

**COMMISSION ON BEHAVIORAL HEALTH
DUTIES, LIMITS, AND RESPONSIBILITIES OF THE
COMMISSION ON BEHAVIORAL HEALTH SUBCOMMITTEE**

**August 17, 2018
DRAFT MINUTES**

PHONE CONFERENCE MEETING

COMMISSIONERS PRESENT ON THE PHONE:

Denise Everett
Noelle Lefforge
Lisa Ruiz-Lee

COMMISSIONERS ABESENT:

STAFF AND GUESTS:

Kristen Rivas	Division of Child and Family Services
Krystal Castro	Division of Public and Behavioral Health
Charlene Frost	Nevada PEP
Savannah Chavez	United Citizens Foundation

CALL TO ORDER AND INTRODUCTIONS

Commissioner Ruiz-Lee called the meeting to order at 10:00 A.M. Roll call is reflected above; it was determined that a quorum was present.

PUBLIC COMMENT

There was none.

APPROVAL OF MINUTES FROM THE FEBRUARY 2, 2018 MEETING

MOTION: Commissioner Everett made a motion to approve the minutes from the March 30, 2018 meeting.

SECOND: Commissioner Lefforge.

VOTE: The motion was passed unanimously.

REVIEW THE COMMISSION STATUTORY BREAKDOWN AND DETERMINE THE ITEMS TO SEND TO THE DEPUTY ATTORNEY GENERAL FOR INTENT AND HISTORIC INQUIRY

Kristen Rivas gave the background of the Commission statutory breakdown document. Ms. Ruiz Lee had asked if Ms. Rivas could send and ask about the history or legislative intent of the areas marked as "N/A" to the DAGS. She cannot send something to the DAG without specific questions regarding legislative process. She thinks we need to go through these items and put together some specific questions for the DAG.

Chair Ruiz Lee said her question is if the Commission is not really doing some of the things in statute, or there is not a mechanism to do them, why are they are in the statute and should we

make recommendation for modifications. The question is why they are not being done and she is not sure a DAG can answer that.

Ms. Lefforge would also like to review the items in red.

Questions/ Suggestions

NRS 433.314 #4 in red. We send a letter to the Governor, but it generally does not include the quality of care requirement as stated in this NRS. Ms. Lefforge does not think we need further clarification about this, but suggested that the meeting to draft the letter opened with a review of this portion of the statute.

NRS 433.316. #2 **How would the Commission request legislation?** Ms. Rivas will find out.
#7 Where does that plan currently exist today and how has it been created in the past? Ms. Everett questioned how the Commission is supposed “to provide continuity in the care and treatment provided”. Ms. Lefforge asked if the Commission were to create a plan, where does it go and who would have to abide by that plan.

There was discussion about items 1 through 12 and whether and where these items are happening. It was noted that for this section the statute states “The Commission **may** ...”. Perhaps they gave the Commission a wide variety of powers if they choose to use them. Once we reserve an answer back from the Attorney General or LCB, the Commission or Subcommittee will need to review 1-12 and prioritize those powers.

NRS 433.395 page 3. In the past, somebody talked about the Commission having a budget. She does not know anything about this. The statute gives us leverage to meet in person. How is the Commission financed? Is there a budget?

Ms. Rivas gave the history of this on the DCFS side for the ten years she has supported the Commission. The Commission does not have an actual set aside budget. The Commission is in statute under the Division of Public and Behavioral Health. Years ago, there was a push to separate the two meetings because we needed to address children’s issues separately from adults because the children’s issues were getting lost. At that time the DCFS Deputy Administrator put a certain amount of money under our block grant for a minimal amount to support DCFS meetings. Currently there is \$5000 for support. This covers all the handouts, mailings, printing, and stipends. The Commission used to have one face-to-face meeting/year paid out of that \$5000. Then we had the Governor’s direction that no one was traveling. That is not the case now. We spend about \$2800 – maybe \$3000/year on the support out of that \$5,000.

Krystal Castro said on the DPBH side, the Commission is paid out of a certain budget account. She was told that budget account has no money, but she does not know the amount of money that goes into that budget. It covers travel requests as needed – mileage reimbursement to attend the meeting if anyone decides to fly. There have been no requests for flights. It also pays for mailing

and copying. She can talk to their fiscal department to see if there is a certain amount just for Commission.

Ms. Lefforge asked to add to the recommendation to the Commission that they discuss whether they want a face-to-face meeting annually. Regarding the budget, Commissioner Debra Scott brought up that the stipend law changed a few years ago and it went up from \$80 to some other number. Ms. Rivas can look into that. Ms. Lefforge suggested asking Ms. Scott for the information.

NRS 433.325 and 433.327 are pretty much N/As since we do not know who they are executed. Ms. Lefforge does not know if the Commission would want to take more of a role in inspections of facilitates. We spend a lot of time reviewing reports and she is interested in how the Commission can be more active.

NRS 433.404 Schedule of fees. What fees are we supposed to be reviewing and approving? This is a “shall”. Charlene Frost pointed out that this says, “the Division shall...”. Ms. Lefforge said the Division is supposed to provide the Commission this, and it has never seen this. Ms. Frost said the CCCMHC has asked for this and has been told they never developed one because they do not do sliding scale, they just serve everyone for free. Ms. Lefforge said this leaves the historical question about why this is included in the NRS.

NRS 433.482 #9. Has the Commission ever designated “additional personal rights”? Does the Commission set regulation?

NRS 433.534 Denial of Rights. 3c “May act on behalf of consumers to obtain remedies for any apparent violations”. Ms. Lefforge asked how would the Commission get involved with problems? When she reviews the reports, she feels like her hands are tied to do anything about what she is reading. Ms. Everett agrees, and she is concerned that the Commissioners review them several months later. The staff involved may not even be there. It feels useless. What is the purpose of reviewing these? Chair Ruiz-Lee said maybe we will have a better understanding after we get a response about the how. Maybe the recommendation to the Commission would be to have a conversation around the utility of this process, and whether or not it should be in place or if there is sufficient governance in other DHHS organizations to provide oversight of the reports and that would come back to a potential legislative change.

Ms. Frost said she believes the mechanism for requesting legislation is to write a letter to the administrator to do a bill draft.

This one worries her because if the Commission is not able to obtain some kind of remedy, then nobody is looking out for the consumer. Ms. Lefforge agrees with this and it is a concern. Ms. Ruiz Lee asked if the institutions that are regulated by Health Care Quality and Compliance (HCQC), ever get involved in that process? They do not sign off on the forms. Ms. Castro stated

HCQC has started to get more licensing facilities under their belt. It is just facility staff that sign off on the forms. Ms. Ruiz-Lee asked if there is any follow-up or licensing authority review that could be done by HCQC over the content of those forms? Chair Ruiz-Lee said this would be a good follow-up point for when we go back to the Commission, so we know whether there is any licensing authority to review action.

Ms. Castro said she can look into that.

There was discussion about the lack of training regarding the seclusion and restraint forms and how that needs to be improved. Ms. Lefforge agrees with Ms. Frost about the Commission looking out for consumers.

Ms. Rivas explained a challenge since she has been doing this is that the process prior to Commissioners reviewing the reports can be lengthy when we must send reports back to the facilities, and that we have no statutory power over the private facilities, only DCFS. What are the goals, objectives, and outcomes of the quality assurance that is taking place for these?

Chair Ruiz-Lee suggested first getting some of the basic answers to the questions in terms of resolution of disputes and acting on behalf of consumers. If people can identify if there is any inside process for the agencies with their licenses in terms of the analysis of the documentation and then all of these could potentially come back as a recommendation to the Commission as a whole. Members agreed with this.

It was determined to hold another meeting to continue with the review of the spreadsheet. Ms. Lefforge would prefer shorter more frequent meetings. This takes it to 433.610 for the next meeting. It was decided to schedule another meeting in the next week or two to finish off the rest of the spreadsheet and make decisions about when we take the recommendations back to the full Commission.

Ms. Rivas said we will not have time to put this on the September agenda. That is okay because she will have to do the research and get answers. Ms. Lefforge said Ms. Rivas could start with the research of the items discussed today.

DISCUSSION REGARDING ANY LEGISLATIVE ACTION THE COMMISSION WISHES TO TAKE AND VOTE TO PRESENT THAT ACTION TO THE FULL

We had this conversation. We will target the meeting being held in November for those recommendations.

UPDATE ON REGIONAL BEHAVIORAL POLICY BOARDS

Ms. Castro reported that the boards are continuing to meet every 30 days. They all have bill draft requests they are going to put up for legislation and they are trying to get everything accomplished by September 1, 2018.

Ms. Lefforge said they are supposed to report to the Commission annually and she believes they are supposed to present in either September or November.

Ms. Frost said her understanding is that the Clark County Regional Policy Board is going to report to the Commission in November and Ms. Lefforge said she asked them to report their bill drafts to the Commission at that meeting. The Washoe County bill draft request is going to be around Mobile Crisis.

DISCUSS AND FORMULATE RECOMMENDATIONS TO THE FULL COMMISSION REGARDING ORIENTATION OF NEW COMMISSIONERS

Ms. Lefforge said that when we get to the end of our process we will want to provide recommendations for revising the orientation materials and include what the Commission does do and can do. We want it to be re-organized. The beginning part should be “what you absolutely need to know”. She has some ideas about how we can improve our orientation process. This item will stay on the agenda.

ANNOUNCEMENTS

None.

DISCUSS AND DECIDE ON NEXT STEPS

1. Continue the review of the spreadsheet. This will give Ms. Rivas the ability to update on whatever she has been able to research and get answers on the prior items that have been reviewed.
2. Report back to the Commission on any legislative action.
3. Any recommendations to the full Commission on orientation.

Ms. Lefforge requested a document be created with carry-forward items:

1. Review NRS 433.314 at the beginning of the draft of the letter to the Governor.
2. Review Commission powers section and prioritize to decide which ones to act on.
3. Discuss the possibility of an annual face-to-face meeting to be resumed.

PUBLIC COMMENT

None.

ADJOURNMENT OF PUBLIC SESSION

Commissioner Ruiz-Lee adjourned the meeting at 11:06 A.M.