

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.

TUESDAY, MAY 7, 2013

MINUTES

PRESENT: Kim Stitzinger Jones, Lydia Milnes, Jennifer Wagner, David G. Sudbeck, Allen Campbell, Wendy Elswick, Will Jones, Cindy Beane, Teresa Brown, dan connery.

I. COURT MONITOR REPORT

Due to unforeseen circumstances in scheduling, Wendy Elswick and Allen Campbell represented Respondent for this meeting.

David Sudbeck updated the Parties as to the four additional grievances filed in the Court Monitor's Office and that based on his investigation all four were denied. He inquired as to the status of the Patient Grievance Form. Per her previous conversations with Vickie Jones, Wendy Elswick stated that a meeting had occurred between BHHF and Legal Aid to amend some minor changes and that a finalized version of the form would be released within one week.

David requested an update on the status of program development for Year One, Two and Three Providers. Wendy, on behalf of Kim Walsh, explained that Kim has repeatedly not received responses from these providers to collect the necessary data, but that Kim will be releasing a draft status update based on her available data within the next week to week and a half. David stated that he was planning an onsite visit to Southern Highlands on May 15 to tour their new group home.

David inquired as to the deadline for a full-time CEO at Bateman Hospital and received a response from Allen Campbell that there was no definitive date at this time. As this has been an ongoing concern for the Parties, Lydia Milnes stated that a Request for Resolution regarding the placement of a full-time CEO at Bateman will be submitted to the Court Monitor in approximately one week for resolution.

David also requested information regarding the frequency and resolution of issues surrounding the Legal Aid audits at both Sharpe and Bateman. After discussion among the Parties, it was agreed that the audits should occur twice a year, and that a document issued from BHHF in conjunction with the CEO's of both hospitals stating the issues and resolutions be released within thirty days of the audit.

David was also concerned as to the status of an analysis on unused funds and whether this funding would roll over to the next fiscal year. Wendy stated that Vickie Jones was in the process of acquiring this data and that Vickie would release this information via email once it is tabulated.

David also raised concern over the lack of receiving job descriptions for both the Statewide Forensic Coordinator and the Assistant Statewide Forensic Coordinator after numerous requests. He stated that a lack of accurate job descriptions for these positions raises concerns of oversight and accountability. Jennifer Wagner inquired as to whether David had investigated the issue of forensic transfers between the hospitals and what plan of action he might choose to take. David responded that he will formulate a list of concerns and work closely with Bill Albert to oversee that they are resolved.

David also distributed a chart stating the number of beds at each diversionary hospital and inquired as to whether the actual number of contracted diversionary beds at each hospital could be supplied by someone within DHHR. Wendy Elswick replied that she would retrieve this data and distribute it to the Parties.

II. BHHF REPORT

Wendy Elswick stated that aside from the issues previously discussed on the agenda there was no report at this time.

III. PETITIONER REPORT

Lydia Milnes inquired as to the status of “Creating a Sustainable, Strategic Health Care System in West Virginia completed by Public Works LLC” and the next steps to address the issues contained within. Will Jones stated that a strategic plan of action has been submitted to the Governor’s office but that there was no official timeline for resolution at this time. Lydia also stated that Senate Bill 481, regarding voluntary juvenile admissions, did not pass. Wendy Elswick explained that parts of the bill regarding transportation and familial permission had passed, but that parts containing issues of payment had not.

David inquired as to the status of the Behavioral Health Task Force Group Meeting and was informed that a meeting was planned but cancelled due to computer notification errors. This meeting will be rescheduled within the next two to three weeks.

IV. BMS REPORT

Cindy Beane stated that there had been a slight increase in number of TBI Waiver applicants (report attached). She also informed the Parties that there is still strong marketing and outreach for this program, but that the financial Medicaid eligibility requirements may be preventing many individuals from receiving waiver services. It appears that many people with TBI have had significant work history and income that prevents them from being financially eligible for Medicaid. Cindy stated that those individuals receiving waiver services were greatly affected and assisted by the program. David inquired as to whether Cindy could compile a report from individuals currently receiving the TBI Waiver services including their personal experiences and opinion of the program. Cindy agreed to supply this information at the next Meeting of the Parties.

V. OTHER

Next Meeting: Wednesday, July 10, 2013
10:00 a.m.-12:00 noon
Covenant House
600 Shrewsbury Street, Charleston, WV 25301

**WV Traumatic Brain Injury (TBI) Waiver Program
Implementation through April 2013**

MNER Summary: Since February 1, 2012, the Administrative Service Organization (ASO) has received, processed and/or made initial determinations on fifty-eight (58) Medical Necessity Evaluation Request Forms (MNER)/applications.

- ❖ Of those fifty-eight (58) applications (submitted MNER):
 - 3 did not come from an approvable referral source
 - 8 legal representatives withdrew the application
 - 2 facilities withdrew the application
- **45 applicants received medical eligibility determination assessments**
 - 15 applicants did not meet medical eligibility
 - 30 applicants were considered medically eligible based on their PAS and Rancho Los Amigos scores
 - 4 applicants were denied financial eligibility
 - 7 applicants are awaiting financial eligibility
 - 1 facility withdrew the application due to lack of home/community setting for the applicant
 - 2 applicants deceased prior to notification of medical eligibility
 - 1 applicant moved out of state
 - 15 applicants have been enrolled as members as of April 30, 2013

# MNER Applications Received Per Month for the WV TBI Waiver Program	
Month/Year	# MNER Received
February 2012	4
March 2012	1
April 2012	4
May 2012	3
June 2012	1
July 2012	2
August 2012	5
September 2012	7
October 2012	1
November 2012	3
December 2012	2
January 2013	6
February 2013	5
March 2013	10
April 2013	4
Total	58

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 349 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 thirty-three (33) 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	*349
Phone	548
Face to face	421
Mail	82
Presentations/Outreach (ex. WV NASW Conference, local DHHR)	12
For Enrolled Providers	
Training-webinar	17
Face-to-Face Technical Assistance	37
Phone Technical Assistance	116
Total	1,582

Member Enrollment Map



