

LOUIS H. BLOOM
JUDGE



DAVID G. SUDBECK
COURT MONITOR

MEETING OF THE PARTIES

In E.H., et al., v. Khan Matin, et al.

WEDNESDAY, JULY 30, 2014

MINUTES

PRESENT: Kim Walsh, Vickie Jones, Lydia Milnes, Karen Villanueva-Matkovich, David G. Sudbeck, Regenia Mayne, Teresa Brown, Kim Stitzinger Jones, Leah Homan, Allison Santer, Shane Snyder, Jake Wegman, Dan Greear, Kyle Blackburn

I. COURT MONITOR REPORT

David Sudbeck started the meeting by distributing the latest list of grievances received by his office. David Sudbeck went over grievances sixteen and seventeen. On grievance sixteen David Sudbeck stated that as of July 29, 2014, he learned that this was still not resolved. Vickie Jones requested an extension until July 31, 2014, regarding the complete movement of items remaining in the basketball/volleyball space. David Sudbeck granted the extension. Grievance seventeen was denied and referred back to the patient's treatment team.

Patient Worker Compensation email that was submitted by Sharoon Reed, Legal Aid Advocate was shared with the parties. Kim Walsh notified that if direct deposit is implemented, it will take two to three months to implement.

David Sudbeck feels that he should not get involved with the systemic grievances. Petitioners took the position that the Court Monitor should review systemic grievances, as long as the subject matter of the grievance relates to patient treatment/care/rights. Vickie Jones stated that she wants to resolve this at the lowest level before it is brought to David Sudbeck. David Sudbeck inquired about the lack of interpreters for patients who are hard of hearing at Sharpe Hospital. Vickie Jones stated she was not aware of this matter but she will check into it.

David Sudbeck inquired as to the status of the bed capacity at Potomac Center. Karen Villanueva-Matkovich expressed that the secretaries office did not believe this was a topic for discussion under the Hartley Case. David Sudbeck disagreed and referred her back to a 2001 court order that came as a result of mediation with the parties. Karen Villanueva-Matkovich also stated that Potomac Center has approached the Health Care Authority to have some of those beds turned into adult beds. David G. Sudbeck was very concerned about this and stated that he would be carefully monitoring this proposed change. The Court Order back in 2001 was very clear that these beds at Potomac Center should be dedicated for children only.

II. BHHF REPORT

Vickie Jones reported there was nothing new to report outside of the current issues we are dealing with. Also at Highland-Clarksburg David Sudbeck and Vickie Jones discussed bed capacity. Currently, the BBHMF has a contract with Highland for twenty five forensic beds. There is capacity at Highland for twenty five additional forensic beds. Available funding will dictate the use of the additional beds and will depend on Highland-Clarksburg's ability to staff for additional capacity.

III. PETITIONER REPORT

Lydia Milnes reported that the hiring practice at Sharpe Hospital has caused some issues for start dates for some employees. Vickie Jones mentioned that converting over to Oasis has certainly slowed down the hiring process. Lydia Milnes also voiced her concern about how much overtime is being used at the Sharpe and Bateman. Lydia Milnes asked whether the Department had any interest in reaching a resolution relating to the ability of Legal Aid advocates to access patient records; Karen Villanueva-Matkovich indicated that they did not. Lydia Milnes requested an update regarding the revisions to the community integration policies for the two hospitals. Vickie did not know the status, but stated she would find out and provide an update. Lydia Milnes inquired about a follow-up survey to the Hartley Funded Services report, which the Bureau had previously indicated it planned to do. Kim Walsh stated that no follow-up had yet been done, and requested that Lydia re-send comments/questions that she had previously circulated regarding the first survey.

IV. BMS REPORT

Kim Stitzinger Jones reported that Cynthia Beane was on vacation and therefore there was no report on TBI Waiver and Managed Care – Work Groups. David Sudbeck requested that upon her return from vacation that she provides his office with an update of the TBI Wavier and that it is sent to his office.

V. OTHER

Karen Villanueva-Matkovich asked how the parties can work together to bring closure to the Hartley case. Lydia Milnes indicated that she is open to working with Respondents to bring this case to an end. Lydia Milnes stated that she believed the case is not moving in the right direction because any prior progress that had been made towards bringing the case to a close has been undone by the Respondents' recent unilateral decisions to change established policies without gathering any input from the stakeholders that are directly impacted by the changes, and without providing any transparency in the decision making process. These policy changes implicate Hartley matters, because they directly affect the provision of services and the protection of patient rights.

Karen Villanueva-Matkovich asked if Petitioners could develop some benchmarks for the parties to work on. Lyida Milnes indicated she would have a discussion with Jennifer Wagner regarding the development of proposed bench marks.

Next Meeting: Wednesday, September 24, 2014
10:00 a.m.-12:00 noon
One Davis Square
Conference Room 134 Charleston, WV 25301

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

MNER Summary: Since February 1, 2012, the Administrative Services Organization (ASO) has received, processed and/or made initial determinations on one hundred and fifty nine (159) Medical Necessity Evaluation Request Forms (MNER)/applications.

- ❖ Of those one hundred and fifty nine (159) applications (submitted MNER):
 - 14 applications were closed - no evidence of a TBI
 - 20 applications were withdrawn
 - **125 applicants received medical eligibility determination assessments**
 - 29 applicants did not meet medical eligibility
 - 96 applicants were considered medically eligible based on their PAS and Rancho Los Amigos scores
 - 11 applicants were denied financial eligibility
 - 21 applicants withdrew their case after medical eligibility was determined
 - 16 applicants are awaiting financial eligibility
 - 2 applicants deceased prior to notification of medical eligibility
 - 46 applicants have been enrolled as members as of June 2014
 - 8 members have discontinued their enrollment as of June 2014
 - 1 member deceased

# 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	4
April	4	April	4	April	8
May	3	May	9	May	9
June	1	June	4	June	7
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	43
Total since program implementation February 2012					159

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 673 Email contacts indicated below).

