STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES
CENTRAL OFFICE

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October 1, 2002

Roger Branson, Executive Director
Alaska Mental Health Consumer Web
1248 Gambell
Anchorage, Alaska 99501

RE: Report of Findings: Investigation of Complaints Regarding the Alaska Mental Health Consumer Web

Dear Mr. Branson:

Please find the attached final Report of Findings: Investigation of Complaints Regarding the Alaska Mental Health Consumer Web resulting from the investigation of your agency conducted June 26-27, 2002.

The report describes the complaints received by the division, the investigation process, and summarizes the findings. It also outlines actions to be taken as a result of the investigation.

The Web's grant will remain on probation for the remainder of FY03, and be awarded one quarter at a time, depending upon your performance. The web must now work toward complying with the Board and P&P recommendations on page 4 of the report. Before the grant is removed from probation status, there must be a full board in place. The Board structure must preclude any Board member from the direct daily management of the agency. Finally, the draft P&P's must be completed, pass state review, and be adopted formally by the Board.

Many thanks to you, your staff, and your board of directors for the support and hospitality provided to the review team during the review. If you have any questions, please phone me at (907) 465-3370.

Sincerely,

Leonard Abel, Ph.D.

Leonard Abel, Ph.D.
Community Mental Health Services
Program Administrator

cc: Yvonne Jacobson, Consumer Affairs Administrator
John Bajowski, Mental Health Regional Coordinator

06-F100LH

September 12, 2002

Report of Findings
Investigation of Complaints Regarding the Alaska Mental Health Consumer Web

Background:
The Alaska Mental Health Consumer Web (AMHCW) has been a Community Mental Health grantee since FY 2000. The agency is a consumer-run organization providing a clubhouse drop-in center, a thrift store, computer access to the world wide web, and a consumer website. For FY 2000 and FY2001, the agency had a small grant of $12,500 to help support the website. During FY 2001, another consumer-run agency, Mental Health Consumers of Alaska, became unable to continue providing advocacy and support services, and eventually closed. The remaining funds from the Mental Health Consumers of Alaska were awarded to AMHCW late in FY2001. In FY2002, the grant to AMHCW was increased to $169,100 to enable them to provide some of these services. The funds were $112,500 General Funds and $56,600 Mental Health Trust Authority Authorized Receipts (MHTAAR). Later in FY 2002, the AMHCW was competitively awarded a grant to provide legal services to consumers. The part-year grant was $72,500, with a potential to be annualized in FY 2003 to $95,000. These funds were General Funds.

Nature of the Complaints:
Since the rapid growth of the agency, there have been occasional concerns raised by consumers about the operation of the AMHCW, but nothing that would occasion an investigation by the division. The concerns were generally around the Board President and Board Secretary making decisions without involving other board members, and the Board President managing all agency operations. The division response was to advise the agency to increase the size of the board, and to hire an Executive Director to run the day-to-day operations.

In mid June 2002, DMHDD staff began receiving another series of complaints regarding AMHCW. The event that initiated the complaints was the anticipated firing of the executive director of AMHCW. Over a period of four days there were calls from three different consumers involved at various levels with the agency, and the director of an agency affiliated with AMHCW. All of the complainants asked for anonymity, with the consumers stating they feared retaliation. Division staff assured anonymity to the degree possible.

The complaints were as follows:

The complainants alleged that the decision to fire the Executive Director was not being made, as required, by the full board but instead was being made by the Board President and the Board Secretary/Treasurer. The agency had a six-member board at that time, at the direction of the division. The perspective of the complainants was that the Board President and Board Secretary/Treasurer were acting unilaterally, still retained a disproportionate amount of power and control, and did not involve other members in a formal Board decision making process on this or other matters.

In addition, the complainants expressed a variety of beliefs and concerns including the following:

- That the Board President was once again managing the day-to-day operations of the AMHCW and interfering with the ability of the Executive Director and other staff to do their jobs.
- That the Board President had taken numerous and repetitive detrimental actions including: unilaterally dismissing staff and volunteers; intimidating consumers, staff and volunteers through very aggressive and demeaning verbal behavior, including racial slurs; and breaching the confidentiality of consumers. This behavior had resulted in an atmosphere of fear and a dramatic reduction in the number of consumers who were coming to the AMHCW;
- That another reason for the Executive Director's impending termination was that she was attempting to protect consumers, staff and volunteers from the actions of the Board President.
- That the Executive Director was being terminated partly because there were disagreements between the Executive Director and Board President regarding what types of information should be submitted to the state (DMHDD), what information she should have kept from the state, and what type of relationship to have with the state; and
- That the Board Secretary/Treasurer was fully supporting and defending the Board President's role and actions, and was not assisting in resolving the current problems at the AMHCW despite numerous requests to help.

All of the complainants stated that they believed the AMHCW to be a very valuable program that can offer needed support to consumers. They also recognized the contribution of the Board President and the Board Secretary/Treasurer in the founding of the agency, which made it extremely difficult for them to come forward with their concerns at this time. The complainants asked for intervention from the state to help with the situation.

The complainants were told that the state could not intervene in the firing of the Executive Director, other than to ensure that this was a decision of the full board, and not a unilateral decision by one or more Board members. Complainants were informed that the broader complaints reflected on the AMHCW's ability to meet the grant requirements related to service delivery. The alleged detrimental behavior towards consumers, staff and volunteers, and the relationship between this behavior and the reduced use of the program were considered to be matters of concern to the state and a legitimate cause for state review. Because of that situation, an investigation was recommended.

On June 19, 2002, a memo was sent to Walter Majoros, Director of the Division of Mental Health and Developmental Disabilities (DMHDD) outlining the complaints and recommending an investigation of AMHCW. The investigation was approved, and an investigation team was selected that included Yvonne Jacobson, Leonard Abel, and Michael Campbell of DMHDD, and Jan MacGilvary of the Alaska Mental Health Association. The investigation occurred on June 26 and 27, 2002, with follow-up contact.

On June 26 and 27, the team interviewed all of the agency's board members and remaining staff, several community members or collateral agency staff, and consumers of AMHCW. In the evening of June 26, 2002, a meeting for consumers was held at the Fairview Recreation Center, a few blocks from the AMHCW facility. AMHCW board members and staff were specifically asked to not attend the meeting, so that consumers would feel safe and able to talk. Fourteen consumers attended the meeting, and eleven spoke. In all, 21 people provided input into the investigation over the two days. In addition, the team attempted to interview the agency Board President on the 27th, but was unable to do so because of her extreme agitation and negative feelings towards the state.

In consideration of the parties involved, and to protect the anonymity of informants, detailed descriptions of information given to the team are not included in this report, but are maintained on file in the event that the more detailed information is needed for any subsequent follow-up from this review.

Findings:
Of the 22 actual and potential informants, 18 provided information that substantiated the complaints. The only people who denied problems were the Board President, whose behavior and its consequences was central to the investigation, the Board Secretary/Treasurer, one staff member, and one regular consumer. All of the 18 informants who substantiated the complaints were very consistent in their information about either directly receiving severe verbal abuse from the Board President or witnessing it happen to others. Two people, the alleged victim and a witness, reported one incident of physical abuse from the Board President. All expressed sadness over the loss of a valuable support in their lives due to the atmosphere and the loss of their dignity from the abuse. They also confirmed that there were very few consumers using the agency, out of fear. Some expressed the fear that consumers were being seriously psychologically damaged by the abuse. At least one of the group is in the process of seeking legal redress. Several informants expressed their belief that the Board Secretary/Treasurer would not recognize the current problems despite their efforts to bring the issues forward and request help. The informants all wanted the state to intervene to help the program survive.

There were several informants who expressed concerns about the structure and operation of the board and agency. They were concerned that some board members were not consulted on most matters, that there were no procedures to run a meeting (such as Robert's Rules of Order), and that the Board President and Board Secretary/Treasurer dominated the meetings and told the others what to do. They were concerned that a draft policy and procedure manual for the agency had still not been approved and questioned the appropriateness and wisdom of the Board President's termination actions towards past and current staff.

Like the original complainants, all of the informants expressed support for the agency, and admiration toward the Board President for her work in founding the agency. They also said her current behavior was not acceptable and hoped she would get help that would allow her to relate to others in more positive manner.

The team also interviewed the Board Secretary/Treasurer. There was an apparent misunderstanding regarding the purpose of the investigation in that the Board

Secretary/Treasurer believed the investigation was about the planned termination of the Executive Director. The Board Secretary/Treasurer had prepared a set of materials which he believed justified the termination of the Executive Director, including purported evidence of wrongdoing (addressed in Follow-up section of report). The Board Secretary/Treasurer also defended the Board President and her actions, did not believe there was an inappropriate "micromanagement" of the agency or any major problems with the agency, and did not agree that the Board President had engaged in a pattern of detrimental behavior to consumers, volunteers and staff.

Feedback to the Board:
The team gave an exit interview to the whole board on the afternoon of June 27, 2002. The board was given the following information:

1. A brief description of the complaints as listed above.
2. A statement describing the review procedures.
3. A statement that of 22 people providing information, 18 indicated there were serious problems. Four denied problems, two being the Board President and the Board Secretary/Treasurer.
4. That the 18 people indicated there was serious abuse of staff and consumers at AMHCW, and fears were expressed for consumer safety.
5. That consumer usage had significantly decreased, rendering the agency unable to comply with the terms of the Community Mental Health Grant.
6. That there was a strong belief that the Board President was inappropriately micro-managing the agency and taking a role that should be left to an executive director.
7. That the agency was not using the board as a whole, that the board lacked structure and functioning procedures.
8. That the Board President and Secretary/Treasurer should be commended in founding the agency and for the good it has done. The current situation should not negate that contribution.

Based on the findings, the board was told the team would recommend the following:

1. Put the grant on probation, and award it one quarter at a time, depending upon performance by the agency.
2. Work with the agency to develop a board/staff structure that that more clearly delineates between board and staff functions and that prevents the problems outlined above.
3. Help to empower the full board to participate in decisions.
4. Help the agency get P&P's in place to govern the agency.

Follow-up:
On June 28, the team learned that the Board President and Board Secretary/Treasurer had resigned at a board meeting. New officers were picked, and transition plans were initiated. On Saturday, 29 people were at the Web, far more than any time in the recent past. Volunteers were lining up to provide staff coverage. The mood had changed for the better.

The charges made by the Board Secretary/Treasurer against the Executive Director were further explored. These charges had to do with alleged forgery of a document and not depositing funds from the Thrift Shop. After review of information surrounding these allegations, the investigation team found no indication of wrongdoing.

At the request of the new board, the department auditor will do an audit the week of July 22. This report, in combination with the final audit, will be used as a framework to provide technical assistance to the AMHCW and to monitor the recommended actions to address the noted areas of concern.