

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, SEPTEMBER 29, 2009

### MINUTES

**PRESENT:** Teresa Brown, Regenia Mayne, Joshua Martin, Marsha Morris, Pat Schmitt, Chris Harich, Belle Manjong, Vickie Jones, David G. Sudbeck, dan connery

### REVIEW OF TRACKING DOCUMENT

Additional timeline charts are distributed. Those activities which are on-going are now a part of the tracking document.

### SPECIAL ASSISTANT TO THE COURT MONITOR

David Sudbeck informs the parties that twelve individuals submitted resumes, and that interviews had taken place. One candidate, a licensed psychologist, has been offered the position and should respond with an answer on September 30, 2009. If declined, the position will be reopened. The candidate's response will be distributed to the parties by electronic mail on September 30, 2009.

### ROLE OF CBHC IN PROBABLE CAUSE HEARINGS

Joshua Martin, on behalf of Charlie Dunn, states that in order for a center to involuntarily commit an individual, there must be a sworn statement on the individual's behavior. A form is provided by the Supreme Court which must be completed by the certifying psychologist/psychiatrist and by the Mental Hygiene Commissioner after a statement is filed by a petitioner indicating that there is reason to believe that the individual is mentally ill and/or addicted and dangerous to himself or others. An exception to the mental hygiene process can be made in certain pilot areas of the state. Approved psychologists and psychiatrists may attest that an individual needs to be kept in a secure clinical environment for observation and treatment for up to 48 hours with the possibility of a 24

hour extension without the involvement of a Mental Hygiene Commissioner. Vicki Jones states that a “staff secure” facility is a theoretical problem, but that if the facility assumes responsibility it is not a realistic problem. She also states that a change in policy should not be difficult to achieve and that a training on the best facilities for aggressive/flight risk patients would be a good topic for the next meeting with the Crisis Stabilization Unit Providers.

## **COMPLAINTS/GRIEVANCES**

David Sudbeck explains the grievance tracking document after the termination of the Office of the Ombudsman, and that since the Office of the Court Monitor does not deal with grievances, an employee of BHHF should take over these responsibilities. Teresa Brown interjects that West Virginia Advocates can be notified of grievances dealing with community assistance/ transition from psychiatric facilities.

## **CRISIS STABILIZATION UNITS**

Reports on the Court Monitor’s visits to three Crisis Stabilization Units are distributed. In addition to this information, David Sudbeck notes some areas of commonality among the three.

First, that “border cities” to other states are taking patients from other states without reimbursement for services. Vickie Jones clarifies that policies are designed to give Medicaid services to those not eligible for Medicaid and that Charity Care should follow the same rules for out-of-state patients. She also states that changes need to be made to the policies. David Sudbeck asks for this policy. Vickie Jones replies that she will send it to him. Marsha Morris suggests contracting with other states to provide services to alleviate the costs. In order to do this a tracking spreadsheet should be created to have specific and comparable data on the number of border state patients receiving services within the state.

Second, that residential programs are not being used as a “step down” since reimbursement is too low (\$250-\$270/day). Concerns are raised in the mixing of the two populations of clients. Vickie Jones states that “step down” facilities and Crisis Stabilization Units should be separated.

Third, short-term and long-term substance abuse programs need to be developed.

A provider paper on crisis services is to be submitted to David Sudbeck in the next two weeks.

## **SELECTION/REVIEW OF NATIONAL EXPERTS/CONSULTANTS FOR “UTILIZATION MANAGEMENT REVIEW”**

David Sudbeck proposes Cathy Anderson for the consultant position. No nominations are made by the petitioner. Cindy Beane proposes, in writing, a list of possible candidates. In light of the current Supreme Court filing, the issue was raised as to the effectiveness of filling the consultant position at this time. It was decided that the parties continue the hiring process. Vickie Jones inquires as to the means of payment for this consultant as funding through purchasing could take an indefinite amount of time. David Sudbeck suggests that a line item in his budget can fund the position. Regenia Mayne will submit candidates by October 1, 2009 after meeting with Dan Hedges. David Sudbeck suggests that biographical information on the candidates be provided to his office to be distributed to the parties via electronic mail.

## **OLMSTEAD OFFICE**

David Sudbeck states that a Court Order will be issued, possibly by September 30, 2009, removing the Olmstead Office from the Office of the Court Monitor and transferring it to DHHR.

## **OTHER**

David Sudbeck states that he has not received any information on the salary and security guard issues at Bateman and Sharp Hospitals. Vickie Jones assures him that she will supply him with the information by September 30, 2009.

David Sudbeck also relays that he has not received any information on the compensation requests for the Office of the Court Monitor and that communication with the Court may be necessary to alleviate the delay in this process.

Next Meeting: Tuesday, November 10, 2009  
10:00 a.m.-12:00 noon  
Covenant House  
600 Shrewsbury Street, Charleston, WV 25301