

COMMISSION ON MENTAL HEALTH AND DEVELOPMENTAL SERVICES

DECEMBER 4, 2008

TELECONFERENCE MEETING LOCATIONS

MHDS CENTRAL OFFICE, 4126 TECHNOLOGY WAY, 2<sup>ND</sup> FLOOR CONFERENCE  
ROOM, CARSON CITY, NV  
AND  
DESERT REGIONAL CENTER, 1391 SOUTH JONES BOULEVARD,  
TRAINING ROOM, LAS VEGAS, NV

MINUTES

COMMISSIONERS PRESENT VIA TELEPHONE:

Gretchen Greiner, Ed.D, Chair  
Alistar Barron, M.D.  
Julie Beasley, Ph.D. – joined the teleconference at 9:10 A.M.  
Lee Derbyshire, Marriage and Family Therapist  
Johanna Fricke, M.D. – joined the teleconference at 9:10 A.M.  
Barbara Jackson – joined the teleconference at 9:10 A.M.  
Joan McCraw, MSN, APN, Registered Nurse  
Kevin Quint, SAPTA  
Toni Richard

COMMISSIONER ABSENT:

Eric Albers, Ph.D. – excused

**CALL TO ORDER**

Chair Greiner called the teleconference meeting to order at 9:05 A.M. Chair Greiner determined that a quorum of the Commission was present.

**REVIEW AND APPROVE LETTER TO DR. RENA NORA'S FAMILY FROM THE COMMISSION**

Chair Greiner stated that she did not draft a letter, because if the Commission decides to move forward with the Proclamation, the Proclamation could be included in the letter to Dr. Nora's family; and the letter could be more a letter of sympathy as opposed to a letter outlining her achievements with the Commission.

**MOTION:** Commissioner Richard moved for Chair Greiner to write a letter of sympathy to Dr. Nora's family, seconded by Dr. Barron. The motion passed unanimously.

**DISCUSSION AND DETERMINATION REGARDING WHETHER OR NOT TO REQUEST A GOVERNOR'S PROCLAMATION RECOGNIZING THE WORK OF DR. RENA NORA ON THE MENTAL HEALTH AND DEVELOPMENTAL SERVICES COMMISSION**

Chair Greiner stated that a draft Proclamation to be signed by the Governor was sent out in an e-mail attached to the agenda for review. Chair Greiner offered to proclaim the March MHDS meeting date as "Dr. Rena Nora Day" and suggested inviting Dr. Nora's family to the meeting for the presentation of the Proclamation.

**MOTION:** Following Chair Greiner's reading the Proclamation, Dr. Barron moved to approve the Proclamation for Dr. Nora and a Day of Memory and Honor for Dr. Nora for the March 2009 meeting date in Las Vegas, seconded by Commissioner Derbyshire. The motion passed unanimously.

**BUDGET UPDATE AND DISCUSSION OF CURRENT AND FUTURE BIENNIUM BUDGET CUTS AND THE EFFECTS ON MENTAL HEALTH AND DEVELOPMENTAL SERVICES**

Chair Greiner stated, for the record, that NRS 353.205 - Part of Proposed State Budget Confidentiality, allows the Governor to maintain confidentiality on his executive budget until the budgets are presented to the Legislature. Dr. Cook responded that NRS 353.205 also limits his response to future budget proposals.

Dr. Cook provided history that it hasn't been since 1870 and 1880 that the state has had to borrow money and did so in order to build an insane asylum (currently NNAMHS); and currently the State is again looking at borrowing money to balance the budget.

Dr. Cook provided a history of budget cuts for Fiscal Year 2009:

- End of 2007 Legislative session, the approved budget for all of MHDS, for Fiscal Year 2009, was \$271,417,647 in general fund. In addition, there was another \$116 million in federal funds.
- Early in Fiscal Year 2009, the revenues did not meet projections and in the Fall of FY 2009, the Governor directed Division of Health and Human Services Departments to cut their initial budgets by 8%, but then were settled upon to a 4½% cut. That resulted in a cut of approximately \$22.6 million in general fund for both FY 08 and FY 09; in addition there was a loss of \$6.4 million in federal funds, for a total cut of \$29 million in the Fall of 2007 affecting all of MHDS.
- In January of 2008, revenues continued to decline and there was a second round of budget cuts. These cuts included cuts in general fund for capital improvement projects, elimination of one-shot funding, and equipment for a total of \$100 million for the entire state. Those cuts did not affect programs.
- In April of 2008, revenues continued to decline and Departments were directed to propose budget cuts of 4%, this direction resulted in a Special Session of the Legislature and cuts of 3.3% were ordered, which cut the general fund by \$10.7 million and federal funding by \$3.3 million for a total of \$14 million. In the first three rounds of budget cuts, \$43 million was cut out of the 2007 legislatively approved budget. The good news is that most of those budget cuts resulted in the elimination of growth in the budget, but the North Las Vegas Clinic, which

had been closed previously due to lease problems, was eliminated and also two rural clinics, in Dayton and Fernley, were eliminated. In a review of budgets there was a significant savings in pharmacy and thus cuts did not affect clients and future clients accessing their medications.

- In November of 2008, revenues continued to decline, Departments were again directed to prepare budget cut proposals for 4%, 7%, and 11%. These proposals will be discussed in the Special Session of the Legislature that will convene on December 8, 2008. Currently, the budget reduction proposals that have been accepted for MHDS will not have an impact on programs for FY 2009, as of 4:00 P.M. on December 3, 2008.
- The budgets for FY 2010 and FY 2011 have been proposed with additional 10% and 20% cuts. The FY 2010 and 2011 budget proposals were submitted September 2008 and included a 14% cut from the legislatively approved budget in FY 2009.

Dr. Cook stated that the bigger problem is that Medicaid will also be cutting their budget. Prior Medicaid cuts have had minimal impact on MHDS, but Medicaid has reduced personal care attendance services and MHDS has had to pick up these services. If Medicaid has to cut an additional 10-20% this could have an impact on MHDS, as Medicaid will have to look at all of the services that are considered "optional". Optional services include anything that is provided to MHDS, to include the waiver and behavioral health, if those are included in Medicaid cuts, MHDS will take a huge hit particularly on the Developmental Services side, with respect to federal funding. Medicaid has already reduced hospital rates and may have to reduce hospital rates again. These cuts have a huge impact on obtaining federal funding and will affect all communities in Nevada, with the possibility of rural hospitals in Nevada closing.

Chair Greiner questioned if the Department of Corrections is being subjected to the budget cuts. Dr. Cook responded that the Legislature and Governor can pick and choose what areas to cut the budget, in order to arrive at their final budget figures. There has been no formal notification of what areas of the budget are exempt from budget cuts.

Dr. Cook stated that budget documents and budget information are available on the following websites: Department of Health and Human Services - [ddhs.nv.gov](http://ddhs.nv.gov); Mental Health and Developmental Services - [mhds.nv.gov](http://mhds.nv.gov); and Nevada State Budget Office - [budget.state.nv.us](http://budget.state.nv.us).

Upon questioning by Vice Chair Quint, Dr. Cook responded that the cut for January 2008 included a CAP Project at NNAMHS; the \$9-10 million project consists mainly of bond funding, but there was \$1 million in general fund and \$1 million was eliminated from that project. Dr. Cook stated that there were no affects on programs as a result of the January 2008 cuts.

Upon a question by Jack Mayes - NDALC, Dr. Cook responded that the spoke and hub clinic model is part of the 14% cuts which is currently in the Governor's Recommended Budget for FY 2010 and 2011.

Upon questioning by Dr. Fricke, Dr. Cook responded that for FY 2009 early intervention funding has not been affected at this point.

Upon questioning by Commissioner Richard, Dr. Cook stated that he is unsure with regard to what the future of the Tobacco funds in relation to the Millennium Scholarship and if there will be reductions in those areas.

Upon questioning by Commissioner Jackson, Dr. Cook responded that currently the CAP Project is not directly affected, but could be downsized as the positions are grant funded and the grant is secure for the next year or two.

Jack Mayes, NDALC, stated that currently his office is heavily involved in PCA appeals, as Medicaid limited the number of hours related to bathing, dressing and grooming to one hour and NDALC is currently appealing sixty cases in this area. Mr. Mayes stated that they are also working with Nevada Early Intervention Services, as there are a lot of individuals on wait lists and not getting the access to services. Mr. Mayes stated that there are a lot of individuals expressing concern regarding the Tobacco Settlement Funds and how that funding will affect programs, particularly programs affecting seniors. Mr. Mayes stated that on December 8, 2008 there will be a protest gathering at noon in front of the Governor's Office and will then proceed to the Legislative Building at 12:30 P.M. Mr. Mayes encouraged anyone who has been impacted and losing or denied services to contact his office.

## **REVIEW, DISCUSS AND POSSIBLE APPROVAL OF THE LETTER TO THE GOVERNOR AND 2009 LEGISLATURE REGARDING MENTAL HEALTH AND DEVELOPMENTAL SERVICES ISSUES**

Chair Greiner stated that a list of items to possibly be included in the letter was e-mailed for review.

Chair Greiner read the following list of items for review:

- Positive changes at Southern Nevada Adult Mental Health Services (SNAMHS) with improvement in services provided and reductions in the number of individuals on wait lists.
- Budget Cuts. Client and service needs vs. budget cuts. The cost of treatment vs. the cost of not providing treatment and the ramifications thereof.
- Budget cuts across the board to all programs; programs that can bill for services and/or have a matching federal funding mechanism need special budget consideration.
- Support Bill Draft Request 44 from the Autism Task Force.
- Impact of budget cuts in the rural areas, particularly affecting clients and the services offered in the rural areas, hospitals, and Lakes Crossings. The impact of the elimination of psychologists in the rural areas.
- How budget cuts will impact early intervention services, birth – two.
- How budget cuts could affect hospital accreditation.

- Collaborating with Coalitions to determine available resources.
- Communication regarding budget cuts and general happenings with clients, stakeholders, staff, and general public.

Chair Greiner stated that she also received a letter from Diane Como, DCFS, requesting that the Commission support the development/creation, to further support the State's advocacy system for children, a consumer advocate system for children receiving mental health services in Nevada, this is a recommendation from the Nevada Administrative Team to Review the Deaths of Children. The State Advocacy System specifically would create and/or improve a state patient advocacy system to ensure that all individuals involved with the child's care fully understand the processes for navigating these systems. This should be a person or agency independent of the facility, yet knowledgeable about issues, such as insurance, facility transfers, appeals processes, etc.

(Commissioner Derbyshire had to leave the meeting at 9:45 A.M. due to an emergency)

The following items were added to the list:

- Develop/create a consumer advocate system for children receiving mental health services in Nevada.
- Request that all insurance companies (self-funded and HMO) broaden insurance coverage to cover all psychiatric disorders.
- Create a formalized process to involve stakeholders in the budget development and reduction process.

(Vice Chair Quint had to leave the meeting at 9:52 A.M.)

Upon a request from Dr. Fricke to include stakeholders in the budget development and reduction process, Dr. Cook responded that when Medicaid makes budget reductions they do hold public hearings statewide for public input. Dr. Cook reiterated that by law budget deliberations are confidential.

**MOTION:** Dr. Fricke moved for Chair Greiner to contact DCFS to determine if there are other issues that DCFS would like to have included in the letter, seconded by Commissioner Jackson. The motion passed unanimously.

**MOTION:** Commissioner McCraw moved to authorized Chair Greiner to write and send the letter to the Governor and Legislature, seconded by Commissioner Jackson. The motion passed unanimously. It was discussed to send the letter by December 15, 2008.

## **FUTURE AGENDA ITEMS**

Chair Greiner stated the following items either have been completed or need to be completed:

- Chair Greiner to send, via e-mail, to Commissioners the letter sent to Dr. Cook from the Psychologists Association in response to some of the issues discussed at the November Commission meeting.
- Mrs. Harper sent, via e-mail, the Coalition Partnership List to Commissioners.
- Dr. Cook sent, via e-mail, the summary, minutes and proposed plan regarding the cemetery from the cemetery authority.

The following additional items were suggested for the March agenda:

- Prescription Medication – Letter requesting the Pharmacy Board for the diversion of authorized prescriptions;
- Budget Update – Dr. Cook; and
- Legislative Update – Dr. Cook.

## **PUBLIC COMMENTS**

Gail Lambrie, a concerned parent/guardian, expressed concern regarding the budget cuts and how those cuts will affect her family. Ms. Lambrie stated that her daughter attends Opportunity Village under the JDT MR waiver. Ms. Lambrie stated that she has been unable to get an answer as to how the cuts will affect her daughter.

Dr. Cook advised Ms. Lambrie to contact Nancy Knox at Desert Regional Center to specifically ask how her daughter will be affected by the budget cuts. Dr. Cook also advised that it may be too early to determine the affects of the budget cuts and exactly who will be affected.

**MOTION:** Commissioner Barron moved to adjourn the teleconference meeting at 10:02 A.M. The motion passed unanimously.

Respectfully submitted,

Christina Harper  
Recording Secretary