

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. Kban Martin, et al.

WEDNESDAY FEBRUARY 17, 2010

MINUTES

PRESENT: Jennifer Wagner, Charles Dunn, Teresa Brown, Regenia Mayne, Joshua Martin, Cindy Beane, Belle Manjong, Vickie Jones, David G. Sudbeck, Sheila Kelly, dan connery

REVIEW OF MINUTES OF NOVEMBER 11, 2009

Minutes were distributed and approved. Jennifer Wagner noted that the minutes indicated that BMS was to have provided a summary of the menu of services that would be available to individuals served by the TBI waiver in addition to those services included within the waiver. Also, no response has yet been received from BMS regarding the questions that petitioner had provided in writing with regard to some of the criteria and services provided within the waiver. Charlie Dunn stated that this information need not be held up pending the Department's response to the Court Monitor reports and Cindy Beane stated that the information could be compiled and distributed by February 26, 2010.

CLINICAL SERVICES MANAGEMENT P.C.

Contract Agreement was distributed. Vickie Jones and Cindy Beane agreed to peruse the document and submit a response to the Court Monitor within two days. Vickie Jones also stated that she would contact her CFO to identify a proper payment process. Jennifer Wagner suggested that all dates be consistent as "February 8, 2010" throughout the document. Jennifer Wagner also raised concerns on questions pertaining to Providers. David Sudbeck stated that a "Kick-off Meeting" with Clinical Services and the management team would be arranged by his office and that any issues

concerning the scope of the project could be directly proposed at that time. The Project Management Team was discussed and a review of membership was performed. Members of the Team are welcome to bring any other resource/individual to the meetings that would assist the consultants to perform their work. APS will be of particular assistance in that regard and Ms. Beane will speak with Jennifer Britton about the project.

COURT MONITOR'S REPORT

Charlie Dunn stated that any Departmental response to the Report would be addressed in writing to the Judge at the Court Hearing on February 26, 2010. The Bureau and Department are working on the responses requested by the Court Monitor in his report to the Court, which are due tomorrow, the 18th.

MOUNTAIN HEALTH CHOICES REPORT

Charlie Dunn stated that a response will be made to the Court Monitor's Office. David Sudbeck reminded him that the response would need to be submitted by February 23, 2010.

SPECIAL ASSISTANT REPORT

-Access Issues: The Court Order for Judge Bloom's signature was submitted to the Court last Thursday February 11th. If signed, the Order should allow the SA to access clinical information as necessary.

-Committees: The SA has been serving on several of the Bureau's interdisciplinary work groups of providers and Department staff. These work groups were developed in response to the Retreat sponsored by the Department last Fall and are designed to address problems that were identified in creating and sustaining appropriate community based behavioral health programs. The SA expressed her pleasure that the Bureau and providers appear to be working very cooperatively and productively to resolve problems and put programs in place.

-Day treatment programs and Supported Living: the SA distributed some "framework" documents she had generated on these topics. The documents are designed to be a starting point for discussions about services and models of care. Cindy Beane pointed out that Partial Hospitalization programs provided by acute care hospitals were not considered in the document regarding Day Treatment and the SA will rework the document to take them into account.

BHHF REPORT

No comments were made

PETITIONER REPORT

Jennifer Wagner requested clarification on the role of the TBI Oversight Committee and the current state of the TBI Trust Fund legislation. She is concerned that no bill has been introduced by the Department and that there are several bills currently being circulated or discussed at the Legislature in a relatively uncoordinated fashion. David Sudbeck stated that in a meeting with Secretary Hardy it was understood that she and the Governor were working on legislation. Belle Manjong assured the parties that draft legislation was actively being pursued by the Department. Jennifer Wagner suggested to Belle Manjong that a meeting between the TBI Oversight Committee and the Secretary's Office may assist in clarifying the objectives of this legislation. The MOP was advised that the last day to submit new legislation would be Monday of next week. Belle agreed to set up a meeting between the Secretary's office and representatives of the TBI Oversight Committee regarding the proposed legislation and coordinating efforts regarding advocacy for the legislation once it is proposed.

Jennifer Wagner also requested a response concerning a letter which was sent to Vickie Jones with regard to the information Vickie sent Jennifer about the Bureau's status vis a vis meeting timelines identified in court orders. Vickie stated that a response will be made during the Court Hearing on February 26, 2010.

WEBSITE DEVELOPMENT

The Office of the Court Monitor has contracted with West Virginia Interactive to produce a new website for their office. It was agreed by both parties that links to Mountain State Justice, BHHF, West Virginia Advocates, and BMS will be made available for use on the site.

Next Meeting: Wednesday, March 31, 2010
10:00 a.m.-12:00 noon
Covenant House
600 Shrewsbury Street, Charleston, WV 25301