

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, JUNE 1, 2011

### MINUTES

**PRESENT:** Vickie Jones, Allen Campbell, Michael Bevers, Kevin Stalnaker, Teresa Brown, Ryan Hupp, Cindy Beane, Jennifer Wagner, Molly Russell, Wendy Elswick, David G. Sudbeck, Sheila Kelly, dan connery

#### I. COURT MONITOR REPORT

David Sudbeck addressed the issue of reporting changes to the Meeting Minutes in a timely fashion in accordance with guidelines proposed at the October 27, 2010 Meeting of the Parties. All corrections are to be made within six business days. Any corrections made after this time will be added as an addendum to the next meeting's minutes and will not be corrected on the Court Monitor's web-site.

In response to Petitioner's and Respondent's comments on the Clinical Services Management review, David suggested a multi-disciplinary sub-group to formalize a timetable guideline to implement recommendations from the report. After a discussion by the Parties, it was decided that a special Meeting of the Parties be arranged to discuss the issues and timeframe before being circulated to a wider audience. This meeting is scheduled for June 9, 2011 at 1:00.

David also informed the Parties that he had received, reviewed and authorized improvement plans for both individuals and management at Legal Aid Advocacy. He also thanked the Department for timely financial assistance to complete the nurses' stations at Sharpe Hospital and informed the Parties that the Court Monitor had met with Secretary Lewis to express his concerns about the heating and cooling system at Sharpe. The Secretary promised to expedite a solution to these problems as quickly as possible. Kevin Stalnaker commented that a meeting with both administration and maintenance at Sharpe has produced support for both temporary and permanent solutions to the heating and cooling issues with an estimated budget of \$900,000.00.

## **II. BHHF REPORT**

Vickie Jones stated that the grant season is underway, and that Statements of Work for 2012 are being submitted. She explained that meetings have taken place with Providers which resulted in a Statement of Work Template to assist in the production of these documents. She also noted that Comprehensives are given priority in this process, and that some providers have not met budgetary requirements and have been urged to re-submit their budgets in order to receive funding.

Jennifer Wagner inquired as the status of the BHHF's plan to issue a Request for Proposals to provide support services in Logan and Mingo counties since Logan/Mingo MH Center had declined to participate in Hartley activities. Vickie responded that she did not have the information with her but would supply it at the June 9 meeting.

Vickie also stated that Pretera has been very supportive of other agencies in offering their expertise with completing Statements of Work.

Sheila speculated and Vickie confirmed that some Year Two providers had not yet been able to submit acceptable budgets and/or Statements of Work and therefore a few Year Two projects would not be implemented until the next fiscal year.

Kevin Stalnaker stated his great concern that the underlying legislation that supports funding for the Highland Assessment Center may sunset as scheduled in June 2012 if the Unit is not able to accept more admissions. Recently many people have bypassed admission for reasons that are unclear to BHHF and as a result, the Unit is averaging about one person per day. He stated that the Department is very supportive of this program and very concerned that it operate effectively in order that funding for the program continue. The BHHF has a meeting with Highland management on Monday. Sheila expressed her interest in attending and Kevin welcomed her.

## **III. PETITIONER REPORT**

Jennifer Wagner inquired as to whether new clinic/rehabilitation Medicaid rates are to be implemented on June 13, 2011. Cindy Beane responded that a meeting is to occur on that date to review, not implement, the methodology of the rates with providers, and that changes would not be implemented until the methodology is finalized.

Jennifer also asked if the Pretera detox program for five additional beds had been approved. Vickie Jones stated that the program had been approved but was unsure if the funding process had been completed. She will forward funding information to Jennifer shortly. Jennifer also inquired whether crisis stabilization dollars would be used for this program. Vickie responded that dollars are available but that the funds used are likely to come from a different source since there are no BHHF funds earmarked for Crisis Stabilization as such.

## **IV. SPECIAL ASSISTANT REPORT**

Sheila presented some preliminary benchmark data regarding commitments by County and Total for the last several years. She pointed out that according to this very preliminary data, it appears that commitments are not significantly decreased although the Department has contributed substantial increases to community based services over the past seven years or so. She speculates that this is because many commitments are of individuals with substance abuse issues. These

individuals are often not seen by the BH providers until they are too sick or too desperate to avoid being committed. Also, addictions are relapsing illnesses, so that one individual can often receive every community based service available and yet still account for repeated commitments over a few years of time. She suggested that the group needs to consider how to use funds in order to address the most emergent needs of this population in a cost-effective manner. BHHF is in the midst of developing a multi-year substance abuse plan and hopes that this will help to address this issue.

Sheila also discussed the Department's request that the Office of the Court Monitor facilitate development of new licensing rules. She is in the midst of preliminary work on this project which will be very transparent and inclusive. Initial committees have been formed and anyone interested in participating is welcome. It is expected that work on this will be completed for submission to the Secretary of State by July 1, 2012 for consideration in the 2013 Legislature.

The small working group for alternative uses of leftover support dollars has continued to meet and expects to make per diem support funding available to Centers without supportive living funds in the next fiscal year. Jennifer requested that Centers with no "slots" be polled to see if they would be interested in applying for traditional slots. Sheila will do so.

## **V. BMS REPORT**

Cindy Beane stated that the revisions to the State Medicaid plan with regard to ACT has been approved and that APS will revise the policy manual to match the new plan (which now allows individuals with co-occurring mild intellectual disabilities to receive services). She also explained that the TBI waiver has been slowed in purchasing as the BMS is required to post an RFI for a fiscal intermediary and an operating agency. The initial RFI is written and being reviewed in purchasing but the process will take a minimum of six months. BMS intends to attempt to initiate a similar program utilizing Money Follows the Person funds earlier than that, but there have been technical questions asked about the program and that has slowed implementation somewhat. An internal deadline of June 15, 2011 has been set to address these issues with CMS. She also offered to report on the timelines surrounding the waiver at the next meeting. Unfortunately, BMS has little control at this point over the timing of the process due to the involvement of CMS and of government purchasing requirements.

## **VI. OTHER**

Next Meeting: Wednesday, July 13, 2011  
10:00 a.m.-12:00 noon  
Covenant House  
600 Shrewsbury Street, Charleston, WV 25301