

Olmstead Council Meeting

Tuesday, May 19, 2009

1:00 PM – 4:00 PM

Meeting Minutes

Approved by the Council on July 21, 2009

Members Present: Jan Derry, Ann McDaniel, Vanessa VanGilder, Steve Wiseman, Vonda Spencer, Brenda Hellwig, Bitsy Shaw, Jeannie Elkins, Laura Friend, Elliott Birkhead, Linda Maniak, Karen Davis, Cathy Hutchinson, Stephen Bowles, David Stewart, Penney Hall, Suzanne Messenger

Members Absent: David Sanders, Roy Herzbach, Kevin Smith, John Russell, Cindy Beane, Regenia Mayne, Melissa Stacy, Nancy Fry

Proxies: None

Public: None

Other: Tina Maher, David Sudbeck, Dan Connery

The Olmstead Council meeting was held at the Erickson Alumni Center at WVSU in Institute, West Virginia.

WELCOME & INTRODUCTIONS

David Stewart, Chair called the meeting to order. Stewart welcomed members and introductions were made.

REVIEW & APPROVE MINUTES

Stewart introduced the draft minutes from the March 17, 2009 Council meeting, and asked members to review the document.

Ann McDaniel made a motion to accept the minutes and Brenda Hellwig seconded the motion. Stewart asked whether there was any discussion. No discussion was held and a vote to accept the minutes was taken with no abstentions or dissenting votes.

COMMITTEE REPORTS

The Executive Committee and the Transition Navigator Committee did not meet.

Nominating Committee

Nominating Committee met prior to the full Council meeting to review two (2) membership applications. Ted Johnson and Darla Ervin were presented to the Council for membership. Ann McDaniel made a motion to accept the nominations for membership, and Cathy Hutchinson seconded the motion. A vote to accept the nominations was taken with no abstentions or dissenting votes.

OLMSTEAD WORK PLAN

Stewart asked Maher to review the Work Plan for the Council. Maher updated the Council on the progress in developing a comprehensive work plan. Maher provided an overview of the Work Plan Group meeting held on May 15, 2009. Other members of the work group provided additional information.

SYSTEMIC ISSUES

Mental Health

Elliott Birkhead was asked to provide the Council with an update on current issues related to mental health.

- BHHF has been a party to Hartley hearings on overcrowding at the two state psychiatric hospitals and the need for more community mental health services, particularly supportive housing. The issue is currently in mediation.
- Kim Walsh has been hired as a Deputy Commissioner to replace Sheila Kelly over programmatic issues with community behavioral health services. This was part of a broader DHHR restructuring that added a layer of three Deputy Commissioners to each Bureau.
- The Comprehensive Behavioral Health Commission was renewed for another two-years during the Legislative session and ten task teams have been formed to develop implementation plans for the Commission recommendations. The task teams include an Integration strategies group, a Financial & Infrastructure group and an AMAP Review group, which relates back to one of the Olmstead Council's priorities. Elliott encouraged Council Members to either actively participate or provide input on this process through Commission, Advisory Board or Task Team members. More information is available at: <http://www.wvcbhc.org/>

- The state's Projects in Assistance in Transition from Homelessness (PATH) Grant has been drafted and is currently posted on line for comment through Tuesday, May 26th on BHHF's Homepage at: <http://www.wvdhhr.org/bhbf/> This \$300,000 federal grant serves people experiencing homelessness with serious mental illness and co-occurring substance use issues.
- Jan Derry asked why the Governor vetoed the mental health parity bill. The Council discussed this issue and it is believed the veto was based on technical error rather than the substance of the bill. Elliott agreed to seek clarification and provide follow up information.

Aging/Senior

Suzanne Messenger was asked to provide the Council with an update on current issues related to aging and seniors.

- Fair and Lighthouse programs are waiting on the budget to be finalized.
- The Ombudsman program is dealing with individuals who have Alzheimer's, mental illness, or traumatic brain injury that are having difficulty remaining in nursing facilities due to symptomatic behaviors that the nursing facility finds difficult to manage.
- Ohio nursing facilities are beginning to make it more difficult for West Virginia residents to be admitted. This may really impact people who rely on ventilators and need/want to reside in a nursing facility. It also impacts the people with the conditions described above.
- People needing mental health services in nursing facilities are having difficulty accessing appropriate support services. It is difficult to find community providers to go into nursing facilities, partially due to lack of Medicaid funding.
- Mental hygiene commissioners are reluctant to hear petitions on nursing facility residents due to the people "residing in a safe environment." If they are able to access in-patient treatment, the nursing facility often will not accept them back when they are ready for discharge.
- Public forums were held across the state for the Aged and Disabled Waiver Program in preparation for the renewal application to CMS.

Developmental Disabilities

Steve Wiseman was asked to provide the Council with an update on current issues related to developmental disabilities.

- The MR/DD Waiver wait list handout was reviewed with the Council.

- The April 8, 2009 settlement agreement on the Benjamin H. v. Walker case was discussed. This agreement relates to the provision of supports to people on the waitlist (now 235 people) and the additions of more slots.
- MR/DD Waiver public forums have taken place across the state in preparation for the renewal application to CMS. Common themes from both providers and members during the public forums: Low staff wages and benefits impact on the recruitment and retention of quality staff; The rules for the MR/DD Waiver are now more complicated and restrictive than ICF/MR; There is a need for a second waiver to address people that are “falling through the cracks”; and the paperwork associated with the program is unnecessarily cumbersome.
- The length of stay for children at the Potomac Center (Romney) is now reported to be between 18 and 24 months. This is up from the previous average stays of less than 11 months.
- Self-directed option will be available to members. However, if people decided to opt back into the traditional model they may face agencies that will not serve them. This raises the unresolved issue of needing to assure there is in all cases a “provider of last resort.”
- Two (2) ICF/MR facilities are under construction in Morgantown and Salem.
- The Center for Excellence in Disabilities at WVU was notified by DHHR the Positive Behavior Support program was being cut for SFY 2010 by more than \$400,000 (60% cut).
- The use of prone restraints in school settings has been in the news. Messenger asked if WV the uses or restricts the use of prone restraints and what training is required. Additional information will be provided to the Council. It was stated that schools are to follow “CPI standards” but that the regulations do not prohibit physical restraints.

Independent Living

Ann McDaniel was asked to provide the Council with an update on current issues related to independent living.

- WVSILC was reviewed by the federal review agency and were told they cannot do advocacy, disability caucus, legislative advocacy, etc. They are limited to doing the specific duties of the SILC in the Rehab Act and “coordination, collaboration, etc.
- WVSILC is working with their national association to get the federal law changed to better direct what the SILC’s can do.
- Federal stimulus passed funding for independent living funding. However, WV only qualifies for the minimum amount for Part B and less than the minimum amount for Part C.

- Independent living funding at the state level have been cut through budget cuts from \$500K to \$190K. Cathy Hutchinson will send Maher an e-mail about contacting people to request the funding to be restored, and Maher will send forward the information to the entire Council.

Medicaid

Cindy Beane was asked to provide the Council with an update on current issues related to Medicaid. Beane was not in attendance at the meeting.

OLMSTEAD COORDINATOR'S REPORT

Prior to the Coordinator's report, Stewart presented for discussion a by-law change to the frequency of Council meetings. The Council currently meets every other month and Stewart proposed changing this to regular quarterly meetings. The intent is to provide more time for committees, Council activities and Council business to be completed in-between meeting dates. The by-laws require 30 days notice for review prior to voting on amendments. Discussion was held. Maher will send draft by-law amendments to the Executive Committee for review prior to sending them to the full Council. Amendments will be voted on at the July meeting.

Members discussed the need for more participation on committees. Maher will send out an e-mail to solicit volunteers for the Transition Navigator Committee and the Olmstead Work Plan Committee.

General Updates

Maher reported the following activities since the last meeting:

- Olmstead Office had an exhibit booth at the Social Work Conference and presented on *Olmstead and Balancing Long Term Care*.
- Met with the new deputy commissioner, Kim Walsh from BHHF.
- Met with Kanawha Valley Senior Services program about the Transition Navigator Program.
- Attended Hartley evidentiary hearing on mental health services and census issues with state operated facilities.
- Participated in the MR/DD Waiver Self-Direction work group meetings.
- Attended the Aged and Disabled Waiver Public forum in Charleston.

- Participated in meetings on the Nurse Practice Act and completed research on other states in comparison with West Virginia.

Transition Navigator Program

Maher provide an update on the Transition Navigator Program to the Council:

- Transition Navigator Program presented a networking session on the last day of the Social Work Conference to a full audience.
- An improvement package (for SFY 2011) will be completed on for the Transition Navigator Program to expand statewide. The Transition Navigator grantees and Committee will work on a “marketing” packet to support the improvement package.
- New grant agreements are being completed with Community Access and Northern WV Center for Independent Living for the Transition Navigator Program for state fiscal year 2010.
- Olmstead funding did not incur a budget cut.
- Reviewed the Transition Navigator Monthly Report with the Council.
- Reviewed a new report outlining individual start-up funding approvals. Discussion was held on the appropriateness of some of the requests/approvals and how they fit with the intent of the program.
- Discussed Transition Navigator program changes to better manage the funding requests. The Council requested the Transition Navigator Committee work with Maher to make recommendations for necessary changes.

OTHER BUSINESS/PUBLIC COMMENT/ ADJOURNMENT

Stewart asked Council members about other business that needed to be discussed prior to adjournment.

Hutchinson made a motion to adjourn the meeting and no objections were voiced. The meeting was adjourned at 3:52 PM.