NEDHSA

Board Governance Policy Manual

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**updated January 2017**

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**1. ENDS**

**Global Ends Statement**

Citizens with mental health, developmental disabilities and/or addictive disorders residing in the parishes of Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll will:

* be informed of services they may need
* access NEDHSA services, provided they meet the criteria established by the Department of Health and Hospitals and its respective program offices
* be provided services in a responsive and integrated manner supportive of their optimum functioning, and observing the fiscal confines set forth.

**2. GOVERNANCE PROCESS**

**Governance Process: Global Governance Commitment**

The purpose of the Northeast Delta Human Services Authority (NEDHSA) Board of Directors is to assure that the Authority;

1) achieves appropriate results consistent with the mission of the agency for serving persons living in the community with mental illness, addictive disorders and/or developmental disabilities, consistent with the terms of the enabling legislation and the MOU/Framework, signed between NEDHSA & the Louisiana LDH,

2) is consistent with the approved NEDHSA strategic plan and is fiscally responsive, and

3) avoids unacceptable risk and situations.

**Governance Process: Governance Style**

The board will govern with an emphasis on

1) outward vision rather than internal preoccupation;

2) encouragement of diverse viewpoints,

3) strategic leadership rather than administrative detail,

4) clear distinction of board and executive director roles,

5) collective rather than individual decisions,

6) future rather than past or present; and

7) proactive rather than reactive actions

Accordingly:

The board will cultivate a sense of group responsibility and will monitor the Agency’s performance.

The board will be the initiator of policy and will use the expertise of individual members to enhance the ability of the board as a body rather than to substitute individual judgments for the board’s values.

The board will allow no officer, individual, or committee of the board to hinder or be an excuse for not fulfilling board commitments.

The board will direct, control and inspire the organization through the careful establishment of broad written policies reflecting the board’s values and perspectives about Ends to be achieved and Means to be avoided. The board’s major policy focus will be on the intended long-term effect outside the organization, not on the administrative or programmatic means of attaining those effects.

The board will enforce upon itself whatever discipline is needed to govern with excellence. Discipline will apply to matters such as attendance, conflict of interest, financial disclosure, preparation, policy-making principles, respect of roles, and ensuring continuance of governance capability.

Continual board development will include orientation of new board members in the board’s governance process and periodic board discussion of process improvement.

The board will monitor and discuss the board’s process and performance at each meeting. Self-monitoring will include comparison of board activity to policies in the Governance Process and Board-Executive Director Linkage categories.

**Governance Process: Board Job Description**

The job of the board is to represent the NEDHSA in determining and demanding appropriate organizational performance.

Accordingly:

The board will produce the link between the Authority and the community.

The board will produce written governing policies that, at the broadest levels, address each category of organizational decision.

ENDS. Organizational products, effects, benefits, outcomes, recipients, and their relative worth, relative to the agencies mission, MOU, regulations and requirements of a political subdivision.

Executive Limits. Constraints on executive authority that establish the prudence and ethics boundaries within which all executive activity and decisions must take place.

Governance Process. Specification of how the board conceives, carries out, and monitors its own task.

Board/ED Linkage. How power is delegated and its proper use monitored; the ED role, authority, and accountability.

The board will produce assurance of ED performance.

**Governance Process: Board Members’ Code of Conduct and Conflict of Interest**

Board commits itself and its members to ethical, businesslike, and lawful conduct, including proper use of authority and appropriate decorum when acting as board members.

Accordingly:

Board members may not attempt to exercise individual authority over the Authority except as explicitly set forth in board policies

Members’ interactions with the Executive Director or with staff must recognize the lack of authority vested in individuals, except when explicitly board-authorized.

Members’ interactions with public, press, or other entities must recognize the same limitation and the inability of any board member to speak for the board except to repeat explicitly stated board decisions.

Members will give no consequence or voice to individual judgments of ED or staff performance.

Members must represent loyalty that is not conflicted to the interests of the community and must avoid conflict of interest for their fiduciary responsibility. This Policy is intended to supplement, but not replace any applicable state laws governing conflicts.

Agency respects each individual’s right to engage in commercial, social, community, political or religious activities which are private in nature. The performance of these activities may, however, result in an actual or potential conflict, or give the appearance of a conflict of interest situation. A conflict of interest occurs when a Board member uses his or her position at the Agency for individual personal advantage or advantage of a family member. In all business associations, both inside and outside Agency, Board members should not permit themselves to be placed in a conflict of interest situation.

The following discussion is not intended to intrude upon individual privacy, but to help avoid a conflict of interest. If Board Members are faced with a personal transaction, decision, or situation that you think may create a conflict of interest, it should be reported to the Board of Ethics and/or Board Chairperson. In some situations, if there are no objectionable, legal or ethical issues involved, Agency may consent to the proposed activity even though a conflict of interest exists. Therefore, it is the policy of the Agency that Board members:

Carry out the assignments as Board members of the Agency with loyalty and faithfulness to one’s obligations and duties to the organization and to bring credit to themselves and to the Agency exercising their best care, skill, and judgment for the benefit of the institution.

Refrain from activities which do or could or appear to create a conflict of interest.

Possible, actual or the appearance of a conflict of interest situation must be reported to the Ethics Commission and/or the Executive Director. The Board member will make a full disclosure of all facts and circumstances surrounding the actual or potential conflict of interest.

All Board members are expected to maintain an awareness of potential conflicts of interest and ensure compliance with procedure.

Board members in violation of this policy may be subject to removal.

A. Definitions:

Interested Person - Any Director, Officer, or member of a committee with board delegated powers that have a direct or indirect financial interest, as defined below, is an interested person. If a person is an interested person with respect to any entity of which Agency is a part, he or she is an interested person with respect to all entities of Agency.

Financial Interest -A person has a financial interest if the person has, directly or indirectly, through business, investment or family; An ownership or investment interest in any entity with which the Agency has a transaction or arrangement; or A compensation arrangement with the Agency or with any entity or individual with which the Agency has a transaction or arrangement; or A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Agency is negotiating a transaction or arrangement.

(Compensation includes direct and indirect remuneration as well as gifts or favors that are substantial in nature. A financial interest is not necessarily a conflict of interest, a person who has a financial interest may have a conflict of interest only if the appropriate board or committee decides that a conflict of interest exists.)

B. Procedures to be followed:

Duty to Disclose - In connection with any actual or possible conflicts of interest, an interested person must disclose the existence of his or her financial interest and must be given the opportunity to disclose all material facts to the directors and members of committees with board delegated powers considering the proposed transaction or arrangement.

Determining Whether a Conflict of Interest Exists - After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he or she shall leave the board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists.

Procedures for Addressing the Conflict of Interest - An interested person may make a presentation at the board or committee meeting, but after such presentation, he or she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement that results in the conflict of interest.

The chairperson of the board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement. After exercising due diligence, the board or committee shall determine whether the Agency can obtain a more advantageous transaction or arrangement with reasonable efforts from a person or entity that would not give rise to a conflict of interest.

If a more advantageous transaction or arrangement is not reasonably attainable under circumstances that would not give rise to a conflict of interest, the board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Agency’s best interest and for its own benefit and whether the transaction is fair and reasonable to the Agency and shall make its decision as to whether to enter into the transaction or arrangement in conformity with such determination.

Violations of the Conflicts of Interest Party - If the board or committee has reasonable cause to believe that a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose in written form.

If, after receiving the response of the member and making such further investigation as may be warranted in the circumstances, the board or committee determines that the member has in fact failed to disclose an actual or possible conflict of interest, it shall take appropriate corrective and/or disciplinary action including termination.

C. Records of proceedings:

The minutes of the board and all committee with board-delegated powers shall contain:

The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the board’s or committee’s decision as to whether a conflict of interest in fact existed.

The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection therewith.

D. Financial conflicts:

A voting member of the Governance Board who receives compensation, directly or indirectly, from the Agency or an entity contracted by the Agency for services is precluded from voting on matters pertaining to the member’s compensation.

E. Annual statements required:

Each director, principal officer and member of a committee with board-delegated powers shall annually sign a statement, which affirms that such person:

has received a copy of the Policy,

has read and understands the Policy.

F. Use of outside experts: In conducting the periodic reviews provided for in “section E” of this policy, the Agency may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the board of its responsibility for ensuring that periodic reviews are conducted.

Members will respect the confidentially appropriate to issues of a sensitive nature, and follow open meeting rules relative to personnel matters.

**Governance Process: Board Committee Principles**

Board committees, when used, will be assigned so as to reinforce the wholeness of the board’s job and so as never to interfere with delegation from board to ED.

Accordingly:

Board committees are to help the board do its job, never to help or advise the staff. Committees ordinarily will assist the board by preparing policy alternatives and implications for board deliberation. In keeping with the board’s broader focus, board committees will normally not have dealings with current staff operations. Requests made to staff will be directed through the ED.

When ad-hoc committees are appointed they will be provided 1.) what results are expected and 2.) what authority they are given to accomplish those specified results.

Board committees may not speak or act for the board except when formally given such authority for specific and time-limited purposes. Expectations and authority will be carefully stated in order not to conflict with authority delegated to the ED.

Board committees cannot exercise authority over staff. Because the ED works for the full board, he or she will not be required to obtain approval of a board committee before an executive action.

Board committees are to avoid over-identification with organizational parts, rather than the whole. Therefore a board committee that has helped create policy on some topic will not be used to monitor organizational performance on the same topic.

Committees will be used sparingly and ordinarily in an ad hoc capacity.

This policy applies to any group that is formed by board action, whether or not it is called a committee and regardless whether the group includes board members. It does not apply to committees formed under the authority of the ED.

**Governance Process: Chairperson’s Role**

The chairperson assures the integrity of the board’s process, and secondarily, occasionally represents the board to outside parties.

Accordingly:

The job result of the chairperson is that the board behaves consistently with its own rules and those legitimately imposed upon it from outside the organization.

Meeting discussion content will be only those issues, which, according to board policy, clearly belong to the board to decide, not the ED.

Deliberation will be fair, open, and thorough but also timely, orderly, and kept to the point.

The authority of the chairperson consists in making decisions that fall within topics covered by board policies, Governance Process and Board-ED Linkage, except where the board specifically delegates portions of this authority to others. The chairperson is authorized to use any reasonable interpretation of the provisions in these policies.

The chairperson is empowered to chair board meetings, with all the commonly accepted power of that position (for example, ruling, recognizing).

The chairperson has no authority to make decisions about policies created by the board within Ends and Executive Guidelines policy areas.

The chairperson may represent the board to outside parties in announcing board-stated positions and in stating chair decisions and interpretations within the areas delegated to her or him.

The chairperson may appoint committees, taskforces, or workgroups as needed to carry out the duties and responsibilities of the Board. After the work is completed, a report is made to the Board, and unless otherwise continued by the Chairperson or Board, any appointments shall dissolve without any action of the Chairperson or Board.

The chairperson may delegate this authority but remains accountable for its uses.

**Governance Process: Cost of Governance**

Because poor governance costs more than learning to govern well, the board will invest in its governance capacity.

Accordingly:

1. Board skills, methods, and supports will be sufficient to assure governing with excellence.

Training and retraining will be used liberally to orient new members and potential nominees for membership, as well as to maintain and increase existing member skills and understandings.

Outside monitoring assistance will be provided by those governmental bodies with authority to audit fiscal, policy, contract, civil service activities, and safety.

Outreach mechanisms such as town meetings, will be used as needed to ensure the Board’s ability to listen to community viewpoints and values.

2. Cost will be prudently incurred, though not at the expense of endangering the development and maintenance of superior capability.

a. A budget will be established to cover costs of governance activities including routine operational expenses and Board training, conferences and workshops, third party monitoring, and activities to connect to our stakeholders.

**Governance Process: Agenda Planning**

To accomplish its job products with a governance style consistent with board policies, the board will follow an annual agenda that 1) completes re-exploration of Ends policies annually and 2) continually improves board performance through board education and enriched input and deliberation.

Accordingly:

The “agenda year” will conclude each year on [at the June meeting] so that administrative planning and budgeting can be based on accomplishing a one-year segment of the board’s most recent statement of long-term ENDS.

The cycle will start with the board’s development of its agenda for the coming year.

Consultation with selected groups in the ownership or other methods of gaining ownership input will be determined and arranged in the first quarter, to be implemented throughout the balance of the year.

Governance education and education related to Ends determination (for example, presentation by futurists, demographers, advocacy groups and staff) will be arranged in the first quarter, to be held during the balance of the year.

Throughout the year, the board will attend to consent agenda items as expeditiously as possible.

ED monitoring will be included on the agenda if monitoring reports show policy violations or if policy criteria are to be debated.

ED remuneration will be decided after a review of monitoring reports received in the previous year, and a full board member survey of satisfaction with the ED’s performance.

**3. BOARD –EXECUTIVE DIRECTOR LINKAGE**

**Board-Executive Director Linkage: Global Board-Executive Director Linkage**

The board’s sole official connection to the operation of the Authority, its achievements, and conduct will be through an Executive Director. The Executive Director is an employee of the Governing Board.

**Board Executive Director Linkage: Unity of Control**

Only decisions of the board acting as a body are binding on the Executive Director.

Accordingly:

Decisions or instructions of individual board members, officers, or committees are not binding on the ED except in instances when the board has specifically authorized such exercise of authority to accomplish a specific task or goal for the Board.

In the case of board members or committees requesting information or assistance without board authorization, the ED can refuse such requests that require, in the ED’s opinion, a material amount of staff time or funds, or are disruptive.

**Board-Executive Director Linkage: Delegation to the Executive Director**

The board will instruct the ED through written policies that prescribe the organizational Ends to be achieved and describe the organizational situations and actions to be avoided, allowing the ED to use any reasonable interpretation of these policies.

Accordingly:

1. The board will contribute to, approve of, and oversee the process, development, and implementation of a strategic/ operational plan that is used to instruct the ED to achieve certain results, for certain recipients, at a specified cost within the guidelines of the MOU and the Authority’s resources. The plan will be developed systematically from the broadest, most general level to more defined levels, and, will be consistent with the ENDS policies.

2. The board will develop policies that limit the latitude the ED may exercise in choosing organizational means. These policies will be developed systematically from the broadest, most general level to more defined levels, and will be called Executive Limits.

3. As long as the ED uses any reasonable interpretation of the board’s ENDS and Executive Limits, the ED is authorized to establish all further policies, make all decisions, take all actions, establish all practices, and develop all activities.

4. The board may change its ENDS and Executive Limits, thereby shifting the boundary between the board and ED domains. By doing so, the board changes the latitude of choice given to the ED. But as long as any particular delegation is in place, the board will respect and support the ED’s choices.

**Board Executive Director Linkage: Accountability of the Executive Director**

The ED is the board’s only link to operational achievement and conduct, so that all authority and accountability of staff, as far as the board is concerned, is considered the authority and accountability of the ED.

Accordingly:

The board will refrain from giving instructions to persons who report directly or indirectly to the ED.

The board will refrain from evaluating, either formally or informally, any staff other than the ED.

The board will view ED performance as identical to organizational performance, so that organizational accomplishment of board-stated Ends and avoidance of board-proscribed means will be viewed as successful ED performance.

**Board Executive Director Linkage: Strategic Priorities (MEANS)**

Initiatives prioritized by the Executive Director and the Governance Board based on the current year’s needs and Strategic Plan (or 5 Year Plan) utilizing Management, Fiscal, Human Resources/Direct Care, Accountability/Communications, and Crisis Response input.

**Board-Executive Director Linkage: Monitoring Executive Director Performance**

Systematic and rigorous monitoring of ED job performance will be directed solely on the expected ED job outputs: organizational accomplishment of board policies on ENDS and organizational operation within the boundaries established in board policies on Executive Limits.

Accordingly:

Monitoring is simply to determine the degree to which board policies are being met. Data that does not do this will not be considered to be monitoring data.

The board will acquire monitoring data by one or more of three methods: a) by internal report, in which the ED disclosed compliance information to the board, b) by external report, in which an external, disinterested third party selected by The Board assesses compliance w/ board policies, and, c) by direct board inspection, in which a designated member or members of the board assesses compliance with the appropriate policy criteria using audits and other reports provided by authorized governmental agencies.

In every case, the standard for compliance shall be any reasonable ED interpretation of the board policy being monitored.

All policies that instruct the ED will be monitored at a frequency and by a method chosen by the board. The board can monitor any policy at any time by any method, but will ordinarily depend on a routine schedule.

**4. EXECUTIVE LIMITS**

**Executive Limits: Job Description**

**See APPENDIX B**

**Executive Limits: Global Executive Constraint**

The ED shall not cause or allow any practice, activity, decision, or organizational circumstance that is either unlawful, imprudent, or in violation of community accepted business, governmental and professional ethics.

**Executive Limits: Emergency ED Succession**

In order to protect the board from sudden loss of ED services, the ED may have no fewer than two other executives familiar with board and ED issues and processes. The Board shall be advised of the two Executives, their contact information, along with an updated organizational chart in May of every year. The ED shall not fail to notify the Board of any changes in the Executives designated in the succession.

While the emergency succession policy ensures the continuous coverage of the duties critical to the ongoing operations of the Authority upon the Executive Director’s absence, the Board remains responsible for implementing this policy and its related procedures.

The Board is notified and determines the compensation and authority of an acting (interim) Executive Director, and provisions for hiring assistance for longer- term absences.

The ED may recommend to the Board staff members (up to 2) who can be appointed as acting (interim) ED, or may recommend to split the functions among existing staff, or to hire a temporary executive director who has had experience as ED for a similar program. Within 10 business days the Board shall appoint an acting (interim) executive director, and evaluate if a new, permanent Executive Director is indicated.

The Board will assess the priority/functions/abilities of the interim Executive Director. They will include general functions of an Executive Director, and specific functions unique to the services delivered. Provisions for cross training those staff who may be appointed to acting (Interim) executive director will be ensured by the Executive Director.

The ED and the Board will plan together communication with external supporters in the event that the succession plan is activated. The communication plan will identify supporters such as political and elected officers, civic leaders, contractors, government officers, and citizens of the Authority who will be notified by the ED, the Board, or the acting (Interim) Executive Director as soon as possible. The plan will also ensure that the ED, the interim ED, or the Board Chairperson will communicate with the staff on the leadership of the agency as soon as possible.

**Executive Limits: Communication with and Support to the Board**

The ED shall not permit the board to be uninformed or unsupported in its work.

Accordingly, the ED shall not:

Neglect to submit monitoring data required by the board in a timely, accurate, and understandable fashion, directly addressing the provisions of board policies being monitored.

Let the board be unaware of relevant trends, anticipated adverse media coverage, material external and internal changes particularly changes in the assumptions upon which any board policy has previously been established.

Fail to advise the board if, in the ED’s opinion, the board is not in compliance with its own policies on Governance Process and Board/ED linkage, particularly in the case of board behavior that is detrimental to the work relationship between the board and the ED.

Fail to marshal for the board as many staff and external points of view, issues, opinions, and options as needed for fully informed board choices.

Present information in unnecessarily complex or lengthy form or in a form that fails to differentiate among information of three types: monitoring, decision preparation, and other.

Fail to provide a mechanism for official board, officer, or committee communications.

Fail to deal with the board as a whole except when a) fulfilling individual requests for information or b) responding to officers or committees duly charged by the board.

Fail to report in a timely manner an actual or anticipated non-compliance with any policy of the board.

Fail to supply for the consent agenda all items to be delegated to the ED yet required by law or contract to be board-approved, along with the monitoring assurance pertaining thereto.

**Executive Limits: Treatment of Consumers**

With respect to interactions with consumers or those applying to be consumers, the ED shall not cause or allow conditions, procedures, or decisions that are unsafe, undignified, unnecessarily intrusive, or that fail to provide appropriate confidentiality or privacy.

Accordingly, the ED shall not:

1. Fail to use application forms that avoid whenever possible, the collection of information for which there is no clear necessity.

2. Avoid the use of methods of collecting, viewing, transmitting, or storing client information that are compliant with HIPAA Law.

3. Fail to maintain facilities that provide a reasonable level of privacy, both visual and aural, and are compliant with HIPAA Law.

4. Fail to establish with consumers a clear understanding of what may be expected and not expected from the service offered.

5. Fail to provide a grievance policy/process to all served by NEDHSA and to ensure that they have been accorded a reasonable interpretation of their rights under this policy.

6. Fail to implement procedures for service planning that elicits and incorporates needs voiced by consumers and family members and ensures service and delivery which:

a. Strives to meet every level of need in a manner which is easily accessible.

b. Strives to provide options which encourage family involvement and participation.

c. Whenever possible, respects the preferences, choices and interests of the persons receiving services.

**Executive Limits: Treatment of Staff**

With respect to the treatment of paid and volunteer staff, the ED may not cause or allow conditions that are unfair or undignified.

Accordingly, the ED shall not:

1. Operate without written personnel policies that clarify personnel rules for staff, provide for effective handling of grievances, and protect against wrongful conditions such as nepotism and preferential treatment for personal reasons. All policies must be in compliance with Civil Service Rules as they relate to classified and unclassified civil servants.

2. Discriminate against any staff member for expressing an ethical dissent.

3. Fail to acquaint staff with their rights under this policy.

4. Fail to prepare all staff to deal with emergency situations.

**Executive Limits: Financial Planning and Budgeting**

Financial planning for any fiscal year or the remaining part of any fiscal year shall not deviate materially from the board’s Ends priorities, risk fiscal jeopardy, or fail to be derived from a multiyear plan.

Accordingly, the ED shall not allow budgeting which:

1. Contains too little information to enable credible projection or revenues and expenses, separation of capital and operational items, cash flow, and disclosure of planning assumptions.

2. Plans the expenditure in any fiscal year of more funds than are conservatively projected to be received in that period.

3. Provides less for board development, training and monitoring during the year than is annually set forth by the Board and is in compliance with the Cost of Governance policy and the operational plan.

**Executive Limits: Financial Condition and Activities**

With respect to actual, ongoing financial condition and activities, the ED shall not cause or allow the development of fiscal jeopardy or a material deviation of actual expenditures from board priorities established in ENDS policies.

Accordingly, the ED shall not:

1. Use any Non-Appropriated Funds in a manner that does not comply with Non-Appropriated Funds Policy

2. Fail to maintain integrity in expenditures of categorical funding services.

3. Acquire, encumber, or dispose of real property in violation of state and federal law.

4. Fail to aggressively pursue receivables after a reasonable grace period.

5. Fail to provide the board with a monthly financial report that includes at a minimum, expenditures and revenues year to date.

**NOTE: Any non-appropriated funds received other than those specifically provided and directed by the source(s) (ex. Those directed to the Ruston Clinic by the Lincoln Parish Jury) are subject to Non-Appropriated Funds Policy in Appendix D.**

**Executive Limits: Asset Protection**

The ED shall not allow agency assets to be unprotected, inadequately maintained, or unnecessarily risked. Accordingly, the ED shall not:

1. Subject plant and equipment to improper wear and tear or insufficient maintenance.

2. Unnecessarily expose the organization, its board, or staff to claims of liability.

3. Make any purchase that fails to comply with applicable State regulations & laws.

4. Enter into a contract or commit the organization to any expenditure of non-appropriated funds greater than $10,000 without board approval.

5. Fail to protect intellectual property, information, and files from loss or significant damage.

6. Receive, process, or disburse funds under controls that are insufficient to meet the board-appointed auditor’s standards.

7. Endanger the organization’s public image or credibility, especially in ways that would hinder accomplishment of its mission.

8. Allow access to petty cash or charge accounts without adequate controls and safeguards to ensure that their use is limited to reasonable and necessary organizational expenses.

**Executive Limits: Compensation and Benefits**

With respect to employment, compensation, and benefits to employees, the ED shall not cause or allow jeopardy to fiscal integrity or public image.

Accordingly, the ED shall not:

1. Fail to comply with all applicable Louisiana State Civil Service Provisions for employment, compensation and benefits.

\*Official opinion of Louisiana State Department of Civil Service regarding Unclassified Pay received on November 27, 2007 from Mr. Robert Boland, General Counsel;

While the Civil Service Commission has exclusive authority to regulate the pay of state classified employees, it has no authority to regulate the pay of state unclassified employees. This is done by the entities which employ them and subject to any budgetary restrictions. Robert Boland, General Counsel Department of State Civil Service

**Executive Limits: Ends Focus of Grants or Contracts**

The ED may not enter into any grant or contract arrangements that fail to emphasize primarily the production of ENDS and, secondarily, the avoidance of unacceptable MEANS.

Accordingly, the ED shall not:

Fail to prohibit particular methods and activities to preclude grant and/or contract funds from being used in imprudent, unlawful, or unethical ways.

Fail to notify at least the NEDHSA Board members representative of that affected parish within fourteen days prior to a termination letter being sent to a provider, their Board Chairperson or other representative.

Fail to assess and consider an applicant’s capability to produce appropriately targeted, efficient results.

Fund specific methods except when doing so for research purposes, when the result to be achieved is knowledge about differential effectiveness of various methods.

Governance Process: Global Governance Commitment

The purpose of the board, on behalf of Northeast Delta Human Services Authority (NEDHSA), is to see to it that the Authority; 1) achieves appropriate results consistent with the mission of the agency for serving persons living in the community with mental illness, addictive disorders & developmental disabilities, consistent with the terms of the enabling legislation and the MOU/Framework, signed between NEDHSA & LDH, 2) is consistent with the approved NEDHSA strategic plan and is fiscally responsive, and 3) avoids unacceptable risk and situations.

APPENDICES

**APPENDIX A: AGENDAS SORTED BY MONTH**

**Policy/*BOARD Business Method Month Monitor***

Financial Conditions Agency/ED Monthly Budget Report

& Activities Revenues

Expenditures

Financial Planning /Budgeting Agency/ED January DOA Submission

*Prioritized Strategic Initiatives for* Agency/ED January & Listed Priorities

*Coming Year/Updates* May

*Member’s Term Wishes Sent* Board Monthly Board Members

*To Parishes*

*Retreat or Board Development*  Board Input March

*Comments Collected on* Board March/ Board Chair

*ED Performance* October HR Director

Compensation & Benefits Agency/ED April % Default Merit Report

Board Committee Principles Board April Board Review/Inspect

Board Member Self – Evaluations Board April Board Review/ Form Completed

*Board Member’s Code of Conduct* Board April Form Signed

*Public Official Ethics Training*  Board April Certificate Online

*Board Member Financials Submitted* Board April Forms Submitted

*LA Board of Ethics(May 15th)*

*ED Evaluation*  Full Board Discuss Six Month / ED Performance,

Exec. Committee Annual Strategic Plan,

Determine Merit **May/** Compiled

Submit to HR **December** Board Comments,

Previous Years’ merit or bonus awards,

Civil Service comments, updated listings of Authorities EDs salaries, bonuses, credentials, years in position, etc. for consideration and comparison

Emergency ED Succession with Agency/ED May

Organizational Chart

Chairperson’s Role Board May Direct Inspection

Agenda Planning Board Direct June

Inspection

Cost of Governance Board June

ENDS Focus of Grants or Contracts Agency/ED August Term. Contract Report

Treatment of Consumers Agency/ED Quarterly Satisfaction, Grievance,

(Reports - March/ Complaints Reports

June/Sept/Dec)

Global ENDS Statement Board Direct August

Inspection

Financial Conditions and Activities External BiAnnually/Sept Legislative Audit

Agency Annually/Sept Escrow Report by Disability Correlated

To Strategic Plan

Global Governance Commitment Board September

Inspection

Governance Style Board September

Inspection

Board Job Description Board September

Inspection

Treatment of Staff Agency/ED October EEOC, Lawsuits, Grievance Report

Global Linkage Board October

Inspection

Unity of Control Board October

Inspection

Accountability of Board October

Executive Director Inspection

Delegation to the Board October

Executive Director Inspection

*Convene Nominating Committee* Board October

Global Executive Constraint Agency/ED November Escrow Report

*Discuss Holiday Social Board November*

*Present Slate of Officers* Board December

Communication and Support Board November

Inspection

Asset Protection Agency/External December Property Control Certificate

*Election of Officers* Board January

Strategic Priorities ED Report Data identifying performance TBD

*\*All Items that are italicized are Board Issues, but not Board Policies*

**APPENDIX B: EXECUTIVE DIRECTOR JOB DESCRIPTION**

**APPENDIX C: ORGANIZATIONAL CHARTS**

**APPENDIX D: NON-APPROPRIATED FUNDS POLICY**

Non-Appropriated Funds Account - (Allocation and Expenditure)

I. STATEMENT OF PURPOSE AND APPLICABIITY

A. Purpose

Those funds collected by the Authority in excess of appropriation by the Legislature will be placed into the Non-Appropriated Funds Account for use off-budget to prevent budget deficits and to accomplish the overall mission of the Authority and support the strategic plan. These funds will be prioritized into pre established categories and expenditures will be made accordingly.

B. Applicability

This policy will apply to all funds collected in excess of appropriation by any organizational unit of NDHSA. Exceptions will be made for those funds collected for a unique purpose by a specific unit when agreed upon by that unit manager, the Executive Director and the Director of Finance prior to acceptance of the funds.

II. RESPONSIBILITY

A. Governance Board - It will be the responsibility of the Authority’s Governance Board to approve requests which allocate the expenditure of $10,000 or more on a single program within a twelve (12) month period. All expenditure requests will cover (at a minimum) a period of one calendar year (12 months).

B . Executive Director - It will be the responsibility of the Executive Director to approve expenditures up to $10,000 on a single program within a twelve (12) month period. The Executive Director will also ensure that multiple requests are not approved within a twelve (12) month period which would result in violation of, or deviation from this policy. Programs anticipated being more than $10,000 will require the approval of the Governance Board prior to exceeding the $10,000 threshold. The Executive Director will develop adequate justification and provide recommendations on all expenditures requiring approval by the Governance Board. Recommendations to the Board will include proposed use and amount of the funds requested. Recommendations will be developed with input from the Executive Management Team based on the mission, the strategic issues, and client needs identified in the strategic plan. The Governance Board will receive and approve annually monthly financial reports outlining activities of the Escrow account as a performance indicator of this policy.

C. Executive Management Team (may include CFO, COO, and Medical Director) - Allocation and expenditure of funds collected in excess appropriations will be made based upon recommendations received from the Executive Management Team who will:

a. Evaluate those programs with potential need to be restored, and evaluate potential new programs needed to support the strategic plan.

b. Prioritize programs to fund, taking into account the level of funding available and submit recommendations to the Executive Director for approval.

D. Division of Management and Finance - The Division of Management and Finance will ensure that all expenditure of funds (in this and all categories) are made in accordance with Federal and State laws.

III. ALLOWABLE USES OF NON-APPROPRIATED FUNDS

A. Emergency Contingency Plan-to prevent an overall deficit situation of appropriated funding.

B. Capital Outlay-the purchase of equipment, buildings, and major repairs in excess of $10,000.

C.(1) Program Funding-to restore previously existing and initiate new programs deemed essential to the Authority’s clients or efficient functioning of the Authority. Funding may be allocated as “start up” costs, mini grants based on needs identified in the Strategic Plan, training and staff development, use of consultants to accomplish short-term goals and/or one-time objectives, or to create needed positions which are not funded in the appropriations.

C.(2) Expansion of Professional and Social Services-An annual evaluation of existing contractual services for their end of year balances will be conducted to determine the adequacy of funding and quality of services delivered. Based on the outcome of this evaluation, non-appropriated funds may be used for expansion of existing programs.

ALLOCATION OF NON-APPROPRIATED FUNDS

As a rule, funding will be allocated on an annual basis in the following manner. However, allocation percentages may be changed on an as-needed basis and funding not used or needed in one category may be moved to another category at the discretion of the Governance Board or with the recommendation of the Executive Management Team and the approval of the Executive Director.

The percentages listed below are subject to change by the Board based on community and agency needs. A. 30% Emergency Contingency

B. 20% Capital Outlay

C. 50% Program Funding/Expansion of Professional & Social Services

**APPENDIX E: BYLAWS**

**Northeast Delta Human Services AuthorityBYLAWS**

**Article INAME**

The name of this organization shall be the “Northeast Delta Human Services Authority”, and may be referred to in these bylaws as “NEDHSA”, or the “Authority”. The creation of the Authority is authorized by Act 631 of the 2006 Regular Session of the Louisiana Legislature. The domicile of the Authority shall be Ouachita Parish, LA Source LA R.S. 28:892.

**Article IIPURPOSE**

The NEDHSA is created as a special authority. The Board shall, as a body, set policy for the governance of the authority and shall employ an Executive Director who shall be accountable to the board for the successful implementation of those policies within his/her span of authority. In setting policy for the governance of the authority, the Board shall act and speak as a unified body. The governing authority which includes the operation and management of community-based programs and services relative to behavioral health addictive disorders and mental health, selected public health services, and developmental disabilities for the parishes of Ouachita, Morehouse, Lincoln, Caldwell, East Carroll, Franklin, Jackson, Madison, Tensas, Union, Richland, and West Carroll as provided for by law. Source LA R.S. 28:892

**Article IIIMEMBERSHIP**

1) Number:

The Authority shall be governed by a board of seventeen (17) members. The membership shall include four residents from Ouachita Parish, two residents from Morehouse Parish and Lincoln Parish, and one resident from Caldwell, East Carroll, Franklin, Jackson, Madison, Tensas, Union, Richland, and West Carroll. Source LA R.S. 28:893 A

2) Appointment:

1. The parish appointees shall be professionals or active advocates in the fields of mental health, developmental disabilities, or substance abuse services. Source LA R.S. 28:893 B(3)

3) Terms:

The initial terms of office for the appointees from the parish of Ouachita shall be one appointee for one year, one appointee for two years, and two appointees for three years, to be determined by the appointing governing authority.  The initial terms of the appointees from the parishes of Lincoln and Morehouse shall be one and three years, to be determined by the appointing governing authority.  The initial terms of the appointees from the parishes of East Carroll, Madison, Tensas, and West Carroll shall be three years. The initial terms of the appointees from the parishes of Caldwell, Franklin, Jackson, Richland, and Union shall be two years. Source LA R.S. 28:893 C(1)

All subsequent appointees shall serve terms of three years. No board members shall

serve more than two consecutive three-year terms after his initial term. Source LA R.S.

28:893 C(2)

4) Grounds for Removal:

* 1. a. Conviction of a felony. Source LA R.S. 28:893 G(2)

b. Absences

1. Unexcused absences of two (2) consecutive regular meetings during a 12 month period (An unexcused absence is defined as any absence not reported to the Chairperson or Vice-Chairperson prior to the scheduled start of a properly called meeting.)

The member may request a change in status of an unexcused absence through a written request to the Chairperson.

1. Excused or unexcused absences from four (4) regularly scheduled meetings during a 12 month period.

. .

c. Violation of Board bylaws or policy

d. Directly or indirectly interfering with any employee of the Authority.

5) Process for Removal

1. If the Chair or Vice Chair receives information or knowledge that in his or her opinion indicates any of the above grounds for removal have occurred, the Chair or Vice Chair shall first provide notice of the allegation to the accused Board member. Officers of the Board are subject to this process equally with other Board members. The notice shall be a certified letter containing a clear statement of the alleged violation. The identity of the person reporting the alleged violation shall remain confidential if possible.
2. A notice shall be placed on the agenda of the next Board meeting, which is at least ten (10) days following the notice given to the Board member, at which time the matter shall be discussed. The board member may request that the discussion be held in a closed session.
3. At the designated Board meeting, the Board shall determine if it is necessary to refer the allegations to a Sub-Committee to fully investigate the allegations. The investigation shall include the review of any and all information submitted by the accused Board member or other parties.
4. If the State Ethics Commission has investigated the allegations and issued final recommendations the Board shall accept the Commission’s recommendations and act in accordance with those recommendations.

1. When the Sub-Committee has concluded its investigation it shall report its findings and recommendations to the Board for consideration. A two-thirds vote of those present is required for removal of the Board member. A notice of removal will be sent to the Governor’s office and the appropriate governing parish authority.

6) Vacancies:

Procedures for filling a vacancy created by the removal, resignation, or death of any

board member prior to the end of the board member’s term shall follow those used for

initial appointments. Source LA R.S. 28:893 H

7) Compensation:

Each board member shall serve without compensation, but shall be reimbursed for

expenses and mileage at the same rate set by the Division of Administration for state

employees for each day in actual attendance at board meetings or for representing the

board in an official board-approved activity. Source LA R.S. 28:893 E

8) Code of Ethics:

All board members shall be subject to the State Code of Governmental Ethics. No

member of the board or of his immediate family shall own or have any interest or part in

any public or private organization, business, company, or entity conducting business of

any kind with the Authority. Source LA R.S. 28:893 I

**Article IVOFFICERS**

The Officers of the Board shall be a Chairperson, a Vice Chairperson, Treasurer, Secretary and such other officers as the Board may elect from time to time, to carry out the affairs of the Board. Source LA R.S. 28:893 G (1)

1) Duties:

The officers shall perform the duties prescribed by law, these bylaws, the parliamentary

authority adopted herein, and those assigned by the Board or which normally pertain to

the office. The duties shall include, but shall not be limited to the following:

1. The Chairperson
2. Shall be the principal officer of the Board.
3. Shall be elected by a majority vote of the board and shall serve a term of one year. L.A.R.S. 28:893 (D)
4. Shall make all necessary decisions regarding the operations of the Board itself as delineated in Board Policy and practices including preparing, and or approving the draft agenda, and presiding at all meetings he or she is able to of the Board and Executive Committee.
5. Shall discuss and review corrective actions with individual Board members when they violate their responsibilities. When resolution cannot be obtained with an individual Board member, the Chairperson shall in plenary session of the Board conduct a review of the policies and in cooperation with the Board develop recommendations for any necessary corrective actions.
6. Shall serve as an ex-officio member of all committees
7. Shall explore, with the Executive Director, grant opportunities.
8. Shall ask for a vote on all general motions before the board and that vote shall be by voice vote. However, if there is a division in the vote, the Chairperson shall then ask for a roll call vote on the matter.
9. The Vice Chairperson

Shall be elected by a majority vote of the board and shall serve a term of

one year.

Shall assume such duties as may be assigned by the Chairperson or the

Board.

Shall in the absence of the Chairperson preside at all Board meetings and

execute all the duties of the Chairperson.

Shall serve as chair of the Bylaws Committee.

1. The Treasurer:
2. Shall be elected by a majority vote of the board and shall serve a term of one year.
3. Shall assist the board in creating and periodically reviewing all board policies that bear on financial matters.

1. Secretary

Shall be elected by a majority vote of the board and shall serve a term of

one year.

Shall have custody of the records of the Board, maintain a record of actions by the Board, and be responsible for giving and serving all notices and draft agendas of meetings of the Board.

Shall act as a record keeper and maintain minutes of regular meetings to

include the following: a) Date, time and place b) Members attending and absent c) Agenda discussed d) Decisions e) Actions f) Dates of implementation g) Reports from the Executive Director and/or other parties

h) Public Comment if applicable

Shall maintain a current membership roster which denotes membership

standing.

Shall give, or cause to be given, notice of all meetings of the members of

the Board to the members and to the public, and shall perform such other

duties as may be prescribed by the Board and/or the Chairperson.

2) Election

a. Nomination Committee - The chairperson shall appoint a nominating committee of at least three (3) members at the regular meeting prior to the annual meeting. It shall be the duty of the Nominating Committee to nominate one or more nominees for Chairperson, Vice Chairperson, Secretary, and Treasurer and present the ballot at the annual meeting.

b. Nominations from the Floor- After nominations of the Nominating Committee have been placed before the members, the Chairperson shall call for nominations from the floor. Nominations from the floor must be made and seconded by voting members in good standing, and agreed to by the nominee.

c. Voting - All elections shall be determined by majority vote, and no member shall be entitled to vote by proxy. At all meetings, except for the election of officers, all

Votes shall be by voice. For election of officers, ballots shall be provided and there shall not appear any place on such ballot that might tend to indicate the person who cast such ballot.

3) Term:

The term of office for any officer appointed by the board shall be for one (1) year and

shall begin at the close of the annual meeting. No officer may serve more than two (2)

consecutive full terms in the same office.

4) Removal:

The subject of removal of any officer must be placed on the agenda of any regular or

special meeting to be considered. Any officer may be removed from office by a vote of

two-thirds of the board.

**ARTICLE VMEETINGS**

All meetings of the Board and its committees shall be open to the public except where Executive Sessions are permitted under the Louisiana Open Meetings Law.

1) Regular Meeting:

Regular meetings of the Board shall be held on the second Tuesday of the month unless otherwise set by the Board. The Board should hold at least ten (10) regular meetings each year. Notice of regular meetings shall be given no less than

seventy-two (72) hours prior to the meeting.

2) Special Meetings:

Special meetings may be called by the Chairperson or at the request of three (3)

members of the Board. The purpose of the meeting shall be stated in the call. Except in

cases of emergency, at least forty-eight hours (48) notice shall be given.

3) Annual Meeting:

The annual meeting shall be the first regular meeting of each calendar year (January).

**ARTICLE VI**

**QUORUM**

A simple majority of the commissioned members serving shall be required to conduct official business of the Board.

When determining a quorum for the purpose of conducting board business, a vacant board position is not to be considered in the calculation.

If during a meeting, enough members appear to create a quorum, official business may proceed from that point.

**ARTICLE VIICOMMITTEES**

The Board does not require itself to govern through standing committees, but may establish ad hoc committees to address specific needs as they arise.

**ARTICLE VIII**

**EXECUTIVE DIRECTOR**

The Executive Director shall serve at the pleasure of the Board. The Executive Director is responsible for directing the operations of the Authority and is responsible for the administration and management of all aspects of the Authority.

The Executive Director will be accountable to the board, as a body, for the implementation of the policies established by the board. The Executive Director shall report periodically as detailed in the Governance Policies. R.S. LA 28:894 B (6)

**ARTICLE IXPARLIAMENTARY AUTHORITY**

The rules contained in the current edition of Robert’s Rules of Order Newly Revised shall govern the Authority in all cases to which they are applicable and in which they are not inconsistent with these bylaws and special rules of order the Board may adopt.

**ARTICLE XAMENDMENT OF BYLAWS**

These bylaws may be amended, revised or repealed, in whole or in part, by a **two-thirds (2/3)** majority vote of **the entire board membership** at any regular meeting or at a special meeting called for that purpose, provided that in each instance such amendments, revisions, or repeals shall not be inconsistent with the law (legislation). The proposed change or summary of the proposed changes to be made shall be forwarded to all Board members at least 30 days prior to the date of the meeting at which they will be considered.

Adopted \_\_\_August 12, 2014\_\_\_\_\_\_\_\_\_

Implemented\_\_\_August 12, 2014\_\_\_\_\_\_\_

**APPENDIX G: NEDHSA Board Member Check List**

1. Email a copy of your **vita** to the NEDHSA offices c/o Delores Harris at

[delores.harris@la.gov](mailto:delores.harris@la.gov) upon acceptance to the Board.

1. Complete the **state ETHICS training** for civil servants at the beginning of your term and annually each May.

<https://eap.ethics.la.gov/EthicsTraining/login.aspx>

Print the completion certificate and give to the Board Secretary at your first meeting, or forward to [delores.harris@la.gov](mailto:delores.harris@la.gov) .

1. Submit your **financial disclosure** statement. This form can be obtained at

ethics.la.gov and is usually Tier 2.1

*This financial disclosure MUST be submitted by May 15th following EVERY calendar year you serve. To fail to do so will initiate an investigation by the Louisiana Ethics Board.*

1. Learn about **Policy Governance**. Policy governance is a manner of governing boards and it is the way out Board governs. It’s unusual and a little hard to wrap your head around at first. There are YouTube clips and a website which are helpful.
2. Review the Board **Bylaws**.
3. Review the **legislation** that enabled human service authorities to form
4. Review our **Governance Manual**.
5. There is a **Code of Conduct** and a **Conflict of Interest** statement in the governance manual which needs to be completed and signed upon acceptance to the Board and then annually each May by every Board member*.*
6. Review minutes and agendas from previous meetings.

*https://wwwcfprd.doa.louisiana.gov/boardsandcommissions/viewMeetingMinutes.cfm?board*

**APPENDIX H: BOARD MEMBER REQUIRED FORMS**

**Conflicts of Interest Policy**

**Annual Disclosure Statement**

In connection with my assignment to the Governing Board of the Northeast Delta Human Services Authority, I offer the following representations:

* 1. Do you have any position of influence (owner, including partial ownership with controlling interest, top management, board member, etc.) with businesses, vendors, banks, or other legal entity with which the Northeast Delta Human Services Authority has had transactions during the period July 1, 2010 to the present day, which could be construed to be a related party transaction?

Yes ( ) No ( )

* 1. Have you or any member of your immediate family accepted anything of value, whether in the form of a service, loan, or promise, from anyone with whom the agency has conducted business during the period July 1, to the present day? (R.S. 42:1101-1170)

Yes ( ) No ( )

* 1. Have you, any member of your immediate family, or any legal entity in which you or an immediate family member have an economic interest, or any other persons that you are aware of, bid on or entered into or are in any way interested in any contract, subcontract, or other transaction involving the governmental entity named above that would result in a violation of R.S. 42:1113[A]?

Yes ( ) No ( )

* 1. If you answered Yes to question 3, have you disclosed to the Louisiana Board of Ethics these facts as required by R.S. 42:1114?

Yes ( ) No ( )

* 1. Has any member of your immediate family been employed by the governmental entity named above after July 1, 2010 (R.S. 42:1119)

Yes ( ) No ( )

The above responses have been made to the best of my belief and knowledge.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name Date

TO BE COMPLETED BY MAY 15 OF EACH YEAR YOU HOLD OFFICE!!!!

*Revised November 2014* ***Form 417 www.ethics.state.la.us***

**LOUISIANA BOARD OF ETHICS**

For additional information, call our office at 225-219-5600 or visit our website, www.ethics.la.gov, and view the *Disclosure—Frequently Asked Questions* section or the information sheets provided under *General Information—Publications*.

Acceptable methods for filing a personal financial disclosure statement:

oFax: 225-381-7271

oMail: Board of Ethics, Post Office Box 4368, Baton Rouge, Louisiana 70821

oCommercial or Hand-delivery: 617 North Third Street, LaSalle Building, Suite 1036, Baton Rouge, LA 70802

Post Office Box 4368

Baton Rouge, Louisiana 70821

**TIER 2.1 PERSONAL FINANCIAL DISCLOSURE STATEMENT (ANNUAL)**

**GENERAL INFORMATION**

**You are required to file a Tier 2.1 Personal Financial Disclosure Statement if you are a member (or designee) of a board or commission that has the authority to expend, disburse, or invest $10,000 or more of funds in a fiscal year, and members of the State Civil Service Commission and the Louisiana Stadium and Exposition District Board of Commissioners.**

Board or Commission shall mean:

o A board or commission (and like entity) created by law or executive order that is made a part of the executive branch, or that is placed in an executive branch department or in the office of the governor or lieutenant governor by law or executive order.

o A board, commission (and like entity) created by the constitution, by law, by a political subdivision, or jointly by two or more political subdivisions as a governing authority of a political subdivision of the state or local government.

Board or Commission shall not mean:

o The governing authority of a parish.

o Any board or commission that governs a political subdivision created by a single parish governing authority of a parish with a population of 200,000 or less, or any sub-district of such a political subdivision.

o The governing authority of a municipality.

o Any board or commission that governs a political subdivision created by a single municipal governing authority of a municipality with a population of 25,000 or less, or any sub-district of such a political subdivision.

o A board of directors of a private nonprofit corporation that is not created by law.

You are required to file a financial disclosure statement **on or before May 15** of each year you hold office, **AND** by May 15 of the year following the termination of the holding of such office.

You are only required to complete *schedules* that are applicable to your personal financial status. If additional copies of the schedules are needed, copies are available at www.ethics.la.gov.

If you hold another office that requires you to file a financial disclosure statement, you are only required to file one financial disclosure statement. The financial disclosure statement shall be filed under the highest tier. Tier levels (highest to lowest): Tier 1, Tier 2, Tier 2.1, Tier 3.

You may not request an extension to file your personal financial disclosure statement.

**If your holding of office ends in January**, you may file your “final” personal financial disclosure statement for the days served in January, if the disclosure statement is filed on or before May 15 of the year in which your service ends. By filing this “final” personal financial disclosure statement, you are not required to file the year following the termination of the holding of such office.

*Revised November 2014 Form 417 www.ethics.state.la.us*

**INSTRUCTIONS**

 You are required to disclose financial information related to the **previous calendar year**.

 You are required to disclose information related to you and your spouse (if applicable).

 You are required to disclose whether you have filed your federal and state income tax returns for the previous year, or requested an extension in filing your returns.

 You may not request an extension to file your personal financial disclosure statement.

 The financial disclosure statement must contain a certification that the information contained is true and correct to the best of your knowledge and belief.

**Schedule A: Employment Information**

 You are required to complete SCHEDULE A to disclose employment information related to both you and your spouse (if applicable).

 List the name of the employer; the title of the position; a brief description of the job; and disclosure as to whether the position is full-time or part-time.

**Schedule B: Positions – Business**

 You are required to complete SCHEDULE B if you or your spouse is a director, officer, stockholder, owner, partner, member, or trustee of a business **and** if you or your spouse (either individually or collectively) owns an interest in a business which exceeds 10%.

 **“Business” means** any corporation, limited liability company, partnership, sole proprietorship, firm, enterprise, franchise, association, business, organization, self-employed individual, holding company, trust, or any other legal entity or person.

**Schedule C: Positions – Nonprofit**

 You are required to complete SCHEDULE C if you or your spouse is a director or officer of a nonprofit organization.

**Schedule D: Other Offices/Positions**

 You are required to complete SCHEDULE D if you hold any other office or position which would require you to file a personal financial disclosure statement under La. R.S. 42:1124.2.1, or 42:1124.3.

**Schedule E: Income from the State, Political Subdivisions, and/or Gaming Interests**

 You are required to complete SCHEDULE E if you or your spouse received income from the State, any political subdivision, and/or a gaming interest, **OR** if a business in which you or your spouse owns an interest which exceeds 10% (either individually or collectively) received income from the aforementioned sources.

 **“Business” means** any corporation, limited liability company, partnership, sole proprietorship, firm, enterprise, franchise, association, business, organization, self-employed individual, holding company, trust, or any other legal entity or person.

 **“Income” (for a business) means** gross income less costs of goods sold, and operating expenses.

 **“Income” (for an individual) means** taxable income and shall not include any income received pursuant to a life insurance policy.

 **“Political Subdivision” means** a parish, municipality, or any other unit of local government, including a school board or a special district authorized by law to perform governmental functions, e.g., hospital service districts, school boards (and schools under its authority), police juries, parish councils, boards of aldermen, cities, towns, villages, clerks of court, etc.

 **“Gaming Interest” means** [as defined in La. R.S. 18:1505.2L(3)(a)] (i) Any person who holds a license or permit as a distributor of gaming devices, who holds a license or permit as a manufacturer of gaming devices, who holds a license or permit as a device service entity, and any person who owns a truck stop or a licensed pari-mutuel or off-track wagering facility which is a licensed device establishment, all pursuant to the Video Draw Poker Devices Control Law; (ii)Any person who holds a license to conduct gaming activities on a riverboat, who holds a license or permit as a distributor or supplier of gaming devices or gaming equipment including slot machines, or who holds a license or permit as a manufacturer of gaming devices or gaming equipment including slot machines issued pursuant to the Louisiana Riverboat Economic Development and Gaming Control Act, and any person who owns a riverboat upon which gaming activities are licensed to be conducted; or (iii) Any person who holds a license or entered into a contract for the conduct of casino gaming operations, who holds a license or permit as a distributor of gaming devices or gaming equipment including slot machines, or who holds a license or permit as a manufacturer of gaming devices or gaming equipment including slot machines issued pursuant to the Louisiana Economic Development and Gaming Corporation Act, and any person who owns a casino where such gaming operations are licensed.

**Schedule F: Contributions**

 You are required to complete SCHEDULE F if you are appointed to a state board or commission **and** you made a contribution or loan in excess of $1,000 to a campaign of the official who appointed you.

 You are only required to disclose contributions or loans made within one year of appointment.

 **“Candidate” means** a person who seeks nomination or election to public office, except the office of president or vice president of the United States, presidential elector, delegate to a political party convention, United States senator, United States congressman, or political party office.

 **“Contribution” means** a gift, conveyance, payment, or deposit of money or anything of value, or the forgiveness of a loan or of a debt, made for the purpose of supporting, opposing, or otherwise influencing the nomination or election of a person to public office, whether made before or after the election.

 **“Loan” means** a transfer of money, property, or anything of value in exchange for an obligation to repay in whole or in part, made for the purpose of supporting, opposing, or otherwise influencing the nomination for election, or election, of any person to public office.

**APPENDIX I: LGE CREATION LEGISLATION**

**CHAPTER 21.  STATEWIDE HUMAN SERVICES DELIVERY**

§911.  Definitions

As used in this Chapter and unless the context clearly requires otherwise:

(1)  "Behavioral health services" means community-based mental health and addictive disorders services.

(2)   "Board" means the governing body of the district.

(3)  "Case records" means medical and treatment records, records and investigations of abuse or neglect of adults, records of public health services including children's special health services, nutrition, and immunization, and other medical, disability, or behavioral health service records related to services provided by the district or the department.

(4)  "Department" means the Department of Health and Hospitals.

(5)  "District" means the human services district or authority.

(6) "Human services accountability plan", referred to in this Chapter as "accountability plan", means the statewide human services plan developed by the department in consultation with the Human Services Interagency Council which sets forth the criteria, process, timelines, guidelines for service delivery, clinical protocols, evidence-based practices, quality management and monitoring, data collection and reporting, performance outcome measures, information management, and readiness assessment protocols to be followed by the department and the districts.

(7)  "Human services district or authority", referred to in this Chapter as "district", means an existing or newly created local governmental entity with local accountability and management of behavioral health and developmental disabilities services as well as any public health or other services contracted to the district by the department.

(8)  "Human services framework", referred to in this Chapter as "framework", means the requirements specified in the contract between the department and the district that set forth the organizational structure, operational readiness requirements, eligible and priority populations, core and targeted services, and standards for intake and access to institutional and community services, which require adherence to the human services accountability plan for a district.  The framework is developed, implemented, and monitored through an ongoing statewide process performed by the department in consultation with the Human Services Interagency Council.

(9)  "Human Services Interagency Council", referred to in this Chapter as "interagency council", means the interagency council established by the department to provide policy guidance to the department in the development, implementation, and ongoing management of the districts.

(10)  "Readiness assessment" means the process by which a survey team reviews all areas of business management of the district to determine operational readiness based on a set of uniform criteria.  The readiness assessment shall address, at a minimum, financial controls, clinical protocols, human resources competency and capacity, legal resources, purchasing, contracting, any applicable national or accreditation standards, and outcomes measurement capability.  The survey team shall be composed of at least one representative of the secretary and at least two directors of districts that have been in operation for at least two years.

(11)  "Secretary" means the secretary of the Department of Health and Hospitals.

Acts 2008, No. 373, §2, eff. June 21, 2008.

**RS 28:912**

§912.  Creation and jurisdiction

A.(1)  It is the intent of the legislature to create statewide integrated human services delivery systems, with local accountability and management, to provide  behavioral health and developmental disabilities services.

(2)  Upon successful completion of a readiness assessment, execution of a contract with the department, and compliance with other applicable criteria as provided for in this Chapter, the department may authorize the board to operate and manage community-based programs and services related to behavioral health, developmental disabilities, selected public health services, and any other services contracted to the districts by the department.

B.  The human services districts shall be:

(1)  The following statutory entities:

(a)  Capital Area Human Services District.

(b)  Jefferson Parish Human Services Authority.

(c)  Florida Parishes Human Services Authority.

(d)  Metropolitan Human Services District.

(e)  South Central Louisiana Human Services Authority.

(f)  Northeast Delta Human Services Authority.

(2)  The following districts created by this Chapter organized by region:

(a)  Acadiana Area Human Services District, which shall comprise the parishes of Acadia, Evangeline, Iberia, Lafayette, St.  Landry, St.  Martin, and Vermilion.

(b)  Imperial Calcasieu Human Services Authority, which shall comprise the parishes of Allen, Beauregard, Calcasieu, Cameron, and Jefferson Davis.

(c)  Region 6 Human Services District, or any name formally adopted by the district's board, which shall comprise the parishes of Avoyelles, Catahoula, Concordia, Grant, LaSalle, Rapides, Vernon, and Winn.

(d)  Region 7 Human Services District, or any name formally adopted by the district's board, which shall comprise the parishes of Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Sabine, Red River, and Webster.

C.  A district may incorporate more than one region, but regions may not be split into smaller units.

Acts 2008, No. 373, §2, eff. June 21, 2008; Acts 2012, No. 231, §1, eff. May 22, 2012; Acts 2013, No. 220, §10, eff. June 11, 2013.

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[**§ 913. Governing board; membership; appointment; terms; compensation**](http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=LA-ST-ANN&DocName=LK%28LARS28%3A913%29&FindType=l)

A. (1) For districts created pursuant to [R.S. 28:912](http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=1000011&DocName=LARS28%3A912&FindType=L)(B)(2), each district shall be governed by a board whose membership consists of residents of the respective regions. The number of members on the board shall consist of one representative from each parish in the region who is appointed by the local governmental authority. The membership shall also include three appointees by the governor.

(2) The parish appointees shall be persons with professional experience or parents, consumers, or advocates in the fields of addictive disorders, developmental disabilities, mental health, or public health.

(3) The governor's three appointees shall be one member with experience in the financial operation of a business enterprise, one member who is a parent, consumer, or caregiver of a consumer of services, and one member who represents one of the following fields: addictive disorders, developmental disabilities, mental health, or public health. The governing authority of each parish may submit three names to the governor for consideration as one of the governor's three appointees.

B. The initial terms of office for board members from the first two parishes alphabetically shall be one year. The initial terms for board members from the second two parishes alphabetically shall be two years. The initial terms for all other board members shall be three years. All subsequent appointees shall serve terms of three years. No board member shall serve more than two three-year terms.

C. Each board member shall serve without compensation but shall be reimbursed for expenses and mileage at the same rate set by the division of administration for state employees for each day in actual attendance at board meetings or for representing the board in an official board-approved activity.

D. The chairman shall be elected by a majority vote of the board. The term of the chairman shall be established under the board's bylaws.

E. The board shall adopt bylaws to provide for the governance of the board within ninety days of being established. Such bylaws shall include but not be limited to:

(1) Procedures for the election of board officers, including terms of office and methods and grounds for removal. Board officers shall include, at a minimum, a chairman, treasurer, and secretary.

(2) Procedures and grounds for the removal of any board member. Grounds for removal shall include the conviction of a felony and a violation of the provisions of [R.S. 28:914(2)](http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=1000011&DocName=LARS28%3A914&FindType=L&ReferencePositionType=T&ReferencePosition=SP_58730000872b1). Grounds for removal may include failure to meet board attendance as provided in the bylaws.

F. All board members and employees of the district shall be subject to the Code of Governmental Ethics. No member of the board or of his immediate family shall own or have any interest or part in any public or private organization, business, company, or entity conducting business of any kind with the district.

**[§ 914. Requirements for districts](http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=LA-ST-ANN&DocName=LK%28LARS28%3A914%29&FindType=l)**

Regardless of when created, all district boards shall adopt:

(1) A policy statement ensuring recognition that one of the functions of the board is to establish a mission, vision, and policies for the operation of the district. The board shall set policy as a body and shall employ an executive director who shall be accountable to the board, as a body, for the implementation of the policies established by the board.

(2) Bylaws that specify that the board may act only as a body and not through the individual actions of any individual board member, unless the board member is given explicit authority by a majority vote of the board to carry out a specific function, or the function is reasonably required of a board member serving as an officer of the board. Under penalty of removal, no board member shall, directly or indirectly, provide direction to or interfere with any employee of the district.

**[§ 915. Districts; functions, powers, and duties](http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=LA-ST-ANN&DocName=LK%28LARS28%3A915%29&FindType=l)**

A. Pursuant to a contract with the department, all human services districts shall:

(1) Perform the functions which provide community-based services and continuity of care for the prevention, detection, treatment, rehabilitation, and follow-up care of mental and emotional illness.

(2) Be responsible for community-based programs and functions relating to the care, diagnosis, training, treatment, case management, and education of the developmentally disabled and the autistic.

(3) Perform community-based functions for the care, diagnosis, training, treatment, and education related to addictive disorders, including but not limited to alcohol, drug abuse, or gambling.

(4) Perform community-based functions which provide services and continuity of care for education, prevention, detection, treatment, rehabilitation, and follow-up care relating to personal health, as determined to be feasible by the department.

(5) Maintain services specified in Paragraphs (1) through (4) of this Subsection on at least the same level as the state maintains similar programs or as stipulated by the contract with the department.

(6) Collect or cause to be collected all monies due the district for the provision of services pursuant to statutory requirements and any other form of contract or agreement by which the district provides services and levies charges.

(7) Manage through their governing board the services required by Paragraphs (1) through (4) of this Subsection and operate within the scope of a contract with the department. Each district shall be operated in a manner that meets the standards and competencies established by the framework and accountability plan, with such standards and competencies addressing financial controls, clinical protocols, human resources, legal resources, purchasing, contracting, and outcomes measurement.

(8) Participate, as a critical part of Louisiana's health care infrastructure, in all emergency planning, preparedness, response, and recovery efforts as directed by the department.

B. In addition to the functions as provided in Subsection A of this Section, the district shall have the following powers and duties:

(1) To enter into contracts of every nature in compliance with this Chapter and other state laws.

(2) To acquire movable property by lease, purchase, donation, or otherwise and to obtain title to same in its own name. The district may lawfully sell or dispose of the movable property.

(3) To have possession and operating control, but not title to, all immovable and movable property owned by the state and dedicated to the provision of behavioral health, developmental disabilities, public health, or any other service contracted by the department to the district. The state shall continue to be responsible for the maintenance of those properties which are provided by the state on the effective date of this Chapter.

(4) To establish community-based behavioral health, developmental disabilities, public health, and other contracted program policies in conformance with the contract with the department and applicable state and federal laws, rules, and regulations.

(5) To establish performance indicators and reporting requirements as outlined in the contract between the district and the department to determine the quality of services delivered by the district and maintain the services at the level of the standards set by the department.

(6) To employ an executive director to oversee the operations of the district and who shall be responsible for the administration and management of all aspects of the district.

(7) To retain all federal, self-generated funds and any funds collected for the provision of services under the Medical Assistance Program, Title XIX of the Social Security Act, in excess of funds provided through contract with the department.

C. Each human services district shall constitute a body corporate in law, with all of the powers of a corporation, including the power to sue and be sued. Each district shall also have all the powers and rights conferred by this Chapter and the power to perform any other act in its corporate capacity and in its corporate name which is necessary and proper for effectuating the purposes for which the district was created. Each district shall constitute a special district within the meaning of [Article VI, Section 19 of the Constitution of Louisiana](http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=1000011&DocName=LACOART6S19&FindType=L), shall be a political subdivision of the state, and enjoy all rights, powers, and privileges enjoyed by other political subdivisions of the state under the constitution and laws of the state, excluding the rights to incur long-term debt, issue bonds, and levy taxes and special assessments.

D. The board shall submit any reports or information to the secretary of the department upon request of the secretary. The board shall also submit quarterly reports as outlined in the contract with the department, indicating the services provided, the number of persons served, and the amount spent on such services.

E. Notwithstanding any provision of state law to the contrary, the districts and the department shall share access to each other's client case records of clients for whom they both provide services, to the extent that access is not prohibited by any contrary provision of federal law or regulation.

F. The provisions of Subsections A and B of this Section shall not include the following:

(1) Operation and management of any inpatient facility under the jurisdiction of the department.

(2) Operation, management, and performance of functions and services relating to environmental health, including but not limited to regulatory function as performed by sanitarians and engineers within the office of public health pursuant to [R.S. 40:4](http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=1000011&DocName=LARS40%3A4&FindType=L) through 10, R.S. 40:2701 et seq., Chapter 4 of Title 40 of the Louisiana Revised Statutes of [1950, R.S. 37:2101](http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=1000011&DocName=LARS37%3A2101&FindType=L) et seq., the State Sanitary Code, and all other relevant federal and state law, rules, and regulations.

(3) Operation, management, and performance of functions and services relating to the Louisiana Vital Records Registry and the collection of vital statistics within the office of public health pursuant to [R.S. 40:5](http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=1000011&DocName=LARS40%3A5&FindType=L), [R.S. 40:32](http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=1000011&DocName=LARS40%3A32&FindType=L) through 79, [R.S. 44:402](http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=1000011&DocName=LARS44%3A402&FindType=L), and [R.S. 40:1299.35.6](http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=1000011&DocName=LARS40%3A1299.35.6&FindType=L), including the Putative Father Registry and the vital records management information system.

(4) Operation, management, and performance of functions and services relating to laboratory analyses by the state division of laboratories with the office of public health in the area of personal and environmental health.

(5) Operation, management, and performance of functions and services relating to education provided by or authorized for any state or local education department or agency.

**[§ 916. Functions; transferred](http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=LA-ST-ANN&DocName=LK%28LARS28%3A916%29&FindType=l)**

A. The boards and the secretary of the department are hereby authorized to enter into all contracts necessary for the provision of the functions and funds relative to the operation of community-based behavioral health and developmental disability services as well as public health or any other services contracted to the districts. As part of the contract, the board shall agree to make a good faith effort to use providers within the district who have traditionally provided community-based behavioral health, developmental disabilities, public health, and any other contracted services for the state.

B. The department shall submit an annual report to the legislature detailing the services provided by each district, a financial summary of the operations of each district, and other information demonstrating the performance of each district.

C. The secretary shall be responsible for monitoring the contract and promptly reporting failure to comply with any contract to the governor, the Senate and House committees on health and welfare, and the Joint Legislative Committee on the Budget.

**[§ 917. Employees; transferred](http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=LA-ST-ANN&DocName=LK%28LARS28%3A917%29&FindType=l)**

A. All employees engaged in the performance of duties relating to the functions of the programs and services transferred by contract from the department to a district are hereby transferred to the respective district to carry out the functions of the district and its programs and services and shall continue to perform their duties subject to applicable state civil service laws, rules, and regulations.

B. All employees of the districts shall participate in and be covered by state services, systems, and programs for which provision is made in comprehensive liability, automobile, workers' compensation, and fire and extended coverage insurance and medical malpractice liability laws as provided for in [R.S. 39:1527 et seq.](http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=1000011&DocName=LARS39%3A1527&FindType=L) and [R.S. 40:1299.39 et seq.](http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=1000011&DocName=LARS40%3A1299.39&FindType=L)

C. The districts, including their contract service delivery employees, may participate in and be covered by the state program for medical malpractice notwithstanding the prohibition in [R.S. 40:1299.39(A)(1)(b)](http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=1000011&DocName=LARS40%3A1299.39&FindType=L&ReferencePositionType=T&ReferencePosition=SP_1e9f0000db994) and [(M)](http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=1000011&DocName=LARS40%3A1299.39&FindType=L&ReferencePositionType=T&ReferencePosition=SP_2b690000534f2) to the contrary, provided that the districts or covered contract service delivery employees have paid the appropriate premium to the office of risk management.

D. All employees of the districts shall be members of the state civil service system and the Louisiana State Employees' Retirement System.

**[§ 918. Human Services Interagency Council; membership and responsibilities](http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=LA-ST-ANN&DocName=LK%28LARS28%3A918%29&FindType=l)**

The interagency council shall be chaired by the secretary of the department or his designee and shall include the assistant secretaries of the office of mental health, office for citizens with developmental disabilities, office for addictive disorders, office of public health, office of aging and adult services, as well as the director of Medicaid or his designee, the executive directors of the districts, and other members as deemed appropriate by the secretary. The interagency council membership shall participate in the readiness assessment process and in the monitoring and planning of the framework and accountability plan.

**[§ 919. Department of Health and Hospitals; responsibility and authority; readiness assessment; surveys; framework and accountability plan; sanctions](http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=LA-ST-ANN&DocName=LK%28LARS28%3A919%29&FindType=l)**

A. The secretary shall be responsible for policy, development, implementation, and monitoring of the statewide human services system to assure the provision of the delivery of behavioral health and developmental disabilities services funded by appropriations from the state as well as any public health or other human services contracted to the district by the department.

B. The secretary of the department shall have the authority to enter into a sole source contract with districts for the provision of behavioral health, developmental disabilities, and selected public health services, or any other human services which contribute to the integrated continuum of care for the clients served by the district. For any service contracted by the department, the department shall provide the funding appropriate for the adequate delivery of such services.

C. Funding for districts listed in [R.S. 28:912](http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=1000011&DocName=LARS28%3A912&FindType=L)(B)(1)(e) and (f) and (2) shall be released only at such time as each district has met readiness criteria established within this Section and the framework and accountability plan as approved by the secretary.

D. (1) The department shall not contract with a new district until the department, in consultation with the interagency council, has determined and confirmed in writing to the governor that the department is prepared to contract the provision of services to the district, and the district is prepared to accept and be accountable for such service provision. In making this determination, the department shall conduct a readiness assessment of the district.

(2) The readiness assessment shall evaluate the operational preparedness of the district based on a set of uniform criteria established by the interagency council and approved by the secretary.

(3) The readiness assessment shall be conducted by a survey team pursuant to [R.S. 28:911(10)](http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=1000011&DocName=LARS28%3A911&FindType=L&ReferencePositionType=T&ReferencePosition=SP_f19d0000e06d3) whose members have experience in behavioral health, developmental disabilities, financial management, human resources, or with experience in startup and operation of an existing district. The assessment team shall be selected by the secretary or his designee within thirty days of being notified in writing by the board chair that the district requests a readiness assessment by the department. The department may secure outside audit expertise when deemed necessary by the department to assist a readiness assessment team.

(4) Upon completion of a readiness assessment, the assessment team shall conduct an exit conference with the district board. If the assessment team has determined the district is prepared to accept responsibility for the provision of services, the team shall, within thirty days of the completed exit conference, notify the secretary in writing that both the department and the district are prepared to begin the provision of services based on the result of the assessment and the exit conference. The document of notification must include specific evidence of readiness on each element of the readiness instrument utilized by the assessment team, as well as a description of each element of readiness needing improvement and strategies being implemented to address each one.

E. All districts shall participate in surveys to ensure compliance with the statewide human services system of care, framework, and accountability plan. The interagency council shall recommend to the secretary a schedule for surveys, with such surveys beginning within one year after the standards are approved. Each district shall be surveyed every two years. The survey team members shall be selected by the secretary or his designee and shall include a minimum of two experienced district executives as well as department staff. Each survey shall be designed to, at a minimum, ensure each district maintains competency standards for human resources, adequate financial controls, operational and clinical protocols, and shall be used as an opportunity to share best practices.

F. The contract shall incorporate by reference the provisions of the framework and accountability plan in the delivery of behavioral health and developmental disabilities services as well as public health or any other human services contracted by the department and funded by appropriations. The framework shall include but not be limited to:

(1) Definitions of eligible and priority populations in accordance with the department's statewide human services system of care, including behavioral health, developmental disabilities, public health, or any other contracted services as applicable.

(2) Definitions of core and targeted services, including the development of indicators and a monitoring plan to measure the provision of and access to these services. Core services are the minimum and essential services available to eligible populations in all urban and rural areas. Targeted services are mandated specialized services available to priority populations based on the source and availability of funds.

(3) Standards for intake and access to institutional and community services.

G. The accountability plan shall include but not be limited to:

(1) Development and implementation of a plan for the provision of statewide monitoring of human services system performance, including the establishment of a minimum required data set of consumer-focused and systems outcome measurements required for reliable outcome measurement that use consistent definitions statewide.

(2) Development and implementation of a plan for provision of statewide monitoring to assure quality of care and protection of consumer rights through consistent and reliable outcome measurements.

(3) Development and implementation of standards for subcontractor agreements funded by appropriations from the state to assure compliance with the state human services plan and applicable state and federal laws, rules, regulations, and court orders and to provide remedies for correction of noncompliance and sanctions for failure to comply.

(4) Ongoing standards for operational performance, including human resources competency, contracting and procurement, clinical protocols, financial controls, and consumer satisfaction.

H. The secretary of the department shall have the authority to issue sanctions for noncompliance with the terms of the contract. Sanctions may include but are not limited to appointment of temporary management to carry out the provisions of the contract at the expense of the district, monetary penalties, and suspension or termination of the contract. The contracts between the districts and the department shall include a provision for termination of the contract if a deficiency continues after such time as the district has been given the opportunity to correct it. The department shall notify the district in writing of any deficiency. The district shall have a period of time set forth in the contract to correct any noticed deficiency. If the deficiency continues after such period of time, or if the district does not make a good faith effort to correct the deficiency, the contract shall have a provision for termination by the department. Written notice providing that the district is in noncompliance and such noncompliance constitutes a threat to public health or well-being shall be provided to the speaker of the House of Representatives, the president of the Senate, and the governor. In the event a contract is terminated under this provision, the department shall assume responsibility and oversight for the provision of services with funds appropriated to the district until such time as the district has met the compliance standards and has successfully completed a new readiness assessment.

**[§ 920. Conflict with other district statutes](http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=LA-ST-ANN&DocName=LK%28LARS28%3A920%29&FindType=l)**

Notwithstanding any other law to the contrary, the provisions of this Chapter shall supersede any laws related to human services districts which conflict with this Chapter. Excepted from this Section are the provisions of [R.S. 28:831(C)](http://www.westlaw.com/Find/Default.wl?rs=dfa1.0&vr=2.0&DB=1000011&DocName=LARS28%3A831&FindType=L&ReferencePositionType=T&ReferencePosition=SP_cf1000002eff7), 853, 863, 873, 893, and 903.

Current through the 2008 Regular Session

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Tuesday, March 2, 2010  |  **Contact:** Media & Communications: Phone: 225.342.1532, E-mail: [dhhinfo@la.gov](mailto:dhhinfo@la.gov)

**BATON ROUGE—**Regional leaders in Acadiana have taken the first steps towards the creation of a “human services district” for residents of the seven-parish area surrounding Lafayette, or DHH Region IV. The effort, supported by the Louisiana Department of Health and Hospitals, will allow local leadership to use continued state funding to deliver mental health, addictive disorders, developmental disabilities and public health services considered a priority by the local community.

Region IV is the fifth region to establish a local governing entity, known as a human services district, which uses existing state funding for mental health, addictive disorders, developmental disability and certain public health services to support the community's health care needs that the community sets as a priority. The districts may also use federal, local and private funding to augment state funding, and receive technical guidance from the state for service implementation and workforce training. Act 373 of 2008 also allows for certain public health services to be delivered through the districts. Under the service district model, state employees transfer to the newly created local district, but are still covered by civil service guidelines.

“We are proud of the progress being made toward creating a human services district in Acadiana,” said DHH Secretary Alan Levine. “Not only will a locally-governed, community-based system of care improve access to vital services for so many that need it, but evidence from similar programs in other states and other regions in Louisiana demonstrates that community- and home-based settings work best for clients and for communities.”

The Region IV board of directors has met twice and is in the process of developing bylaws and operating policies for the new district. State Rep. Fred Mills Jr. of St. Martin Parish has been instrumental in making the local effort a reality. Mills authored Act 373 of the 2008 regular legislative session, which authorized creation of human services districts for regions that didn't already have districts in operation, including Region IV.

“I, along with my colleagues, applaud state and parish official and the newly appointed board for making this happen on the local level. Locally governed districts can make a huge difference in the quality of life for residents by strengthening and supporting home- and community-based services,” said Mills.

“We are actively providing guidance and technical assistance to the board during this process,” said DHH Deputy Secretary Tony Keck. Keck oversees the DHH program offices that partner with the human services districts to fund services and ensure access and quality. Timelines included in Act 373 outlines an up to three-year start-up process during which the new district must meet specific criteria that demonstrate they are capable for assuming responsibility for high quality service delivery and good governance. “Our goal is to help the new district progress through the three phases of readiness in a timely manner so the community may begin to direct its services as soon as possible.”