

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.

THURSDAY JANUARY 14, 2016

MINUTES

PRESENT: David G. Sudbeck, Kyle Blackburn, Christopher Dodrill, Regina Mayne, Jennifer Wagner, Karen Villanueva-Matkovich, Allison Anderson, Kelly Morgan Victoria Jones, Chuck Bailey, Teresa Brown, Cynthia Beane, Monica Robinson

I. COURT MONITOR REPORT

David Sudbeck started the meeting handing out a letter from Rosinsky Law Office dealing with a forensic patient at Sharpe Hospital. He mentioned that he has received this letter once before back in July and that this appeared to be an issue for the court which sentenced the patient and/or an individual issue to be resolved between the patient and the Department. David reiterated that his position remains the same. Kelly Morgan stated that this was not a Hartley issue. Allison Anderson said she has talked to the criminal defendant/forensic patient's attorney and will do a follow-up. Jennifer Wagner stated that the issues raised were concerning and that, if they turned out to be systemic, this issue would be appropriately addressed in the Hartley Case, because of matters related to placing the patient in the least restrictive setting and timely conducting all necessary evaluations. However, she agreed that at this time this issue should be addressed on an individual basis.

David Sudbeck noted that his office received numerous anonymous grievance letters from staff, which were duplicative of the ones received several months ago. David agreed that he would not handle these because these letters were anonymous and because there is an established grievance procedure in place. Respondents reiterated that the only appropriate procedure is the grievance procedure and that employee concerns and/or grievances are outside the scope of Hartley. Kelly Morgan again noted the problems with staff raising potential issues or concerns in anonymous correspondences.

Kelly Morgan gave the American Medical Foundation update. The LAWV audit notes from Bateman Hospitals were different than those from Sharpe Hospitals, Bateman Hospitals notes are over 1,000 pages which have been fully reviewed; however, the LAWV notes from Sharpe Hospital weren't as thorough and are confusing. Summaries of the LAWV audit will be sent to American Medical Foundation to review and to select a random 25% sample within each of the DSM categories. A time frame for the audit to be complete has not yet been set. Jennifer Wagner asked about the methodology for selecting the random 25% sample, and the Parties agreed that Petitioners were free to contact AMF to discuss the methodology.

David Sudbeck stated that based on Judge Bloom's deferral of the issues raised within Mark Drennan's letter, DHHR/BHMF and the WVBHL Providers are in the process of setting up a meeting. Jennifer Wagner stated that she did not intend to attend said meetings, but requested to be advised as to the times/places of the meeting(s) and any outcome.

David Sudbeck also asked about the Bateman Physician Report., Kelly Morgan said it was thoroughly investigated by Craig Richards and noted that this was the first time of him hearing of this matter. Dr. Miller wrote a response and Kelly Morgan will forward it to everyone. Craig Richards also said he didn't understand the low morale reviews. In a recent survey employee satisfaction was rated at 90% positive.

II. BHMF REPORT

Vickie Jones reported that she had no new information to report on.

III. PETITIONER REPORT

Jennifer Wagner mentioned that they are still awaiting clarification on whether, and how, the retroactive pay increases have been implemented. Kelly Morgan mentioned that the new salary increases took place in January 2015. Monica Robinson & Vickie Jones both agreed that the pay salary increases with classifications received legislation and required DHHR to do a market study on the salary level, and that they were above the market level. Jennifer Wagner noted that this issue was not resolved and that Petitioners would review transcripts from 2014 hearings as well as discovery responses recently provided on this issue, and would follow up if additional investigation or inquiry was necessary.

Jennifer Wagner asked for confirmation that the patient advocates at Sharpe are now receiving staffing sheets and schedules for the patient staffing, and that they have received a schedule for training. Karen Villanueva-Matkovich verified that access was restored immediately following the WV Supreme Court Order. LAWV just did not know how to access it. Jennifer Wagner mentioned that Legal Aid of West Virginia will resume their audit this month as well.

IV. BMS REPORT

Cynthia Beane mentioned during the TBI Waiver Update that as of December 2015 there were 61 active members living at home in their community.

Cynthia Beane also distributed the current TBI waiver report copy attached below

Next Meeting: Monday March 14, 2016
10:00 a.m.-12:00 noon
One Davis Square
Conference Room 134 Charleston, WV 25301