

**STATE BOARD OF
BEHAVIORAL HEALTH AND
DEVELOPMENTAL SERVICES**

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COMMONWEALTH of VIRGINIA

DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

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DBHDS STATE BOARD MEETING MINUTES

Thursday, April 28, 2011
Western State Hospital
Library, Jeffries Building
1301 Richmond Road
Staunton, Virginia 24401

Regular Session AGENDA **12:00 p.m.**

- Members Present:** Daniel E. Karnes, **Chair**, Ruth G. Jarvis, **Vice-Chair**, Gretta Doering, Cheryl Ivey Green, Robert Hendrickson, Jennifer Little, Anand Pandurangi
- Members Excused:** Andrew Goddard, Joseph Guzman
- Staff:** John Beghtol, Program Administration Specialist, Western State Hospital
Charline Davidson, Director, Office of Planning and Development
Lynn Hall, Consumer, Staff Member and Peer Counselor, Western State Hospital
John Pezzoli, Assistant Commissioner, Office of Behavioral Health Services
Ruth Anne Walker, Director, Office of Legislative Affairs
- Staff Present via Teleconference:** Heidi Dix, Assistant Commissioner, Developmental Services
Paul Gilding, Director, Office of Community Contracting
Linda Grasewicz, Assistant Director, Office of Planning and Budget
Kli Kinzie, Executive Secretary, Office of Human Rights
Margaret Walsh, Director, Office of Human Rights
- Others Present:** Donna Gum, Mental Health America of Augusta
Joanne Harris, Rockbridge Community Services Board
Tina Martina, Valley Community Services Board

Lonnie O’Baugh, Valley Community Services Board
Lydia Walker, Harrisonburg-Rockingham Community Services Board
Lacy Whitmore, Harrisonburg-Rockingham Community Services Board

**Others Present via
Teleconference:**

Linda L. Redmond, Ph.D., Evaluation, Policy and Program Manager,
Virginia Board for People with Disabilities
Karen DeSousa, DBHDS Special Counsel, Office of Attorney General
Braden J. Curtis, Assistant Attorney General

**Call to Order and
Introductions**

At 12:04 p.m., Daniel Karnes, Chair, called the April 28, 2011, State Board of BHDS meeting to order. A call for introductions of members, staff and guests took place prior to proceeding.

**Approval of April
28, 2011 Agenda**

At 12:06 the Board unanimously voted to adopt the April 28, 2011, agenda as circulated.

**Approval of Draft
Minutes**

At 12:07 the Board unanimously approved the minutes of the November 30, 2010, meeting.

Mr. Karnes introduced John Beghtol who spoke on behalf of Dr. Jack Barber, Facility Director, Western State Hospital (WSH). Mr. Beghtol welcomed the Board to WSH and spoke briefly about services provided by the hospital and the populations served.

Public Comment

At 12:09 Mr. Karnes called for public comments.

At 12:09 Lynn Hall, resident of WSH, said that she was pleased to say that recovery is alive and thriving at WSH. She spoke about being a patient of the hospital in 1967. At that time patients spent all day on the wards, the atmosphere was dreary, and there was no psycho-social mall. As was common at that time, only a few patients were able to eventually return to community life. Ms. Hall talked about the Wellness Recovery Action Plan (WRAP). In WRAP residents work with treatment teams on developing skills useful to becoming well. Patients are involved in their own crisis planning. Post-crisis plans are developed and ready for implementation upon release from the hospital. Residents are taught to take personal responsibility for their own recovery. They are educated on how to be well and how to be empowered. With the help of Chuck Collins, Human Rights Advocate, the residents are informed of their rights and have learned self-advocacy skills. Ms. Hall is grateful to Dr. Barber for his support and the support of his staff at Western State Hospital. Ms. Hall also thanked John Pezzoli for inviting her to be a part of his group when he joined the Office of the Inspector General. Ms. Hall thanked the Board and others for coming to WSH and said she is proud to show off what they do here.

At 12:16 Donna Gum, Executive Director of Mental Health America (MHA) of Augusta and Chair of the Western State Hospital Local Human Rights Committee, thanked the Board for its work. Ms Gum described MHA’s role in assessing needs, advocating for services and initiating services in the community. Ms. Hall also praised the work of the Mental Health Coalition.

At 12:18 Tina Martina, Valley Community Services Board, welcomed Board members and thanked them for coming to Staunton.

At 12:19 Ms. Joanne Harris, Rockbridge Community Services Board, thanked the Board for its interest in children's services and encouraged the Board to promote intensive treatment for children at risk. Ms. Harris talked about her nephew and the care he is receiving.

At 12:20 Mr. Lacy Whitmore, Executive Director of the Harrisonburg – Rockingham Community Services Board, thanked the Board and welcomed it to Staunton. Mr. Whitmore said there is a strong collaboration and partnership between the community and Western State Hospital, which serves the commonwealth well. Their goals and vision are in alignment. Once a week the hospital brings a van of WSH consumers to Harrisonburg – Rockingham CSB for day program participation. Once a week a van brings consumers from Harrisonburg to WSH to talk about their experiences in recovery and to offer peer support. This collaboration brings a good return on investment in treatment and services for everyone.

At 12:24 Ms. Lydia Walker, Harrisonburg – Rockingham Community Services Board and former WSH patient, expressed her gratitude and talked about the pivotal moment in her recovery when she became a peer counselor. She has learned much in her experiences as a patient and a consumer and she thanked the CSB and WSH for their support.

Dan Karnes thanked all for coming to the meeting and sharing their experiences.

Other

Board member Cheryl Ivey Green was presented with a birthday card.

**State Human Rights
Committee
Appointments**

At 12:28 the Board considered the reappointments of Ms. Carolyn DeVilbiss and Mr. Randy Johnsey to the State Human Rights Committee. Ms. Margaret Walsh spoke about the candidates and said they are excellent and active members of the SHRC.

Upon a motion the Board unanimously reappointed Ms. Carolyn DeVilbiss and Mr. Randy Johnsey to the State Human Rights Committee for a term of July 1, 2011 to June 30, 2014.

Regulatory Actions:

**General Update –
Matrix**

At 12:31 Linda Grasewicz, summarized the current regulatory items before the Board. She reported that the Licensing regulations the Board adopted in September are in the Governor's office awaiting approval.

**Human Rights
Regulations**

At 12:36 Ms. Grasewicz directed the Board's attention to the Human Rights regulations. Margaret Walsh was present to answer questions. Proposed changes will bring the regulations up to date with the department's name change, and to remove redundant language. The proposed changes also clarify an individual's right to notify a person of his choice of his location, general condition and transfer to another

facility. Additional changes were recommended to assure better consistency with the language in the *Code of Virginia*.

A public hearing was held on March 15, 2011. The public comment period closed on April 15, 2011, and the final changes are now ready for the Board's consideration and approval.

Upon a motion the Board unanimously adopted the final changes to the human rights regulations as submitted.

Part C Regulations At 12:40 Ms. Grasewicz provided an update on Part C Regulations for the Board's information.

Petition for Rulemaking from S. Shoon (November) At 12:42 Ms. Grasewicz updated the Board on a petition for changes to rulemaking in the Human Rights regulations. The public comment period for the petition closed on January 24, 2011. No comments were received.

Upon a motion the Board unanimously accepted the staff recommendation to take no action on the petition.

Petition for Rulemaking from S. Shoon (new) At 12:45 the Board considered new requests for changes to rulemaking. Ms. Grasewicz summarized the requests, some of which do not fall within the Board's authority.

Upon a motion the Board unanimously accepts requests 1, 2, 3, and 6 thru 10 to be forwarded to the Registrar for public comment.

Ms. Grasewicz will advise the petitioner that the remaining requests are beyond the Board's scope of authority.

Committee Reports:

Grant Review Process At 12:50 Ms. Grasewicz provided an update on the grant review process.

Planning & Budget At 12:54 Charline Davidson reported on the Planning and Budget Committee meeting held on April 27, 2011.

Policy Development and Evaluation At 12:58 Ruth Anne Walker reported on the Policy Development and Evaluation Committee meeting held on April 27, 2011.

Upon a motion the Board unanimously accepted the recommendation to rescind State Board Policy 3002 (CO) 86-16 and to adopt as final State Board Policy 1028(SYS)90-1 Human Resource Development.

Upon a motion the board unanimously voted to rescind the State Board Policy 6002 (FIN)86-14 Services Availability and Ability of Client Pay Philosophy.

Upon a motion the Board unanimously voted to put the initial revised draft of State Board Policy 6005 (FIN)94-2 Retention of Unspent State

Funds by Community Services Boards out for review.

Commissioner's Report

Creating Opportunities Plan Implementation Update

At 1:10 on behalf of Commissioner Stewart, John Pezzoli provided an update on activities of the department focusing on the "Creating Opportunities" strategic planning process. Charline Davidson, in conjunction with Mr. Pezzoli, provided a presentation on Creating Opportunities Plan implementation and included a review of the status of Board priorities from the previous biennium. The presentation described the need to increase the range of emergency response services that are available across the Commonwealth and the importance of expanding services such as PACT and increase psychiatric services that could prevent or reduce the need for crisis response services. Ms. Davidson and Mr. Pezzoli also spoke about planning that is underway to enhance substance abuse treatment and child and adolescent mental health services capacity. Ms. Davidson referenced work that is currently underway to transform the Commonwealth's developmental services system and work that is underway as part of DOJ negotiations to significantly expand community-based alternatives. Several members emphasized the importance of developing service capacity for individuals with autism spectrum disorders.

BREAK

At 2:02 Mr. Karnes called for a break until 2:10. At 2:10 the meeting reconvened.

Ms. Davidson continued with her presentation on strategic planning efforts and reviewed some of the Governor's recent initiatives in areas such as housing and employment. She described strategic initiatives that the department is implementing. Regarding employment, the department recently hired an employment specialist to support employment opportunities in both the behavioral health and developmental services areas. Additionally, Ms. Davidson discussed department efforts to develop the competencies of case managers and promote consistency in the practice of case management across the Commonwealth.

2011 Legislative and Budget Review

At 2:20 Joy Yeh gave an update on the department's budget, including funding for medication. Ms. Yeh said that considering the current troubled economy, the department is doing well. The Commissioner has been working very hard to ensure quality care and efficient use of resources.

To facilitate the move to community-based care the budget granted by the General Assembly is split between training centers and the community. Some money has been restored to Region 5 in order to maintain beds at Eastern State Hospital.

The Board considered the use of funds for crisis stabilization at existing organizations rather than only for new programs.

The department is planning to recruit a medical director who will have a dual role as assistant commissioner for quality management.

At 2:41 Ms. Walker reported that HB 2013 directs the Commissioner to establish a pharmaceutical and therapeutics committee that will develop a list of approved medicines for community programs and state facilities. Mr. Pezzoli reported that there will be a meeting next week to work on development.

Ms. Walker reported that HB 2533 clarifies that use of the monies in the DBHDS Trust Fund are to be used to facilitate the transition of individuals from state training centers to community-based services. It also clarifies language regarding unemployment benefits for current training center employees, and adds language stating that funds are to be used for a broad-array of community-based services, including housing.

SB 1269 allows for the creation of an Autism Advisory Council to promote coordination of services and resources to individuals with Autism Spectrum Disorders.

New budget language for the 2011 *Appropriation Act* empowers JLARC to conduct a review of civil commitment of sexually violent predators and the conditional release program, including screening, risk assessments and costs at VCBR.

Ms. Walker reported that looking ahead to the 2012 session, the department is working on a draft legislative proposal for the department's language change bill to remove the term 'Mental Retardation' through every other section of the code with the exception of capital punishment.

VACSB

At 2:49 acknowledged a handout of PowerPoint slides on upcoming activities of the VACSB submitted by Mary Ann Bergeron, Executive Director of VACSB. Ms. Bergeron was unable to attend at the last minute due to illness.

Miscellaneous

At 2:50 Mr. Pezzoli said that the General Assembly approved a measure to require CSBs to perform independent evaluation of all children referred for certain Medicaid-funded services (Intensive In Home, Therapeutic Day Treatment, etc.). Effective July 1, 2011, this budget language is expected to bring about a savings in services of 19.3 million dollars.

**Board Liaison
Reports**

At 2:55 Gretta Doering reported she attended an open house for a non-profit organization in her area. The organization was able to open for business because of a grant made possible in part by the efforts of the Kaine Administration.

Bob Hendrickson reported that many people have registered for an upcoming conference on autism in his area.

Jennifer Little attended a NAMI support group meeting. She was

impressed with Middle Peninsula-Northern Neck CSB's relationship with NAMI. The NAMI organization has outstanding leadership and seems to be effective at community planning and community discharge planning.

Anand Pandurangi continues to attend meetings in his district. He also is associated with The Daily Planet in Richmond, which is a non-profit organization that provides a variety of services, including behavioral healthcare, to the homeless.

Ruth Jarvis attended a CSB meeting in her area. She also attended a meeting of Southeastern Virginia Training Center parents. The organization has become more effective in finding suitable community placement for individuals. Ms. Jarvis said that when some persons receive notice that individuals will be moved out to the community it causes apprehension. They were receptive of Ms. Jarvis's assurances as a family member that individuals will continue to receive quality care after transitioning to community-based services.

At 3:05 Ms. Little asked if there is a better way to educate and inform the community and families about how transfers to community-based care will be handled. Ms. Jarvis said she believes there have been some public meetings to inform people about the transition. Mr. Pezzoli confirmed that there have been public meetings to inform about the process, and that there have been meetings at all of the training centers.

Dan Karnes has been attending meetings of the Catawba Partnership. The census management teams have been tracking available beds. Mr. Karnes asked if this is something the private providers can benefit from. Mr. Pezzoli answered that the regional management teams work with private providers to identify available community beds and divert persons from placement in state hospitals.

Quarterly Budget Report

At 3:10 Ms. Walker reported that there will be less money expended from the budget than expected because the volunteer luncheon was cancelled.

Nominating Committee for Officer Elections

At 3:13 Dan Karnes designated a Nominating Committee of Jennifer Little, Joseph Guzman and Bob Hendrickson for upcoming Officer Elections. Mr. Karnes asked Jennifer Little to Chair the nominating committee. Ms. Little accepted.

Other Business & Adjournment

At 3:14 Ms. Walker announced that the next Board meeting will include the annual planning retreat.

Upon a motion the April 28, 2011, DBHDS Board meeting adjourned at 3:17 p.m.

Next Meeting Annual Planning and Retreat
Monday-Tuesday, July 25-26
State Capitol, Richmond

Respectfully Submitted:

Daniel E. Karnes, Chair

Kli Kinzie, Secretary