

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.*

**FRIDAY, JANUARY 6, 2012**

### MINUTES

**PRESENT:** Allen Campbell, Kevin Stalnaker, Vickie Jones, Cindy Beane, Jennifer Wagner, Deborah Weston, Dan Hedges, Susan Perry, Wendy Elswick, Regenia Mayne, Teresa Brown, Jennifer Taylor, David G. Sudbeck, Sheila Kelly, dan connery

#### **I. RESIDENTIAL SLOTS- DISCUSSION**

Vickie Jones stated that the Providers had agreed that the \$1,080,000 for Residential Slots be distributed equally among themselves. She advised the Parties that proposals were provided by the Providers for the use of these funds, and that with the exception of Valley, all proposals were valid. Clarification as to Valley's usage of the funds is forthcoming and will be made available to the Parties once it is received by Vickie. She distributed copies of the proposals. Sheila expressed opposition to the equal distribution of the funds, stating that she did not believe that the proposed uses would produce any significant decrease in the commitment rate and adding that these funds were the only remaining unallocated Hartley funding. Vickie stated that the Department relies upon providers to advise them as to how to utilize funds to the best advantage. Dan and Sheila felt that the Department needed to take a more active role in directing needed programs and resources. Nonetheless, the Parties agreed to the distribution and usage of these funds.

#### **II. UNITED SUMMIT CARE ALTERED PROPOSAL – DISCUSSION**

Based upon information distributed to the Parties regarding the altering of United Summit's Residential Slot Proposal, both Parties assessed and agreed to the amended proposal. In essence, the funding that originally was allocated to Summit to support 18 supported living slots will

be redirected to a short term substance abuse treatment program as proposed by Summit. The Center felt that it could have a bigger impact on the admissions/commitment rate in this way than by using the funding as originally proposed.

### **III. OVER-BEDDING HEARING- RESOLUTION OF ISSUES**

After much discussion and clarification, issue 7 of the Agreed Order regarding Co-occurring Disorders was agreed upon by both Parties and resolved.

After extensive debate and discussion concerning issues in the Agreed Order, the following issues remain unresolved:

3 (c) – Gatekeeping: A Request For Resolution from the Department regarding Gatekeeping will be forthcoming to the Office of the Court Monitor. Sheila expressed surprise that this continues to be raised as an issue since almost without exception, all certifications are signed by Center representatives. She speculated that some problems may be occurring in the discharge process when the diversion hospital is located far from the Center (e.g. with the Pavilion in Bluefield) and that there remains the mythology that diversion hospitals keep people far too long in order to retain full beds. Her data demonstrates that the average length of stay in diversion hospitals is well less than two weeks with the possible exception of Riverpark, whose long term unit often keeps people who are difficult to place and who might be at risk in the general units at Bateman due to frailty or intellectual disabilities. Even then, Riverpark and Bateman exchange patients readily and as needed. She will try to get more information on the exact nature of the complaints.

(Note: Respondent DHHR notified the Court Monitor on January 17, 2012 that they would not be submitting a Request for Resolution, and that Commissioner Jones will be drafting a document for the Parties' review and consideration.)

3 (e) – Step-Down: A Draft Contract for the use of Crisis Stabilization beds as Step-Down is in the process of finalization.

3 (f) – A Memorandum Of Understanding between the Provider community and BHHF will continue to be developed by those involved. The Department believes it has fulfilled the requirement of this section regarding CSU usage for diversion from hospitalization and contests the opinion that MOUs should be dictated from the state level since most local politics and situations are unique and require relationship building and management at the local level. The Department submitted a Request for Resolution to the Court Monitor on January 9, 2012 on this issue.

8) Prescription Practices: Sheila Kelly will monitor and review the process for prescription practices and report her findings to the Parties.

10 (b) – Overtime: Kevin Stalnaker will formalize a document consisting of all pertinent information and data concerning the use of overtime, both voluntary and involuntary. This document will be distributed to the Parties and used to formulate solutions to the mandatory overtime issue.

10 (d) - Compliance of Bateman and Sharpe with C.S.R. 64-59-1 to -20: This issue is ongoing.

In addition to issues of the Agreed Order, Evidence Exhibit #14 from the recent hearing (the proposal submitted by the Provider Association intended to reduce Hospital Overcrowding) was discussed. Though many of the proposals in the document have merit, there is no additional funding available to implement any not immediately described within the Agreed Order.

#### **IV. OTHER**

Jennifer Wagner inquired as the status of the mental health state planning process now that the substance abuse plan appears to be in the process of finalization. Vickie Jones stated that the BHHF is working on the planning process.

Wendy Elswick stated that the Response by BHHF to the Legal Aid audit at Bateman should be delivered to the Court Monitor by mid-week January 16, 2012.

David Sudbeck informed the Parties that, based on discussion with Bill Albert, any information surrounding the death of a patient at Bateman would not be available until after the police investigation. Susan Perry added that at this time there was no cause of death being released.

Next Meeting: Tuesday, February 21, 2012  
10:00 a.m.-12:00 noon  
Covenant House  
600 Shrewsbury Street, Charleston, WV 25301