

ALCOHOL, DRUG ADDICTION AND MENTAL HEALTH SERVICES BOARD OF CUYAHOGA COUNTY

GENERAL MEETING MINUTES

January 27, 2010

Board of Directors Present:

Kathryn E. Gambatese, Chair
Luis Felipe Amunategui, Ph.D.
Reginald C. Blue, Ph.D.
Eugenia Cash
J. Robert Fowler, Ph.D.
Janet C. Hnanicek
Pythias D. Jones, M.D.
Rick A. Kemm, MNO

Amy S. Leopard, Esq.
Harvey A. Snider
Rev. Charlotte Still Noble
Lisa Thomas, Ph.D.
Ericka Thoms
Mary R. Warr
Anngela Williams

Chief Executive Officer – William M. Denihan

Absent: Pastor Charles E. Brown, Rev. Benjamin F. Gohlstin, Sr., Cynthia Miller

ADAMHS Board Staff Present:

Cindy Chaytor, Christina Delos Reyes, M.D., Rose Fini, Tami Fischer, Cheryl Fratalone, John Garrity, Lisa Griffith, Valeria Harper, Carol Krajewski, Scott Osiecki, Christine Paternoster, Ralph Piatak, Yancey Quinn, Cassandra Richardson, Starlette Sizemore-Rice, Lynnette Walker

1. CALL TO ORDER

Chairperson Kathryn Gambatese called the General Meeting to order at 4:00 .m. No input was generated from audience members regarding agenda items.

2. APPROVAL OF MINUTES – Minutes of the ADAMHS Board General Meeting held on November 18, 2009, were approved as written.

3. PLANNING AND OVERSIGHT (P&O) COMMITTEE REPORT

Ms. Fini, Director of Legal Affairs, was asked to introduce the policies recommended for 1st and 2nd reading by the Planning & Oversight Committee.

- **CONTINUED COMMITMENT AS OUTPATIENT POLICY** (*1st Reading*)

Ms. Fini elaborated on the purpose of the new *Continued Commitment as Outpatient Policy*. The policy's purpose statement indicates that the Mental Health Act of 1988 permits the commitment to the Board, of persons deemed mentally ill and subject to court ordered hospitalization. Under the direction of the Chief Clinical Officer of the Board, a determination is made as to the least restrictive treatment setting consistent with that person's need. For select individuals, commitment to the Board shall continue upon hospital discharge subject to adherence to ORC Section 5122 and the Mental Health Act. The use of continued civil commitment on an outpatient basis is reserved for patients being discharged from the state hospital who require a probate court mandate for treatment in order to comply with that treatment necessary to allow them to live and function safely in a community setting. Historically, without court-ordered treatment, these individuals have demonstrated that they repeatedly suffer relapses of their mental illnesses resulting in the need for involuntary hospitalization.

[Dr. Thomas and Ms. Warr arrived.]

- **RECORDS RETENTION POLICY** – 2nd Reading & Vote

Purpose: To provide clear direction regarding the retention and disposition of records created and maintained by the Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County (ADAMHS Board). Ms. Fini noted that formatting changes recommended at the 11/18/09 General meeting were made. No further questions or concerns were raised with the policy.

Motion to approve the Records Retention Policy. MOTION: M. Warr / SECOND: H. Snider

AYES: F. Amunategui, R. Blue, E. Cash, J. Robert Fowler, J. Hnanicek, P. Jones, R. Kemm, H. Snider, C. Still Noble, L. Thomas, E. Thoms, M. Warr, A. Williams / NAYS: None / ABSTAIN: None / **Motion carried.**

Ms. Warr, Planning & Oversight Committee Chair, summarized issues discussed at the P&O Committee meeting held on 1/13/10:

- Final Report for Behavioral Health/Juvenile Justice
- Status of Pilot Mental Health Service Benefit Package for Non-Medicaid Adults
- Presentation: Hitchcock Center for Women
- Policy Review: Continued Commitment as Outpatient Policy

4. FINANCE AND OPERATIONS COMMITTEE REPORT

Committee Chair, J. Robert Fowler, Ph.D., noted that the Finance & Operations Committee met on 1/20/10. The committee reviewed report statistics regarding the utilization of Central Pharmacy allocations and state hospital bed days. Operating expenditures were reviewed as well as Board vouchers. Consequently, all items reviewed by the committee have been recommended for approval in the Consent Agenda Format.

The Chair honored Ms. Thoms' request to remove Resolution No. 10-01-05 from the Consent Agenda to avoid a potential conflict of interest issue. A motion on the revised Consent Agenda was entertained.

CONSENT AGENDA (Resolution Nos. 10-01-02, 10-01-03, 10-01-04 and 10-01-06)

- **RESOLUTION NO. 10-01-02**
ACCEPTING THE REPORT OF THE CHIEF EXECUTIVE OFFICER ON VOUCHERS PROCESSED FOR PAYMENT DURING NOVEMBER 2009 AND DECEMBER 2009
- **RESOLUTION NO. 10-01-03, RATIFICATION OF INTERAGENCY AGREEMENT:**
◊ BOCC Corrections Planning Board – Dually Diagnosed Outpatient Offender and Aftercare Program
- **RESOLUTION NO. 10-01-04, APPROVAL OF SERVICE PROVIDER AGREEMENTS:**
◊ Dually Diagnosed Outpatient Offender & Aftercare program – Matt Talbott at Catholic Charities
◊ Positive Education Program – Consolidation of PEP Tapestry & PEP Connections Programming
◊ Department of Justice Affairs – Adult Drug Court Sustainability Funds
◊ Contracts with 14 Adult Care Facilities
- **RESOLUTION NO. 10-01-06, ACCEPTANCE AND RATIFICATION OF LETTER OF ARRANGEMENT WITH THE AUDITOR OF STATE TO CONDUCT A SPECIAL AUDIT ON BEHALF OF THE ADAMHS BOARD OF CUYAHOGA COUNTY**

Motion to approve the Consent Agenda (Res. Nos. 10-01-02, 10-01-03, 10-01-04 and 10-01-06).

MOTION: B. Fowler / SECOND: R. Blue / AYES: F. Amunategui, R. Blue, E. Cash, J. Robert Fowler, J. Hnanicek, P. Jones, R. Kemm, H. Snider, C. Still Noble, L. Thomas, E. Thoms, M. Warr, A. Williams / NAYS: None / ABSTAIN: None / **Motion carried.**

- **RESOLUTION NO. 10-01-05**

- **APPROVAL OF SERVICE PROVIDER AGREEMENTS:**

- ◇ Hilton Garden Inn – ADAMHS Board Annual Meeting
- ◇ Sponsorship: Cleveland Playhouse - *Bill W. & Dr. Bob*
- ◇ Sponsorship: Tools for Today & Tomorrow
- ◇ Sponsorship: Voices for Children – Ohio Covering Kids & Families Conference
- ◇ Sponsorship: Suicide Prevention Education Alliance – *2010 Into the Light Walk, 10/3/10*
- ◇ Accountemps: Temporary Staffing Service
- ◇ Re-Issuance of Request for Proposal for Security Services

Motion to approve Resolution No. 10-01-05.

MOTION: B. Fowler / SECOND: H. Snider / AYES: F. Amunategui, R. Blue, E. Cash, J. Robert Fowler, J. Hnanicek, P. Jones, R. Kemm, H. Snider, C. Still Noble, L. Thomas, M. Warr, A. Williams / NAYS: None / ABSTAIN: E. Thoms

Motion carried.

4. COMMUNITY RELATIONS & ADVOCACY (CR&A) REPORT

Dr. Lisa Thomas, reported on the CR&A Committee meeting held on 1/6/10.

- Legislative/Advocacy Update
- Federal Healthcare plans/versions
- Plans for ADAMHS Board Annual Meeting – Tuesday, May 18th – Hilton Garden Inn – Downtown
- County Reform Transition
- Sponsorships (previously voted upon in Consent Agenda)
- Media Tracking Report
- ADAMHS Board New Location Open House Plans

Dr. Thomas, along with Dr. Robert Fowler, Rev. Benjamin F. Gohlstin, Sr., Scott Osiecki and William M. Denihan, participated in the Ohio Association of County Behavioral Healthcare Authorities (OACBHA) Legislative Day in Columbus on 1/26/10 which included the opportunity to meet with legislators (see CEO Headliners). Dr. Thomas found that all members of the Cuyahoga County delegation seemed to be very receptive and supportive of our 408 formula concerns. Dr. Thomas encouraged other Board members to consider attending next year's Legislative Day.

RESOLUTION NO. 10-01-01

APPROVAL OF SOFT OPENING AND GRAND OPENING OF ADAMHS BOARD OF CUYAHOGA COUNTY NEW OFFICES

Motion to approve Resolution No. 10-01-01. MOTION: R. Blue / SECOND: E. Thoms / AYES: F. Amunategui, R. Blue, E. Cash, J. Robert Fowler, J. Hnanicek, P. Jones, R. Kemm, H. Snider, C. Still Noble, L. Thomas, E. Thoms, M. Warr, A. Williams / NAYS: None / **Motion carried.**

5. CHAIR'S REPORT

The Chair expressed her sincere appreciation to those Board members and Board staff who traveled to Columbus to meet legislators and advocate for essential funding for our constituents and noted that there is no better substitute for advocacy with legislators than personal face-to-face contact.

Ms. Gambatese noted that she intends to send e-mails in the near future about tasks needing to be addressed prior to the Annual Meeting in May.

The Chair reminded Board members about the video viewing of the "The Long Road Home" a documentary illustrating the story of prisoner reentry in Ohio. The free screening will be held at MetroHealth Medical Center on Thursday, January 28, at 3:00-4:30 p.m. Ms. Warr inquired whether a DVD might be available for viewing for those unable to make this particular time. Mr. Denihan offered to investigate this option.

6. CHIEF EXECUTIVE OFFICER'S REPORT

Mr. Denihan highlighted items from the January 27, 2010, CEO Headliners; see issue attached to minutes.

- As Terry Collins, Director of the Department of Rehabilitation and Correction, is retiring in mid-February after 25 years of service, Mr. Denihan suggested that the full Board consider adopting a resolution congratulating him on his retirement. The Chair acknowledged the expertise of Mr. Osiecki in composing recognition resolutions and entertained a motion to adopt the spirit of a resolution honoring Mr. Collins on the occasion of this retirement for his valuable contributions.

RESOLUTION NO. 10-01-07**RECOGNITION OF TERRY J. COLLINS FOR HIS VALUABLE CONTRIBUTIONS TO OHIO'S REHABILITATION AND CORRECTION SYSTEM**

Motion to approve Resolution No. 10-01-07. MOTION: F. Amunategui / SECOND: R. Blue

AYES: F. Amunategui, R. Blue, E. Cash, J. Robert Fowler, K. Gambatase, J. Hnanicek, P. Jones, R. Kemm,

H. Snider, C. Still Noble, L. Thomas, E. Thoms, M. Warr, A. Williams / NAYS: None / **Motion carried.**

- Mr. Denihan recently received e-mail notification that the Ohio Supreme Court has denied the jurisdiction on the case filed by Dilorio Properties vs. the Cuyahoga County Community Mental Health Board. Mr. Denihan will write a letter to our legal counsel thanking them for their outstanding job. Discussion followed on the possibility of recovering the deductible cost for legal work necessary to refute the suits filed by Dilorio Properties. Mr. Snider asked if a written opinion could be secured on this issue.

[Ms. Leopard arrived.]

- Mr. Denihan noted that OACBHA's Executive Council plans to address three issues:
 - Reduce the number of OACBHA committees and become more focused.
 - Reduce dues
 - Reduce administrative costs

OACBHA's Executive Council has developed 9 Goals:

1. Create a form that all Boards will utilize for reporting inappropriate Medicaid billings;
 2. Meet with Frank Hickman to garner information on filing a lawsuit on the underfunding of the 408 Fund as it relates to the Mental Health Act of 1988;
 3. Notify the Auditor of State of Department's failure to reconcile since 1999;
 4. Resend 12/10/09 letter to Directors Stephenson and Dawson asking for a response on Medicaid issues. Notify Governor Strickland, Speaker, Senate President and Medicaid Director;
 5. Set meeting with Managed Care trade organizations;
 6. Support efforts of the Olmsted lawsuit, via finding consumers who are not served;
 7. Consider impact to either opt or opt out of 408 Medicaid;
 8. Question ODMH on purpose and intent of cost saving RFP;
 9. Side by side 10 goals.
- Rev. Gohlstin and Scott Osiecki are members of the "Of-1-Mind: An Education and Advocacy Committee and Campaign. The keynote speaker for the Kick-Off was Pamela S. Hyde, J.D., the new Director of SAMHSA. She has been on the job for 90 days; this event was her first trip outside of Washington, D.C. To learn more about it and join the Of-1-MIND campaign, please visit: www.of-1-mind.org
 - A letter was received from the Executive Director of Connections regarding the retirement of Dr. Safavi; consequently, we would like to bring a resolution to the full Board in February recognizing him for his valuable contributions to the behavioral health system.
 - Mr. Denihan reported that the Speaker of the House told him that he had spoken to Director Sandra Stephenson about the serious concerns about the negative financial implications of the 408 formula for Cuyahoga County residents in need of services.

7. OLD/NEW BUSINESS

- Mr. Snider addressed the recent reimbursement of St. Vincent's Psychiatric Crisis Stabilization Unit by the Board of County Commissioners and questioned why other providers could not receive similar financial help. Dr. Delos Reyes noted that St. Vincent's provides a 24 hour/7 day a week psychiatric emergency room that assists the entire behavioral health system. If this crisis service was negatively affected, it would have a devastating impact on the rest of the system. Mr. Nosek, CAD President, noted that the Council of Agency Directors in its planning ranked crisis and emergency room services as #1. He added that there is no ill feeling by providers that St. Vincent's was kept whole. Ms. Leopard added that this situation highlights the need for coalition building and points out how cuts impact a lot of people indirectly.
- Dr. Amunategui thanked Mr. Denihan for his leadership at a meeting held in December around the emergency room service needs for children.

8. AUDIENCE INPUT

- Mr. Nosek thanked Mr. Denihan and Board staff for advocacy efforts around funding needs.
 - 1) With regard to the OACBHA goals and issues referenced, Mr. Nosek noted that no one would disagree that a civil servant reviewing records should report inappropriate billings to the authorities; however, if such reports are made, Mr. Nosek requested that they should also be shared with the respective provider.
 - 2) Secondly, Mr. Nosek wished the Board of Directors to know that there is a tension between the Board Association and the Provider Association around the issue of Medicaid administration. Boards wish to continue the administration of Medicaid at the county level while providers prefer the control at the state level. Providers feel that local control invites more opportunity for interpretation for different system's auditing processes.
 - 3) It was very significant that Governor Strickland did not even mention behavioral health in his State of the State address and the devastating cuts. CAD has developed a document called, "*Cuyahoga County Mental Health System on the Brink of Collapse.*" Included in the document are budget impact statements from the various agencies. CAD agencies intend to take on advocacy efforts themselves. Mr. Nosek asked the ADAMHS Board staff to provide prior notice to CAD about legislative events and/or information. The CAD wishes to be an advocacy partner.
- Greg Uhland, Executive Director of ORCA House, announced that the agency is celebrating its 60th Anniversary on April 15th. The agency shall purchase 50 tickets for the *Bill W. and Dr. Bob* performance at the Playhouse as a fundraiser and also plans to hold an Anniversary Dinner on September 10, 2010.

There being no further business, the Chair adjourned the meeting at 5:35 p.m.

Submitted by: Carol Krajewski, Executive Specialist

*Approved by: _____
Kathryn E. Gambatese, Chair/ ADAMHS Board of Cuyahoga County*