

MINUTES
of the
Mental Health Planning Advisory Council
Consumer & Family Member Advocacy Committee
meeting on
Tuesday, April 12, 2011
held at
Division of Mental Health & Developmental Services
4126 Technology Way, Second Floor Conference Room
Carson City, Nevada 89706

1. CALL TO ORDER, ROLL CALL, INTRODUCTIONS – PATRICIA PETERMAN, CHAIR

Meeting called to order by Rene Norris on behalf of Patricia Peterman at 8:40 am. Verbal roll call completed. Tanya completed the sign-in sheet.

Members Present:

- Caloiaro, Dave – MHDS (attended for Cody Phinney)
- Norris, Rene – Family Member (via teleconference in Las Vegas (proxy for Patricia Peterman))
- Herrera, Corrie – Family Member (via teleconference)
- Polakowski, Ann - DCFS
- Thomas, Alyce – Consumer (via teleconference)
- Wilhelm, Layne - SAPTA

Members Absent:

- Peterman, Patricia – Family Member (proxy given to Rene Norris)
- Phinney, Cody – MHDS (had Dave Caloiaro attend)
- Snead, Lydia – Family Member

Staff and guests:

- Benitez, Tanya – MHDS/MHPAC Admin. Asst.
- Crowe, Kevin Dr. – MHDS Commission
- Gonzales, Tera – Nevada Disability Advocacy & Law Center (NDALC)
- Mowbray, Roger – Grant Writer

- Willingham, Bryce –
Consumer

2. REVIEW AND APPROVE MINUTES FROM PRIOR MHPAC CONSUMER & FAMILY MEMBER COMMITTEE MEETING ON 3/23/11

Rene asked for questions, comments, and/or changes to the 3/23/11 minutes. Alyce motioned to approve the minutes as written. Corrie seconded the motion.

UNANIMOUS VOICE VOTE: MOTION CARRIED

3. REVIEW LEGISLATIVE BILLS

Rene gave the floor to Roger. Roger said Assemblyman Stewart may join the meeting regarding AB94 and he asked the Chair if the Committee would be willing to defer item five to the end in case Assemblyman Stewart is able to join. Rene agreed.

Roger gave a brief overview of the process the Committee has been using.

AB33: Moved from Assembly to the Senate Commerce & Labor. There was a hearing on 3/14/11. No action was taken. The bill was approved by the Assembly.

AB48: There are not any hearings scheduled for this. The last action was in the Assembly Committee on Health & Human Services where it was given a do pass as amended. The next step in the process is for the entire Assembly to consider the bill.

AB50: Moved from Assembly to the Senate Health & Human Services. There was a hearing in the Senate on 3/17/11, with amend and do pass as the Senate Committee's recommendation. It is now waiting for approval by the entire Senate.

Corrie asked for clarification that the first three bills discussed the Committee was in general support of. Roger said yes the Committee said they were in support of but not moved at any point to take action on them at this time.

AB59: This bill has to do with the Open Meeting Law. The Assembly Government Affairs Committee heard on 3/25/11 and is planning to amend it to reduce some of the harsh consequences. There were some very harsh consequences regardless of whether they were intentional or unintentional. A number of public entities, Councils, Commissions were a concerned with this.

AB61: Was heard in the Assembly Government Affairs on 2/25/11. It was amended and do pass as amended. Nothing further has occurred.

AB65: Heard in Assembly Commerce & Labor on 2/18/11 with amendments to be considered at a future meeting. No future meetings have been scheduled.

Corrie asked if something in particular happened to bring this bill about. Roger and Ann are not sure. Roger will do some research and get back to Corrie.

AB93: Heard in the Assembly Judiciary on 3/9/11. No action was taken.

AB94: will be discussed later in the meeting.

AB528: Authorizes the Health Division to transfer to MHDS money received from the issuance of medical marijuana identification cards and requires MDHS to use the money for alcohol and drug abuse programs to persons referred by an agency which provides child welfare services. No meetings have been scheduled. Roger asked Layne if he is familiar with this bill. Layne said they are somewhat undecided on the amount of money that is available. It may not require a full formal bill; it may be a budgetary item. He is not sure how they are going to do this. Corrie said they would use the money from the medical marijuana cards and use it for alcohol and drug abuse programs for children. Layne said no, it is mainly for the parents, the children may or may not be in foster care, but they are under the custody of the state, and they need to get the parents into a treatment program to expedite the reunification or termination of the parental rights. They say it languishes by the time they get them to receive the care and follow the court orders.

Roger went back to AB48: On 4/8/11 it went from the Concurring Committee on Health & Human Services, amend and do pass as amended. On 4/11/11 it was taken from the second reading file and placed on the second reading file for the next Legislative day. He believes what that means is it was supposed to be heard in front of the entire Assembly for their consideration. Apparently the floor session for the Assembly went way past what they intended. They usually start at 11:00 am and are done by 1:00 pm, so the Committee hearings can happen. Yesterday, the Assembly floor session went until almost 3:00 pm. The Committee meeting that was to hear AB94 was scheduled to start at 1:30 pm did not start until 3:00 pm. It appeared they spent a lot of time on the education issues. AB48 is moving ahead in the process.

Roger asked for questions on the Assembly bills or if there are any Assembly bills that the Committee is aware that it would appropriate for them to monitor and add to the list.

Roger went over the Senate bills.

SB28: Heard in Senate Judiciary on 3/3/11. No action was taken. This bill was requested by MHDS. The Psychiatric Association opposed.

SB44: Heard in the Senate Health & Human Services on 3/17/11. Amend and do pass as amended. This bill was requested by MHDS. Corrie asked if this is just the language they are changing. Roger said it is the bulk of the bill. MHDS in light of the healthcare reform wanted more flexibility in defining eligibility for services. Right now some of the items are in statute, which can only be changed every two years. MHDS is proposing the flexibility be put into regulation, which can happen without the legislative process every two years. It is still a long process; they still have to have public hearings. The thought is healthcare reform is going to change many of the eligibility requirements. Corrie asked if this will broaden the definition of who they can serve. She said client to her is they are a formal client and consumer is a potential client. Roger said it is not necessarily broadening it. For example: more people become eligible for private insurance under healthcare reform, and those people may not be receiving services from MHDS, because there are more people eligible for Medicaid. MHDS is going to be primarily looking at providing services to the uninsured and underinsured. Corrie said it a last resort when no other options are available. Roger said he believes that is a good description. The Division is asking for the ability to respond to the changing circumstances depending on how the healthcare reform takes effect.

SB105: No hearings have been scheduled. Roger is not sure what the fate of the bill is. There is a point if a bill is not heard by the Committee then it is pretty much dead, but he is not sure of the date.

SB275: Roger said Jack from NDALC suggested the Committee monitor this and SB276. Both have to do with bullying. This was heard in Senate Education on 4/11/11. No action has been taken. Corrie said she likes these two bills because most of the children targeted have disabilities. Roger said he believes that was Jack's thought in recommending these.

SB276: Heard in Senate Education on 4/11/11. No action has been taken.

AB448: This is the bill that was proposed by DCFS to create the Children's Behavioral Health Policy & Accountability Board as a subcommittee of the MHDS Commission and designated DCFS as the mental health authority for children in the State. There was a hearing on 4/5/11. This is one of the bills the Council wrote a letter of support for. Apparently the hearing did not go well. Roger asked for Dr. Kevin Crowe's and Ann's input. Ann said it did not go well; there was a lot of opposition. Psychiatrists, the Psychologists, and NFP Board all opposed the bill. There were not any stakeholders that came to the table to support the bill. Dr. Kevin Crowe said the Commission has a subcommittee has a meeting on April 15, 2011 at 7:00 am and they will be working with Diane to determine what other objectives they should set as priorities in their multi-year

plan. This was one of the key objectives for the initial recommendations of the Children's Consortia, so it will affect the planning done with the Children's Consortia as well. Roger will forward the call in information to everyone on the Committee. Corrie asked if this bill is probably not going to pass. She said she sees a pretty strong statement in the letter from the Nevada Psychiatric Association. Dr. Crowe said they have received correspondence from DCFS that there will be no further action on the bill at this time. They will be working with the Commission to determine what the Commission can assist with within the existing statutory responsibilities of DCFS. Roger said DCFS has a budget hearing on Thursday morning, where the joint Assembly and Senate Money Committees will review several DHHS budgets. DCFS has a decision unit in their budget to reallocate resources from direct service providers to support this proposal. This decision unit will probably go back to keeping it the same.

SB469: This is another bill that Jack brought to the Committees attention. Heard in Senate Judiciary 4/6/11. This bill was requested by the Department of Administration and contains unfunded liability for counties. The note Roger took from the legislative website is "without recommendation and rerefer." He is not sure what that means. They heard it and there were some issues. The counties are facing a long list of programs and additional unfunded mandates. They are opposed to it. Corrie asked if this is legal representation provided by the State. Roger said he is not sure if the State currently provides this. Corrie said they are asking the County to take on the burden. Layne said it looks like they are discussing the Mental Health Courts. Roger said the bill states "existing law authorizes the District Court to establish a program for treatment of offenders with mental illness or mental retardation. This bill requires each county in which such a program has been established to provide for services for defendants assigned to the program in that county. The bill further authorizes the board of town commissioners of such county enter into contracts and agreements necessary for that purpose." Layne said the counties are Washoe, Clark, and Carson. Corrie said they do not have this in Elko County. Roger said at the hearing there was only one document. He sent this three page document from the Clark County Mental Health Court yesterday to the Committee. He believes they are advocating that the Mental Health Court be continued to be funded by the State through MHDS. This is one of the items in the budget reductions that the Committee previously wrote in opposition to that change. This document from Clark County sites a number of statistics of the success rate. This bill is related to the Mental Health Courts, but Roger is not sure how. Corrie asked if Jack from NDALC was opposed. Roger said he believes so.

Roger asked for questions and/or other bills not on the list that should be monitored. No comments made.

4. REVIEW EXECUTIVE BUDGET PROPOSALS PERTAINING TO MENTAL HEALTH

Roger said DCFS has a hearing on Thursday. MHDS is not scheduled at this time. During the last hearing, Mental Health Court was a large issue. A number of people attended both from the program side and the court side, advocating that the Legislature not make the cuts to the mental health courts. They are transfers to the counties; however, the counties are stating they do not have the money, so if it is transferred the program will not happen. They went through a number of the other program cuts like elimination of the PACT team, supportive housing, and others. A number of pointed questions were asked. Roger said it remains to be seen how the money committees are going to respond to these. They have two choices, if they feel strongly about restoring something like the Mental Health Court, then they need to cut something else or raise revenue. On the revenue side, the Committees are waiting for the Economic Forum which is May 2, 2011. The Economic Forum will determine what the projected revenue will be for the next biennium, and that will be the number the Legislature is bound to use in closing their budget and it must be a balanced budget. There has been a lot of talk that the Economic Forum may come back with higher revenue than what their previous projection was. If there is higher revenue, there is a long line of agencies that want the money. Roger asked for questions. None asked.

5. AB94

Roger attempted to contact Assemblyman Stewart. He is in the Taxation Committee; he may be able to join in the next few minutes. On 4/11/11, Roger sent to the Committee the letters in support of AB94 and the letter from Dr. Cook suggesting amendments. Roger asked for questions regarding Dr. Cook's letter. Alyce is not sure what item one indicates. Roger clarified it was item one and not two. Roger said the letters from Mental Health West, the Treatment Advocacy Center, and Nevada Psychiatric Association are in support of the bill. However, testimony that was given, there were several people that testified against the bill for a number of reasons, such as NDALC – Jack Mayes expressed their position, they do not support the bill, and Mojave Mental Health Services both their Director, and several clients testified against the bill for both civil rights issues and utilizing resources for people who are not willing participants. There were others that also testified against it. A number of Legislators questioned how this is going to be paid for. The general response by the supporters was there would be a savings. Roger said that may be the case but it is hard in the State budget process to move the money around. For example it may be a savings at the State level and the Department of Corrections, but there is an additional cost at the Mental Health Division or at local law enforcement, that does not get reimbursed. Corrie said based on everything she has read, and the amendments, it just does not make sense to her. It violates civil rights and the amendments put the burden on the county. She said Elko County will not participate in this. On the second page, "the provisions of this section do not require the Division to provide

examinations required pursuant to subsection 1 at a Division facility if the Division does not have the : (a) appropriate staffing levels of physicians, physician assistants, advanced practitioners or nursing or other appropriate staff available at the facility as the Division determines is necessary to provide such examinations” She said they do not have them now, they can not provide services to the people who want services. Why do they need to add this and the civil rights issue? She said she can not support this. Roger said the hearing was rushed because they had to be out of the room for another Committee to use. They did not take any action as far as he can tell. There is not anything else scheduled at this time. Corrie asked if the only opposition was the letters written. Roger said there were people advocating for AB94 and the letters in support of AB94. There were also a number of people that testified against it; however, he believes the only letter that was posted opposed to this bill is the letter from the Council. This bill is very controversial. Roger said Dr. Leslie Dickson, wrote the letter from the Nevada Psychiatric Association, and explains how close she was to the whole situation. This is called Kendra’s law nationally. Apparently, Dr. Dickson was living in New York when an incident happened and she was profoundly impacted by it, so she was very passionate about the bill. Again there were several who were not, and a number of Legislators asked very pointed questions as to how this will work and who will pay for this. Corrie said she is sympathetic to Dr. Dickson’s opinion; however, she still is not able to support it. Dr. Crowe said the Commission has discussed AB94 and they have not taken any formal action. Rene asked what their thoughts are on the bill. Dr. Crowe said it is controversial. There was quite a discussion. He said the mitigating discussion from Dr. Barren is this program has proven useful in other States, particularly for hospital based programs, and that there are adequate safe guards built into the bill. The end result of the Commission was they did not take action. Roger asked if this is on the agenda for Friday’s meeting. Dr. Crowe said yes it is along with SB448 and AB48. Roger asked for questions. The Committee said they are not in favor of changing their position on this bill.

Roger said unfortunately Assemblyman Stewart is unable to join the meeting. When Roger spoke with him, his points were the Council states it raises civil rights issues and raises cost issues, and his contention was it has the opposite effect of what the Council was saying. He wanted Assemblyman Stewart to be able to share the information with the Committee. Corrie asked if there were any written statements from him in regard to this bill. Roger said there was nothing posted at this time. He will look for more documentation. Corrie asked if they record and transcribe the hearing. Roger said yes, they are about a month out for posting minutes. He believes it is important that the Committee hears both sides, so they do not feel they are alone in this, because they certainly are not. From what he heard, there was quite a difference in opinion on this bill.

6. DETERMINE APPROPRIATE ACTION ON ABOVE ITEMS

Corrie said she believes they need to keep monitoring SB275 and SB276. She sees a lot of bullying in her area. The schools either do not want to or do not know how to handle the situation. She believes they should monitor and possibly support. Alyce and Rene agreed. Rene said bullying is one of the reasons she pulled her own child out of public school and put her in home school. There are a group of girls that go around and beat up on kids with mental health issues or a disability and the school has not done anything about it. Corrie said the bullying is not just toward children with disabilities either and something has to be done about it. The damage to children with mental health disabilities can be profound. Rene agreed. Roger said there are a number of exhibits on SB275. He will send a link to the Committee so they can see what everyone is saying. Most are in support of the bill. Corrie asked if the reason there is so much “no action taken” is because they are waiting for the Economic Forum. Roger said that is his guess on anything that has any fiscal impact. There is some fiscal impact on these bills.

Roger will get the background information on AB65; will continue to monitor all bills listed including AB94. He believes SB448 is probably dead. He will monitor budget issues as they arise. He is not hearing any specific actions the Committee wants to take at this time.

7. PUBLIC COMMENT

No public comment.

8. SET DATE AND TOPICS FOR FOLLOW-UP MEETING

Alyce motioned to have the next meeting on Tuesday, May 3, 2011 at 8:30 am. Corrie seconded the motion.

UNANIMOUS VOICE VOTE: MOTION CARRIED

9. ADJOURNMENT

Alyce motioned to adjourn. Corrie seconded the motion.

UNANIMOUS VOICE VOTE: MOTION CARRIED

Meeting adjourned at 10:09 am.