

Draft Olmstead Meeting Minutes
February 2, 2023

Staff and Council Members Present:

Carissa Davis, Shawn Allen, Michelle Angus (BSS), Christy Black, Elliott Birckhead, Jerry Boyko, Ardella Cottrill, Rick Dempsey, Joyce Floyd, Nancy Fry, Lynsay Frye, Susan Given, Randy Hill, Amber Hinkle, Annetta Johnson, Kelley Johnson – Marcum (Dept. of Ed.), Suzanne Messenger, Aaron Morris, Chris Orndorff, Cara Price, Becky Spaulding, Jenni Sutherland, Kimberly Taylor-Newsome, Alexis Ullmann, and Rich Ward

Others Present

Kyle Blackburn, Dan Gulya, and Jessica Whitmore

Council Members Not Present

Marcus Canaday, Renee Chapman, Lesley Cottrell, David Duke, Danny Gray, Roy Herzbach, Travis Kline, Kim Nuckles, and Paul Smith

Welcome And Introduction

Lynsay, Chairperson, called the meeting to order at 10:01 a.m.

Reading of Mission Statement & Rules and Responsibilities

Aaron read the mission statement and the rules and responsibilities.

Public Forum

None

Approval of Minutes

Ardella made a motion to accept the November 2022 minutes as presented and Aaron seconded the motion and the motion carried.

New Business

Bills to Separate DHHR

Jessica Whitmore, General Counsel for the Office of Inspector General (OIG), provided information on the House of Delegates and Senate bills to separate the Department of Health and Human Resources (DHHR) into three departments.

Mental Health Ombudsman Update

Rick gave an update on formally transitioning some of the requirements of court monitoring to the Mental Health Ombudsman. He has been working with the state psychiatric hospitals on their grievance process. Updates have been made to the grievance form. An investigation was opened for Sharpe Hospital with a complaint being submitted to the Office of Health Facilities and Licensure. The hospital was found in immediate jeopardy to correct changes.

Community resources and branding for the office are being held until there is a determination on the split of DHHR.

Nancy asked if the process is the same for community mental health centers as the state hospitals. Rick said the process is only for the state hospitals but they are allowed to investigate the community health centers.

Old Business

Executive Order Update

Jessica stated that OIG staff is holding a draft of the Executive Order until there is a determination on splitting DHHR.

Annual Report Update

The report was submitted to the Governor's Office in December.

Olmstead Plan Update

Carissa is waiting to hear from Marcus regarding the change order request to DHHR to obtain funds to hire a facilitator and hold public forums to update the Olmstead Plan.

Council Priorities & Workplan

These items were approved by an email vote of the Council in January.

Membership Update

Membership Applications

The Membership Committee recommended Delmar Davis for the individual with a disability/family member position and Nia Jackson for the Housing position. Becky made a motion to approve both applications. Nancy seconded the motion and the motion carried.

There are still openings for a Home Health provider and TBI Waiver provider.

Executive Committee Elections

Rich nominated Rebecca Jennings for the at-large position. Nancy made a motion to close nominations and accept Rebecca by acclimation.

New Business Cont.

Employment

Rich provided information on the Revolving Loan Fund administered through the Division of Rehabilitation Services (DRS) for assistive technology, which includes vehicle modifications. He also discussed DRS's employment activities.

Legislative Update

Christy gave an update on Olmstead related bills. Specific bills mentioned were House Bills 2505, 2890, 3115, and Senate Bill 144. Carissa will distribute the WV Developmental Disabilities Council's fact sheets. The DDC is also supports legislation

for adult changing tables at certain places. No legislation has been introduced, but a meeting has taken place with Delegate Capito.

Office of Civil Rights Investigation

Randy provided information. In November the Bureau for Medical Services (BMS) received a letter from the United States Department of Health and Human Services Office of Civil Rights (OCR) regarding a complaint they received regarding three individuals in Sharpe or Bateman Hospital that are IDD Waiver program participants. Three items of the investigation were specifically related to Olmstead. Carissa provided information to Randy on individuals who received assistance from the Olmstead Transition and Diversion program and may have been an IDD Waiver participant. Information was submitted to OCR and BMS is awaiting next steps. House Bill 3115 is related to this issue. Susan, Randy, and Nancy discussed behavioral support plans and training that may help this situation. Randy mentioned incentives that have been used to address the direct care workforce shortage.

Agency Olmstead Related Updates

Elliott provided a written list of bills that the Bureau for Behavioral Health is following this legislative session.

Transition and Diversion Program

Carissa stated funding is available. Seventeen applications have been approved since October. Seven transitions have taken place. The program application was recently updated to better track who is receiving waiver services and which one they are receiving.

Other Business

None

Announcements

Jerry, Aaron, and Annetta provided announcements.

Nancy motioned to adjourn the meeting. The meeting adjourned at 1:56 p.m.

Save the Date: Future meeting dates: May 4th, August 3rd, and November 2nd