

## **Olmstead Council Meeting**

**Tuesday, January 12, 2010**

**1:00 PM – 4:00 PM**

### **Meeting Minutes**

**Approved by the Council on April 20, 2010**

**Members Present:** David Stewart, Kevin Smith, Ann McDaniel, Penney Hall, Marcus Canaday (for Cindy Beane), Steve Wiseman, David Sanders, Ted Johnson, Roy Herzbach, Jan Derry, Bitsy Shaw, Elliott Birkhead, Darla Ervin, Cathy Hutchinson, Brenda Hellwig, David Sanders, John Russell, Cathy Hutchinson

**Members Absent:** Karen Davis, Vanessa VanGilder, Jeannie Elkins, Laura Friend, Nancy Fry, Linda Maniak, Clarice Hausch, Suzanne Messenger, Vonda Spencer, Libby Collins

**Proxies:** John Russell provided proxy to Steve Wiseman

**Public:** None

**Other:** Tina Maher

### **WELCOME & INTRODUCTIONS**

The Olmstead Council meeting was held at the Erickson Alumni Center at WVSU in Institute, West Virginia. 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 October 27, 2009 Council meeting. Stewart recognized an error with the “absent members” list. Steve Wiseman made a motion to accept the minutes with correction, and Penney Hall seconded the motion. Stewart asked whether there was any discussion. No discussion was held. A vote to accept the minutes (as corrected) was taken with no abstentions or dissenting votes.

## **COMMITTEE REPORTS**

### **Executive Committee**

Stewart directed members to the Executive Committee report. The Council needs to take action on the proposed by-law amendments and the annual recommendations. In addition, the annual report is completed unless members have identified any errors.

Stewart introduced the proposed by-law amendments and requested Maher provide a summary for the Council. Stewart asked for a motion on the proposed by-law amendments. Penney Hall made a motion to accept the by-law amendments as written, and Kevin Smith seconded the motion. No discussion was held and a vote to accept the by-law amendments was taken with no abstentions or dissenting votes.

Stewart introduced the draft annual recommendations. Stewart asked for a motion on the draft annual recommendations. Ann McDaniel made a motion to accept the annual recommendations and Wiseman seconded the motion. Some discussion held about legislation that could be supported as opposed to a philosophy or concept. A vote to accept the draft annual recommendations was taken with no dissenting votes and 3 abstentions (Elliott Birkhead, RoyHerzbach, Marcus Canaday).

Stewart requested final feedback on the annual report prior to distribution. Canaday wanted to provide some clarification and/or correction to some points in the annual report. These will be provided to Maher and included in the final annual report. The annual recommendations will also reflect any corrections provided by Canaday.

The annual report will be ready for distribution on Tuesday, January 19, 2010.

### **Nominating Committee**

Stewart presented the nomination slate for chair, vice chair and executive committee: Chair (Nancy Fry), Vice Chair (Dave Sanders), and Executive Committee (Vanessa VanGilder, Cathy Hutchinson, Brenda Hellwig, and Penney Hall).

Stewart asked if there were any nominations from floor (three times). None were presented. Wiseman made a motion to close the nominations.

Stewart asked for a motion on the slate. McDaniel made a motion to accept the slate as presented and Darla Ervin seconded the motion. No discussion was held and a vote to accept the slate of officers and executive committee was taken with no abstentions or dissenting votes.

## **SYSTEMIC ISSUES**

### **New DHHR Secretary Patsy Hardy**

Disability Advocates from the Fair Shake Network, WV Developmental Disabilities Council, WV Mental Health Consumers' Association, WV Statewide Independent Living Council, and Olmstead Council met with the new DHHR Secretary Patsy Hardy to discuss and introduce general disability advocacy issues.

Council recommended the need to meet with Secretary Hardy to begin a dialogue about Olmstead, the Olmstead Plan, and the annual report and recommendations. Maher will contact the Secretary's Office and request a meeting with the Executive Committee.

### **Medication Administration and Unlicensed Personnel**

Wiseman provided an overview of the steps the WV Fair Shake Network, Olmstead Office/Council, WV Developmental Disabilities Council, and WV Statewide Independent Living Council, have taken to further address the changes needed under medication administration regulations/policies.

The legislative Select Committee on Health prepared written recommendations to support our recommendations for legislation. The Office of Health Facilities Licensure and Certification (OHFLAC) presented objections to the recommendations the day before the committee meeting. Therefore, the Select Committee decided to wait until OHFLAC issues formal recommendations in February 2010.

### **Coordinator's Report**

Maher provide Council members with copies of the meeting schedule for 2010, state code for the Office of Inspector General (OIG), and the approved meeting minutes from July 2009.

Maher reviewed the monthly Olmstead Office OIG Reports. Maher explained these reports are submitted to the Inspector General and then included in a monthly report that is submitted to the Governor's Office.

Maher reviewed the Transition Navigator Reports for funding and program outcomes.

Maher discussed a proposed method for documenting and tracking work plan activities on a quarterly basis. Maher will schedule a meeting with the Work Plan Committee to further discuss.

## **OTHER BUSINESS/PUBLIC COMMENT/ ADJOURNMENT**

Stewart asked members if they had other business. Wiseman expressed serious concern over the Governor's plan to place a prison/work release program in the Jackie Withrow Hospital (formerly "Pinecrest Hospital," a State operated nursing facility). A discussion was held and Maher provided members with an overview of questions issued to the Bureau for Behavioral Health and Health Facilities and the federal Civil Rights of Institutionalized Persons Act concerning this change. Ervin stated the concern over the nursing facility residents feeling fearful where they live due to this change. She also expressed concern that people may be less likely to visit residents if prisoners are also in the facility.

Wiseman stated the Council needs to go on record quickly as objecting to the change. Maher proposed obtaining answers and clarification from the Department before putting concerns in writing. The Executive Committee will consider this issue before the next meeting of the Council.

### ***Adjournment***

McDaniel made a motion to adjourn the meeting and no objections were voiced. The meeting was adjourned at 2:52PM.