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DHS SPECIAL MEETING

CWARB

June 1, 2021

1 P R O C E E D I N G S

2 MS. RUSS: Good afternoon, everyone. I
3 have 1 p.m. Today is June 1st, 2021.

4 This is a continuation to the special
5 board meeting that was held on Friday, May the
6 28th. We do have a new court reporter. So if
7 you could please, before you speak, if you
8 could identify your name, that will be helpful
9 to her.

10 So I do believe we have all of the board
11 members that were present except for Sandy and
12 she may join in a moment or so. However, I do
13 think we're at quorum unless, Charles, you want
14 to go ahead and take that part -- oh, I'm
15 sorry. Andy. Oh, okay.

16 Andy, do you want to go ahead and take
17 over?

18 MR. ALTOM: Sure. I'll be happy to. And
19 I apologize for not being able to conduct the
20 meeting on Friday.

21 I believe everybody has received the
22 letter, the draft letter. I'll entertain any
23 thoughts or any comments from the board. One
24 of the (inaudible) that --

25 MR. FLYNN: Okay. I just want to add -- I

1 want clarification on what corrective actions
2 have already been issued that are current and
3 maybe what is the time frame for those
4 corrective actions.

5 MR. ALTON: Okay. I mean --

6 MR. FLYNN: I know it's there somewhere,
7 but I'm just -- I want to make sure I'm
8 understanding.

9 MS. RUSS: Yes, sir. This is Ebony Russ.
10 Centers for Youth and Families Elizabeth
11 Mitchell Centers is currently on a formal
12 corrective action. It was implemented May the
13 5th, I believe, and it is documented to last
14 six months.

15 MR. FLYNN: Okay. This is Charles.

16 And what -- is that corrective action on
17 -- what are the specifics of that corrective
18 action? Is it just a corrective action or is
19 it -- there's a lot of information here in the
20 letter.

21 I just want to understand exactly what the
22 corrective action addresses, whether it's ratio
23 or staff training or --

24 MS. RUSS: Okay. If you'll give me a
25 second, I can just pull it up for you.

1 MR. FLYNN: Okay. You could probably sent
2 it to me, but I just want to be clear before I
3 --

4 MR. RUSS: Okay. Would you like for me to
5 share it on the screen or just read it off to
6 you?

7 MR. FLYNN: That's -- sharing is fine.

8 MS. RUSS: Okay. Just a second. Can you
9 all see that?

10 MR. FLYNN: Yes.

11 MS. RUSS: If I can make it bigger. I'm
12 sorry. I couldn't hear. Could you all -- can
13 you all see --

14 MR. FLYNN: Yes.

15 MS. RUSS: Okay.

16 MR. FLYNN: Yes. That's a good size.

17 MS. RUSS: So I'll go ahead and read
18 through it.

19 This is the date, May 5th, a formal
20 corrective action agreement. The facility is
21 Elizabeth Mitchell Center, Centers for Youth
22 and Family. This document constitutes a formal
23 corrective action agreement between Elizabeth
24 Mitchell Centers and the Department of Human
25 Services, Division of Childcare and Early

1 Childhood Education, placement and residential
2 licensing unit. This CAA will be in effect for
3 a period of six months from the date of signing
4 by both parties.

5 This agreement may be extended beyond six
6 months should DHS determine any noncompliance
7 with the CAA during the corrected -- during the
8 stated corrective action period.

9 The purpose of this agreement is to gain
10 and maintain a high degree of compliance with
11 licensing requirements.

12 The following noncompliance areas have
13 been cited during the past six months. And
14 I'll identify --

15 MR. FLYNN: You don't have to read it word
16 for word. I want to have just the basic
17 length, so the basics here.

18 MS. RUSS: Okay. So they were cited for
19 Section 905, Behavior Management; 907, Ratio
20 Provision; and inspections in Section 110,
21 investigations and corrective action.

22 MR. FLYNN: Okay. Can you spin it down a
23 little bit?

24 MS. RUSS: Sure. Oops -- kind of -- it
25 bounces really fast. I'm sorry.

1 MR. FLYNN: I understand. Okay. That's
2 good.

3 Okay. So how are they doing on these
4 three corrective actions as of today?

5 MS. RUSS: Ezell, are you available?
6 You're on mute.

7 MS. LITZSEY: Ebony, this is Sharra
8 Litzsey. Can you hear me?

9 MS. RUSS: Yes.

10 MS. LITZSEY: Okay. So, as far as the
11 items that are listed on the corrective action
12 plan, Centers has started to retrain all of
13 their staff on their new restrains occlusion
14 protocol.

15 And I know we -- David and I discussed
16 that it's going to take a little while to get
17 everyone trained. And so they're in the
18 process of doing that.

19 The second item on here, that the agency
20 will complete intent training on procedures for
21 mandated reporting and incident reporting to
22 all childcare staff. We are going to get with
23 Centers as soon as they finish their training
24 of the new restraint program and set up some
25 times; because it's not something that we can

1 just do really quickly to get everyone trained.

2 MR. FLYNN: Okay.

3 Andy, I'm not trying to take over here.
4 You guys join in. But -- and maybe I'm just
5 going down a rabbit hole here, but how many --
6 just a random question, and you may not have
7 just like a number available.

8 How many current corrective actions do you
9 think there are around the state? Is this --
10 are you writing a lot of corrective actions or
11 is this pretty unusual? And I'm not asking
12 necessarily (inaudible).

13 MS. RUSS: Just -- this is Ebony Russ.

14 So, just from my experience with PRLU, we
15 have currently implemented a total of about
16 three formal corrective actions.

17 Two of those have been against a different
18 facility and one is for this current facility
19 with Centers.

20 So, from the history of from when I first
21 arrived at this agency, it said they did not
22 utilize formal corrective actions. However,
23 there will be a change as we continue to
24 monitor the facilities according to the minimal
25 licensing standards.

1 MS. DOHERTY: I have question.

2 MS. RUSS: Yes, ma'am.

3 MS. DOHERTY: This is (inaudible). What
4 date did you actually implement this corrective
5 action plan for this facility?

6 UNIDENTIFIED SPEAKER: May the 5th, wasn't
7 it?

8 MS. RUSS: May 5th.

9 MS. DOHERTY: So we're talking not even a
10 month yet?

11 MS. RUSS: That would be correct.

12 MS. DOHERTY: Okay.

13 MR. ALTOM: So one of the things that I
14 noticed also in this corrective action plan was
15 the agency -- it looks like the agency had an
16 opportunity to reply what they were going to
17 set for themselves as far as ideas to do, which
18 was that they indicate handle with care would
19 no longer be utilized, they would use CPI.

20 And then, on the call Friday, it sounded
21 like they -- they switched over the units to be
22 no longer to be coed.

23 Would that be something they need to go
24 back and update this corrective action plan, to
25 indicate that as well?

1 MS. RUSS: It's my understanding that they
2 stopped having the coed facility. I believe it
3 was earlier this year, if I'm not correct, Mr.
4 Kuchinski, so for prior to the corrective
5 action plan.

6 MR. KUCHINSKI: That's correct. We went
7 to females only in our adolescent residential
8 program.

9 MR. ALTOM: About when?

10 MR. KUCHINSKI: It was -- I'm sorry. I
11 don't have my notes in front of me. It's been
12 several months.

13 MS. RUSS: Months. Yeah. I want to say
14 it was prior to December, if I'm -- if I'm
15 correct.

16 MR. ALTOM: Okay. So that would explain
17 why that wasn't listed.

18 I was just curious because of what we
19 heard on Friday and then what I saw when I got
20 the document.

21 So one of the things that came to my mind
22 when -- one of the reasons I wanted to see this
23 letter was because, when I heard about the
24 corrective action plan, I would think that the
25 -- this letter would be addressing their

1 ability to follow the corrective action plan.

2 But that's not the case. This is -- this
3 is basically just meeting all minimum licensing
4 standards. I understand the way it's worded
5 and I understand this is a draft, but I guess I
6 had a couple of questions that I wanted to ask.
7 I jotted them down here because I'd probably
8 forget them.

9 So this letter of reprimand, is this
10 intended to be a separate action outside of the
11 corrective action plan by the board?

12 MS. RUSS: This is Ebony. Yes. It would
13 be a separate action.

14 It's not an adverse action, but it is an
15 extra step that the licensing unit is
16 requesting or has requested.

17 MR. WATSON: Do you need -- I'm tracking
18 with you on that.

19 And one of the things that I was wondering
20 is, on this letter of reprimand, can we -- can
21 we just maybe put a sentence or two in there
22 about them following the actual corrective
23 action plan?

24 Because I'm with you, I'm tracking with
25 you. There's, you know, it lists the offenses

1 on here, but it really doesn't talk about
2 what's being done, you know, to address those
3 instances. So I -- I'm with you on that.

4 MR. ALTON: I like the corrective action
5 plan that you submitted. I thought that's very
6 clear, concise, this is what you need to do.
7 You've got a time period to get it done and
8 it's serious.

9 But then -- so I'm thinking that the
10 letter of reprimand -- I was kind of thinking
11 the letter of reprimand was because what I
12 heard on Friday was -- because, when we had the
13 discussion around corrective action plan and
14 they listed all the things they're doing and
15 I'd asked the question why are we doing -- why
16 are we still doing a letter of reprimand if
17 they, in fact, are doing actions to correct
18 what they were -- and it was because, well,
19 because, since then, they've had another
20 incident.

21 So, to me, I would expect to see something
22 in the letter indicating, even though you're on
23 a corrective action plan, you're still having
24 an issue here, so we're going to issue this
25 letter.

1 That's kind of what I had in my mind's
2 eye. So, when I saw this today, I was kind of
3 like, okay, is this separate, is this -- are we
4 -- did we even go -- did we even need to be
5 talking about that on Friday.

6 Because, the way this is worded, this
7 starts back at -- from the initial meeting
8 Friday, without any information. Does that
9 make sense?

10 MS. ABNEY: This is Ashelyn Abney. And,
11 yes, that makes sense.

12 We can definitely change the letter to
13 reflect whatever the board wants it to say. So
14 we, you know, being only the second one that
15 we've done -- and, hopefully, we won't have any
16 more of these ever.

17 But, being the second one that we've done,
18 we are also trying to learn and gauge what the
19 will of the board is in terms of what is
20 included into the letter of reprimand.

21 So what I hear you all saying is that you
22 want those citations to be removed from the
23 letter of reprimand and you want to insert some
24 language that says you will follow the current
25 corrective action plan, I think is what I'm

1 hearing, Andy.

2 And I understand what you and Andrew are
3 saying. But we actually have and are prepared
4 to share the draft letter, which you've already
5 received. We can share that on our screen, and
6 Becky Mitchell, who's a program manager with
7 us, is on point and ready to switch the wording
8 and edit it however you all see fit.

9 MR. WATSON: Hey, Ashelyn, this is Andrew.
10 I don't have a problem at all with the way that
11 the letter is drafted right now.

12 What I -- the only thing I was getting at
13 was I think it would be helpful if we could
14 tack on, you know, some verbiage on there about
15 that Centers is, you know -- we monitoring --
16 as licensed, we're monitoring and Centers is
17 following a corrective action plan.

18 Might even add that corrective action plan
19 as an addendum to that letter. That's all I
20 was saying.

21 I don't necessarily have a problem with
22 the way that you've got the letter worded. I
23 just think it needed some extra -- extra added
24 to it. And I'm not speaking for Andy, by the
25 way. I don't know. That may not be what

1 Andy's getting at but that's what I was --
2 that's what I was getting at.

3 MS. ABNEY: Yeah.

4 UNIDENTIFIED SPEAKER: Beverly, Charles,
5 the rest of you, you guys, have any thoughts?
6 David?

7 MR. FLYNN: I will say -- David -- I hope
8 he has something to say. David has some good
9 things to say usually.

10 But I think I'm leaning different than
11 Andrew. There's a lot in here I just don't
12 think is necessary.

13 I think we need to be focusing on the
14 corrective action and the progress that they're
15 making. There's a lot of things on there that
16 any of us could have at any facility.

17 And so the corrective action -- you know,
18 and, in 20 years -- Ashton, you don't have much
19 experience with it. In 20 years, this is my
20 second one too. Okay?

21 And so I know, previously, our idea was
22 that the unit would work an agency and they
23 would work them up to become compliant. If
24 they didn't become compliant, they would do a
25 corrective action.

1 And the plan was that, if they got to the
2 end of that corrective action or if during that
3 corrective action, they weren't making
4 progress, then they would come to the board for
5 further action.

6 But that never became necessary where
7 anyone did not come into compliance. So I like
8 that model.

9 MR. WHATLEY: I really don't have a lot --

10 MR. FLYNN: I don't want (inaudible)
11 everything. Yeah, go ahead, David.

12 MR. WHATLEY: I really don't have a lot to
13 add to that.

14 I think the corrective action plan is
15 taking care of most of what we're after anyway.
16 So, as far as the letter, personally, as far as
17 the letter of reprimand, it's not a huge issue
18 to me one way or the other.

19 We've got the corrective action plan in
20 place and I think that will get the end result
21 that we're looking for.

22 UNIDENTIFIED SPEAKER: Any other thoughts?

23 MS. FO: This is Beverly. I would agree
24 with what David just said.

25 Although I do think that the current

1 letter of reprimand, as it's written, is really
2 just a regurgitation of all of the previous
3 findings.

4 And it seems that if the board is issuing
5 something, it should be more global and
6 something like Charles is suggesting, that we
7 expect them to follow the corrective action
8 plan.

9 There are some concerns because there have
10 been new things that have occurred since that
11 was signed. We expect them to come into
12 compliance and I think it should be signed by
13 you, Andy, as the president of the board.

14 MR. FLYNN: Okay.

15 UNIDENTIFIED SPEAKER: And, Beverly, I
16 thank you for that. I also agree with what
17 Andrew said.

18 I think, in this letter, we need to
19 acknowledge that this agency has a long history
20 of being compliant and I agree that it had -- I
21 know it's not an excuse but this last year has
22 been difficult.

23 It's been difficult on staff. It's been
24 difficult because people have had to follow
25 quarantine. It's been difficult on our

1 children, and so I would like to at least
2 acknowledge that this has been a difficult
3 year, but that they do have a good history.

4 And then, definitely, as I think Andy
5 said, to recognize the steps that they are
6 taking and the progress that they are making.

7 MR. ALTOM: That's a cue for Becky to put
8 that letter up and let's start editing.

9 MS. MITCHELL: You are reading my mind
10 there, Andy. Let me go ahead and share my
11 screen real quick.

12 MR. ALTOM: Okay.

13 MS. MITCHELL: All right. Can you guys
14 all see it okay?

15 MR. ALTOM: Yes.

16 MS. MITCHELL: Does it need -- I can make
17 it a little bit larger too for you.

18 All right. I think I'm going to let you
19 guys just direct me, scroll up, scroll down.
20 Just let me know what you need me to do.

21 UNIDENTIFIED SPEAKER: I think the first
22 thing we need to take off all the attachments
23 below that. I don't think that needs to be
24 there.

25 MS. MITCHELL: Are you referring to all

1 these citations?

2 UNIDENTIFIED SPEAKER: Yes. All the
3 citations. I think we ought to attach to the
4 corrective action plan.

5 MS. MITCHELL: Is everybody in agreement I
6 can hit the delete button?

7 MR. FLYNN: I'm thumbs up here on the
8 board and agree with that.

9 MR. WHATLEY: I'm fine with that.

10 MR. ALTOM: By the way, I really do like
11 this corrective action agreement format. Kudos
12 to whoever developed that, but I really do like
13 it.

14 It's very (inaudible) and to the point.
15 Any other actions? Charles, I know you've been
16 wordsmithing.

17 UNIDENTIFIED SPEAKER: I've got a lot of
18 thoughts. I'm trying to read where we are and
19 where would be appropriate to make us come in.

20 MS. MITCHELL: Would you be all right if I
21 change the date up here?

22 MR. ALTOM: Yes.

23 MS. MITCHELL: Would we like it to reflect
24 today's date?

25 UNIDENTIFIED SPEAKER: Yes.

1 MS. MITCHELL: All right.

2 MR. ALTOM: I'm going to have to put my
3 mouse up. I keep grabbing my mouse trying to
4 move the letter around.

5 MS. MITCHELL: If you want me to --

6 MR. ALTOM: No. That's fine. I don't
7 want control. I'm just saying it's --

8 MS. MITCHELL: You need me to scroll down
9 at all a little bit so you can see the bottom
10 of it --

11 UNIDENTIFIED SPEAKER: Scroll down some.

12 UNIDENTIFIED SPEAKER: I think, after
13 where it says Centers for Youth and Family,
14 Elizabeth Mitchell Centers, we could -- if we
15 could put in an insert, while having a long --
16 I'm assuming -- and, now, I may be wrong, but
17 I'm assuming they've had a long good
18 relationship with licensing.

19 But going back to what Charles said, you
20 know, this is -- I think they ought to get
21 recognition for having -- I don't know how long
22 they've been licensed but, apparently, this is
23 -- it sounds like this is the first time
24 they've had an issue like this.

25 MR. WHATLEY: Yeah. I think since 2008.

1 MR. FLYNN: This actually -- 1997 is when
2 we began. They've been around since 1884.
3 Licensing started back I guess in the '80s so I
4 don't know this particular license.

5 But I think Elizabeth Mitchell in general,
6 I mean, overall, the agency as a whole, we can
7 say that.

8 MS. MITCHELL: Are you looking at like
9 more like the first paragraph to put that or
10 are we here on the second paragraph?

11 MR. ALTOM: Put it -- well, my -- I was
12 thinking of while we recognize that they have a
13 long history of doing good work, they have
14 recently failed to maintain substantial
15 compliance of minimum licensing standards
16 resulting in a corrective action plan, see
17 attached, and --

18 MS. MITCHELL: Yeah. I'm sorry. I'm --

19 MR. ALTOM: -- basically, this is a letter
20 to put you on notice if -- we're watching.

21 MR. FLYNN: Okay. Hey, Andy --

22 MS. MITCHELL: I'm thinking --

23 MR. FLYNN: -- would you like (inaudible)
24 in front of Centers on that second paragraph.
25 While Centers has had a long history, but while

1 -- before the first word of the paragraph,
2 while.

3 MS. MITCHELL: Over here? Gotcha. Long
4 history of compliance.

5 UNIDENTIFIED SPEAKER: Long history of
6 compliance.

7 MR. FLYNN: Yes. Revising standards, I
8 guess.

9 MS. MITCHELL: Revising -- sorry.

10 MR. FLYNN: The same. Yes. No.
11 Compliance with licensing.

12 MS. MITCHELL: Okay. Sorry.

13 MR. FLYNN: Yeah. Standards. We're kind
14 of getting a little technical.

15 Why don't we go ahead and, after while, we
16 says centers, put the whole name in there? So
17 you want to just pull before Youth and Family
18 over there? Yeah.

19 MS. MITCHELL: Do you want me to delete
20 it?

21 MR. FLYNN: Yes.

22 MS. MITCHELL: There?

23 MR. FLYNN: Yes.

24 MS. MITCHELL: Maybe add that in it.

25 MR. FLYNN: (Inaudible) date, is recently

1 a fair word?

2 MR. ALTOM: I would think so.

3 MR. WHATLEY: Uh-huh.

4 MR. FLYNN: Centers has recently failed.
5 All right. Are we good with that sentence?

6 MR. ALTOM: I think, somewhere, we ought
7 to be put resulting in a corrective action
8 plan.

9 MR. FLYNN: Okay.

10 MR. ALTOM: All right. A -- what is the
11 formal one called? That's a -- it's a
12 corrective action agreement. Is that right,
13 Ebony? CAA?

14 MS. RUSS: Yes.

15 MS. MITCHELL: Would you like something
16 like this -- right here in this area, this has
17 resulted in a corrective action plan be in
18 place or something like that?

19 MR. ALTOM: Yes. We want to recognize
20 that there is one already in place.

21 MS. MITCHELL: I guess lack of sustained
22 compliance.

23 MR. FLYNN: Right now, it says (inaudible)
24 minimum licensing standard, behavioral
25 management and all of that.

1 MR. ALTOM: That's agreement.

2 MR. FLYNN: This lack -- what is that? I
3 would just say this -- no.

4 Okay. You made it -- what do you say,
5 this lack of compliance (inaudible) has --

6 MS. MITCHELL: Sorry. This lack of
7 sustained compliance or this lack of
8 compliance?

9 MR. FLYNN: Sustained compliance is fine.

10 MS. MITCHELL: Okay.

11 MR. FLYNN: There you go.

12 MR. ALTOM: It needs to -- after action,
13 you need the word agreement with capital.

14 MR. FLYNN: Okay.

15 MR. ALTOM: And then where it says does
16 not substantially comply with -- where it says
17 minimum licensing standards, I don't know if we
18 want to keep that there or we want to say
19 comply with the corrective action agreement.

20 MR. FLYNN: Good point. That's what this
21 letter is about. Or CAA if you want to use
22 that in the future.

23 MS. MITCHELL: Okay. I'm sorry. I hit
24 the wrong button again.

25 MR. FLYNN: Thank you. Good job.

1 MR. ALTOM: And then go down to your next
2 paragraph and then I would take where it says
3 the compliance history below, I would say the
4 corrective action agreement below reflects --

5 MR. FLYNN: The CAA.

6 MR. ALTOM: Or the attached corrective
7 action agreement, I guess, since it's a
8 separate -- what do you guys think?

9 MR. FLYNN: I believe --

10 MR. ALTOM: (Inaudible) --

11 MR. FLYNN: -- (inaudible.)

12 At some point, and maybe at the end, is to
13 acknowledge that what they have done and in
14 addressing those -- that CAA, the staff
15 training that they are following the corrective
16 action.

17 Do we say that up there enough? I'm not
18 sure. I'm trying to --

19 MR. ALTOM: I'm fine with that.

20 MR. FLYNN: Because the efforts that
21 Centers is making meet the CAA.

22 MR. ALTOM: Retraining staff is a major
23 undertaking and we recognize it takes time.

24 MR. KUCHINSKI: If I may, and I don't know
25 if it's appropriate, but I would just note that

1 we pretty much met our obligation to do --
2 complete our training, retraining of the
3 eight-hour training, by 5/31.

4 We just had a handful of people that
5 haven't received it but they either work part
6 time or they're not on the schedule and they'll
7 be trained this week.

8 UNIDENTIFIED SPEAKER: Thanks, David.

9 MR. ALTOM: And then change the signature
10 line. I don't -- I guess it would be -- would
11 be my name.

12 UNIDENTIFIED SPEAKER: Uh-huh.

13 MR. FLYNN: You know, Ebony, there is
14 something else that we've never done, and I'm
15 not insinuating that we do it here, but it's
16 something I don't have a lot of memory about
17 and that is to issue fines. I don't know.

18 Maybe Joe could help us out. At what
19 point would we ever consider doing something
20 like that?

21 MR. WEST: Mr. Chair, or, sorry, Charles,
22 I'm so used to calling you Mr. Chair but now --

23 MR. FLYNN: I know. Just call me Charles
24 now.

25 MR. WEST: I believe that would fall under

1 the adverse actions --

2 MR. FLYNN: Okay.

3 MR. WEST: -- defined and there would have
4 to be proper notice and all of that before that
5 could be done.

6 MR. FLYNN: I was very curious because
7 that's something else that we've never done
8 before. So --

9 MS. MITCHELL: Do I have that signature
10 line correct?

11 UNIDENTIFIED SPEAKER: I think so.

12 MS. MITCHELL: I'm trying to get my
13 (inaudible) over there, you guys.

14 MR. FLYNN: Yeah.

15 MS. RUSS: We still want Sharra's
16 signature on there or are we removing this?

17 UNIDENTIFIED SPEAKER: Who is Sharra
18 Singleton? Let's see --

19 MS. ABNEY: Sharra is our program
20 coordinator, so she is the supervisor for this
21 particular agency.

22 UNIDENTIFIED SPEAKER: Okay.

23 UNIDENTIFIED SPEAKER: I don't know. It's
24 up to y'all.

25 MS. ABNEY: I believe I would remove that

1 if you're -- which I like the direction the
2 board is going if it's -- the signature is
3 under Andy, I would just say remove Shea's
4 information.

5 MR. FLYNN: I agree. I think (inaudible)
6 on that.

7 MS. MITCHELL: Do you think we need all
8 these -- who else to include in that e-mail or
9 in this letter, sorry, down here?

10 MR. FLYNN: I don't see that that's
11 necessary. Somebody else -- I'm not
12 (inaudible) one vote here. I don't know how
13 everyone else feels. Everyone has a copy of
14 this.

15 MS. DOHERTY: Well, I would think for the
16 file and for the record, someone within DCCECE
17 should be copied on this.

18 MR. FLYNN: I just don't know if everybody
19 needs to be.

20 MS. DOHERTY: I don't think everybody, but
21 it either should be Tonya or Ashelyn I would
22 think.

23 MR. FLYNN: What do you think, Ashelyn?

24 MS. ABNEY: I agree. I think Tonya and I
25 would suffice. I think that would be fine.

1 MR. FLYNN: I'm fine with that.

2 MS. MITCHELL: Let me go right back up
3 here. This date here also needs to be changed.
4 Yes.

5 MR. FLYNN: Okay.

6 MS. MITCHELL: Hit the saved button again
7 there.

8 MS. ABNEY: No. I don't think -- I don't
9 think that that particular date needs to be
10 changed because that's the date that we did
11 come to the board and the board voted on the
12 recommendation. I think we need to leave that
13 one the same.

14 MS. MITCHELL: Okay.

15 Do you want me to scroll down here, you
16 can read this, the two paragraphs we did here
17 again?

18 Just let me know when you'd like me to
19 scroll again.

20 MS. ABNEY: (Inaudible) would recommend
21 changing the word facility to agency, if the
22 board agrees.

23 MR. FLYNN: Yes.

24 MR. WHATLEY: No problem.

25 MS. DOHERTY: I would think we're ready to

1 vote to recommend or not.

2 MR. FLYNN: Is that a motion?

3 MS. DOHERTY: Yes, it is. I recommend we
4 accept this as the letter that be submitted to
5 Centers from the board.

6 MR. FLYNN: This is Charles. I second.

7 MR. ALTOM: Do we have a second? Charles
8 seconds. Anymore discussion?

9 I will -- I do want to have this
10 discussion though. When I read through this, I
11 also recognize one other thing, and I apologize
12 for being so dense.

13 But we have two alternatives for letters.
14 We can issue a letter of -- we can also issue a
15 caution letter; correct?

16 MS. RUSS: I thought the letter of
17 reprimand was the caution letter. But I may be
18 wrong. Michelle --

19 (Indiscernible Crosstalk)

20 MR. FLYNN: Is this administrative
21 procedures? It's not -- it's not in the
22 regulations. Right. It's just administrative
23 procedure for the state or where does this --
24 where did we get this?

25 MS. BRIDGES-BELL: This is Michell

1 Bridges-Bell, attorney for DCCECE.

2 As far as I'm aware from the regulations,
3 we have -- the board has the opportunity to do
4 a letter of reprimand. I'm not familiar with
5 any terminology that represents a cautionary
6 letter.

7 MR. FLYNN: And that is -- obviously, the
8 board can do a lot of things and I'm not saying
9 that, either, Michelle. But the letter of
10 reprimand, is that referred to anywhere in --
11 and I'm -- this is 20 years, I still don't know
12 what to call this stuff.

13 Administrative Procedures Act, is this
14 part of that or is this just something that we
15 know that we can do?

16 MS. ABNEY: A letter of reprimand is
17 specifically -- use that terminology is
18 specifically used in the regulation manual.
19 I'm not sure --

20 MR. FLYNN: In which regulation?

21 MS. ABNEY: It is in your residential
22 licensing manual.

23 MR. FLYNN: Okay. I was Google -- I
24 looked for it awhile ago and couldn't find it.
25 So --

1 MS. ABNEY: Give me one second, Charles.

2 MR. FLYNN: Okay. I did a word search and
3 it didn't pop up and I didn't go any deeper
4 into it. And I'm not saying we don't need to
5 do it. I'm just --

6 UNIDENTIFIED SPEAKER: Put the letter back
7 up on the screen.

8 MR. ALTOM: Becky, can you put the letter
9 back up?

10 MS. MITCHELL: I sure can.

11 MR. ALTOM: Go up to the first paragraph,
12 read that last -- the second to the last
13 sentence. That's where I was asking the
14 question. Do we need to change that sentence?

15 MR. FLYNN: Good question.

16 MS. ABNEY: Okay. So I found it and that
17 is a direct quote from the (inaudible) manual.
18 It's on Page 11 and it actually does say the
19 board may also issue letters of reprimand or
20 caution to a child welfare agency.

21 MR. FLYNN: All right. Thanks for that.

22 MS. ABNEY: Page 11 under just the
23 licensing status heading.

24 MR. FLYNN: I wish I had thought sooner.
25 I was doing this right before the meeting and I

1 didn't get it.

2 MR. ALTOM: So, if this is correct, then,
3 I guess -- I just wondered why we're having the
4 discussion about this letter before we vote, I
5 would err on the side of this being more of a
6 cautionary letter because you do have an agency
7 that is attempting to make improvements and can
8 show that, as compared it to an agency that is
9 ignoring our licensing unit. Then I would
10 think we would want to use the letter of
11 reprimand.

12 I throw that out there because this is all
13 new to us. And, when I read that, I thought
14 wait a minute, are there two separate letters
15 and which letter should we actually be using
16 for this agency.

17 So that's open for discussion before we
18 vote.

19 MR. WATSON: But they've had some issues
20 that have happened since they had the
21 corrective action plan in place; correct?

22 UNIDENTIFIED SPEAKER: Correct.

23 MR. WATSON: Okay. I may be an outlier
24 here but I want to use what we have. I think
25 we keep it letter of reprimand because of the

1 severity of the issues at hand.

2 And it's not like this has been a two or
3 three month ordeal. This is over a year and a
4 half.

5 While I recognize they are correcting
6 things and working towards that, my vote's
7 going to be to keep it as is.

8 MR. FLYNN: Okay. I'm not sure which
9 carries more weight, Andy. Let's just leave it
10 like it is.

11 MR. ALTOM: Okay. Any other thoughts on
12 that? Call to question.

13 All those in favor of the letter as
14 written, say aye.

15 (Aye by all members.)

16 MR. ALTOM: Any opposed? None hearing,
17 this is the letter that will be issued.

18 Any -- is there any other business before
19 the board?

20 MS. RUSS: There is none.

21 UNIDENTIFIED SPEAKER: I entertain a
22 motion to adjourn.

23 MR. ALTOM: I move on the motion to
24 adjourn.

25 UNIDENTIFIED SPEAKER: All right.

1 If you'll send me that letter, I'll sign
2 it and fax it back -- or e-mail it back over to
3 whoever needs it.

4 (WHEREUPON, the proceedings were concluded
5 in the matter at 1:41 p.m.)

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C E R T I F I C A T E

STATE OF ARKANSAS)
)
COUNTY OF PULASKI)

I, CRIS M. BRASUELL, Certified Court Reporter and Notary Public do hereby certify the proceedings which appear in the foregoing pages are the proceedings taken by me verbatim through the use of the voice-writing method and was thereafter reduced to typewritten form under my supervision; that the foregoing pages contain a true and correct record of the testimony given held to the best of my ability, along with all items of evidence admitted hereto.

I FURTHER CERTIFY, that I am not a relative or employee of any attorney or employed by the parties hereto, nor financially interested or otherwise, in the outcome of this action, and that I have no contract with any parties within this action that effects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original transcript or copies of the transcript before it is certified and delivered to the custodial attorney, or that requires me to provide any service not made available to all parties in the action.

WITNESS MY HAND AND SEAL this 10th day of June,
2021.

Cris M. Brasuell

CRIS M. BRASUELL, CCR
Arkansas State Supreme Court
Certified Court Reporter No. 742

My Commission Expires:
August 21, 2021