

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Regular Meeting MINUTES

9:30 a.m., Wednesday, March 30, 2022

This meeting was held in person with a physical quorum present, with electronic or phone connection available. A recording of the meeting is available.

Members Present	Elizabeth Hilscher, Chair; Rebecca Graser, Vice Chair; Paige Cash (electronic) ; Varun Choudhary; Kendall Lee; Moira Mazzi; Christopher Olivo; Sandra Price-Stroble.	
Members Absent	(none)	
Staff Present	 Amy Addington, Financial and Policy Analyst. Alisha Anthony Jarvis, Mental Health First Aid Coordinator, Office of Behavioral Health Wellness. Emily Bowles, Office of Licensing Associate Director for Licensing, Regulatory Compliance, Quality and Training. Lauren Cunningham, Communications Director. Taneika Goldman, Director, Office of Human Rights. Alexandra Harris, Policy and Legislative Affairs Director. Angela Harvell, Deputy Commissioner, Facility Services. Meghan McGuire, Chief Public Relations Officer. Walton F. Mitchell, III, Assistant Commissioner for Facility Services. Suzanne Mayo, Community Integration Director. Stacy Pendleton, Chief Human Resources Officer. Susan Puglisi, Regulatory Research Specialist, Office of Regulatory Affairs. Nelson Smith, Commissioner. Ruth Anne Walker, Director of Regulatory Affairs and State Board Liaison. 	
Guests Present	 Invited guests: Jennifer Faison, Executive Director, Virginia Association of Community Services Boards. 	

	 Madelyn Lent, Governor's Fellow. Other Guests Physically Present: Mary Ottinot. Dalkinah Thomas, Intensive Community Outreach Services. Other Guests Attending Electronically: Joint Legislative Audit and Review Commission: Kate Agnelli, Levar Bowers, Drew Dickinson, Tess Hintereger, Dillon Wild. Virginia Department of Aging and Rehabilitative Services (DARS): Patti Meire, Coordinator Public Guardian and Conservator Program; George Worthington, Dementia Services Coordinator. Heidi Dix, Virginia Association of Health Plans. Lisa Sedjat, Executive Director, Eastern Shore Community Services Board. Chris Whyte, Vectre Corporation. LandGI (?phone)
Call to Order and Introductions	At 9:31 a.m., Elizabeth Hilscher, Chair, called the meeting to order and welcomed those present. A quorum of seven members was physically present, and an eighth member participated electronically.
Approval of Agenda	At 9:32 a.m. the State Board voted to adopt the March 30, 2022, agenda. On a motion by Varun Choudhary and a second by Moira Mazzi, the agenda was approved.
Approval of Draft Minutes	 Regular Meeting, September 29, 2021 At 9:33 a.m., on a motion by Sandra Price-Stroble and a second by Varun Choudhary, the September minutes were approved as final. Regular Meeting, December 8, 2021 On a motion by Varun Choudhary and a second by Kendall Lee, the December minutes were adopted.
Public Comment	 At 9:35 a.m., Ms. Hilscher stated a period for public comment was included on the draft agenda, and that one citizen was in attendance to give comment. Mary Ottinot thanked the board for the opportunity to share comments. Ms. Ottinot stated she brought approximately 90 pages of information to give to the board and would explain her concerns regarding the Fairfax CSB 'manifesto.' She said she is the mother of three children, a nurse from
	Chicago, and has worked extensively on issues that informed

	 policy initiatives related to services for people with disabilities, domestic violence, and early learning programing at the federal, state, and local levels. Ms. Ottinot stated that despite being a registered nurse in Virginia; Washington, D.C.; Maryland; and Illinois, who is well respected by patients, families, and community members, when she called out the Fairfax CSB for behavior she considers unethical - illegally committing her to a state hospital, she felt who she is as a public servant no longer mattered. Ms. Ottinot stated that her purpose to comment was to report
	that she believes the CSB is a danger to the public and she requested an investigation be launched by the US Department of Justice. She believes that she was illegally committed to a state facility and that the CSB has attempted to cover this up. She asked that the documents she brought (including her temporary detention order) be shared with the board [staff copied and gave the packet to the board and the commissioner] and be made public, in addition to a recording of her speaking at the local human rights hearing that she made under the local human rights committee's (LHRC) strong objections. She noted that she finds it egregious that a TDO hearing in Virginia is public, which she firmly believes is a violation of federal law including the Americans with Disabilities Act; but an LHRC hearing may be made closed, with no written law that she knows of that says that it should at least be recorded.
	She feels the system allows for utter lack of humanity and disregard for the rule of law. Ms. Ottinot requested a meeting with the commissioner, and board members, to have a consultative meeting to help fix the system.
	Ms. Hilscher thanked Ms. Ottinot for her comments and stated the board would review the submitted documents.
Regulatory Actions	Regulatory Actions At 9:45 a.m., Ms. Hilscher directed members to page 29 in the packet.
	 A. Regulations for Children's Residential Facilities, 12VAC35-46. 1. Initiate Proposed Stage for Action 5849: Amendments to align with the Family First Prevention Service Act (FFPSA). The proposed stage action for the board's consideration was unchanged from the current emergency regulation.

	 At 9:50 a.m., on a motion by Dr. Choudhary, and a second by Dr. Lee, the initiation of the proposed stage was authorized. 2. Initiate Periodic Review. On a motion by Dr. Lee and a second by Ms. Price-Stroble, the initiation of the periodic review was 	
	authorized.	
	 B. Status: Operation of the Individual and Family Support Program, 12VAC35-230: Pending emergency authority; periodic review with action. Ruth Anne Walker alerted members that due to the urgency with the need to change the regulations for this program, it would likely be the case that an additional meeting of the board would need to be called before the July, pending enactment of a budget by the General Assembly. She stated that though a periodic review is due on this chapter, the request is held to be done in conjunction with the emergency action, since that would have significant changes. 	
	C. General Update – Regulatory Matrix Ms. Walker reviewed the information in the matrix on page 41.	
Commissioner's Report	NOTE: A fire emergency caused an interruption for approximately 25 minutes to evacuate the building, from 10:20-10:44 a.m.	
	At 9:55 a.m., Ms. Hilscher welcomed Commissioner Nelson Smith and asked board members to introduce themselves and state why they served on the board. Mr. Smith expressed appreciation for the depth of experience and regional statewide representation.	
	The commissioner updated board members on a number of initiatives and reported that the leadership team is entering a strategic planning process, which he will present to the board when completed. In fact, the DBHDS senior leadership team would be gathering the next day to take the first step in the department's strategic planning process. Mr. Smith stressed how important it is that system challenges are overcome together with community partners. DBHDS needs a strategic plan to guide it, a North Star. This North Star plan will concentrate in three main areas of tremendous need that will help advance the Governor's vision to make Virginia the best place to live, work, and play:	

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	1. Workforce: Staffing is a major concern throughout healthcare as the pandemic is driving many workers to jobs that are safer and less stressful. DBHDS needs to build and retain the workforce and create a pipeline for the future, which would have a positive impact on the entire system. 'A mission of hope' is a theme of this initiative to change the narrative, with so much negative commentary about the department and the system. He sees staff across the system are doing amazing things every day. Mr. Smith will focus on building a pipeline, empowering staff, and retaining them.
	2. Comprehensive Continuum of Care: The system must be rebalanced from a reliance on intensive interventions like inpatient care and focus intently on prevention and wellness.
	3. Data: Virginia is spending millions of dollars to improve and expand developmental disability and behavioral health programs in the community but lacks the data needed to know if people are getting better. This needs to change. This priority is critical to monitor trends and drive outcomes. The agency will be working towards streamlined and innovative systems.
	Although our landscape has shifted because of COVID and other factors, much of the previous planning input from throughout Central Office, the facilities, community providers, and stakeholders can be incorporated into this planning process. Mr. Smith is motived by the needs of the people in the system to finish this process quickly and get to work. He will update the State Board as plans progress.
	Mr. Smith continued in detail about state hospital staffing shortages, working with law enforcement on the transportation legislation, the US Department of Justice's Settlement Agreement with Virginia, and the Medicaid Waiver waitlist for developmental disabilities.
	In closing, Mr. Smith reiterated the department is working to finalize the Settlement Agreement, transform the entire system involving everyone at the state and local level to come to the table to help find solutions, build up the workforce and community services, and shore up state hospitals. Mr. Smith

thanked the board for their time and passion to serve as volunteers.

Ms. Hilscher responded that the commissioner touched on a couple of things that spoke to her. She has served on the board for six years and while it is true the system is broken, there are really good things happening every day. She believes public awareness efforts are needed to make those positive activities better known, so that when more resources and support are requested, it is understood the system is not totally broken. She agrees that mental illness needs to be destigmatized, and progress has been made especially in schools. Like the commissioner, when she visited facilities she also came away amazed and inspired by the hard work of staff. Also, she agrees that so much effort is spent on crisis management instead of prevention and early intervention. She realizes to get to that point it will take significantly more resources for a while.

Dr. Lee was encouraged to hear about the efforts regarding local workforce. He works at Longwood, which now has a nursing program and it has been helpful in the area to look at ways to capitalize on the training and education of health care workers to help support the region.

Dr. Choudhary stated he is happy to help the commissioner to assist him in any way that he can regarding transforming the behavioral health system.

Rebecca Graser stated that, regarding the mental health state hospital crisis, there needs to be a focus on the cumbersome discharge process. Also, the culture in the state hospitals is more on the medical model versus the recovery model. The recovery model offers hope and that everyone can recover, and Virginia is a bit behind on that. (Ex. Pennsylvania in 2002, <u>A Call for Change</u>). Regarding workforce, where she lives in the Northern Neck, there are not big universities, but there are a number of community colleges that can bridge to the bigger universities.

Paige Cash agreed with the commissioner's comments and thanked him.

Ms. Hilscher thanked Mr. Smith for his time and stated the board looked forward to hearing from him again.

Priority 4: Update on Efforts to Streamline the Discharge Process	At 11:00 a.m., Angela Harvell, Deputy Commissioner of Facility Services, gave background and updates on the discharge process. Namely, that the urgency around and efficiency of the discharge planning process has been a frequent topic of discussion in the years since the bed of last resort law was implemented. In 2021, DBHDS (in collaboration with CSBs) updated the discharge protocols to more accurately reflect current needs, and included four new CSB discharge planning performance measures. <u>SB1304</u> (2021, McPike) attempted to address discharge inefficiencies through a number of recommendations, including a study group to review and make <u>recommendations</u> regarding the process. The workgroup recommended an outside system review, which was done with the three largest state hospitals. Those recommendations are still being considered, and work is continuing.
	Ms. Graser asked clarifying questions about SB1304. She stated that 80% need to be seen within seven days of discharge, and this is impacted by CSB workforce issues.
Follow Up: Staffing Initiatives	At 11:20 a.m., Stacy Pendleton, Chief Human Resources Officer, reviewed turnover rates, vacancy rates, employee age, budget requests for staff compensation increases, direct care salaries, the work required under <u>HB191</u> (Hodges, 2022) regarding the health workforce across the Commonwealth if it passes, and the development of a human resources data dashboard.
	Dr. Choudhary asked about psychiatrist vacancies. Ms. Pendleton indicated they are a smaller total number. He also asked if the Psychiatric Society of Virginia could be added to the list of stakeholders in HB191. Staff answered that it is not limiting; PSV should be able to be actively involved.
	DBHDS addresses workforce planning in a three-pronged approach: recruitment, retention, and engagement. Ms. Graser wondered if bringing some of the recent retirees back part-time would be possible. Ms. Pendleton agreed. Ms. Price-Stroble saw that work well in schools.
	Ms. Hilscher referenced the commissioner's initiatives, specifically community, and wondered how the department could encourage high school students to consider all the things available through the department that do not require a four year degree and might be available at a community college. Ms. Pendleton mentioned a pilot program with Petersburg High School with Central State Hospital. She referenced the work

	with Dr. Tanyika Mobley, DBHDS, Equity, and Inclusion Officer, to partner beyond the Office of Human Resources.
Appointments to the State Human Rights Committee	 At 11:40 a.m., Taneika Goldman, Director, Office of Human Rights, gave brief remarks regarding the State Human Rights Committee (SHRC) structure. She asked for approval of the three recommended appointments: Betty Crance, family member; David Crews, healthcare provider; and reappointment of Julie Allen, healthcare provider and family member, and current SHRC Chair. On a motion by Dr. Choudhary and a second by Dr. Lee, the three appointments were made.
Lunch Break	At 12:00 p.m., Ms. Hilscher suspended the meeting for a 30 minute lunch break, reconvening at 12:30 p.m.
2022 Post-Session Updates	At 12:32 p.m., Ms. Hilscher reconvened the meeting.
	A. Legislative
	Alex Harris, Policy and Legislative Affairs Director, provided
	information about the status of legislation in the 2022 Regular
	Session of the General Assembly. DBHDS tracked over 100
	bills, and provided analysis and technical assistance on over
	50 bills. A special session was planned for April 4th, and all legislation must be acted on by April 27th at the Reconvened
	Session. Bills that passed include: Increased compensation
	for NGRI evaluators (<u>SB191</u>), video visitation in state facilities
	(<u>HB388</u>), and changes to the half mile rule (<u>SB300</u>).
	New legislative workgroups involving the system include:
	SB202, Alternative Custody (assigned to the Secretary of
	Health and Human Resources); <u>HB1191</u> , Marcus Alert (DBHDS); <u>HB659</u> , Death Investigations (DBHDS); <u>HB1193</u> ,
	First Episode Psychosis (DMAS).
	Dr. Choudhary asked for clarification on why there is not an
	exemption for behavioral health beds within rules for certificate
	of public need (COPN), given the need for more beds. Ms.
	Harris indicated DBHDS has continued working with the Virginia Department of Health on this, as they manage the
	COPN process. She does not believe applications for
	behavioral health beds are being denied as there is a large
	demand, but rather are allowed with provision that a certain
	percentage of approved beds be set aside as TDO beds,
	holding hospitals more accountable to take more individuals
	under temporary detention orders. The counter argument to

that is there might be fewer applications because of the strings attached. There is a balancing act, but certainly an interest in having private hospitals take on more individuals under TDOs. Dr. Choudhary also asked if there was discussion of a waiver for behavioral health professionals around telehealth because of the shortage in Virginia. Ms. Harris reported there was a bill about telehealth but not specific to behavioral health.

Ms. Graser asked about the budget proposal for raising the reimbursement rate for peer support. Ms. Harris reported that she did not think that passed the House.

B. Budget

Nathan Miles, Budget Director, and Amy Addington, Financial and Policy Analyst, reviewed a summary of General Assembly Crossover actions regarding the House and Senate versions of the budget. The House and Senate adopted most of the introduced budget, with some notable exceptions. Areas of variance between the two chambers include: state employee compensation, compensation for facility direct care staff, funding for DD waiver slots, the DD waiver rebase, alternative custody legislation, funding to set up crisis receiving centers in three localities, DBHDS initiatives (licensing positions, marijuana campaign, recovery residencies, and Virginia Mental Health Assistance Program or "VMAP"), permanent supportive housing, agency management of capital projects, DBHDS maintenance reserve projects, DBHDS restructuring, CSB bonuses, a school MH integration pilot, Early Intervention (Part C) services, Central Office positions, and budget language around BH and DOJ program activities.

Dr. Choudhary noted the number of slots allotted versus the number on the waiting list. Meghan McGuire responded that the Priority 1 list has a smaller number, which is the first target for budgeting.

Ms. Graser observed that increases in permanent supportive housing would probably help the state hospital bed crisis.

Mr. Olivo asked about the 50th percentile funding versus 75th percentile, and whether the department asked for 75th percentile because by the time the funding begins to be distributed, costs would increase. Mr. Miles concurred with that observation.

The Reconvened Session is April 27th.

Update: Virginia Association of Community Services Boards (VACSB)	At 1:00 p.m., Jennifer Faison, VACSB Executive Director, reported on the association's activities during the 2022 General Assembly Session. She had previously reported on the biennium budget priorities, framed around the theme of 'all of us first,' referring to the need to prioritize the entire public system for behavioral health and developmental disability services, as well as the individuals served in the system. VACSB advocates for accountability and oversight, but also flexibility in spending. There is excitement about the upcoming retreat with DBHDS for strategic planning, along with other community partners. This will include discussion about funding structure and formulas. Also, discussion will be around a shared vision of the role of CSBs and DBHDS. The first in-person statewide conference since January of 2020. Ms. Hilscher was glad to hear of the upcoming retreat and looks forward to hearing the outcomes. Ms. Graser stated that she looks at the CSBs as the safety net, but not enough people know of their existence. She also noted the differences between rural and city CSBs; they are all so different. Ms. Faison stated she uses the phrase 'united in our mission and different in our resources.'
Board Member Spotlight	Ms. Hilscher thanked Ms. Faison for her presentation. At 1:20 p.m., Sandra Price-Stroble grew up in the Shenandoah community of Page County, and moved to Harrisonburg 26 years ago. With a bachelor's degree in Elementary Education and a master's in Counseling, Ms. Price-Stroble enjoyed working for 39 years in the Page County school system as a teacher of children of a variety of ages, and as a counselor; CSBs were a resource for her in those roles. She's served on other boards including: the Department for the Blind and Vision Impaired (some of her students were visually impaired), the Department of Human Resources Management, and most recently the Department of Health Professions through 2011. The Deeds family tragedy in 2013 motivated her to seek appointment on the State Board of BHDS. She enjoys the liaison role, in particular the support that it shows for the staff across the services system. Ms. Price-Stroble is serving in her 14th year on the local electoral board. Music has always been a very important part of her life, including serving as an organist at her church since she was 13. She joined the

	fundraising arm of the Shenandoah Valley Music Festival, and enjoys participating in the community in a variety of ways.
Priority 3: Public Awareness	At 1:35 p.m. Lauren Cunningham, Communications Director, reported that DBHDS public awareness efforts include social media activities; the Curb the Crisis website targeting the opioid crisis, the My Life, My Community website for developmental disability community resources, the Individual and Family Support Program (IFSP) for individuals who are on the wait list for developmental disability waiver services, and crisis efforts that include Virginia's Marcus Alert and the federal requirement for the 988 hotline for persons n crisis to connect with suicide prevention and mental health crisis counselors. Finally, Ms. Cunningham reported on the Virginia Mental Health Access Program (VMAP) that helps ensure more children have access to providers who are better able to screen, diagnose, manage, and treat mental health through three main program components of education, consultation, and care management. (www.vmap.org) Ms. McGuire noted all programs that touch people, yet Ms. Cunningham is the only communications staff person for this large agency. Therefore, social media is very useful to reach more people quickly. She also invited board members for suggestions for good topics or to send pictures from out in the field. Dr. Lee noted that the social media helped him when he started as a board member.
	Alisha Anthony Jarvis, Mental Health First Aid Coordinator in the Office of Behavioral Health Wellness, reported on Mental Health First Aid. It covers risk factors, warning signs, information on specific diagnoses and addiction disorders, points to available resources, and utilizes a five-step action plan to help someone developing a mental health problem or in crisis. There are 82,579 consumers trained as Mental Health First Aiders; 761 certified MHFA instructors. (Note: Some trainers are dual trained; total only reflects one count.) Ms. Price-Stroble commented that she had the training and would like to see it more in the school systems as mandatory to facilitate prevention. Ms. Anthony Jarvis is working with DHRM to offer it to other state agencies. Reaching out to the local CSB is the appropriate way to find out about area trainings.

Committee Reports	At 1:56 p.m. Ms. Hilscher called for the reports of the committees.	
	A. Policy Development and Evaluation	
	Rebecca Graser, Board Vice Chair and Committee Chair, reported that the committee reviewed the activity in 2021 and made plans for 2022. Next steps were planned for 1030(SYS)90-3: Consistent Collection and Utilization of Data in State Facilities and Community Services Boards to receive a presentation from lead staff. The draft revisions to 1034(SYS)05-1: Partnership Agreement were approved.	
	All board policies are posted on the agency web site: https://dbhds.virginia.gov/about-dbhds/Boards-Councils/state-board-of- BHDS/bhds-policies.	
	B. Planning and Budget Ms. Walker reported, a presentation was given by the Division of Finance on the agency budget and budget development process. Mr. Olivo stated he found it very interesting and included things of which he was not aware.	
	Discussion will continue regarding fulfillment of the planning duties covered by the committee with the elimination of the <u>Comprehensive State Plan</u> (<u>SB479</u> , McClellan), which had become obsolete with more modern avenues for the information. Since 1998, the committee had been involved in development of the six-year, biennially updated plan.	
Miscellaneous	A. Liaison Updates	
	At 2:05 p.m., the board reviewed the collaboration letter sent on August 31, 2021, to facility and CSB directors; the explanation of the role; and the liaison assignments, which may change with new appointments. Ms. Cash reported that she met last fall electronically or in person with all CSB directors in her catchment area. Dr. Lee reported there is a new director at Crossroads CSB.	
	 B. Other Business Ms. Walker informed the board of the gubernatorial <u>Executive Directive 1</u> requiring all agencies to reduce regulations by 25 percent. 	
	 Member attendance of VACSB conference expenses (registration and travel) may be covered by the board's budget. 	

	 Ms. Hilscher appointed the 2022 Nominating Committee of Dr. Lee, Ms. Mazzi, and Mr. Olivo to provide a slate of officers for the election in July. 	
Adjournment	There being no other business, Ms. Hilscher adjourned the meeting at 2:16 p.m.	

2022 MEETING SCHEDULE

DATE	Location
July 13 (Wed)	Central Office, DBHDS Richmond
Sept 28 (Wed)	TBD
December 7 (Wed)	Central Office, DBHDS Richmond

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Planning and Budget Committee MINUTES

March 30, 2022 8:30 a.m. – 9:25 a.m. DHBDS, 13TH FLOOR CONFERENCE ROOM, JEFFERSON BUILDING, 1220 BANK STREET, RICHMOND, VA 23219

This meeting was held in person with a physical quorum present, with electronic or phone connection available. A recording of the meeting is available.

Members Present: Elizabeth Hilscher, Board and Committee Chair; E. Paige Cash (electronically); Christopher Olivo.

Members Absent: None.

Staff Present: Ken Gunn, Comptroller; Nathan Miles, Budget Director; Susan Puglisi; Ruth Anne Walker.

I. Call to Order

A quorum being present, at 8:34 a.m., Elizabeth Hilscher, Chair, called the meeting to order.

II. Welcome and Introductions

Ms. Hilscher welcomed all present, and acknowledged the staff present.

III. Adoption of Minutes, September 29, 2021

On a motion from Christopher Olivo and a second from Paige Cash the meeting minutes from September 29, 2021, were adopted unanimously.

IV. Standing Item: Ensure that the agency's budget priorities and submission packages reflect State Board policies and shall, through the Board's biennial planning retreat, review and comment on major funding issues affecting the behavioral health and developmental services system, in accordance with procedures established in POLICY 2010 (ADM ST BD) 10-1.

The meeting time was devoted to a presentation by Ken Gunn and Nathan Miles who gave a detailed overview of the department's state finance and budgeting processes. Topics covered included:

- An overview of the agency budget with the main categories of Central Office, community service boards, state facilities, state General Fund support, federal funds/Medicaid, local dollars, capital debt service;
- Operating, facilities, fund type, capital funding, budget language;
- Spending authority and appropriations;
- Virginia budget forecasting;
- Competing demands (needs, priorities, resources), agency constraints on spending, the agencies involved in the budget process, things that influence the budget, budget timeline;

• Analysis of prior year activity and history along with assessment of the effects of reorganization for the coming year, annual agency budget development, and agency budget execution and management.

Mr. Gunn explained the difference between his role and Mr. Miles' as defense versus offense. Mr. Miles plans how the agency can pursue appropriations. Mr. Gunn's role is to ensure compliance, proper management, system controls, and reporting.

Ms. Hilscher commented that when she has attended budget hearings before session, most attendees are present to request funding for the behavioral health and developmental services. Also, her impression is that this agency is scrutinized closely.

Ms. Cash commented on her experience on the school board and unfunded mandates at the local level, and asked how much it impacts the agency. Mr. Miles responded that an example that comes to mind is the bed of last resort legislation in 2013, that the impacts weren't fully understood at the time. Ms. Cash stated that they are often from very well-meaning legislation, like more computers, etc.

V. Other Business

There was no further business.

VI. Next Steps: Next Meeting: July 13, 2022.

VII. Adjournment

At 9:25 a.m., Ms. Hilscher adjourned the meeting.