

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 AUGUST 12, 2015

MINUTES

PRESENT: David G. Sudbeck, Kyle Blackburn, Vickie Jones, Christopher Dodrill, Cynthia Beane, Regina Mayne, Lydia Milnes, Karen Villanueva-Matkovich, Allison Anderson, Vaughn Sizemore, Chuck Bailey, Kelly Morgan.

I. COURT MONITOR REPORT

David Sudbeck started the meeting by mentioning there were no new grievances filed since June and the latest grievance would be resolved with the understanding that David Sudbeck would present the patient's concerns in writing to the Interim CEO. David Sudbeck passed out anonymous unsigned employee grievances from Bateman Hospital that his office received and advised that he would not address employee grievances. Vickie Jones said she would pass along the information. The parties agreed that employee grievances are to be handled through the appropriate grievance procedure already in place. David Sudbeck handed out a document from Rosinsky Law Office that came into his office, but because the patient is a forensic patient, David Sudbeck stated he cannot do anything about this issue, it would have to be done through the court.

David Sudbeck asked Vickie Jones about the Forensic Unit at Sharpe Hospital. She said they hope to have it opened soon and that fifty beds cannot be used right now due to construction. Vickie Jones reported that Sharpe has hired a CEO, Patrick Ryan. He begins August 17, 2015. Randy Houcsh was hired as the assistant CEO at Sharpe, he started July 16, 2015. David Sudbeck advised that he obtained a \$95,000 proposal from Health Management Associates and submitted it to Judge Bloom for consideration. The parties were provided with a copy of the proposal. David Sudbeck advised that Dr. Stephen D. Durrenberger had expressed an interest in serving as the medical professional in this case. Dr. Durrenberger's CV was provided to the parties for consideration. David Sudbeck asked if there were any potential hiring problems that the parties had, Vickie Jones said he did work at Bateman Hospital and Prestera Center. Chuck Bailey asked for time

to look over the curriculum vitae. Chuck Bailey reiterated the potential use of American Medical Foundation which had been previously identified by DHHR as a medical provider capable of performing the chemical restraint audit. Karen Villanueva-Matkovich said American Medical Foundation outlined a proposal and estimated that it would cost approximately \$20,000. David Sudbeck asked about the audit at Sharpe Hospital, Karen Villanueva-Matkovich said they are working with the advocates to complete this.

II. BHHF REPORT

Vickie Jones mentioned that the Respondents and Petitioners have already discussed in this meeting what she would report on, and there is nothing new to report.

III. PETITIONER REPORT

In the report of Petitioners, Lydia Milnes raised a concern about the Hospitals' policy regarding the handling of patients who act out violently against staff or other patients. Lydia reported hearing about an incident in which a patient acted out violently and was discharged that day into police custody, without notice to their guardian of the discharge. Lydia expressed concern that discharge into a regional jail (when the patient is not otherwise ready for discharge) violates the patient's right to treatment, as well as their right to treatment in the least restrictive environment. Karen Villanueva-Matkovich stated that DHHR was not violating any patient rights and assured the parties that the situation was being addressed appropriately.

Chuck Baily responded by stating that Petitioners have no standing to raise the issue and by asserting that the allegations were hearsay. He requested to see documentation of the alleged incident. Lydia stated that she was raising the issue at the Meeting of the Parties to give the DHHR the opportunity to discuss the issue informally, but that if DHHR did not want to engage in informal discussions, she would file a formal Request for Resolution. Chuck confirmed that DHHR would not engage, and that a formal RFR would be required.

IV. BMS REPORT

Cindy Beane mentioned during the TBI Waiver Update that the 5 year plan is renewed and that they have decreased the age to 3 years old and up, can now apply. There are currently 57 active members. The TBI manual is out and up for comment period until September 3, 2015, training is set up on the internet and in Charleston and will be in place by October 2015.

Cindy also distributed the current TBI waiver report [copy attached below]

Next Meeting: Wednesday, September 30, 2015
10:00 a.m.-12:00 noon
One Davis Square
Conference Room 134 Charleston, WV 25301