

MINUTES

**STATE MENAL HEALTH, MENTAL RETARDATION
AND SUBSTANCE ABUSE SERVICES BOARD**



December 2, 2008

Goochland Powhatan CSB

Powhatan, VA

Members Present: Daniel E. Karnes, Acting Chair/Vice Chair; Cheryl Ivey Green, Catherine M. Hudgins; Ruth G. Jarvis, Mary J. McQuown, Ananda K. Pandurangi, M.D. and Kathryn Smith.

Staff: Leslie Anderson, Director, Office of Licensing
Wendy Brown, Policy Analyst, Office of Planning & Development
Jewel Crosby, Executive Secretary, State MHMRSAS Board
Charline Davidson, Director, Office of Planning & Development
Paul Gilding, Director, Office of Community Contracting
Susan Neal, Organizational Development Manager, Office of Human Resource Development
James Reinhard, M.D., Commissioner, Office of the Commissioner
India Sue Ridout, Assistant Human Resource Director/Workforce Development, Office of Human Resource Development
Priscilla Scherger, Director, Office of Operations & Quality Improvement
Ruth Anne Walker, Legislation Manager, Office of Legislation & Public Relations

Others: Susan Bergquist, Executive Director, Goochland Powhatan CSB
Randy Camden, Director of Day Support & Prevention, Goochland Powhatan CSB
Victoria Cochran, State Coordinator, Criminal Justice & Mental Health Initiatives
Jennifer Faison, Public Policy Manager, VACSB
Jane Hickey, Senior Assistant Attorney General Chief, Office of the Attorney General
Kim Sprouse, Board Chair, Goochland Powhatan CSB
Mark Stevens, Disability Rights Advocate, Virginia Office for Protection and Advocacy

Call to Order Daniel Karnes, Acting Chair, called the meeting to order at 10:04 a.m. and opened with introductions by those in attendance.

Agenda: *Upon motion made by Catherine Hudgins and seconded by Kathryn Smith, the board unanimously approved the December 2, 2008 Agenda as presented. 7-Yes; 0-No.*

Minutes: *Upon motion made by Ruth Jarvis and seconded by Catherine Hudgins, the board unanimously approved the Minutes from the October 7, 2008 meeting as written. 7-Yes; 0-No.*

Public Comments: There were no public comments.

CSB Overview: Susan Bergquist, Executive Director, welcomed the board to the Goochland Powhatan CSB and provided an overview on the scope of services provided by the CSB. Ms. Bergquist distributed copies of the CSB 2008 Annual Report to board members. She shared that the Goochland Powhatan CSB was formed in 1982 and their annual budget is around \$5 million. The CSB currently employ around 165-167 staff with 95-100 full-time and the remaining staff part-time. Ms. Bergquist stated that the CSB provides many services within Goochland and Powhatan as well as partner with other boards and the community. The CSB partners with Hanover County for in-home support services to consumers with intellectual disabilities. Ms. Bergquist reintroduced Kim Sprouse, Chair, Goochland Powhatan CSB and shared that they have a ten-member board appointed by the Goochland and Powhatan Board of Supervisors. Ms. Bergquist presented Board members with souvenir coffee mugs.

**Report of the Policy
Development and
Evaluation
Committee:**

Wendy Brown reported on behalf of the committee. The committee met the morning of the regular board meeting at 9:00 a.m. at the Goochland Powhatan CSB. The committee discussed housekeeping issues and the Core Services Policy talked about at the previous meeting. The committee decided to recommend to the board to adopt Policy 1021 (SYS) 87-9 Core Services including the proposed revisions from the October 7 board agenda.

Upon motion of the Chair of the Policy Development and Evaluation Committee, the board unanimously adopted the revised Policy 1021(SYS) 87-9 Core Services 7-Yes; 0-No.

The Policy Development and Evaluation committee also recommended that the State Board request the Inspector General for Mental Health, Mental Retardation and Substance Abuse Services to conduct a review of CSB admission criteria and policies and reimbursement policies, procedures, and practices for emergency and case management services with a focus on any effects such policies, procedures, criteria, and practices might have on the ability of individuals who need these services to access them.

Upon motion of the Chair of the Policy Development and Evaluation Committee, the board unanimously approved the recommendation from the Committee to request the Inspector General for Mental Health, Mental Retardation and Substance Abuse Services to conduct a review of CSB admission criteria, policies and reimbursement policies, procedures, and practices for emergency and case management services with a focus on any effects such policies, procedures, criteria, and practices might have on the ability of individuals who need these services to access them. 7-Yes; 0-No.

Adoption of Final Revisions to Regulations for Respite and Emergency Care Admission To Mental Retardation Facilities:

The Department recommended that the Board adopt the final amended Regulations for Respite and Emergency Care Admissions to State Training Centers for promulgation. Upon adoption, the regulations will be forwarded for approval from the Executive Branch, which includes the Secretary and the Governor. The proposed regulations are published on the Virginia Register for a 30-day public comment period. The regulatory revisions become final following this review period.

Upon motion from Mary McQuown and seconded by Kay Smith, the board unanimously adopted the final amended 12 VAC 35-200-10 et seq. Regulations for Respite and Emergency Care Admissions to State Training Centers for promulgation. 7-Yes; 0-No.

Planning and Budget Committee:

Charline Davidson reported on behalf of the committee. The committee met the morning of the regular board meeting at 8:00 a.m. at the Goochland Powhatan CSB. The discussion taken place was mostly on the overview of the budget reductions for FY09. Ms. Davidson publicly thanked Joy Yeh, Assistant Commissioner for Finance and Administration, for sharing how Central Office, CSBs, and state facilities are addressing the reductions. Ms. Davidson distributed handouts shared in the committee meeting noting the five percent reduction at the CSBs and the fifteen percent cuts at Central Office.

Kay Smith shared concerns from her liaison CSB and recapped the conversation from the last board meeting where she shared their concerns around the budgetary crisis. The CSBs expressed concerns that if they had additional flexibility with funding use, it would make matters easier for them. She shared that since the October meeting, she had attended a recent meeting with the Southside Behavioral Health Consortium where they expressed once again, that it would be easier with the current cuts to have flexibility in how they spend the funding they receive.

The committee recommended that the Board support revisions to the Department's budget language to give the Department and CSBs more flexibility in allocating state general funds to meet varying local needs and to eliminate outmoded reporting requirements. The Board asks that the Commissioner convey this support to the Secretary of Health and Human Resources and state budget officials, as appropriate.

Upon motion of the Chair of the Planning and Budget Committee, the board unanimously voted to approve the recommendation from the Committee to support revisions to the Department's budget language to give the Department and CSBs more flexibility in allocating state general funds to meet varying local needs and to eliminate outmoded reporting requirements. 7-Yes; 0-No.

Staff Updates

Legislative Updates:

Ruth Anne Walker distributed copies of the board's draft Annual Executive Summary for review in preparation for it to be submitted to the Governor and General Assembly as part of the activity and work of the board. Upon Board review, Ms. Walker requested Board confirmation of the Acting Chair's approval to submit the draft Executive Summary and to include any actions taken at the December 2 meeting.

Ms. Walker provided status updates to the board on the department's name change and shared that the bill is currently being drafted. She shared that the bill would change the name of the department, board, Inspector General, revenue and trust funds. Ms. Walker credited Paul Gilding for his work on the draft.

Ms. Walker commended Jane Hickey, Office of the Attorney General on the work of the Commission on Mental Health Law Reform and shared copies of current carried over or referred bills. The document summarizes actions taken by the Commission at their meeting on October 30-31 regarding bills referred to the Commission by the General Assembly by letter or carried over from 2008. She indicated that the most significant "new" issue coming forward was a mental health advance directives bill. Ms. Walker planned to forward to the Board later in December information on all bills of significance, once filed.

Board Liaison

Reports:

Mary McQuown reported that she would be attending the Mental Health Planning Council on December 3 as well as a legislative breakfast at the Hampton/Newport News CSB on December 5.

Kathryn Smith reported that she attended the Southside Behavioral Health Consortium on November 26. She shared that the Martinsville-Henry County Mental Health Association had their annual meeting and Mary McQuown, Board Member, presented to the group.

Ms. Smith informed the board that she had been invited to numerous group homes holiday parties in her area. Ms. Smith shared that one of the group homes will have a live band at their party and invited her to share in a dance with the residents.

Catherine Hudgins reported that she would be attending a mental health legislative breakfast in Northern Virginia on Friday, December 5. She reported that she met with her local community drop-in center to hear and discuss concerns from the community on the current cuts. She shared that the group is feeling the impact throughout the community and everyone is very concerned.

Ruth Jarvis reported that she would be attending the legislative breakfast sponsored by the Hampton/Newport News CSB on December 5.

Cheryl Ivey Green reported that she would be meeting with the Prevention Promotion Advisory Council (PPAC) at their December meeting. The council is preparing recommendations to the state board on how they would like to work with the board in 2009.

Dr. Ananda Pandurangi reported that he had attended the meeting on the Commission of Mental Health Law Reform on October 30-31 held in Williamsburg.

The meeting recessed for lunch at 11:30 a.m. and reconvened at 12:05 p.m.

Commissioner's Report:

Dr. Reinhard updated board members on current activities within the Department, including budget reductions and its impact. Dr. Reinhard shared that he had met with the Governor and his policy staff, members of the House and Senate leadership, and legislative committee staff on November 24 to discuss plans for mental health budget reductions for 2010 with the General Assembly leadership. Dr. Reinhard shared that the Governor's FY09 cuts requested state agencies to provide a 5-10-15 percent reduction strategy. Dr. Reinhard shared that the FY09 cuts would be ongoing and that revenue shortfalls are projected to be over 2.5 billion for the biennium. Many of the cuts were a one-time reduction, however, ongoing.

Dr. Reinhard briefed the board regarding the state revenue forecast for FY10. He reported that the Governor has set aside targeted reductions for 2010 and includes state facilities, training centers and Medicaid. There is a projected \$1.5 billion revenue shortfall for FY10. The board was informed that the Governor would present his FY10 reductions to the General Assembly on December 17.

Dr. Reinhard stated that the capital bond money for the training centers is critical.

There is \$23 million in capital bond money targeted for Southeastern Virginia Training Center and \$43 million targeted for renovations replacing buildings at Central Virginia Training Center. This money is for life and safety code issues. Dr. Reinhard shared that community advocates have expressed concerns and questioned why the Department is investing in that amount of money in the training centers. The advocates questioned the flexibility of dollars and request that some of the dollars be used in community capacity for smaller group homes.

**Closed
Session:**

On motion of Dan Karnes, Chair, the board voted unanimously to convene in a closed meeting pursuant to Virginia Code §2.2-3711(A) (1) to discuss the employment of the board's secretary and that the Board request the Commissioner and Jane Hickey from the Office of the Attorney General whose presence will aid in the Board's consideration of this matter, to participate in the closed meeting.

Upon reconvening in open session, it was certified by each board member that (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting.

On motion from Dan Karnes and seconded by Cheryl Ivey Green, the Board voted unanimously to support the Commissioner's recommendation regarding the employment of the board secretary on condition that a specific person is assigned to provide services to the Board. 7-Yes; 0-No.

**Licensing
Regulations:**

Leslie Anderson provided an overview of proposed regulatory action to repeal the Board's existing licensing regulations for children's residential facilities, 12 VAC 35-4-10 et seq. and to adopt replacement regulations 12 VAC 35-46-10 et seq. This action was proposed to comply with legislation from the 2008 Virginia General Assembly, which eliminated the interdepartmental licensing of children's residential facilities. This regulatory action is planned for submission under the fast-track regulatory process which allows regulations be implemented on an expedited basis if they are deemed to be non-controversial.

Upon motion from Catherine Hudgins and seconded by Mary McQuown, the board unanimously adopted the proposed regulations 12 VAC 35-46-10 et seq. and replace and repeal existing regulations 12 VAC 35-45-10 et seq. under the fast-track process. 7-Yes; 0-No.

**Recognition
Of Service:**

Dan Karnes presented Victoria Cochran, former board chair, with a plaque commending Ms. Cochran for her service on the State Board. In the absence of former board member, Linda Bartlett, it was decided that her plaque would be mailed to her with a note acknowledging and thanking her for tenure on the board.

Presentations:

Victoria Cochran, State Coordinator for Criminal Justice and Mental Health Services presented an overview on mental health/criminal justice initiatives.

Ms. Cochran shared information on the establishment of the Mental Health/Criminal Justice Commission from the Governor's Executive Order 62. She shared information on goals and directions of the commission.

India Sue Ridout, Assistant Human Resource Director and Susan Neal, Organizational Development Manager presented an overview of Virginia's Workforce & Succession Planning as it relates to the Comprehensive State Plan goal under human resources management and development.

VACSB Updates:

Jennifer Faison, Public Policy Manager, reported on behalf of the VACSB. Ms. Faison provided comments on the status of mental health law reform, populations needing specialized services, Medicaid at the federal and state levels and the VACSB 2009-10 budget priorities. Ms. Faison distributed copies of the regional public hearings schedule and 2009-10 budget priorities. Ms. Faison announced the upcoming Legislative Conference to be held on January 20 -21 at the Omni Hotel in Richmond. She informed the board of the Mental Health Coalition rally scheduled for Monday, January 19 at 10:00 a.m. at St. Paul's Episcopal Church.

**Review of FY09
Work Plan:**

RuthAnne Walker briefly shared updates to the FY09 Board Workplan, and asked for any additional changes. She informed the board that she would be coordinating legislator visits with board members in January based on their availability.

**Nominating
Committee:**

Dan Karnes announced the appointment of Ruth Jarvis, Kathryn Smith and Dr. Pandurangi to the Nominating Committee to present a slate of officers for 2009. Ruth Jarvis was elected chair by the committee. The

Nominating Committee recommended Dan Karnes as Chair and Ruth Jarvis as Vice Chair. There were no additional nominees from the floor.

Upon the recommendation from the Nominating Committee, the Board unanimously elected Dan Karnes as Chair and Ruth Jarvis as Vice Chair. The new officers will begin their duties effective in January 2009. 7-Yes; 0-No.

**Other Business
& Adjournment:**

The next scheduled meeting of the State Board will be held on Tuesday, January 13, 2009 at DMHMRSAS Central Office, located at 1220 Bank Street, 13th floor, Richmond, VA. There being no further business, the board chair adjourned the meeting at 3:20 P.M.

Daniel E. Karnes, Acting Chair/Vice Chair

Jewel Crosby, Corresponding Secretary