

Olmstead Meeting Minutes

February 3, 2022

Olmstead Mission Statement

The mission of the Council is to develop and monitor the implementation of a plan to promote equal opportunities for people with disabilities to live, learn, work and participate in the most integrated setting in the community of their choice through West Virginia's compliance with Title II of the Americans with Disabilities Act.

Olmstead Vision Statement

The vision of the Council is for all West Virginians with disabilities to live, learn, work and participate in the most integrated setting in the community of their choice.

Staff and Council Members Present:

Carissa Davis, Ardella Cottrill, Steve Wiseman, Lynsay Frye, Rich Ward, Ann McDaniel, Marcus Canaday, Suzanne Messenger, Nancy Fry, Paul Smith, Amber Hinkle, Teresa McDonough (BMS), Renee Chapman, Liz Ford, Joyce Floyd, Christine Wilcox (CIL Rep), Elliott Birkhead, Rebecca Jennings, Esther Wright, Sally Blackburn, Lesley Cottrell, Jason Parmer (DRWV), and Travis Kline

Others Present

Jolynn Marra, Jim Patterson, Matthew McCollough, Abby Volin, Holly Riddle, Shelley Madore, and Daniel Gulya

Council Members Not Present

Mark Drennen, Kim Nuckles, Becky Spaulding, Jenni Sutherland, and Cara Price

WELCOME AND INTRODUCTION

Amber Hinkle, Vice Chair, called the meeting to order at 10:07 a.m.

READING OF MISSION STATEMENT

Lynsay read the mission Statement.

APPROVAL OF MINUTES

Ardella made a motion to accept November 2021 minutes as presented and Liz seconded the motion and the motion carried.

PUBLIC FORUM

None

New Business

DHHR & ResCare Settlement Agreement Update

Jolynn and Jim presented information on the issues that took place ResCare settings and gave an update on the settlement agreement. The admissions ban on the South Charleston, Lewisburg, and Princeton settings were fully lifted. The admissions ban for the Northeast setting has been provisionally lifted (they need to pass one more survey) and the Eastern setting is still on an admissions ban. The Huntington ICF homes were sold. Jolynn stated that the Office of Health Facilities Licensure and Certification (OHFLAC) will make sure these facilities sustain what they said they were going to do. There was discussion regarding training and things the Bureau for Medical Services (BMS) and the Bureau for Behavioral Health (BBH) will do to help prevent future issues.

Membership Update

New Members

Ardella gave an update on open membership positions. The Membership Committee received three applications (Mark Fordyce, Shawn Allen, and Chris Orndorff) for the two individual with a disability/family member positions. Ardella gave a brief synopsis of each application. Members voted by poll. Shawn and Chris were chosen as new Council members.

Officer and Executive Committee Elections

Carissa stated that Steve is eligible to serve a second term as Chairperson and is willing. Lynsay is interested in serving as Vice Chairperson. Ardella asked for nominations from the floor for both positions. Nancy made a motion to close nominations. Roy seconded the motion and the motion carried. Ann made a motion to elect Steve and Lynsay by acclamation. Joyce seconded the motion and the motion carried.

Carissa reviewed the list of Council members interested in serving in the four at-large positions of the Executive Committee. The members are Aaron Morris, Cara Price, Becky Spaulding, Suzanne Messenger, Amber Hinkle, and Rebecca Jennings. Members voted by poll and Becky, Amber, Suzanne, and Rebecca were elected.

Old Business

Annual Report

Carissa stated that the was finalized and submitted to the Governor's office.

2022 Work Plan

Carissa stated that the Work Plan was not changed from 2021 and requested Council members to contact her with anything they would like to add or change.

Council Response to Involuntary Hospitalization Update

Steve stated that a letter was sent to Cindy Beane, BMS Commissioner and Christina Mullins, BBH Commissioner on January 4th requesting a meeting with the Council. Steve and Carissa met with Cindy, Christina, April Robertson (DHHR General Counsel), and Secretary Crouch. Cindy followed up with a letter to Steve detailing their efforts to increase training for providers. Elliott mentioned certified community behavioral health centers may assist some with the issue of involuntary hospitalization.

Executive Order Update

Steve stated that the current executive order does not officially establish the Olmstead Office and Council in a way that the workgroup feels it should and new language is being drafted.

New Business Cont.

Council Member Olmstead Related Activities & Issues

Steve wrote letters from the WV Developmental Disabilities Council to the Governor Justice and Secretary Crouch regarding the autism center being developed in Pendleton County. The center could potentially be an *Olmstead* violation. Ann made a motion that the Olmstead Council write a letter and take a position on this issue. Lynsay seconded the motion and motion carried. The Executive Committee will write the letter on behalf of the Council and send it to the leadership of the state.

Abby shared information on cases in South Carolina and Virginia where plaintiffs are suing under an *Olmstead* theory that prohibiting mask mandates segregates children with disabilities.

Suzanne mentioned House Bill 4395 which proposes to close John Manchin, Lakin, and Jackie Withrow state operated nursing homes and Senate Bill 95 which proposes to repurpose Jackie Withrow and Hopemont for long-term care beds and substance use disorder treatment.

Agency Olmstead Related Updates

In the interest of time, Carissa requested written updates from Marcus and Elliott if they had information to share.

Transition and Diversion Program

Carissa stated that applications are being reviewed monthly, funds are being distributed, and the program has assisted with three Take Me Home transitions.

Other Business

Announcements

None

Ann made a motion to adjourn, and the meeting was adjourned by acclamation at 12:22 p.m.

Save the Date: Future meeting dates: May 5th, August 4th, and November 3rd