

HEALTH

Emails reveal dealings between county officials and behavioral health agency lobbyists

by Frank Taylor · July 13, 2018



Emails and other records obtained from Rutherford County by Carolina Public Press raise new questions about county officials' efforts to switch who manages mental and behavioral health services, a move that can affect some 3,000 county residents.

As [previously reported](#), Rutherford County commissioners have declared their intent to petition the N.C. Department of Health and Human Services to let them switch from the Local Management Entity-Managed Care Organization region overseen by Asheville-based Vaya Health to one handled by Gastonia-based Partners Behavioral Health.

While the decision will directly affect some 3,000 residents, who currently receive services through Vaya, many more individuals and families come to seek services over time. The move could also affect the funding and services puzzle for every county served by either agency, which would include most counties west of Charlotte.

Emails between county officials and former state Sen. **Debbie Clary**, who previously represented the county in the legislature, show that she played a prominent role on behalf of Partners in meeting with county officials and introducing them to Partners' chief executive officer. The emails also describe the involvement of former state Rep. **Mike Hager**, who also represented Rutherford County in the legislature.

Hager and Clary are now both registered lobbyists whom Partners has contracted to lobby state legislators on the government agency's behalf. But the emails show Partners' two lobbyists instead lobbying county officials in the jurisdiction they previously represented in the General Assembly.

Clary issued a statement to CPP explaining her role and challenging the news organization's interest in the case. CPP sought comment from Hager but he did not respond before publication.

Meanwhile, as CPP previously reported, Rutherford County officials themselves submitted "anonymous" public comments in favor of the proposal to state regulators on behalf of some people, officials said, who wanted to keep their identities private. The county recently complied with a CPP records request for the names of those who were promised anonymity. But the county claims it did nothing improper.

CPP has talked with state officials and legal experts about how the anonymous comments, the lobbyists' role and other issues affect the integrity of the process.



Rutherford County government administration building houses the county government in Rutherfordton. Ben Ledbetter / Carolina Public Press

Emails between county and former state senator, now lobbyist

Rutherford County Board of Commissioners Chairman **Bryan King** previously told CPP that he met with former Sen. Clary and discussed her work for Partners prior to a meeting between Partners and most top county officials.



Bryan King

Asked about that meeting for a June news report, Clary denied that she had solicited Rutherford County on behalf of Partners but insisted she would not have done anything wrong if she had. Clary said her conversations about the situation with Rutherford County were done in the interests of her former constituents.

Emails, which may be viewed below, appear to show, however, that she acted as a go-between to set up the larger meeting between county and Partners officials and provide details about what took place and the degree to which she and Hager were involved.

As the emails show, on March 12, County Manager **Steve Garrison** wrote to Clary and Hager, thanking them for meeting with himself and King earlier that day. “As related to the primary topic of discussion around mental health and substance addiction services, I think a larger conversation is warranted,” Garrison wrote.

Clary responded on March 13, addressing both Garrison and King. “Thanks so much for your time yesterday,” she wrote, “I am looking forward to introducing you to our CEO **Rhett Melton**. He is available on Monday, March 19, if the two of you and perhaps one other commissioner could meet with him and a couple of the staff members at Partners Behavioral Health.”

Clary then discussed the best meeting locations and speculated about inviting other Rutherford elected officials, such as the sheriff. “I think this would be a good start in making a decision on who manages your behavioral health and substance abuse in Rutherford County,” she wrote. “I look forward to hearing from you and (whomever) else you think may (be) beneficial in the room for a deeper dive conversation on the decision process.”

In fact, however, the state placed Rutherford in Vaya’s district several years ago. A process exists for counties to petition to switch districts, but it’s only been used twice before, against Duplin County-based Eastpointe, which had been troubled by financial embezzlement. In this case, no such complaints are known to have been made against Vaya.

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Whether Partners or Rutherford County officials first floated the idea of the county switching remains unclear. But Clary’s statement that the county had a “decision” to make about what otherwise appeared to be a settled matter suggests she was at least involved in discussions at an early stage.

Later on March 13, Garrison wrote back to Clary about proceeding with meetings between her employer, Partners, and the county. “We begin our department level budget meetings starting this week, which will go through the end of the month,” Garrison wrote.

“However, the afternoon of Monday the 19th is open if you and Mr. Melton are available at 3:30 p.m. or 4:00 p.m. Is that a possibility? Monday the 26th and Thursday the 29th are also available at these times. I apologize for the late times that this may place you and your guests traveling back after hours.”

Clary later wrote: “Great! Let’s schedule 3:30 on Monday 19th. Mike or I will be in touch on Wednesday (March 14) to talk about who else you may want in the meeting.”

Garrison wrote back to Clary on March 14 to discuss which county officials to have attend. The list grew to include “DSS Director **John Carroll**, Health Director **Karen Powell**, United Way Director **Suzanne Mizur-Porter**, Community Health Director **Jill Miracle**, District Attorney **Ted Bell**, Sheriff **Chris Francis** and County Finance Director **Paula Roach**.” Garrison noted that he, Mizur-Porter and Miracle served jointly on the county new Opioid Forum Implementation Task Force.

Garrison asked Clary to have the Partners team ready to explain the process for the county to be included under Partners but did not make reference to preliminary steps of disengaging from Vaya.

Garrison also wanted information on the financial obligations of Partners’ member counties and how much say they had in how these funds were used, as well how its board was made up and when it met. “In a nutshell, what would Rutherford County gain?” he asked.

This appears to agree with Commission Chair King’s earlier descriptions of his objections to Vaya and reasons for seeking to realign the county with Partners. King said Vaya did not give Rutherford representatives as much input as they wanted and conducted meetings at times and locations that he found inconvenient.

Clary again wrote back to Garrison later that evening, indicating that she had already communicated with Melton about the arrangements. “All sounds great ... we will be prepared to answer these and any other questions,” Clary wrote. “Rhett is looking forward to meeting everyone. Thanks again for arranging the meeting and the opportunity to tell you about Partners Behavioral Health.”

As previously reported, CPP asked Partners whether it had directed its lobbyists to solicit Rutherford County to switch regions. Partners issued a non-denial.

CPP also recently asked Partners for emails between its employees and Clary or Hager in which Rutherford County or Vaya were discussed; a Partners spokesperson said that no such emails existed.

‘Not many people care about whether a former senator or a lobbyist was involved’

State statutes and ethical guidelines do not appear to have been written with this situation in mind. Partners and Vaya are a special category of government agency – technically a form of local government, but one that answers to an appointed board and to DHHS rather than to voters. Although in some ways they function like private companies, they remain public agencies with state-defined regions and were not intended to engage in competition with one another.

However, repeated waves of past consolidation and expected future consolidation may have introduced some degree of competition. Like a high-stakes game of musical chairs, the state has repeatedly reduced the number of LME/MCOs over the last 15 years. Many observers expect the current seven agencies to be reduced to four or fewer, perhaps even to just one or to an entirely different system.

Asked about the content of the county emails with her, Clary issued a statement to CPP late Thursday:

“Not many people care about whether a former senator or a lobbyist was involved, so ... your motives for a nonstory are quite intriguing,” Clary wrote.

“All the people of Rutherford care about is having adequate appropriate services for behavioral health. I told you clearly (in a phone interview for a previous article) that I met with (King) and told him of the calls I was receiving from families in distress. I shared stories with you. (King) wanted to hear from stakeholders, and I suggested he pull them together and he did. No contradictions whatsoever.”

When Clary talked with CPP previously, she described situations in which several families with transportation challenges had complained about difficulties in traveling to health providers working with Vaya that were located across the mountains. However, she was unwilling to provide any means for CPP to verify these claims. CPP found that Partners has contracted with a substantial number of services providers who are located east of the mountains where most Rutherford residents live. This includes a large number of providers with whom Vaya had contracted for services in Cleveland County to serve Rutherford residents, even though Cleveland is geographically outside Vaya’s region.

Clary’s statement continued her criticism of both Vaya CEO Brian Ingraham and of CPP: “I don’t have to ‘sell’ Partners Behavioral Health. Vaya sold Partners to Rutherford County with their lack

of community involvement. Vaya never called (King) for a meeting, (Ingraham) has ignored (King) and run to Raleigh to solve (Vaya's) problem.

“You seem not to care about the people in this community who are suffering, and I do. You appear to have a personal relationship or perhaps a business relationship with ... Ingraham that makes you think this is a story about HOW we are where we are today. You should be looking at WHY if facts and journalism mattered. I really hate that it doesn't.”

Because the situation is unprecedented, most state officials were unable to address potential concerns, though they did not dismiss them.

A spokesperson for the N.C. Commission on Elections and Ethics Enforcement responded to several questions about the lobbying issues raised by saying that the agency would not be able to comment on the situation.

A spokesperson for DHHS responded to CPP's questions by sending links to the state statutes that CPP was asking the agency to interpret.

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Anonymous public comments

Three of the respondents to Rutherford County's public comments on its intended switch asked to remain anonymous, and the county agreed to allow them to do that. Both King and Clary previously told CPP that some residents of Rutherford County who have complained about Vaya expressed fear about coming forward publicly because of potential reprisals.

CPP has made a public records request for those names and received them. However, because those individuals were promised anonymity by the county, CPP is not publishing those names at this time.

The county has said it was within its rights to handle the situation in this way.

“We agree that their names are public record and may be obtained by anyone upon request,” **Kim Aldridge**, Rutherford County public information coordinator, told CPP. “We do not agree that their

names are required to be published along with their comments if anonymity is requested. (State administrative law) requires the County to ‘post the public comments on its website for a minimum of 30 calendar days.’ This particular part of the administrative code is new and not yet vetted through the courts, but the County interprets the commentary itself as being the important aspect the code requires, not the names of those expressing opinions.

“The County wants to do everything it can to obey both the letter and the spirit of state law. To that end, if you, or your counsel, have any law or other information to the contrary, we welcome the knowledge and the opinion.”

Although the common meaning of “public” might seem to imply “not anonymous,” **Trey Allen** of the University of North Carolina School of Government told CPP that the county is probably OK on this under state law.

“I don’t read the regulation to mandate expressly that the county include the identities of commentators when its posts public comments online,” Allen said.

CPP has also asked DHHS about whether the anonymous comments affect the process for Rutherford County’s petition to disengage from Vaya and realign with Partners, but has not received an answer.

However, DHHS spokesperson **Cobey Culton** did tell CPP that there may be other issues with the process. Although DHHS has received notice of the county’s intention to disengage, which commissioners approved anonymously on April 19, as of this week DHHS has still not received the county’s actual application to do so, Culton said.

Culton has previously told CPP that because Rutherford’s request has the potential destabilize the statewide LME/MCO system at a sensitive time for Medicaid funding, it may have trouble winning approval from DHHS Secretary **Mandy Cohen**.

For more information

Rutherford County Commissioners May 7 [meeting](#) video

Rutherford County disengagement [letter](#)

Rutherford's quest to switch behavioral health agencies could have broad impact, June 13, 2018, [report](#)

Health agencies trade accusations as Rutherford seeks to switch regions, June 22, 2018, [report](#)

LME/MCOs in North Carolina, previous [reporting](#) from CPP

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