

COMMISSION ON MENTAL HEALTH AND DEVELOPMENTAL SERVICES

JANUARY 15, 2009

TELECONFERENCE MEETING

MINUTES

COMMISSIONERS PRESENT VIA TELEPHONE:

Gretchen Greiner, Ed.D, Chair  
Alistar Barron, M.D. – connected at 9:05 A.M.  
Joan McCraw, MSN, APN, Registered Nurse  
Kevin Quint, SAPTA

COMMISSIONERS ABSENT:

Eric Albers, Ph.D.  
Julie Beasley, Ph.D.  
Lee Derbyshire, Marriage and Family Therapist  
Johanna Fricke, M.D.  
Barbara Jackson  
Toni Richard

**CALL TO ORDER**

Chair Greiner called the teleconference meeting to order at 8:36 A.M. Chair Greiner determined that a quorum of the Commission was NOT present.

**DISCUSS BILL DRAFT REQUESTS THAT AFFECT THE COMMISSION AND THEIR RESPONSIBILITIES**

- **SB 23 – Revises Provisions Governing Various Boards, Commissions and Committees – Transferring from Governor to the Director of the Department the Authority to Appoint the Administrator of MHDS and Provides for Greater Flexibility in the Appointment of Administrative Personnel**
- **SB 79 – Revises Provisions Governing Various Boards, Commissions and Committees – Creating the Nevada Commission Services for Persons with Disabilities**

Dr. Harold Cook, MHDS Administrator, briefed the Commission on SB 23 and SB 79 and how those two bills would affect the Commission. Dr. Cook stated that Mary Liveratti will also provide information regarding these two bills, as she is involved in the creation of SB 23 and SB 79.

SB 23 revises the manner in which the Division of MHDS Administrator is selected and hired. Currently, it is a responsibility of the Commission to recommend three top applicants for final appointment by the Governor for the position of MHDS Administrator. SB 23 would place the responsibility with the Department of Health and Human Services (DHHS) Director to recruit, interview and hire the MHDS Administrator.

Mary Liveratti stated that the proposal would be in line with how other DHHS Division Administrators are appointed; the MHDS Administrator is the only administrator within DHHS that is appointed by the Governor. It was discussed that the MHDS Administrator works directly with the DHHS Director regarding MHDS issues on day to day operations. Ms. Liveratti expressed that problems can arise when the DHHS Director and MHDS Administrator have different agendas.

Chair Greiner stated that she understands the advantages for the DHHS Director to appoint the MHDS Administrator, but expressed concern that the Commission should also be able to participate in the selection process, as the Commission works with the MHDS Administrator and oversees programs within MHDS.

Ms. Liveratti stated that part of the problem with the Commission being responsible for the selection of the top three candidates, is that all of the interviews and selection deliberations had to be in an "open meeting". It was felt that there were qualified individuals that did not apply for the MHDS Administrator position due to the open meeting requirements. It was also felt that the actual interview process was unfair, since the interviews were held in an "open meeting", which allowed the other applicants to sit in on another applicant's interview. Ms. Liveratti reassured the Commission that she felt that the DHHS Director would involve the Commission in the selection process.

Chair Greiner responded that Mr. Willden, DHHS Director, did not involve the Commission in any aspect of the selection process of the last three DCFS Administrator appointments.

Dr. Cook stated that the "open meeting" interview process is a lengthy process due to Open Meeting Law requirements and the agenda and posting requirements. It was also expressed that that qualified applicants may not apply due to the fact that the interview process is held in an open meeting and was a very tedious process.

Vice Chair Quint stated that it makes sense for the administrator selection system to be consistent throughout the Division, but would like to ensure that the MHDS Commission is involved in the selection process.

**ACTION:** Chair Greiner requested that the following item be placed on the March agenda for discussion and action to open discussion with DHHS Director Mike Willden's office to develop a process to ensure that the MHDS Commission is involved in the MHDS Administrator Selection process if SB 23 is passed by the 2009 Legislature, for future appointments of the MHDS and DCFS Administrators.

Dr. Cook stated that stated that SB 79 makes various changes to boards and commissions. Ms. Liveratti stated that this bill draft request streamlines commissions and dissolves the Co-Occurring Disorders Committee, which operates independently and would be integrated with the MHDS Commission. The proposal would include the co-occurring disorders committee responsibilities into the MHDS Commission's responsibilities, and allow the MHDS Commission to form subcommittees made up of current Commissioners, former Commissioners, and/or outside interested parties.

Chair Greiner stated that at the time that the Co-Occurring Disorders Committee was proposed, the Commission questioned the need for that committee, as the MHDS Commission felt that they could perform the co-occurring disorders committee duties.

Ms. Liveratti stated that the Co-Occurring Disorders Committee has expressed their displeasure at the prospect of being dissolved. In discussions with the Co-Occurring Disorders Committee it was agreed to further amend SB 79 to include in the MHDS Statute co-occurring disorders responsibilities and add a section to allow the MHDS Commission to create subcommittees. Ms. Liveratti stated that the Co-Occurring Disorders Committee's first preference is to not be dissolved; the DHHS preference is that the co-occurring disorders be included within the MHDS Commission responsibilities, so that the MHDS Commission is more inclusive of all of the issues that face mental health and to consolidate funding and staff resources.

Ms. Liveratti stated that the Co-Occurring Disorders Committee is currently dealing with issues related to mental health, substance abuse, and then the criminal justice system. The Committee is requesting an additional five members in the area of criminal justice, be added to the fourteen member Committee.

Ms. Liveratti stated that part of the purpose of SB 79 is to streamline and consolidate boards/commissions and their responsibilities. Ms. Liveratti stated that within SB 79 there are three main areas/parts of the bill:

1. Creates a new Commission for Persons with Disabilities, which would consolidate eight current boards and commissions within the Office of Disability Services. The proposed Commission for Person with Disabilities would have no impact on the MHDS Commission and disability services would continue under the purview of the MHDS Commission. There would also be the creation of the new Aging and Disabilities Division within DHHS, which is included in the proposed budget. The Disability and Senior Prescription Program would be moved to the Aging and Disability Services.
2. The State Board of Health would appoint members of Advisory Groups (currently the Governor appoints members of the Advisory groups); and consolidate the current cervical and prostate cancer boards into one comprehensive cancer board.
3. Mental Health Consortia would now report to the MHDS Commission; and dissolve the Co-Occurring Disorders Committee and fold that Committee's responsibilities into the MHDS Commission.

Vice Chair Quint expressed concern that he wants to ensure that the integrity of the MHDS Commission is maintained.

**ACTION:** Ms. Liveratti stated that she will provide Commissioners with the briefing sheet and the proposed changes to the MHDS Commission statute to include the inclusion of the Co-Occurring Disorders Committee into the MHDS Commission.

Chair Greiner reiterated that the MHDS Commission did express their concern about the creation of the Co-Occurring Disorders Committee two years ago, when the MHDS Commission felt that it could be part of their responsibilities.

(Commissioner Barron joined the teleconference call)

### **FUTURE AGENDA ITEMS**

The following additional items were suggested for the March agenda:

- Discussion and action to open discussion with DHHS Director Mike Willden's office to develop a process to ensure that the MHDS Commission is involved in the MHDS Administrator Selection process if SB 23 is passed by the 2009 Legislature, for future appointments of the MHDS and DCFS Administrators;
- Legislative Update – Dr. Cook;
- Legislative Bill Tracking (to include bills on medical records, records retention, certified medication assistant) – Mary Liveratti;
- March 13<sup>th</sup> Proclamation of Dr. Nora's Day of Honor for Family;
- Next meeting of the MHDS Commission with DCFS on March 12 and with MHDS on March 13, 2009 with all Commissioners in Las Vegas and video conference site in Reno.

### **PUBLIC COMMENTS**

There were no public comments.

### **ADJOURNMENT OF MEETING**

Chair Greiner adjourned the teleconference meeting at 9:20 A.M.

Respectfully submitted,

Christina Harper  
Recording Secretary