

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, MARCH 26, 2014

MINUTES

PRESENT: Bill Hicks, Kim Walsh, Vickie Jones, Lydia Milnes, Jeff Foster, David G. Sudbeck, Cindy Beane, Regenia Mayne, Teresa Brown, Kim Stitzinger Jones, dan connery

I. COURT MONITOR REPORT

David Sudbeck explained that a Special Meeting of the Parties had been held at the request of DHHR to re-evaluate and possibly revise the Care Coordination issue in the Agreed Order. Vickie Jones stated that Care Coordination funds were not being utilized to their fullest potential and that the development of Community Engagement Specialists would result in a more effective and accountable means to deliver these services. Lydia Milnes expressed concern over whether the Department would be able to ensure that sufficient applications would be received to ensure placement of Specialists statewide and adequate numbers of specialists in high commitment areas. She additionally asked whether Medley individuals had been removed as part of this development. Kim Walsh explained that this program would be more focused and accountable in areas where services are needed and that Medley clients were not removed from any part of the agreement. Kim will provide counsel for the Petitioners with the most up-to-date version of the proposal as well as the final Funding Announcement. Vickie assured the group that more specific and measurable information would be available at the next Meeting of the Parties.

David distributed the latest list of grievances received by his office and expressed concern over a conflict in the law as to whether patients are responsible for the payment of their dental care if they can afford it. He suggested that some sort of clarification on the matter be investigated. Vickie stated that regardless of the wording of the law, there should be uniformity among the hospitals in delivering dental services to patients and that she would investigate this issue further to achieve a uniform policy.

David stated that he had completed his investigations at Sharpe and Bateman regarding Community Integration and had written Formal Recommendations that were now before Judge Bloom for review. Once the Judge has perused the document, it will be made available to the Parties for their review and comments.

David inquired as to the investigation and licensure of Potomac Center. Bill Hicks replied that the investigation was ongoing and that all questions were to be re-directed to Karen Villanueva-Matkovich.

II. BHHF REPORT

Vickie Jones stated that after numerous complaints coming from employees at Sharpe Hospital, a multi-disciplinary team of individuals from numerous agencies surveyed and interviewed employees of the hospital. This investigation led to the revelation of systemic concerns of safety and use/misuse of overtime. She stated that a formal report would be released, but that major policy and operational changes were being developed and would be implemented in the near future.

III. PETITIONER REPORT

Lydia Milnes inquired as to why the Co-Occurring Unit at Bateman contained some non-co-occurring patients when other units in the facility, not designed for co-occurring patients, contained these patients. Vickie stated that there could be issues of housing and/or transfer, but that she was not aware that this was occurring. She assured the group that she would investigate and report back as to whether this was actually the case.

IV. BMS REPORT

Cindy Beane informed the group that the two Managed Care Workgroups were continuing to meet. She stated that the Process Group was receiving helpful information from the health plan community and that the Quality Group was establishing measureable goals specific to West Virginia. Lydia Milnes inquired as to problems with individuals being refused medications by certain managed care entities. Cindy stated that she was unaware of this and that any issue regarding medication should be sent to her to be resolved as soon as possible.

Cindy also distributed the current TBI waiver report [copy attached below] and stated that the TBI waiver was continuing to be successful in assisting those enrolled. She informed the Parties that Teresa McDonough had been hired as the new TBI Program Manager.

V. OTHER

Next Meeting: Wednesday, June 4, 2014
10:00 a.m.-12:00 noon
Covenant House
600 Shrewsbury Street, Charleston, WV 25301

**WV Traumatic Brain Injury (TBI) Waiver Program
Implementation through February 2014**

MNER Summary: Since February 1, 2012, the Administrative Service Organization (ASO) has received, processed and/or made initial determinations on one hundred and thirty-one (131) Medical Necessity Evaluation Request Forms (MNER)/applications.

- ❖ Of those one hundred and thirty-one (131) applications (submitted MNER):
 - 11 applications were closed - no evidence of a TBI
 - 17 applications were withdrawn
 - 4 applications pending assessment results
 - **99 applicants received medical eligibility determination assessments**
 - 25 applicants did not meet medical eligibility
 - 74 applicants were considered medically eligible based on their PAS and Rancho Los Amigos scores
 - 10 applicants were denied financial eligibility
 - 18 applicants withdrew their case after medical eligibility was determined
 - 11 applicants are awaiting financial eligibility
 - 2 applicants deceased prior to notification of medical eligibility
 - 29 applicants have been enrolled as members as of February 2014
 - 4 members have discontinued their enrollment as of February 2014

# MNER Applications Received Per Month for the WV TBI Waiver Program					
2012	# MNER Received	2013	# MNER Received	2014	# MNER Received
January	N/A	January	6	January	9
February	4	February	5	February	6
March	2	March	10	March	
April	4	April	4	April	
May	3	May	9	May	
June	1	June	4	June	
July	2	July	10	July	
August	5	August	10	August	
September	7	September	5	September	
October	1	October	10	October	
November	3	November	5	November	
December	2	December	4	December	
2012 Total	34	2013 Total	82	2014 Total	
Total since program implementation February 2012					131

Outreach efforts Summary: In January 2012, the ASO initially sent emails to all existing Aged and Disabled Waiver Homemaker Agencies, Case Management Agencies, I/DD Waiver Providers and Personal Care Providers. In early February 2012, all applicable referral sources including Nursing Homes, Hospitals and Licensed Rehabilitation Centers were emailed. This correspondence announced the TBI Waiver Program, outlined eligibility requirements and supplied copies of the application (MNER) form (*These emails are not included in the 496 Email contacts indicated below).

Since March of 2012, ASO staff has conducted statewide outreach efforts to include: scheduled face-to-face meetings within the facilities, presentations at local and statewide settings and meetings with the directors of the Aging and Disability Resource Centers.

Additionally, the ASO offers/provides training and technical assistance to the twenty-five (25) enrolled provider agencies. Training topics include the Medicaid requirements for covered services (Case Management and Personal Attendant Services) and general information about supporting individuals with TBI).

The ASO targets outreach for each agency selected to provide services for enrolled members. Outreach focuses on providing guidance in completing the financial eligibility process and compliance with Medicaid forms. Additionally, the ASO provides technical assistance to resolve specific member needs.

Types and Numbers of Outreach Efforts Made for the WV TBI Waiver Program	
Type of Outreach	# Outreach Efforts
General Outreach	
Email	*496
Phone	884
Face-to-Face	490
Mail	110
Presentations/Outreach (ex. WV NASW Conference, local DHHR)	58
For Enrolled Providers	
Training-Webinar	23
Face-to-Face Technical Assistance	44
Phone Technical Assistance	266
Total	2,371

