metasteward LLC

Volunteer Data Entry Operator
McFarland Senior Outreach Program

Volunteer Member
Healthcare Information Technology Standards Panel (HITSP)

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Good morning Senator Miller, Representative Pocan, and members of the Committee. I appreciate the opportunity to speak with you today regarding the health and human services aspects of the proposed 2009-2011 Biennial Budget. But before I begin, I would like to provide a context for my comments by giving a brief description of my education, background, and experience in Wisconsin's health and human services system.

After graduating from college in 1960, I attended a theological seminary and as part of my coursework in pastoral counseling received clinical training at Mendota Mental Health Institute and Fox Lake Correctional Institution as a student chaplain.

In 1965, after working two years as a public assistance worker in Iowa, I was accepted into the educational leave program of the Milwaukee Office of the Division for Children and Youth and earned a Master's of Science in Social Welfare (MSSW) degree from the University of Wisconsin - Milwaukee in 1968. My student field placements were at the (then named) Southern Colony and the Waukesha County juvenile probation unit. My master's thesis, co-authored and a part of a much larger Older American's Act study, was the design of an instrument to measure the effect of communications patterns with relatives on the self-esteem of an elderly patients in nursing homes.

From 1968 until 1970, I worked in the Rock County Department of Social Services in the child protective services, first as a caseworker, then as Chief of Child Protective Services.

In 1970, I accepted a position as a Social Services Planning Specialist with the Division of Family Services (DFS) in the Department of Health and Social Services (DHSS) which had been created as an umbrella agency under the Kellett Commission. The Kellett Commission had been established by the Legislature in 1965, and charged with streamlining state government with authority to submit proposed legislation directly to the legislature.

The Department of Health and Social Services (DHSS) contained as divisions, many units that had previously been State level departments including: the Divisions of Health, Corrections, Family Services, Vocational Rehabilitation, Aging, Mental Hygiene, and centralized units attached to the Office of the Secretary for administrative services under a Board of Health and Social Services.

The Division of Family Services (DHFS) was of wider scope than any one of the current health and humans services departments being responsible for all social and income maintenance programs as well as Medical Assistance under a state-supervised / county administered system. In the early 1970's staff from the Division of Family Services and county departments of social services fashioned a program of services that was intended to initially establish a base level of services across all counties with expansion until there was a full array of services available to all citizens of Wisconsin.

Dane County was the model used for other counties to emulate. In 1975, the DHSS became a cabinet agency under Governor Patrick Lucy with Manuel Carballo as the first appointed Secretary followed by Don Percy and then Linda Reivitz under Governor Tony Earl. During that period I was chief of the local aids budget unit and social services and mental hygiene financial aids were combined into what still is called Community Aids. Through this period as well as the previous, Dane County was used as the model for other counties to emulate.

Under the proposed budget, Dane County must join a statewide program of long-term care for the elderly and disabled called Family Care. County Board Chairman Scott McDonell is quoted as saying, "It's a boon for a lot of the state and a disaster for us." To me, from the long view, it's a disaster for the whole state because it "trashes" a human services program that was outstanding not only in Wisconsin but on a national level.

As everyone is aware, Tony Earl only served one term as he was defeated by Tommy Thompson on a welfare reform agenda, but very few are aware that the very first group of welfare reforms waivers of the Thompson administration were brought forward from the Earl Administration. The medical assistance waiver that was the grandparent of the current health care and medical assistance programs was developed under Secretary Reivitz. It was so successful as a waiver that by the end of 1993, over \$300 million federal dollars had been claimed as benefits savings and requested for one time project or administrative costs. Also not widely known, is that the day care programs that were instituted in the Thompson administration were initially developed by the budget section under Governor Earl and Secretary Linda Reivitz.

But through the years, politics has weakened human services by splitting the once overarching umbrella agency that was the Department of Health and Social Services into a multitude of state level agencies, similar to those that existed prior to the Kellett reorganization. I believe that it is time for the Legislature to establish another Kellett Commission and reorganize state government to meet the modern challenges. I would like to see the return of a Board of Health and Social Services.

Dane County's human services programs have through out remained strong and inspiring with the exception of the privacy and security of its management information system for Older American Act Programs. That system, the Social Assistance Management System (SAMS) is proposed as the system of choice for the Family Care Program. It is so flawed that the whole human service system is being compromised. One only has to look at the registration documents to see that the main form called, "Determine" has been hijacked and is being used without permission from the Nutrition Screening Initiative and without knowledgeable consent by participants as a screening and assessment tool without following protocols for human subjects research.

At the outset, I mentioned that I am a member of the Healthcare Information Technology Standards Panel. Yesterday, the chair of the group informed members of the panel, via conference call, of the urgency to aggressively focus the energies of its volunteers, staff, and leadership for the next 90 days in the health information technology areas of the American Recovery and Reinvestment Act (ARRA) related to the standards and work of the Health Care Technology Standards participants. A meeting of the panel is scheduled for July to approve the work of the technical committees.

ARRA or the Stimulus Bill as it is known dramatically strengthens privacy regulations related to medical information. As the State Agency on Aging and Dane County Area Agency on Aging know, I have been concerned for over a year that the Social Assistance Management System compromises the privacy and security of the medical information of Wisconsin's elderly and disabled. Now, the budget bill makes it mandatory that all individuals meet the functional eligibility requirements to be eligible for family care and removes the requirement that DHS allot money for the contract to provide advocacy services.

Under the privacy provisions of ARRA, the Attorneys General of the States, upon passage of the act, which was February 16, 2009, can, if they have reason to believe that an interest of one or more of the residents of the State has been or is threatened or adversely affected by any person who violates a provision of this part, as *parens patriae*, may bring a civil action on behalf of such residents of the State in a district court of the United States of appropriate jurisdiction.

Because I believe that the State Aging Unit and Dane County are violating the privacy and security of my personal health information and that of other seniors, I intend to file a verified complaint with the Attorney General of Wisconsin requesting that he, as *parens patriae*, bring a civil action in federal court on behalf of the citizens of Wisconsin to enjoin Dane County and the State of Wisconsin from continuing to use the Social Assistance Management System (SAMS).

Thank you.