

**Draft Olmstead Meeting Minutes**  
**May 4, 2023**

**Staff and Council Members Present:**

Carissa Davis, Christy Black, Elliott Birckhead, Jerry Boyko, Ardella Cottrill, Rick Dempsey, Joyce Floyd, Nancy Fry, Lynsay Frye, Susan Given, Amber Hinkle, Annetta Johnson, Kelley Johnson – Marcum (Dept. of Ed.), Suzanne Messenger, Aaron Morris, Chris Orndorff, Cara Price, Alexis Ullmann, Nia Jackson, Delmar Davis, David Duke, Paul Smith, Jennifer Gower (BSS), Teresa McDonough (BMS), Lesley Cottrell, Travis Kline, and Rich Ward

**Others Present**

Kyle Blackburn, Doug Hess, Michelle Curtis, Ben Tharpa, Meghan Parker, Jennifer Tenney, John Snyder, and Colleen Lillard

**Council Members Not Present**

Shawn Allen, Marcus Canaday, Renee Chapman, Mark Drennen, Danny Gray, Rebecca Jennings, Kim Nuckles, Jenni Sutherland, Becky Spaulding, and Kimberly Taylor-Newsome

**Welcome And Introduction**

Lynsay, Chairperson, called the meeting to order at 10:02 a.m.

**Reading of Mission Statement & Rules and Responsibilities**

David read the mission statement and the rules and responsibilities.

**Public Forum**

None

**Approval of Minutes**

Joyce made a motion to accept the February 2023 minutes as presented and David seconded the motion and the motion carried.

**Old Business**

**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. The workgroup met on May 3<sup>rd</sup> and will meet again prior to the next Council meeting.

**Executive Order Update**

Ardella made a motion to hold the executive order request until after the Olmstead Plan has been updated. Nancy seconded the motion and the motion carried.

**Legislative Update**

Christy Black provided an update on Olmstead related bills that were introduced during the 2023 legislative session. Forty-eight bills were being followed after crossover day and 25 of those bills passed. Specific bills mentioned were senate bills 187 (passed), 208 (passed), 232 (passed), 269 (died), 282 (died), 617 (passed) and house bills 2024 (passed), 2505 (died), 2890 (passed), and 3271 (passed). House bills 2427 and 3115 were combined into 3247, which died.

Susan mentioned that there are 509 Intermediate Care Facility (ICF) beds in the state and 66 are vacant, and she shared information on ICF crisis beds. Nancy stated the need for Bateman and Sharpe to know about the vacancies. Christy stated that the Developmental Disabilities Council intends to work with Disability Rights of WV (DRWV) on ICF issue. David, Delmar, and Joyce shared their experiences and the need for education. Doug mentioned the need for oversight to ensure training is taking place when funds have been allocated.

## **New Business**

### **Work Incentives Planning & Assistance Services**

Jennifer Tenney gave a presentation. Carissa will send the handouts to Council members.

### **The ARC of MOV/People First**

Michelle, Doug, and Alexis gave a presentation on the services of the Arc of the Mid-Ohio Valley and People First. They also announced the People First conference will take place in September at Jackson's Mill. They are seeking trainers for the conference.

### **Annual Report Committee**

Carissa will send an email to recruit Council members to serve on the committee.

### **Statewide Forensic Coordinator**

John Snyder, Statewide Forensic Coordinator, and Colleen Lillard, Statewide Clinical Director, provided information on the oversight of forensic patients. The office is required by statute to place people in the least restrictive, appropriate, and court approved setting.

John mentioned Senate Bill 232 that created a study group to make recommendations regarding diversion of persons with disabilities from the criminal justice system. The group will look at what services are currently available and what services are needed. The study is due November 30, 2023.

The building of new group homes has been suspended pending legislative rules to determine where they can be built.

## **Agency Olmstead Related Updates**

Elliott provided a Bureau for Behavioral Health update. Dawn Frohn is the new commissioner. The Bureau will be conducting a legislatively mandated study on homelessness; they will be partnering with Continuums of Care. The study is due July 2024.

Elliott followed up on the state hospital discussion and mentioned that ever increasing forensic admissions affects the overall state's capacity to serve people on the civil commitment side. West Virginia has less civil commitment beds available due to increasing numbers of people charged with criminal offenses and their lawyers pleading not guilty by reason of mental illness or not competent to stand trial. Since we do not have a forensic hospital or prison, this uses a lot of the civil commitment beds and requires us to divert many people to private hospitals. A series of meetings will be taking place between the Department of Health and Human Resources and DRWV, facilitated by former Prestera CEO Bob Hansen, to discuss possible expanded approaches to supporting people with Intellectual and Developmental Disabilities (IDD) and co-occurring mental health issues in the community, including the creation of additional crisis beds for people with IDD.

Elliott also mentioned an effort to bring back a state chapter of the National Alliance on Mental Illness.

Nia provided a Take Me Home housing update. A new template is being created for the housing brief. Nia requested Council members send her the names of landlords in their area to assist finding/creating affordable, accessible housing.

Rick provided clarification on the West Virginia code that relates to forensics patients. The code is chapter 27-6A. Forensic patients are usually placed on a waitlist and can be refused, the term that they use for when they cannot refuse is forthwith, and there has been one time this year where a patient has been court ordered forthwith and couldn't be refused at Sharpe Hospital. Sharpe has not dropped below 70 forensic patients this year. If interested in getting the daily census of the hospitals, you can reach out to the forensic department to get that emailed to you. There is almost always a waitlist, it is labeled Court Ordered Referral List on the report. The Mental Health Ombudsman Office is working with the hospital looking into the code and their current policies regarding forensics.

### **Transition and Diversion Program**

Carissa provided program information. Sixty-four applications have been approved and 26 applications have been denied since October. Nine transitions have taken place. Funds are still available. Carissa, the executive committee, and the application review committee have drafted a liability waiver for recipients who choose not to use a licensed contractor for home modifications. The waiver will be reviewed by the Office of Inspector General's General Counsel. There was discussion about contracting with an agency to follow up on home modifications, tracking individuals who have previously applied for the program, and requiring itemized receipts from contractors.

### **Other Business**

None

### **Announcements**

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Teresa announced the public comment period for the draft policy manuals for the Traumatic Brain Injury Waiver and Aged & Disabled Waiver.

Ardella announced that Disability Rights of WV and Protection and Advocacy for Individuals with Mental Illness (PAIMI) are seeking board members. The Behavioral Health Planning Council (BHPC) is seeking youth aged 18-25. The next BHPC meeting is July 20<sup>th</sup>.

Nia announced that the Take Me Housing Specialists positions are being posted.

Aaron announced the Fair Shake Network May meeting taking place at Mountain State Centers for Independent Living in Beckley.

### **Adjournment**

Joyce motioned to adjourn the meeting. Teresa seconded the motion. The meeting was adjourned at 1:54 p.m.

**Save the Date:** Future meeting dates: August 3<sup>rd</sup> and November 2<sup>nd</sup>