

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, NOVEMBER 10, 2009

MINUTES

PRESENT: Susan Perry, Jennifer Wagner, Charles Dunn, Regenia Mayne, Joshua Martin, Marsha Morris, Pat Schmitt, Belle Manjong, Vickie Jones, David G. Sudbeck, Sheila Kelly, dan connery

REVIEW OF MINUTES OF SEPTEMBER 29, 2009

Clarification of terminology and corrections made.

REVIEW OF TRACKING DOCUMENT

David Sudbeck inquires on the status of salary increases at Bateman and Sharpe. Vicki Jones clarifies the \$1.2 million spent as a continuing amount based on a requirement that only staff with a minimum of three years of experience would qualify. The total amount will be dispersed as staff meets this minimum.

One security guard has been hired at Bateman with four additional positions to be filled by both internal and external applicants. The Bateman Co-Occurring Unit is physically ready to open although a shortage of staff is preventing an actual opening. Drs. Masood and Latiff have both returned to Bateman with the hopes of attracting additional psychiatric staff. Dr. Masood will be resuming his role as Clinical Director.

The 10 bed Highland Assessment Unit is in development but without an approximate opening date as the Unit is awaiting some policy changes on the part of the Supreme Court with regard to mental hygiene processes. Vicki Jones agrees to supply this information as it is available.

There is general agreement that both group homes and supported housing will be considered as options for the use of funds. Many individuals will not participate in a group home but may be more appropriate for supported housing. Vicki Jones states that both are needed but funding will be available regardless of where it is spent.

Vicki Jones also explains that 18 care coordinators and 17 additional independent coordinators will be funded based on their geographical location in the state. Shelia Kelly raises the issue of certification for the independent coordinators. Marsha Morris states that there may need to be new guidelines for this certification process. Vickie indicated that she would invite Sheila for future meetings regarding independent care coordination.

After a discussion of a previous motion submitted to the Court Monitor for the timeline extension (November 13) for the TBI Waiver draft, David Sudbeck clarifies that direct contact with his office is acceptable to resolve basic timeline issues in preference to formal motions to the Court. The Monitor approved the extension of the timeline on the waiver draft to November 13, 2009. Marsha Morris states that the first draft of this document will be available by that date. There are many issues involved in the mandatory state purchasing process that will cause delays, unfortunately, even after the draft is approved by CMS.

COMPLAINTS/GRIEVANCES FILED

David Sudbeck states that complaints to the office are beginning to wane, but that individuals may still contact the office. They will be referred to other parties for resolution.

SELECTION OF NATIONAL EXPERT

After an examination of all candidates, five are selected as potential candidates at the next level. It is agreed at this point that a description of activity be created and submitted to these five candidates for their written responses. Based on their response by mid December, additional interviews will be held and a final selection will be made in January 2010. The issue of compensation for this contract is discussed with Marsha Morris and Susan Perry agreeing to research the most time efficient manner for payment. This information will be sent to the Court Monitor upon completion.

SPECIAL ASSISTANT TO THE COURT MONITOR

Sheila Kelly is introduced as the newly hired Special Assistant to the Court Monitor. Sheila explains her initial objectives based on her handout. Within 6 months she intends to track and monitor data relating to Sharpe and Bateman and the diversion hospitals. This data will be available in the form of a preliminary report from the Office of the Court Monitor and distributed to The Parties. Sheila requests that she be allowed to access VISTA for the purpose of retrieving information. Vicki Jones agrees and will make the necessary arrangements.

Sheila is also interested in the issues surrounding voluntary commitments that result in involuntary detainment. All agree that this is a serious issue and needs thorough investigation.

Charles Dunn is concerned with client privacy issues with regard to patient records. Jennifer Wagner explains that additional clarification may be needed to access client records, but that responsible access for tracking and administrative reasons falls within the scope of the Court

Monitor's office. Sheila Kelly assures the Parties that clients will have a right of refusal in their face to face dealings with her in the role in the Court Monitor's office. She will develop a consent form for patients she is interviewing that will explain exactly who she is and what she is doing and she will leave a copy of the form with them after the interview.

MOTION-TBI-STATUS

David Sudbeck approves an extension on the TBI Waiver-draft until November 13, 2009.

NEXT MEETING DATE

January 5, 2010

OTHER

CrossRoads

David Sudbeck distributes the Executive Summary on CrossRoads as well as his comments as the Court Monitor. This document was produced by the Provider Community

Website

David Sudbeck inquires as to the potential for a Court Monitor website to the general public as a means to distribute meeting minutes, reports and other public documents relating to the Court Monitor's office. Marsha Morris and Susan Perry agree to forward the information concerning the creation of this website to the Court Monitor's office.

White Paper

A "White Paper" completed by the West Virginia Mental Health Consumer's Association is disseminated by David Sudbeck.

Survey of State Psychiatric Facilities

Jennifer Wagner states that a Survey had been completed by Legal Aid of West Virginia and that she will send a copy to the Court Monitor's Office for dissemination.

Court Report

David Sudbeck indicates to the Parties that he is planning to submit his first report to the Court in January 2010.

Next Meeting: Tuesday, January 5, 2010
10:00 a.m.-12:00 noon
Covenant House
600 Shrewsbury Street, Charleston, WV 25301