

**Minutes**  
**Human Services and Health Board Meeting**  
**Wednesday November 3, 2021-6:00 pm**  
**Dodge County Administrative Building**  
**Auditorium Rooms H & I**  
**127 East Oak St, Juneau, WI 53039**

---

1. Call to Order by Chairperson Mary Bobholz at 6:00 P.M.
2. Roll Call and Non-Committee Member County Board Attendance

**Board Present:** Mary Bobholz, Jennifer Keyes, Tim Kemmel, David Godshall, Donald Hilgendorf, Andrew Johnson, Lois Augustson, Kira Sheahan-Malloy, Jenifer Hedrick

**Absent/Excused:** N/A

**Staff Present:** Director Becky Bell, Accounting Technician Felicia Bruyette, Division Manager Sheila Drays, Division Manager Angela Petruske, Public Health Officer Abby Sauer, County Administrator Jim Mielke

3. Public Comment: N/A

4. Approval of the minutes of the October 6, 2021 Board meeting  
Motion by Tim Kemmel to approve the October 6, 2021 Board minutes. Seconded by Lois Augustson.  
Motion carried.

**5. BOARD ACTION**

**A. 2022-2024 Aging Plan**

Ms. Drays reminded the Board that Ms. Schefft and Ms. DeLaRosa spoke about the final aging plan for 2022-2024 at the October 6<sup>th</sup> Board Meeting. The plan is complete and needs approval from the Board. A motion was made by Mary Bobholz to approve the 2022-2024 Aging Plan. Motion seconded by Donald Hilgendorf. Motion carried.

**B. Close Senior Dining Program on 12/09/2021 for Annual Regional Training Day**

Ms. Drays informed the Board that once a year, the department is required to provide training to dining site managers. There are several different training opportunities being presented this year. Dining centers will be closed on December 12, 2021 for this training. A motion was made by Lois Augustson to close the Senior Dining Centers on December 12 for the training. Motion seconded by Jenifer Hedrick. Motion carried.

**6. DIRECTORS REPORT – Ms. Bell**

**A. 2022 Preliminary Budget Discussion**

Ms. Bell informed the Board that there are no changes in the proposed 2022 Human Services and Health Department budget. The budget has been submitted. Ms. Bell stated that there is an increase of \$645,000 in county levy for the Human Services and Health Department budget.

**B. Out of State Placements**

Ms. Bell informed the Board that there are currently still four youth placed in out of state facilities in Minnesota, Tennessee, Indiana, and Georgia. A request for travel to an out of state placement was taken to the Executive Committee on Monday, November 1, 2021 and was approved. There are no current discharge dates for the youth in out of state placements at this time but staff is continuing to work diligently with these placements to bring youth home when it is appropriate to do so.

**C. Wisconsin Counties Association, County Ambassador Program**

Ms. Bell informed the Board that meetings are held on occasion with representatives and senators. A meeting was held on October 19, 2021 to discuss subsidized guardianship issues. The discussion included asking the state to take over the funding responsibility for the monthly guardianship expenditures. It costs about \$140,000 annually for Dodge County for these expenditures. There would be a large savings for the county if the state assisted with these expenses.

**7. COMMUNITY SUPPORT SERVICES REPORT-Ms. Drays**

**A. Statistics for September**

**B. Dining Center Comments**

**C. Public Health Updates – Abby Sauer, Public Health Officer**

Ms. Sauer provided the board with a copy of the weekly Covid-19 report which can be found on the county website. At this time, both confirmed and probably cases are decreasing to about 27 cases per day in comparison to 50 cases per day as noted at October's Board meeting. Despite the decrease in cases. Dodge County does continue to be in the red for reported cases due to hospitals reporting that they are hitting capacity as well as the volume of calls that go with the high percentage of cases. The community based test site remains open in Beaver Dam every Wednesday from 11:00 AM to 5:00 PM at no cost. Public Health continues to offer Covid-19 Vaccinations both onsite and offsite. Ms. Sauer further commented that on October 26, 2021, Moderna and Johnson & Johnson booster doses were approved for certain populations. Those booster doses are being offered at Public Health. The first booster clinic was held on October 29. Health systems and pharmacies are taking an active role to get the booster out to the public as well. Public Health is working on contacting homebound individuals with information about the booster doses. The Pfizer vaccine was approved by the FDA and CDC for children from 5 to 11 years old. Dodge County Public Health is waiting for a policy and procedure manual from the state before offering the vaccine to this age group. There is a possibility that Public Health will hold clinics at some of the Dodge County schools to offer the Pfizer vaccine for children that meet the criteria with parental permission.

Ms. Sauer also informed the Board that Public Health is currently very busy with influenza vaccines. Several schools in the county have welcomed Public Health for influenza vaccine clinics. More information will be provided in December after these clinics have finished up at the schools.

8. **CLINICAL & FAMILY SERVICES REPORT- Ms. Schultz (Presented by Ms. Bell)**

- A. Statistics for September
- B. Out of home costs

Ms. Bell informed the board that costs remain high. Dodge County was able to utilize crisis stabilization in Milwaukee for a second youth which was very successful. Placements at this facility are limited to 30 days.

- C. September report/expenses from Northwest Connections-After Hours Crisis
- D. Quarterly report/expenses from Northwest Connections-After Hours Crisis

9. **FISCAL & SUPPORT SERVICES REPORT – Ms. Petruske**

- A. Review 2021 expenditures & revenues
- B. Budget adjustment form

10. Next Meeting will be Wednesday, December 1, 2021 at 6:00 PM

11. Adjourned at 6:27 P.M.

---

Lois Augustson, **Secretary**

---

Mary Bobholz, **Chairperson**

---

Felicia Bruyette, **Recording Secretary**

**Zev D. Kianovsky**  
Asst. Corporation Counsel  
(920) 386-3881

**Julie K. Wilhelm**  
Asst. Corporation Counsel  
(920) 386-3593

**Sean P. Donohue**  
Asst. Corporation Counsel  
(920) 386-4337

## County of Dodge

### Office of Corporation Counsel

127 E. Oak Street  
Fourth Floor, Administration Bldg.  
Juneau, WI 53039-1329  
Fax (920) 386-3596

**Kimberly A. Nass**  
Corporation Counsel  
(920) 386-3592

**Kelly L. Lepple**  
Sr. Legal Assistant  
(920) 386-3590

**Karen S. Schultz**  
Legal Assistant  
(920) 386-3964

**Victoria L. Rahn**  
Legal Assistant  
(920) 386-3591

### MEMORANDUM

TO: Dodge County Board of Supervisors

FROM: Kimberly A. Nass  
Dodge County Corporation Counsel *KAN*

DATE: November 9, 2021

RE: Opioid Litigation/Settlement Overview

---

Dodge County adopted Resolution No. 17-61, *Authorize Joining Lawsuit To Prosecute Claims Against Certain Opioid Manufacturers*, at its meeting on November 14, 2017 (see attached). Along with 70 other Wisconsin Counties and other states (attorneys general), counties, and municipalities, litigation was commenced against certain manufacturers, distributors, pharmacies and others relating to the nation's opioid crisis. (National Prescription Opiate Litigation Multi-District Litigation). Polk County, Wisconsin, did not join. The litigation took two paths: traditional prosecution including discovery and trial preparation (Litigation Track) and settlement negotiations (Settlement Track).

In July of 2021, a proposed settlement was announced with four of the defendants: McKesson, Cardinal Health, AmerisourceBergen (Distributors), and Janssen Pharmaceuticals, Inc., and parent company Johnson & Johnson. The monetary terms of the proposed settlements, if adopted by the litigating states and local units of government, have the Distributors paying to the Plaintiffs a maximum of \$21 billion over 18 years and Johnson paying \$5 billion over 9 years. Eligible uses of the settlement proceeds are restricted to opioid abatement. Other details regarding the settlements can be found at [www.nationalopiodsettlement.com](http://www.nationalopiodsettlement.com). In order for the settlement with the Distributors and Johnson to be effective, all litigating Plaintiffs must agree by January 2, 2022.

In anticipation of possible opioid settlements, the Wisconsin Legislature adopted and the Governor signed into law what is now Section 165.12, Wis. Stats. (attached) regarding distribution of opioid settlement funds within the State of Wisconsin, whereby the State of Wisconsin will retain 30% of any settlement proceeds and the local governments will receive 70% of any settlement proceeds. As of the date of this memo, a distribution formula for the Wisconsin local government share (70%) has not been released.

The December 6, 2021, Dodge County Executive Committee will have an agenda item to discuss the Opioid litigation, proposed settlements and a proposed resolution. The Dodge County Board of Supervisors is expected to consider a resolution at its December 21, 2021 meeting. The purpose of this memo is to provide a very basic overview in advance of the December meetings.

As always, if you have any questions, please do not hesitate to contact me.

KAN

cc: Jim Mielke, Dodge County Administrator  
Karen Gibson, Dodge County Clerk

**Authorize Joining Lawsuit to Prosecute Claims against Certain Opioid Manufacturers**

TO THE HONORABLE BOARD OF SUPERVISORS OF DODGE COUNTY, WISCONSIN  
MEMBERS:

**WHEREAS**, Dodge County (“County”) is concerned with the recent and rapid rise in difficulties facing County citizens, residents, and visitors in relation to problems arising out of the use, abuse and overuse of opioid medications, which according to certain studies, impacts millions of people across the country; and,

**WHEREAS**, issues and concerns surrounding opioid use, abuse, and overuse by citizens, residents and visitors are not unique to the County and are, in fact, issues and concerns shared by all other counties in Wisconsin and counties across the country, as has been well documented through various reports and publications, and is commonly referred to as the Opioid Epidemic (“Opioid Epidemic”); and,

**WHEREAS**, the societal costs associated with the Opioid Epidemic are staggering and, according to the Centers for Disease Control and Prevention, amounting to billions of dollars annually; and,

**WHEREAS**, the National Institute for Health has identified the manufacturers of certain opioid medications as being directly responsible for the rapid rise of the Opioid Epidemic by virtue of their aggressive and, according to some, unlawful and unethical marketing practices; and,

**WHEREAS**, certain opioid manufacturers have faced civil and criminal liability for their actions that relate directly to the rise of the Opioid Epidemic; and,

**WHEREAS**, the County has spent significant unexpected and unbudgeted time and financial resources in its programs and services related to the Opioid Epidemic; and,

**WHEREAS**, the County is responsible for a multitude of programs and services, all of which require the County to expend resources generated through state and federal aid, local property tax levy, fees and other permissible revenue sources; and,

**WHEREAS**, the County’s provision of programs and services becomes more and more difficult every year because the costs associated with providing the Opioid Epidemic programs and services continue to rise, yet the County’s ability to generate revenue is limited by strict statutory levy limit caps and stagnant or declining state and federal aid to the County; and,

**WHEREAS**, financial and other resources the County expends in addressing, combatting and otherwise dealing with the Opioid Epidemic are resources that cannot be used for other critical programs and services that the County provides to County citizens, residents and visitors; and,

**WHEREAS**, the County has been informed that numerous counties and states across the country have filed or intend to file lawsuits against certain opioid manufacturers in an effort to force the persons and entities responsible for the Opioid Epidemic to assume financial responsibility for the costs associated with addressing, combatting and otherwise dealing with the Opioid Epidemic; and,

1           **WHEREAS**, the County has engaged in discussions with representatives of the law firms of von  
2 Briesen & Roper, s.c., Crueger Dickinson LLC, and Simmons Hanly Conroy LLC (the “Law Firms”)  
3 related to the potential for the County to pursue certain legal claims against certain opioid manufacturers;  
4 and,  
5

6           **WHEREAS**, the Law Firms have proposed that the County engage the Law Firms to prosecute the  
7 aforementioned claims on a contingent fee basis whereby the Law Firms would not be compensated unless  
8 the County receives a financial benefit as a result of the proposed claims, and the Law Firms would  
9 advance any and all claim-related costs and expenses associated with the claims; and,  
10

11           **WHEREAS**, the Law Firms have assured the County that any and all of the costs and expenses  
12 associated with the claims against certain opioid manufacturers would be borne by the Law Firms; and,  
13

14           **WHEREAS**, the Law Firms have provided a proposed engagement letter, (“Engagement Letter”)  
15 specifying the terms and conditions under which the Law Firms would provide legal services to the County  
16 and otherwise consistent with the terms of this Resolution; and,  
17

18           **WHEREAS**, the County has been informed that the Wisconsin Counties Association has engaged  
19 in extensive discussions with the Law Firms and has expressed a desire to assist the Law Firms, the County  
20 and other counties in the prosecution of claims against certain opioid manufacturers; and,  
21

22           **WHEREAS**, the County would participate in the prosecution of the claim(s) contemplated in this  
23 Resolution by providing information and materials to the Law Firms and, as appropriate and allowed by  
24 law, the Wisconsin Counties Association as needed; and,  
25

26           **WHEREAS**, the County believes it to be in the best interest of the County, its citizens, residents,  
27 visitors and taxpayers to join with other counties in and outside Wisconsin in pursuit of claims against  
28 certain opioid manufacturers; and,  
29

30           **WHEREAS**, by pursuing the claims against certain opioid manufacturers, the County is attempting  
31 to hold those persons and entities that had a significant role in the creation of the Opioid Epidemic  
32 responsible for the financial costs assumed by the County;  
33

34           **SO, NOW, THEREFORE, BE IT RESOLVED**, that the Dodge County Board of Supervisors  
35 authorizes the appropriate county officials to execute an Engagement Letter, provided that such  
36 Engagement Letter contains terms and conditions satisfactory to the County, including, but not limited  
37 to, a provision that specifies that all costs, expenses, and attorneys’ fees shall be borne by the Law Firms  
38 and reimbursed only if the County receives a financial benefit from the prosecution of the proposed  
39 claim(s); and,  
40

41           **BE IT FURTHER RESOLVED**, that the County shall endeavor to faithfully perform all  
42 actions required of the County in relation to the claims contemplated herein, and hereby directs all the  
43 County personnel to reasonably cooperate with and assist the Law Firms in relation thereto; and,  
44

45           **BE IT FINALLY RESOLVED**, that the Dodge County Clerk shall forward a copy of this  
46 Resolution to the Wisconsin Counties Association, 22 E. Mifflin Street, Suite 900, Madison, Wisconsin,  
47 53703.

All of which is respectfully submitted this 14<sup>th</sup> day of November, 2017.

**Dodge County Executive Committee:**

  
\_\_\_\_\_  
Russell Kottke

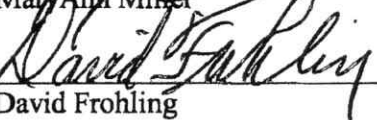
  
\_\_\_\_\_  
Dennis Schmidt

  
\_\_\_\_\_  
Donna Maly


  
\_\_\_\_\_  
Joseph M. Marsik

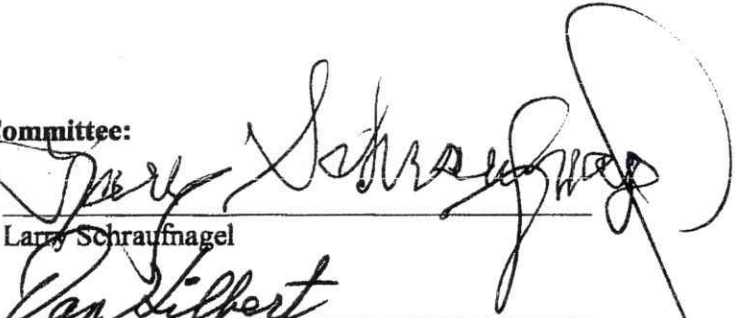
  
\_\_\_\_\_  
Mary Ann Miller

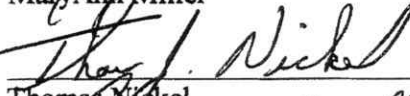
  
\_\_\_\_\_  
Jeff Berres

  
\_\_\_\_\_  
David Frohling

**Dodge County Judicial and Public Protection Committee:**

  
\_\_\_\_\_  
Mary Ann Miller


  
\_\_\_\_\_  
Larry Schraufnagel

  
\_\_\_\_\_  
Thomas Nickel


  
\_\_\_\_\_  
Dan Hilbert


  
\_\_\_\_\_  
Larry Bischoff

**Dodge County Human Services and Health Board:**

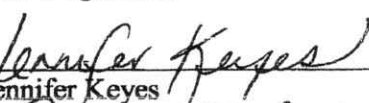
  
\_\_\_\_\_  
Mary J. Bobholz

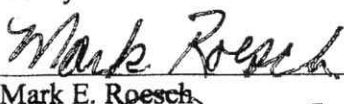
  
\_\_\_\_\_  
Kira Sheahan-Malloy

  
\_\_\_\_\_  
Stephanie Justmann

  
\_\_\_\_\_  
Lois Augustson

  
\_\_\_\_\_  
Becky Glewen

  
\_\_\_\_\_  
Jennifer Keyes

  
\_\_\_\_\_  
Mark E. Roesch

  
\_\_\_\_\_  
David Godshall

  
\_\_\_\_\_  
Jeremy Bartsch

**Vote Required:** Majority of Members present.

**Resolution Summary:** A resolution to engage with law firms to prosecute claims against certain opioid manufacturers.

(b) The attorney general is required to submit a plan under par. (a) only if the most recent estimate of the amount of federal funds that the department of justice will be appropriated under s. 20.455 in the current state fiscal year is less than 95 percent or more than 105 percent of the amount of federal revenue shown in the schedule for the appropriations under s. 20.455 in that fiscal year.

(3) After receiving a plan under sub. (2) (a), the cochairpersons of the joint committee on finance jointly shall determine whether the plan is complete. If the joint committee on finance meets and either approves or modifies and approves a plan submitted under sub. (2) (a) within 14 days after the cochairpersons determine that the plan is complete, the attorney general shall implement the plan as approved by the committee. If the joint committee on finance does not meet and either approve or modify and approve a plan submitted under sub. (2) (a) within 14 days after the cochairpersons determine that the plan is complete, the attorney general shall implement the proposed plan.

History: 1997 a. 86.

**165.055 Appointments.** (1) The attorney general may appoint a deputy attorney general and assistants each of whom shall be an attorney at law admitted to practice in this state. Such appointments shall be made in writing and filed in the office of the secretary of state, and such appointees shall take and subscribe the constitutional oath of office which shall also be filed. Appointees shall perform such duties as the attorney general prescribes.

(2) The attorney general shall be responsible for all acts of the deputy attorney general.

(4) The attorney general shall appoint, in the unclassified service, the administrator of the legal services division subject to s. 230.08 (4) (a).

History: 1973 c. 90; 1975 c. 39; 1977 c. 29, 44, 418; 1987 a. 27; 1993 a. 482; 2001 a. 16; 2015 a. 55; 2017 a. 59, 369.

**165.065 Assistant attorney generals; antitrust.** (1) At least one assistant attorney general shall be assigned to the investigation and prosecution of violations arising under ch. 133 and shall carry out the duties imposed on the attorney general by ch. 133. All apparent violations of ch. 133 which come to the attention of any officer or agency of state government shall be reported to one of such assistant attorneys general. All officers and agencies shall cooperate with and assist the department of justice in the investigation and prosecution of such apparent violations.

(2) The assistant attorney general in charge of antitrust investigations and prosecutions is to cooperate actively with the antitrust division of the U.S. department of justice in everything that concerns monopolistic practices in Wisconsin, and also to cooperate actively with the department of agriculture, trade and consumer protection in the work which this agency is carrying on under s. 100.20 of the marketing law with regard to monopolistic practices in the field of agriculture and with the federal trade commission on matters arising in or affecting Wisconsin which pertain to its jurisdiction.

History: 1977 c. 29 s. 1650m (4); 1977 c. 260.

**165.066 Assistant attorney general; unemployment insurance law enforcement.** The attorney general shall assign at least 0.5 assistant attorney general position to assist in the investigation and prosecution of noncompliance with ch. 108

History: 2005 a. 86.

**165.08 Power to compromise.** (1) Any civil action prosecuted by the department by direction of any officer, department, board, or commission, or any civil action prosecuted by the department on the initiative of the attorney general, or at the request of any individual may be compromised or discontinued with the approval of an intervenor under s. 803.09 (2m) or, if there is no intervenor, by submission of a proposed plan to the joint committee on finance for the approval of the committee. The compromise or discontinuance may occur only if the joint committee on finance approves the proposed plan. No proposed plan may be submitted to the joint committee on finance if the plan con-

cedes the unconstitutionality or other invalidity of a statute, facially or as applied, or concedes that a statute violates or is preempted by federal law, without the approval of the joint committee on legislative organization.

(2) In any criminal action prosecuted by the attorney general, the department shall have the same powers with reference to such action as are vested in district attorneys.

History: 2007 a. 20; 2015 a. 55; 2017 a. 369.

**165.09 Removal of barriers to trade or movement of dairy products.** The attorney general may take such action as he or she deems necessary in order to contest or oppose existing statutes, ordinances, regulations, orders or other trade barriers which may restrict the sale in other states of milk or other dairy products produced in Wisconsin; study and investigate problems concerning the free movement of milk and other dairy products in interstate commerce and present the results thereof to such legislative and executive agencies of the federal government and the several states, such studies, investigations and presentations to executive and legislative agencies to be made either individually or jointly with others.

History: 1993 a. 482.

**165.10 Deposit of settlement funds.** The attorney general shall deposit all settlement funds into the general fund.

History: 2017 a. 59, 369.

**165.12 Opioid settlement.** (1) DEFINITION. In this section, "opiate litigation" means the proceedings titled In re: National Prescription Opiate Litigation, Case No.: MDL 2804 and any proceeding filed in a circuit court in this state containing allegations and seeking relief that is substantially similar to allegations contained and relief sought in Case No.: MDL 2804.

(2) SETTLEMENT PROCEEDS. The attorney general shall cooperate with local governments in the state that are parties in the opiate litigation in entering into a joint settlement agreement of the legal or equitable claims of the state, subject to sub. (7), and the claims of local governments regarding opioids with any person that has engaged in the manufacture, marketing, promotion, distribution, or dispensing of an opioid product, including any person named as a defendant in the opiate litigation, if all of the following are satisfied:

(a) The joint committee on finance approves the proposed settlement agreement under the procedure under s. 165.08 (1).

(b) The settlement agreement or any document that effectuates the settlement identifies 30 percent of the settlement proceeds as payable to the state.

(c) The settlement agreement or any document that effectuates the settlement identifies 70 percent of the settlement proceeds as payable to local governments in the state that are parties in the opiate litigation.

(3) MONEYS PAYABLE TO THE STATE. (a) Moneys payable to the state under sub. (2) (b) shall be allocated to the department of health services for expenditure for purposes that comply with any settlement agreement or order of the court. In order to expend moneys payable to the state under sub. (2) (b), the department of health services shall submit by April 1 of each year until the moneys are expended to the joint committee on finance a proposal of expenditure for the next fiscal year. If the cochairpersons of the joint committee on finance do not notify the department within 14 working days after the date of the submittal under this paragraph that the committee has scheduled a meeting for the purpose of reviewing the expenditure proposal, the department may expend the moneys as described in the proposal. If, within 14 working days after the date of the submittal under this paragraph by the department, the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the expenditure proposal, the department may expend the moneys only upon approval by the committee.

(b) If the department of health services seeks to deviate from the expenditure proposal during the fiscal year for which the



expenditure proposal approved under par. (a) applies, the department shall submit to the joint committee on finance a proposal for the deviation. The joint committee on finance shall review the expenditure proposal using the procedure described in par. (a).

**(4) MONEYS PAYABLE TO LOCAL GOVERNMENTS.** (a) No money paid or payable to the local governments under sub. (2) (c) may be considered moneys of the state. Moneys under sub. (2) (c) may be paid directly only to local governments that are parties in the opiate litigation.

(b) A local government that receives moneys payable to a local government under sub. (2) (c) shall deposit the moneys in a segregated account that is subject to all of the following:

1. Moneys in the segregated account are considered moneys of the local government under s. 66.0603 (1m) and may not be commingled with any other moneys of the local government.

2. A local government may expend moneys of the segregated account solely for purposes identified as approved uses for abatement in the settlement agreement or by court order, subject to sub. (6).

3. A local government may not use moneys from the segregated account to substitute for budgeted moneys from the other sources.

4. A local government may allocate moneys from the segregated account to any other political subdivision in the state if there is an agreement requiring the other political subdivision to expend the moneys for the purposes described in subd. 2.

5. Local governments may combine moneys from their segregated accounts if each local government conforms to the reporting requirement under par. (c).

6. A local government shall include the segregated account in the local government's typical audit process.

(c) By May 1 annually, a local government that receives moneys under sub. (2) (c) shall submit a report to the department of justice and joint committee on finance that includes all of the following:

1. The amount of money in the local government's segregated account described under par. (b) as of December 31 of the previous year.

2. An accounting of the receipts and disbursements from the segregated account described under par. (b) in the previous year.

**(5) SALE OF INTEREST IN PROCEEDS.** (a) Subject to par. (c), a local government may sell for cash or other consideration the right to receive any payment under a settlement agreement and this section if the proceeds of the sale are deposited in the segregated account described under sub. (4) (b).

(b) A local government may pledge, grant a lien on, or grant a security interest in payments to effectuate a sale under this subsection. Obligations issued under this subsection are governmental obligations that are issued for a public purpose but are not considered debt of the local government and are not calculated for the purposes of any constitutional or statutory debt limitation.

(c) Any sale by a local government that is authorized under this subsection shall be approved by a majority vote of the governing body of the local government that is selling the payments. The governing body's approval of the sale under this paragraph is considered conclusive as to the adequacy of the consideration for the sale.

(d) The limitations and provisions of s. 893.77 apply to any obligations issued under this subsection. This subsection is an alternative procedure to the procedures under ch. 67.

**(6) RESPONSIBILITIES FOR ATTORNEY FEES.** If a separate fund created in a settlement agreement for the opiate litigation is insufficient to pay the entire amount of attorney fees and expenses owed by local governments, a local government may use a portion of the amounts payable to local governments under sub. (2) (c) to supplement amounts owed by the local government for attorney

fees and expenses. The state has no responsibility for payment of a local government's attorney fees or expenses, and those local government attorney fees or expenses may not be paid from the amounts payable to the state under sub. (2) (b).

**(7) CLAIMS BY NONPARTIES TO OPIATE LITIGATION.** (a) Nothing in this section shall alter any local government's right to pursue, litigate, or resolve a lawsuit or claim as a party to the opiate litigation or a related proceeding if the lawsuit or claim was pending as of June 1, 2021.

(b) A political subdivision of the state, or an officer or agent of any political subdivision of the state, that was not a party as of June 1, 2021, to the opiate litigation may not do any of the following:

1. Maintain a claim to proceeds of any settlement agreement that is described under sub. (2).

2. Maintain any claim or commence any action related to opioids against a person that is identified as a party defendant in the opiate litigation that would be released in a settlement agreement if the political subdivision, officer, or agent was a party to a settlement agreement that is described under sub. (2).

**History:** 2021 a. 57; s. 35.17 correction in (5) (b).

**165.25 Duties of department of justice.** The department of justice shall:

**(1) REPRESENT STATE IN APPEALS AND ON REMAND.** Except as provided in ss. 5.05 (2m) (a), 19.49 (2) (a), and 978.05 (5), appear for the state and prosecute or defend all actions and proceedings, civil or criminal, in the court of appeals and the supreme court, in which the state is interested or a party, and attend to and prosecute or defend all civil cases sent or remanded to any circuit court in which the state is a party. The joint committee on legislative organization may intervene as permitted under s. 803.09 (2m) at any time. Nothing in this subsection deprives or relieves the attorney general or the department of justice of any authority or duty under this chapter.

**(1m) REPRESENT STATE IN OTHER MATTERS.** If requested by the governor or either house of the legislature, appear for and represent the state, any state department, agency, official, employee or agent, whether required to appear as a party or witness in any civil or criminal matter, and prosecute or defend in any court or before any officer, any cause or matter, civil or criminal, in which the state or the people of this state may be interested. The joint committee on legislative organization may intervene as permitted under s. 803.09 (2m) at any time. The public service commission may request under s. 196.497 (7) that the attorney general intervene in federal proceedings. All expenses of the proceedings shall be paid from the appropriation under s. 20.455 (1) (d).

**(2) PROSECUTE BREACHES OF BONDS AND CONTRACTS.** Prosecute, at the request of the governor, or of the head of any department of the state government any official bond or any contract in which the state is interested, deposited with any of them, upon a breach thereof, and prosecute or defend for the state all actions, civil or criminal, relating to any matter connected with any of their departments except in those cases where other provision is made.

**(3) ADVISE DISTRICT ATTORNEYS.** Consult and advise with the district attorneys when requested by them in all matters pertaining to the duties of their office.

**(3m) REVIEW OBSCENITY CASES.** Review obscenity cases submitted to the department by district attorneys under s. 944.21 (7). The attorney general shall determine whether a prosecution may be commenced.

**(3r) AVOID CONFLICT OF INTEREST.** Require that attorneys in different organizational subunits in the department prosecute violations of chs. 562 to 569 or Indian gaming compacts entered into under s. 14.035 and defend any department, agency, official, employee or agent under subs. (1), (1m), (4) (a) and (6).

**(4) FURNISH LEGAL SERVICES; APPROPRIATION.** (a) The department of justice shall furnish all legal services required by the investment board, the lottery division in the department of rev-



**DODGE COUNTY  
FINANCE DEPARTMENT**

127 East Oak Street, Juneau, WI 53039  
(920)386-3287 – FAX (920)386-4088

---

To: Becky Bell, Human Services & Health Department Director  
Angela Petruske, Division Manager, Fiscal Support Services  
Mary Bobholz, Chair – Human Services & Health Board  
David Frohling, Chair – Finance Committee  
From: Dave Ehlinger   
Date: November 15, 2021  
Re: Human Services and Health projected deficit 2021

Hello everyone,

As you are aware, Becky and Angela have been keeping the Human Services & Health Board updated about the projected deficit in their department for calendar year 2021. A large contributor to this deficit is the number of placements for residents in needs of services.

As expected to occur, last week our computer system (Munis) has stopped the posting of any expenditures because the authorized (i.e. budgeted) expenditures were exceeded.

To follow the strict interpretation of the Wisconsin Statutes, we would have to close the doors at Human Services and stop the work of our employees. That obviously is not a reasonable solution, especially given that we have been notifying the various committees and County Board that Human Services & Health is anticipating a deficit of approximately \$1.4 million for 2021.

As such, I have entered two (2) budget amendments into Munis at this time.

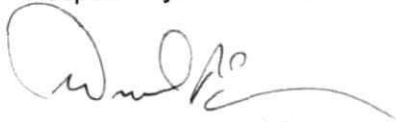
- A. The Public Health area (Division 96) currently has remaining allowed expenditures of about \$885,000 as compared to Human Services (Division 97) having remaining allowed expenditures of about \$62,000. I have moved \$700,000 of allowed expenditures from Human Services to Public Health on behalf of the department.
- B. Given the projected departmental deficit, I entered a TEMPORARY one-sided budget adjustment in Munis increasing the allowed Human Services expenditures by an additional \$800,000. This estimated amount MAY need to be increased again before the year is closed in order to close out 2021.

The intent is that as part of the process to close out calendar year 2021, the Finance Committee in March or April 2022 will be forwarding a resolution to the full County Board for budget amendments for any departmental deficits. I anticipate there to be at least one other department that will have a deficit for 2021.

Please place this topic on the next available meeting for your committee.

If you have any problems or questions, please feel free to contact me.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David P. Ehlinger', with a long horizontal flourish extending to the right.

David P. Ehlinger, CPA  
Finance Director



# WISCONSIN DEPARTMENT of HEALTH SERVICES

## Division of Quality Assurance: Notifications & Updates

Attn: DQA Regulated Providers

### **DQA Webinar - COVID-19 Health Care Staff Vaccination Rule - Tuesday, November 23, 2021**

On November 4, 2021, the Centers for Medicare & Medicaid Services (CMS) announced new emergency rules that require all healthcare providers and supplies, that participate in a federally certified Medicare and Medicaid program under Medicare Conditions of Participation (COP), Conditions of Coverage or Requirements for Participation, to develop a plan/process to **vaccinate all staff with a first dose or single dose vaccine by December 6, 2021. All eligible staff must be fully vaccinated by January 4, 2022.**

The federal emergency rule does not apply to providers that are certified through the Wisconsin Medicaid program and are not federally certified under the Medicare and Medicaid program under Medicare Conditions of Participation (COP), Conditions of Coverage or Requirements for Participation.

CMS has provided additional information in a [FAQ document](#): CMS Omnibus COVID-19 Health Care Staff Vaccination Interim Final Rule Frequently Asked Questions.

The Division of Quality Assurance will host a webinar on **Tuesday, November 23, from 10 a.m.-12 p.m.**, and provide information about the federal COVID-19 health care staff vaccination rule and answer your questions.

Submit questions you would like addressed at the webinar by emailing them to [DHSWebmailDQA@dhs.wisconsin.gov](mailto:DHSWebmailDQA@dhs.wisconsin.gov) by **12 p.m. on November 18, 2021.**

#### **To Join:**

[Join Zoom Meeting](#)

Meeting ID: 161 564 3039

Passcode: 029203

**Or by Phone:** (669)254-5252 or (646)828-7666

Webinar ID: 161 564 3039

***The federal emergency regulations apply to the following Medicare and Medicaid-certified providers/suppliers:***

- Ambulatory Surgery Centers
- Clinics
- Community Mental Health Centers
- Comprehensive Outpatient Rehabilitation Facilities
- Critical Access Hospitals
- End-Stage Renal Dialysis Facilities
- Home Health Agencies
- Home Infusion Therapy Suppliers
- Hospices

- Hospitals
- Intermediate Care Facilities for Individuals with Intellectual Disabilities
- Long Term Care Facilities
- Rehabilitation Agencies, and Public Health Agencies as Providers of Outpatient Physical
- Therapy and Speech-Language Pathology Services
- Psychiatric Residential Treatment Facilities (PRTFs)
- Programs for All-Inclusive Care for the Elderly Organizations (PACE)
- Rural Health Clinics/Federally Qualified Health Centers

***Staff covered under this requirement:***

The vaccination requirement applies to eligible staff working at a facility that participates in the Medicare and Medicaid programs, regardless of clinical responsibility or patient contact. This includes:

- Facility employees
- Licensed practitioners
- Students
- Trainees
- Volunteers
- Individuals who provide care, treatment or other services for the facility and/or its patients under contract or other arrangements

***The federal emergency regulations do not apply to:***

- Adult Day Service
- Assisted Living Facilities
- Community Support Programs
- Comprehensive Community Services
- Home and Community-Based Services
- Outpatient mental health, behavioral health, and alcohol and other drug use disorder (AODA) clinics
- Personal Care Agencies
- Physician's offices

***DQA Review***

CMS expects state survey agencies to conduct onsite compliance reviews of the requirements during recertification surveys and complaint surveys. Surveyors will check to determine if a facility has met the three basic requirements:

1. Having a process or plan for vaccinating all eligible staff
2. Having a process or plan for providing exemptions and accommodations for those who are exempt
3. Having a process or plan for tracking and documenting staff vaccinations.

Surveyors will review the facility's vaccine policies, the number of resident and staff COVID-19 cases over the last 4 weeks and list of staff and their vaccination status. This information will be used to determine the compliance of the provider or supplier with these requirements.

Links to the CMS November 4, 2021, presentation, Omnibus COVID-19 Health Care Staff Vaccination Rule

To view the slides, visit [here](#).

To view the video, visit [here](#).

Please do not reply directly to this email message. If you have a question about this information, email the [Division of Quality Assurance](#).

Stay Connected with the Wisconsin Department of Health Services



[Unsubscribe](#) | [Help](#)

---

This email was sent to [katie@wchsa.org](mailto:katie@wchsa.org) using GovDelivery Communications Cloud on behalf of: Wisconsin Department of Health Services · 1 West Wilson Street · Madison, WI 53703



## COMMUNITY SUPPORT SERVICES DIVISION

### FROM SEPTEMBER TO OCTOBER 2021 STATISTICS NARRATIVE

#### FOR THE DECEMBER 2021

#### HUMAN SERVICES & HEALTH BOARD MEETING

#### AGING AND DISABILITY RESOURCE CENTER

KRIS SCHEFFT – SUPERVISOR

##### CALL STATISTICS

- Recorded Contacts increased from 560 in September to 665 in October ↑
- Providing Information and Assistance increased from 340 in September to 420 in October ↑
- Administering Long Term Care Functional Screens increased from 36 in September to 39 in October ↑
- Providing all other services decreased from 119 in August and September to 102 in October ↓
- Referring for all other services increased from 3 in September to 5 in October ↑

#### AGING, TRANSPORTATION, AND NUTRITION

JACKIE DELAROSA – SUPERVISOR

##### DINING MEAL DONATIONS

- Congregate donations remained at 0 for October (due to COVID 19 and closures) →
- Home delivered donations increased from \$16.89 in September to \$18.21 in October ↑

##### DINING MEAL PARTICIPANTS

- Congregate participants remained at 0 for October (due to COVID 19 and closures) →
- Home delivered participants decreased from 166 in September to 163 in October ↓

##### VOLUNTEER DRIVER STATISTICS

- Total trip miles increased from 14,683 in September to 16,137 in October ↑
- Total hours of service increased from 624 in September to 693 in October ↑
- Total cash donations received decreased from \$2,140.36 in September to \$1,879.00 in October ↓

**CASELOAD/WORKLOAD STATISTICS**

- Total caseload increased from 319 in September to 324 in October ↑
- Referrals increased from 28 in September to 33 in October ↑
- Court hearings decreased from 8 in August and September to 4 in October ↓
- Annual Protective Placement reviews decreased from 40 in September to 23 in October ↓
- Supportive Home Care reviews decreased from 26 in September to 19 in October ↓
- Total Supportive Home Care cases decreased from 153 in September to 150 in October ↓
- Total Home and Financial Manager caseload increased from 36 in September to 37 in October ↑

**CASELOAD/WORKLOAD STATISTICS**

- FoodShare caseload decreased from 4,603 in September to 4,484 in October ↓
- Medicaid Total caseload decreased 2,801 in September to 2,789 in October ↓
- BadgerCare Total caseload increased from 6,473 in September to 6,527 in October ↑
- Total gross recipients increased from 16,871 in September to 16,983 in October ↑  
(This is the number of county residents receiving assistance, which includes those handled by other counties in the consortia)
- Total cases increased from 9,632 in September to 9,673 in October ↑
- FoodShare expenditures increased from \$1,971,695 in September to \$2,009,114 in October ↑
- Child Care expenditures decreased \$92,036 in September to \$86,568 in October ↓

**CASELOAD/WORKLOAD STATISTICS**

- Programs for Children increased from 1 in September to 3 in October ↑
- Programs for Children and Families increased from 829 in September to 844 in October ↑
- Programs for Women decreased from 21 in September to 17 in October ↓
- Programs for ALL Residents decreased 4,063 in September to 3,624 in October ↓





## CLINICAL AND FAMILY SERVICES DIVISION

### OCTOBER STATISTICS NARRATIVE

FOR THE DECEMBER 2021

### HUMAN SERVICES & HEALTH BOARD MEETING

#### CHILD PROTECTIVE SERVICES UNITS

MARK BEBEL – INTAKE SUPERVISOR  
LISA GRYCOWSKI – ONGOING SUPERVISOR

##### ACCESS REPORTS

- Total number of CPS Access and Services reports decreased by 26 (from 108 to 82) ↓

##### ONGOING CASELOAD DATA

- Number of families being served increased by 4 (from 81 to 85) ↑
- Number of children being served decreased by 12 (from 204 to 192) ↓
- Number of children in out-of-home care decreased by 6 (from 89 to 83) ↓
- Termination of Parental Rights (TPR) and guardianship cases in progress decreased by 2 (from 13 to 11) ↓

#### CHILD AND ADOLESCENT SERVICES UNIT

AMY BOOHER – SUPERVISOR

##### JUVENILE JUSTICE CASELOAD STATISTICS

- Total caseload increased by 1 (from 113 to 114) ↑

##### BIRTH TO THREE PROGRAM DATA

- Number of referrals decreased by 9 (from 25 to 16) ↓
- Number of admissions increased by 4 (from 11 to 15) ↑
- Number of discharges increased by 1 (from 5 to 6) ↑
- Total number of children served increased by 9 (from 103 to 112) ↑

##### CHILDRENS LONG TERM SUPPORT WAIVER (CLTS) and COMMUNITY OPTIONS PROGRAM (CCOP) DATA

- Total number of children served decreased by 6 (from 209 to 203) ↓
- Average caseload size for CLTS staff is 51
- Total number of new referrals this month is 10; total for the calendar year is 69
- Number of families dually enrolled in both CLTS and CCS decreased by 3 (from 44 to 41) ↓
- Wait list for CLTS and CCOP programs stayed the same at 3 →

#### CLINICAL SERVICES UNIT

SARA GASKA – CLINICAL SUPERVISOR  
KIM KUNZ – COMMUNITY PROGRAMS SUPERVISOR  
EMILY JORGENSEN – CRISIS SUPERVISOR

##### OUTPATIENT MENTAL HEALTH SERVICES DATA

- Admissions increased by 9 (from 36 to 45) ↑
- Discharges increased by 37 (from 16 to 53) ↑
- End of month total client census decreased by 10 (from 942 to 932) ↓
- End of month psychiatry census (for all programs) decreased by 7 (from 847 to 840) ↓

- End of month therapy census decreased by 29 (from 461 to 432) ↓
- Average caseload size for MH therapists decreased by 4 (from 58 to 54) ↓
- # of clients on waitlist for adult psychiatric evaluation is 0, next available appt. is 12/4/21 (as of 11/8/21)
- # of clients on waitlist for child/adolescent psychiatric evaluation is 0, next available appt. is 1/4/22 (as of 11/8/21)
- Next available intake date for MH (non-emergency) is 1/11/22 (as of 11/8/21)

#### **OUTPATIENT SUBSTANCE ABUSE SERVICES DATA**

- Admissions decreased by 1 (from 18 to 17) ↓
- Discharges increased by 17 (from 19 to 36) ↑
- End of month total client census decreased by 20 (from 165 to 145) ↓
- Average caseload size for SA counselors decreased by 4 (from 28 to 24) ↓
- Number of Intoxicated Driver Assessments increased by 1 (from 28 to 29) ↑
- Next available intake date for AODA (non-emergency) is 1/11/22 (as of 11/8/21)

#### **CRISIS RESPONSE SERVICES DATA**

- Total hospitalization days decreased by 30 (from 141 to 111) ↓
- Of this total, number of county-funded days decreased by 38 (from 115 to 77) ↓
- Number of Emergency Detentions (EDs) increased by 2 (from 13 to 15) ↑
- Number of crisis diversions increased by 32 (from 145 to 177) ↑
- Number of protective custody cases increased by 3 (from 2 to 5) ↑
- Number of voluntary admissions decreased by 3 (from 11 to 8) ↓

#### **COMMUNITY PROGRAMS DATA**

- Community Support Program (CSP) end of month census stayed the same at 1 →
- Comprehensive Community Services (CCS) end of month census stayed the same at 213 →
- Targeted Case Management (TCM) enrollment decreased by 1 (from 31 to 30) ↓
- Coordinated Services Teams (CST) enrollment stayed the same at 10 →



## 2021 Children's Monthly Out-of-Home Placement Costs (# of children / \$\$\$)

	Group Homes		Institutions		Foster Care		Kinship Care		Monthly Total	
January	3	18,349.54	10	133,684.79	71	136,506.28	40	9,774.91	124	298,315.52
February	3	7,357.49	10	138,032.34	70	130,808.98	39	9,779.00	122	285,977.81
March	2	10,355.87	13	168,104.31	72	133,291.74	40	9,750.34	127	321,502.26
April	1	6,600.00	12	162,917.97	72	130,737.77	40	10,352.28	125	310,608.02
May	1	6,820.00	12	173,941.62	71	135,927.57	37	9,398.00	121	326,087.19
June	1	6,600.00	14	169,764.14	75	140,686.61	36	9,118.60	126	326,169.35
July	1	6,820.00	13	192,051.18	74	144,802.25	35	8,890.00	123	352,563.43
August	1	6,820.00	16	220,871.85	72	137,304.98	37	9,463.54	126	374,460.37
September	1	6,600.00	14	211,291.80	72	133,222.94	38	9,245.60	125	360,360.34
October	1	6,820.00	15	216,366.80	71	133,238.77	38	8,554.08	125	364,979.65
November										
December										
<b>Total 2021</b>	<b>15</b>	<b>83,142.90</b>	<b>129</b>	<b>1,787,026.80</b>	<b>720</b>	<b>1,356,527.89</b>	<b>380</b>	<b>94,326.35</b>	<b>1119</b>	<b>3,321,023.94</b>
<b>Average 2021</b>	<b>1.5</b>	<b>8,314.29</b>	<b>12.9</b>	<b>178,702.68</b>	<b>72</b>	<b>135,652.79</b>	<b>38</b>	<b>9,432.63</b>	<b>124.3</b>	<b>332,102.39</b>
<b>Total 2020</b>	<b>41</b>	<b>251,914.21</b>	<b>117</b>	<b>1,429,912.56</b>	<b>856</b>	<b>1,374,708.36</b>	<b>442</b>	<b>112,361.50</b>	<b>1459</b>	<b>3,168,896.63</b>
<b>Average 2020</b>	<b>3.7</b>	<b>20,992.85</b>	<b>9.7</b>	<b>119,159.38</b>	<b>71.3</b>	<b>114,559.03</b>	<b>36.8</b>	<b>9,363.46</b>	<b>121.6</b>	<b>264,074.72</b>

Number of placements are duplicated month-to-month.

**NORTHWEST COUNSELING AND GUIDANCE CLINIC**

PO Box 309  
Siren, WI 54872

Dodge County Human Service & Health Department  
Henry Dodge Office Building  
199 County Rd DF 3rd Floor  
Juneau, WI 53039

11/3/2021

Enclosed please find the **OCTOBER** monthly billings for the following services from NWCGC:

Training/Supervision-1140	\$584.26
Mobile Service Usage-1171	\$444.53
Mobile Service Mileage-1172	\$76.44
Mobile Service Expense-1173	\$0.00
Phone Flat Rate- 1160	\$7,656.00
Mobile Flat Rate- 1170	\$1,610.61

**TOTAL DUE \$10,371.84**

If you have any questions, please call 715-349-7069.

Thank you,

Cindy B.  
Out-Patient/County Billing Coordinator  
Northwest Counseling & Guidance Clinic

NORTHWEST COUNSELING AND GUIDANCE CLINIC  
 PO BOX 309

SIREN, WI 54872-0309  
 715 349 7069

Billing: 11/03/2021  
 Page: 0

Bill to: DODGE COUNTY HS  
 199 CTY RD DF

Chart: 27444  
 Bill for: DODGE COUNTY 2021  
 199 CTY RD DF 3RD FLR

JUNEAU WI 53039-9512

JUNEAU, WI 53039

Date	Proc	Description	Provider	Units	Debits	Line Balance
9/12/21	1171	EMERGENCY SERVICE MOBILE USAGE CASSANDRA HEIDEMAN	SERVICES	2.80	144.73	144.73
9/16/21	1140	Filed DODGE COUNTY HS c# 4669311 EMERGENCY SERVICE TRAINING/SUP CHENON HUSSEY	SERVICES	15.40	545.31	545.31
9/17/21	1171	9/16 9 9/17 4.5 9/20 .9 10/18 1 EMERGENCY SERVICE MOBILE USAGE CHENON HUSSEY	SERVICES	4.80	248.11	248.11
9/17/21	1172	Filed DODGE COUNTY HS c# 4669321 EMERGENCY SERVICES MOBILE MILE CHENON HUSSEY	SERVICES	66.00	32.34	32.34
9/20/21	1140	EMERGENCY SERVICE TRAINING/SUP JODIE JAHNS	SERVICES	1.10	38.95	38.95
9/21/21	1171	EMERGENCY SERVICE MOBILE USAGE JODIE JAHNS	SERVICES	1.00	51.69	51.69
9/21/21	1172	9/21 4.8 9/22 1.5 Filed DODGE COUNTY HS c# 4669761 EMERGENCY SERVICES MOBILE MILE JODI JAHNS	SERVICES	90.00	44.10	44.10
10/01/21	1160	9/21 45 MI 9/21 45 MI EMERGENCY SERVICES PHONE FLAT	SERVICES	1.00	7656.00	7656.00
10/01/21	1170	Filed DODGE COUNTY HS c# 4666601 EMERGENCY SERVICE MOBILE FLAT 20 OF 31 SHIFTS	SERVICES	1.00	1610.61	1610.61
		Filed DODGE COUNTY HS c# 4666611				

=====

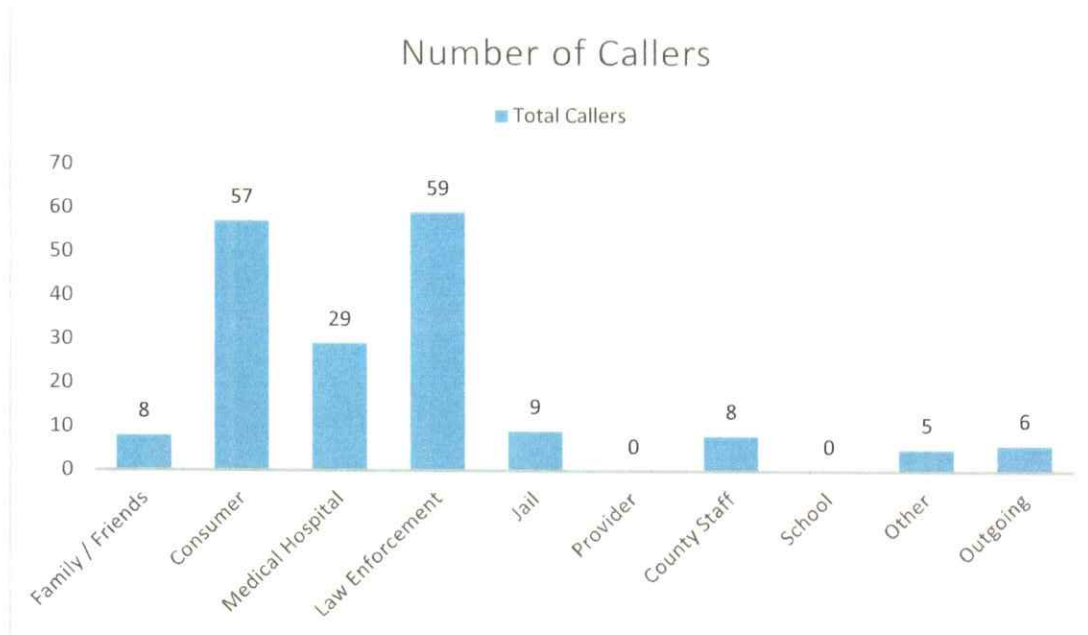
TOTALS: 10371.84 10371.84

TOTAL BALANCE: 10371.84



**Dodge County**  
**Data Report for October 1, 2020 to October 31, 2020**

Total Calls— **181**  
 Total Minors: **31**  
 Total Adults: **148**  
 Total Age Unknown: **2**  
 Stabilization Calls: **11**  
 Admission Confirmations: **1**  
 Mobile Sent— **0**  
 AODA related contacts— **28**  
 Dementia Related contacts - **3**



Caller	Total	Percent
Family / Friends	8	4.42%
Consumer	57	31.49%
Medical Hospital	29	16.02%
Law Enforcement	59	32.60%
Jail	9	4.97%
Provider	0	0.00%
County Staff	8	4.42%
School	0	0.00%
Other	5	2.76%
Outgoing	6	3.31%
<b>Totals</b>	<b>181</b>	<b>100%</b>

<b>Facility</b>	<b>Voluntary</b>	<b>ED</b>	<b>Total</b>
Fond du Lac	0	2	2
Meriter	1	0	1
Rogers Memorial	0	1	1
St. Agnes	1	0	1
UW Madison	0	1	1
Watertown	1	0	1
Winnebago	0	1	1
Pending – Follow-Up by next shift / hospital does bed location	1	2	3
<b>Totals</b>	<b>4</b>	<b>7</b>	<b>11</b>



## NWC Phone and Mobile Calls by Month 2019-2021

