

Board of Trustees  
Mental Health Advocacy Service  
September 11, 2021

Video-conference via Zoom  
10 a.m. – 12:00 p.m.

Staff and Board Present: Rebecca May-Ricks (Director, non-voting), Rob Garda, Martin Drell, Jack Harrison, David Katner, Paul Race and Steve Scheckman

Also present: Kathy Lynn Cook (Deputy General Counsel)

- 1. Approval of minutes from the meeting of April 17, 2021:** Steve Scheckman moved to approve the minutes from April 17, 2021. Rob Garda seconded the motion, and the motion was unanimously approved.
- 2. Legislative Auditor's Requests:** Rebecca May-Ricks explained that MHAS has received several requests in the form of a compliance audit from the Legislative Auditor to determine how MHAS handled its cases over the past year and has insisted the information include identifying information regarding the identity of each MHAS client. Rebecca May-Ricks further explained she advised the representative of the Legislative Auditor that information being requested must be done so in a manner that maintains the confidentiality constraints regarding mental health and CAP cases, and that MHAS was not permitted to, and would not, divulge the identity of MHAS clients. She in turn offered to resolve the matter by assigning each client a number and otherwise provide the Legislative Auditor with the statistical and data information it was seeking. The Legislative Auditor is apparently continuing to insist that client names be provided and questioned how it would know that the information produced by MHAS is accurate.

The Board of Trustees of MHAS extensively discussed this issue and concluded it agreed with the position of the staff of MHAS. As a result, on motion of David Katner and seconded by Rob Garda, the Board of Trustees of MHAS unanimously adopted the following Resolution:

**The Board of the MHAS hereby directs the MHAS Director to respectfully decline to provide the Louisiana State Auditor's Office with access to MHAS client information, including, but not limited to the identity of MHAS clients. As licensed attorneys, MHAS legal counsel have a duty to comply with the Louisiana Rules of Professional Conduct, specifically Rule 1.6 which compels counsel to maintain the confidentiality of client communication. Such communication has been interpreted by courts to include the names of clients in certain disputes. The hearings that MHAS handles include matters in juvenile courts, and these hearings are often—if not always—closed to the public so as to ensure confidentiality. There are penalties to which lawyers for MHAS would be exposed for such disclosures. In the 26 years that several**

**board members have served the state, no state auditor has ever demanded access to client files or identifying information about client identifications.**

- 3. Cyber security policy and procedures plan for the newly established Cash Management Review Board:** Rebecca May-Ricks explained that the Louisiana Legislature has adopted a cyber security policy and procedures plan applicable to all agencies in state government for the newly established Cash Management Review Board. Although it is questionable whether MHAS maintains any cash assets, upon further discussion of the MHAS Board, and after review of Act 66 of the 2021 Regular Session of the Legislature, Steve Scheckman moved to approve the proposed Mental Health Advocacy Service Cybersecurity Plan and Financial Security Procedures for Cash Management. Rob Garda seconded the motion, and the motion was unanimously approved. **The Mental Health Advocacy Service Cybersecurity Plan and Financial Security Procedures for Cash Management is attached to these minutes and incorporated by reference.**
- 4. Budget planning for FY23 – planning and follow up:** Rebecca May-Ricks provided an update on the status of the FY21 budget and the reduction of \$430,000.00 from the budget of MHAS. Rebecca May-Ricks further reported on whether MHAS should hire its own budget staff member. After discussion by the Board, Steve Scheckman moved that MHAS should hire its own budget staff member. David Katner seconded the motion, and the motion was unanimously approved.
- 5. New Business:** Rebecca May-Ricks reported on the status of MHAS locating a new office in Lake Charles. MHAS has not received a written lease proposal yet. A special Board meeting may need to be called to approve the lease. No vote was taken.
- 6. Next Meeting: December 4, 2021.**

**The meeting was then adjourned.**