

STATE OF WEST VIRGINIA  
THIRTEENTH JUDICIAL CIRCUIT  
OFFICE OF THE COURT MONITOR  
STATE CAPITOL COMPLEX  
BUILDING 6, ROOM 850  
CHARLESTON, WEST VIRGINIA 25305



LOUIS H. BLOOM  
JUDGE

DAVID G. SUDBECK  
COURT MONITOR

## MEETING OF THE PARTIES

*In E.H., et al., v. Khan Matin, et al.*

MONDAY, AUGUST 17, 2009

### MINUTES

**PRESENT:** John Bianconi, Marsha Morris, Charlie Dunn, Joshua Martin, Charlene Vaughan, Regenia Mayne, Harriett Fitzgerald, Bob Paulson, Dan Hedges, Jennifer Wagner, David G. Sudbeck, dan connery

### AGREED ORDER:

The "Timeline Tracking Document" is distributed and all present agree to the charting system. Jennifer Wagner suggests that both parties agree to recommend candidates for the national expert position and a date of September 1, 2009 is agreed as the date to have all recommendations completed. David Sudbeck requests the ability to recommend candidates as well and a potential starting date of November 1, 2009 is proposed. John Bianconi and Charlene Vaughan clarify that the MOU is comprised of providers, state and local hospitals.

The position of Special Assistant to the Court Monitor is defined to be a licensed psychologist with a clinical background. Harriett Fitzgerald agrees to evaluate whether a salary of \$50,000 is appropriate for this position. The newspaper advertisement for the position will run on Sunday and Wednesday. Marsha Morris suggests the removal of the term *voluntary* from the formal job description and that the position could possibly be part-time (32 hours a week) for applicants with private practices. David Sudbeck suggests that all comments on the formal job description be returned to him within one week.

### **COURT MONITOR'S OFFICE:**

In light of the termination of the Office of the Ombudsman for Behavioral Health, David Sudbeck requests clarification on the Information/Referral duties of the office. Dan Hedges sees the activities within the scope of the order, while Charlene Vaughan disagrees and requests all referrals be made to the Department. John Bianconi suggests that the Advocate agencies handle those referrals.

It is decided that the Advocate MOU between the Office of the Ombudsman for Behavioral Health and the Advocate agencies be dissolved. The last meeting will be held on August 18, 2009 with David Sudbeck implementing separate Advisory Councils to be composed of providers, advocates, and consumers respectively.

### **PUBLIC ANNOUNCEMENT LETTER OF CHANGES:**

Dan Hedges and Charlene Vaughan agree that a formal public announcement of the termination of the Office of the Ombudsman for Behavioral Health should not be issued. Dan Hedges requests an emergency regulation be put in place to clarify the mental hygiene status of unlocked/locked facilities. John Bianconi states the facility must be cognizant of care and that state hospitals have medical management. David Sudbeck agrees to meet on this issue with providers specifically noting Jo Ann Powell. Charlene Vaughan is pleased that David Sudbeck will be visiting Northwood. David Sudbeck will provide an update at the September 29, 2009 meeting of the parties on this matter.

### **COURT MONITOR COMPENSATION:**

John Bianconi and Harriett Fitzgerald acknowledge the request for compensation for the Court Monitor and administrative assistant. Harriet Fitzgerald will keep David Sudbeck informed of these matters as they work their way through the system.

### **OTHER:**

Petitioners must submit the name of a representative to be a member of the Traumatic Brain Injury Oversight Committee. Petitioners should contact Kim Walsh and inform her as to their decision.

Next Meeting: Tuesday, September 29, 2009  
10:00 a.m.-12:00 noon  
Covenant House  
600 Shrewsbury Street, Charleston, WV 25301