

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.

WEDNESDAY, JANUARY 23, 2013

MINUTES

PRESENT: Vickie Jones, Linda Dailey, Dee Weston, Wendy Elswick, David G. Sudbeck, Allen Campbell, Cindy Beane, Teresa Brown, Regenia Mayne, dan connery.

I. COURT MONITOR REPORT

David inquired as to the status of the outcome from the Court Hearing on December 14, 2012, and Vickie Jones responded that all pay raises are in effect as required by the Court Order and that there was not any anticipation of sanctions being imposed. The speed of this implementation was due to mandatory staff overtime including holidays. David also distributed documents outlining steps by Legal Aid to implement and maintain consistency between Sharpe and Bateman in the process of filing grievances. David stated that he would be in contact with Legal Aid to see that the implementation of this process occur in a timely manner. Regenia Mayne inquired as to whether a patient must file a grievance to have an issue investigated. Vickie responded that, while a patient may file a grievance, it was not mandatory as it is her desire to resolve an issue at the lowest possible level.

II. BHHF REPORT

Vickie had no report at this time. David inquired as to the status of the meetings involving issues surrounding Chapter 27. Wendy Elswick responded that the meetings are continuing with a multi-disciplinary committee, and that the focus was now on specific changes and not an entire overhaul. Two main focuses of the changes are the broadening of temporary compliance orders and the clarification of the 72-hour timeline on the juvenile commitment statute. It was Wendy's understanding that these issues will be raised at February interims or shortly thereafter.

III. PETITIONER REPORT

Dee Weston reported that she will be leaving Mountain State Justice on January 30, 2013 for a new position at Legal Aid of West Virginia. She also announced that her replacement at Mountain State Justice will be Lydia Milnes. There was no further report at this time.

IV. BMS REPORT

Cindy Beane supplied a document stating the amended language regarding residency for the TBI waiver application. The Parties agreed on the language which will be submitted for final approval. Although the approval may take up to 90 days, Cindy assured that Parties that she would notify the Court Monitor's office as soon as the language is approved. She also stated that as of the end of January 2013, seven individuals were enrolled in the waiver with the anticipation of one additional enrollee in early February 2013.

V. OTHER

Next Meeting: March 19, 2013
10:00 a.m.-12:00 noon
Covenant House
600 Shrewsbury Street, Charleston, WV 25301

<input type="checkbox"/>	Technology Dependent				
<input type="checkbox"/>	Mental Retardation or Developmental Disability, or Both				
	Autism				
	Developmental Disability				
	Mental Retardation				
<input type="checkbox"/>	Mental Illness				
	Mental Illness				
	Serious Emotional Disturbance				

b. Additional Criteria. The State further specifies its target group(s) as follows:

Members must be a resident of the State of West Virginia and at least 22 years of age. The individual must have a traumatic brain injury. A TBI is a non-degenerative, non-congenital insult to the brain caused by an external physical force resulting in total or partial functional disability and/or psychosocial impairment. Members must have deficits in five (5) Activities of Daily Living (ADLs) to meet nursing home level of care as assessed utilizing the Pre-Admission Screening (PAS) 2003. Members must also score at a Level VII or below on the Rancho Los Amigos Levels of Cognitive Functioning Scale. Applicants for the Waiver may be inpatient in a licensed nursing facility, in-patient hospital, in a licensed rehabilitation facility to treat TBI or living in a community setting at the time of application.

c. Transition of Individuals Affected by Maximum Age Limitation. When there is a maximum age limit that applies to individuals who may be served in the waiver, describe the transition planning procedures that are undertaken on behalf of participants affected by the age limit (select one):

- Not applicable. There is no maximum age limit
- The following transition planning procedures are employed for participants who will reach the waiver's maximum age limit.

Specify: