

**COMMISSION ON BEHAVIORAL HEALTH
DIVISION OF CHILD AND FAMILY SERVICES
JANUARY 17, 2020
DRAFT MINUTES**

VIDEO TELECONFERENCE MEETING LOCATIONS:
NORTHERN NEVADA CHILD AND ADOLESCENT SERVICES,
2655 ENTERPRISE ROAD, RENO, NV

AND

DIVISION OF CHILD AND FAMILY SERVICES,
4126 TECHNOLOGY WAY, 3rd FL CONFERENCE ROOM, CARSON CITY, NV

AND

SOUTHERN NEVADA CHILD AND ADOLESCENT SERVICES
6171 WEST CHARLESTON BOULEVARD, BUILDING 8
LAS VEGAS, NV

COMMISSIONERS PRESENT AT THE RENO LOCATION:

Melanie Crawford
Barbara Jackson
Debra Scott (by phone)

COMMISSIONERS PRESENT AT THE LAS VEGAS LOCATION:

Lisa Durette
Tabitha Johnson
Natasha Mosby
Asma Tahir (by phone)
Jasmine Troop

COMMISSIONERS ABSENT:

Lisa Ruiz-Lee

STAFF AND GUESTS:

Susie Miller, Division of Child and Family Services (DCFS) for Ross Armstrong, Administrator DCFS
Kathryn Wellington-Cavakis, Division of Child and Family Services
Megan Freeman, Division of Child and Family Services
Linda Guastella, Division of Child and Family Services
KT Greene, Division of Child and Family Services
Kristen Rivas, Division of Child and Family Services
Dan Musgrove (by phone), Clark County Children's Mental Health Consortium
Sarah Dearborn (by phone), Division of Health Care Financing and Policy
Julie Slabaugh, Deputy Attorney General
Jennifer Ahn (by phone), Aging and Disability Services Division
Yeni Medina, Aging and Disability Services Division
Char Frost, United Citizens Foundation
Michelle Sandoval, Division of Public and Behavioral Health – Rural Clinics
Lea Cartwright (by phone), Nevada Psychiatric Association

Alexis Tucey (by phone), Division of Child and Family Services
Tiffany Lewis, Division of Public and Behavioral Health
Charlotte Andreasen, Division of Public and Behavioral Health
Joseph Filippi (by phone), Division of Public and Behavioral Health

1. CALL TO ORDER AND INTRODUCTIONS

Commissioner Durette called the meeting to order at 8:34 A.M. Roll call is reflected above; it was determined that a quorum was present.

2. PUBLIC COMMENT

Commissioner Durette called for public comment. There was none.

3. CONSENT AGENDA

APPROVAL OF MINUTES AND AGENCY REPORTS

MOTION: Commissioner Johnson made a motion to accept the minutes from the September 12, 2019 meeting.

SECOND: Commissioner Durette.

VOTE: The motion passed unanimously with one abstention from Commissioner Troop since she was not present at the meeting.

There were no DCFS agency reports received. Susie Miller stated that the Commission used to receive reports on DCFS agencies, but she believes the Commission has not received any reports for the last couple of meetings regarding staffing, census, accomplishments and challenges. She asked if the Commission would like to resume this.

Commissioner Durette replied yes, we would like to resume DCFS Agency reports. Since it has been a while, we will not put it on a consent agenda, leave it as a topic to review.

4. Division of Public and Behavioral Health (DPBH) Fee Schedules

- Consideration and approval of Updated Fee Schedule and Schedule of Discounts for Inpatient and Outpatient Behavioral Health Services and Related Supplies for Northern Nevada Adult Mental Health Services (NNAMHS) and Southern Nevada Adult Mental Health Services (SNAMHS) per NRS 433.404 – *Tiffany Lewis, Rates and Cost Containment manager, Division of Public and Behavioral Health (DPBH) Fiscal Services*
- Consideration and Approval of Updated Schedule of Discounts for Outpatient Behavioral Health Services and Related Supplies for the Department of Public and Behavioral Health, Rural Clinics (RC) per NRS 433.404 – *Tiffany Lewis*

Tiffany Lewis, Rates and Cost Containment Manager for DPBH Revenue Management presented and she referred to the handouts. DPBH is requesting the Commission on Behavioral Health approve the updated cost-based fee schedule for Inpatient Services and Sliding Fee

Schedules for Inpatient and Outpatient Behavioral Health Services and related supplies pursuant to NAC 433.404. The sliding fee schedule will indicate a payment tier for patients based on their income. The sliding fee schedule has not been updated in several years. These rates are set based on a cost-based rate through our agreement with the Division of Health Care Financing and Policy (DHCFP), so we update these rates annually and we will come before the Commission annually.

Commissioner Durette asked the following questions:

1. Regarding the inpatient rates, why is there a difference for psychiatric inpatient rates for southern versus northern Nevada? Ms. Lewis responded that these are cost-based rates, and each facility has their own separate costs that are associated with running those services, so those rates will vary.
2. Regarding the outpatient rates, she cited inconsistencies between what southern Nevada and northern Nevada are getting for services. Some of the fees on the handout are not consistent with the Medicaid rate.

Ms. Lewis responded that each individual code is based on the costs associated with that code for that particular facility.

Commissioner Durette said one of the roles of the Commission is keeping an eye on what is happening for mental health services for people in our state. This type of fiscal difference and these rates that are inflated does not make sense and especially with the differentiation in population – north versus south.

Ms. Lewis replied that the rates are based on costs and DPBH has a Cost Settlement Agreement with DHCFP. They work with Medicaid each year and DPBH's rates are based on a cost allocation process, and through that process, they are taking into account all the costs associated with those facilities. At the end of every fiscal year we reconcile with the DPBH what those costs came out to be and settle at that time. The rates you are seeing are the rates charged to Medicaid and Medicare, and any commercial insurance carrier. The rates to the right are the rates being charged to anyone that is a client coming into the facility if they are an uninsured patient.

Commissioner Durette said it is her understanding that there have been outpatient Psychiatrists laid off in the south because of budgetary issues. Ms. Lewis said she cannot answer to that. She would have to defer to their administration and get back to the Commission.

Commissioner Crawford said her reactions were similar to Commissioner Durette's in terms of the variability in fees and looking as an outside clinical provider and what is typical and customary, it does not add up to her.

Commissioner Johnson wondered if at the next meeting we could have some of those costs brought to the table so we could see what does the overhead look like. As a private provider in the community, there is a very significant difference.

MOTION: Commissioner Johnson made a motion that the details that support these rates are brought to the table next meeting and that no further action is taken until that moment.

SECOND: Commissioner Troop.

VOTE: The motion passed unanimously.

Commissioner Durette said it would be just as effective if the rate structure needs to be firmly approved, to move this to the next meeting of the adult version of the Commission, because it is DPBH rates and we will work towards getting this rectified and move forward as quickly as we can.

Ms. Rivas announced there is a new call-in number since the call-in number listed on the agenda was not working. Susie Miller announced the call-in number as 312-584-2401, Extension 577149.

5. Update on New Commissioners – Lisa Durette, Vice-Chair

- Melanie Crawford – ‘A psychologist licensed to practice in this State and experienced in clinical practice’. Commissioner Crawford introduced herself. She is by training a Child Clinical Neuropsychologist, primarily in independent practice in Reno. She also has a part-time faculty position at UNR and does autism evaluations at Early Intervention Services. She has been in Nevada since 2003, before that in Colorado and California.

- Jasmine Troop – ‘A person who has knowledge and experience in the prevention of alcohol and drug abuse and the treatment and recovery of alcohol and drug abusers through a program or service provided pursuant to chapter 458 of NRS’. Commissioner Troop introduced herself. She is a Clinical Professional Counselor and Licensed Drug and Alcohol Counselor. She is representing the substance abuse side. She does prevention work for a non-profit in southern Nevada.

6. Selection and Appointment of New Commission Vice Chair and Upcoming Positions – Kristen Rivas, Division of Child and Family Services

- Status of Commissioner Durette’s Nomination as Chair from the Governor’s Office. Ms. Rivas reported we have been trying to get a letter from the Governor’s office for several months for Commissioner Durette’s appointment as Chair. She called and emailed and did not hear back before the meeting, so there is no update on the status of the appointment of Chair.

- Status of Appointment for Commission to fill the Physician Position. Ms. Rivas reported that we do not have an update on that from the Governor’s office. The Commission is full besides this position. Commissioner Durette asked if there is a candidate for the Physician position. Ms. Rivas replied that she is waiting to hear back from the Governor’s office.

Commissioner Durette said she reached out to her colleagues at the Clark County Medical Society to see if they can put up a candidate since the Nevada State Medical Society has not. That might help the process.

Ms. Rivas will keep following up with the Governor's office.

Commissioner Durette said her understanding from the bylaws, this is the meeting where we either make nominations for Chair and Vice-Chair, or just leave things where they are for the next two years. What do the Commissioners want to do?

Ms. Slabaugh said given the situation since Commissioner Durette has not technically been elected Chair, you could push it out and see what happens and elect a Vice-Chair at that time, or you could elect a Vice-Chair now.

Commissioner Durette said Commissioner Ruiz-Lee has been acting in the capacity of Vice-Chair.

MOTION: Commissioner Johnson made a motion to approve for Lisa Ruiz-Lee to be the Vice-Chair.

SECOND: Debra Scott.

VOTE: Motion passed unanimously.

7. Update on the Division of Child and Family Services (DCFS) – Susie Miller, Deputy Administrator DCFS for Ross Armstrong, Administrator DCFS

- **Update on the Expansion of Beds at Desert Willow Treatment Center**

Susie Miller reported that regarding the Desert Willow Treatment Center expansion, in the last Legislative Session, they moved 12 beds from Caliente over to DWTC to open another RTC wing. With those 12 beds we got 25 positions. The facility is ready, the Mental Health Technicians are hired and ready to be trained. They are waiting to fill a few nursing positions before they can open. There is expectation or rumor in the community about how those beds came to be since they came from a Juvenile facility to DWTC that it would be specific for that population. It will not because we do not want an entire unit of same behavior youth, so the idea was that the youth that are in a juvenile facility whose mental health needs would be better served in a psychiatric facility will go there and we will have two wings for RTC and the populations will be mixed.

- **Update on Conversion of Oasis, Adolescent Treatment Center, and Family Learning Homes to Psychiatric Residential Treatment Facilities (PRTF)**

Update on the conversion for Oasis, Family Learning Homes, and Adolescent Treatment Center (ATC), which have been renamed to Oasis, Enterprise, and North. The survey applications have been submitted for all three to be converted to PRTF. They are working on the ATC licensing. They went live January 1, 2020 because they have to be operating six months before Clark will

come out and do the site survey which will be scheduled for late June or July and it takes 8 weeks to get the accreditation. We are online for that.

ATC is having HVAC heating issues so they are being relocated to a hospital unit on campus so that will limit our capacity until that unit is replaced.

8. Assembly Bill 457 (Licensing Boards) Commission Responsibilities – Appeals from Licensing Boards – Lisa Durette, Vice-Chair and Members

- Licensing Appeals
- Keep as Standing Agenda Item?

Commissioner Durette said her understanding is that as of January 1, 2020, the Commission is no longer responsible for the Licensing Board appeals. Ms. Slabaugh confirmed that. This item will be taken off the agenda.

9. Aging and Disability Services Department (ADSD) Update – Jennifer Ahn?? and Yeni Medina, Aging and Disability Services Division

Yeni Medina reported the Autism Treatment Assistance Program (ATAP) numbers as of November 30, 2019. The handout and Ms. Medina's report included Active Children by Age, Waiting Children by Age, Count of Active by Area, Count of Waiting by Area, and Wait Time by Area. They are working to get the average wait time down.

Commissioner Durette asked, when we say a wait time and a waiting list – what are we waiting for?

Ms. Medina: There are several factors, including provider availability. Many children are school age and in school, so their therapy is after school hours. It is hard for providers to have enough staff to fulfill that demand for those times. For others, it may depend on their funding source.

Commissioner Durette asked - of the youth on the waiting list, have they all received an official diagnosis?

Ms. Medina replied that in order to be on the wait list, you have to show they have a diagnosis.

Currently 92% of all paraprofessionals out in the field are Registered Behavioral Technicians (RBT).

Jennifer Ahn reported on Nevada Early Intervention Services (NEIS) with the handout that was provided:

- She cited statewide referral and caseload numbers for the last quarter – October, November, and December 2019.
- They continue to have no wait list for Early Intervention services or for the office and clinic.
- They welcomed a new provider this month.

Commissioner Durette asked where the referrals are coming from?

Dr. Ahn responded sometimes through the pediatrician's office, sometimes self-refer through families referred through EI, sometimes from the hospital based on medical condition.

Commissioner Durette requested that in addition to the Autism report we get at the quarterly meetings that we get an Early Intervention update.

Dr. Ahn said the numbers she presented were across the state. Is there anything else you would like?

Commissioner Durette said it would be helpful to hear any changes in programming or significant shifts in what your agency is able to provide, significant needs, the things the Commission can advocate for or support.

10. Medicaid Update and Changes – *Sarah Dearborn, Division of Health Care Financing and Policy*

- Update on 1915i Waiver Application for Specialized Foster Care Population. This is going to public hearing on January 28, 2020 and then will be submitted to CMS after that.
- Update on Certified Community Behavioral Health Clinics/Centers (CCBHCs). There are three clinics that are currently within the Demonstration Grant – Vitality in Elko, New Frontier in Fallon, Bridge Counseling in Las Vegas. They are providing CCBHC services. There are four additional CCBHCs currently certified – Quest in Reno, Rural Nevada Counseling in Silver Springs, and another Vitality location in Carson City, and Carson City Community Counseling. These four currently are certified. We are waiting on a couple of State Plan Amendments (SPA) with CMS, one to include CCBHC fee services within the state plan. Waiting for approval on those. Have had quite a bit of movement from CMS this week. Gaining some traction so that these additional four clinics can provide services.

Commissioner Durette asked if there is a plan to have more CCBHCs through the State Plan Amendment (SPA)? Ms. Dearborn responded that the budget allows for 10 total CCBHCs. We currently, have three functioning under Demonstration and we have the four that are certified. Additionally, we have one Federally Qualified Health Center (FQHC) First Med in Las Vegas that is currently working on their certification. We had another office, Northern Nevada HOPES that was originally planning on moving toward a CCBHC but decided to move in a different direction. The state is looking at who we include in that additional CCBHC. It will most likely have to go out to RFP. She hopes to get more direction on that. Their main focus is working with CMS to get the needs met.

- Other Updates.
 - Regarding Behavioral Health, they are working with DPBH as well as CASAT on development of a Medication Assisted Treatment policy.

- Working on Policy Updates regarding removing the medical supervision requirement on Behavioral Health Community work. The SPA is currently with CMS.
- They are waiting for direction on the SPA, once approved we can update the Medicaid Services Manual to update policy to remove that required medical supervision. It is currently a requirement with our Behavioral Health Community Network Provider Type 14 outpatient services.

11. Update on Children’s System of Care (SOC) Behavioral Health Subcommittee – *Kathy Wellington-Cavakis, DCFS*

- Presentation and approval of the Nevada System of Care, Children’s Mental Health Final Report

Ms. Cavakis reported that the SOC Implementation Grant ended September 30, 2019. She previously reported on efforts in the last year of the grant. We had designed the framework to highlight the Children’s Mental Health Lead, No Wrong Door, Broad Service Array and completed the final report. She asked if there were any questions.

We applied for a SOC Expansion Grant last Spring and we were awarded that grant. The catchment areas will include rural Nevada. We started that grant October 1, 2019. We are interviewing for the Project Manager and Project Director to move it forward. We have two employees from the previous grant. We initiated all of our contracts that were discussed in our budget narrative and project narrative. We will hold a kick-off the end of February, beginning of March. She can keep the Commission updated on how that is going.

Commissioner Durette asked what the top three successes from the SOC grant are. Ms. Cavakis responded:

1. Clarifying and identifying the Children’s Mental Health Lead. Dr. Freeman has been working very closely with Dr. Woodard, as she represents a lead position at Public and Behavioral Health. Dr. Freeman is playing that role for children’s mental health.
2. Getting our stakeholders at the table in agreement. We had some challenges around the Tier Care Coordination Model - FOCUS.
3. We created a comprehensive implementation plan that we are rolling out this month. We have our parent partners onboard. We are hoping to provide additional access to our families out in rural Nevada. I’m proud about the Parent Care Coordination. I think that Nevada is going to hit the national stage as a result of it. So that families will get the kind of support they want and need.

Dr. Freeman added to the response that during the SOC grant as a result of grant support, our Mobile Crisis program expanded significantly and really burst onto the national stage as we hope our Tiered Care Coordination model will do. Ann Polakowski, the program manager became a trainer for the Substance Abuse and Mental Health Services (SAMHSA) Technical Assistance Network, and our model has been used as a model for other states that have set up mobile

response units. That has been an accomplishment and we can use that as a model for Tiered Care Coordination.

- Update on new System of Care Expansion Grant

Commissioner Durette asked what the game plan is to make sure people are getting care.

Ms. Cavakis: It will be determined and applied through the expansion grant. We have done some preliminary work in regards to trying to brainstorm how we actually continue to build capacity with providers and quality and evidence based models into rural Nevada. We will hone in on the details and there will be a strategic planning meeting.

Dr. Freeman has been working with the Rural Clinics and they have identified that their clinicians do not feel comfortable treating particularly the early childhood population. They feel they need more training. That is an opportunity for us to partner with them.

Commissioner Johnson asked if telehealth will be used.

Ms. Cavakis: We are starting to partner with the HRSA grant. Stephanie Dotson is the manager on that grant, and we will be working closely with her.

Commissioner Durette said that after the kick-off meeting it would be helpful to give the Commission a summary of what happens.

12. Discussion of Agency Never Give Up Letter – Plan to Prevent Further Events Resubmission of Forms – Kristen Rivas, DCFS

Ms. Rivas said that regarding the letter to Never Give Up Agency, we need the seclusion and restraint agency forms back from the Commissioners. She sent a reminder to all Commissioners because in some of the packets were some of the documents that need to be sent back to the agencies. As soon as we get those back, we can send the additional forms back to the agencies, so they have reference as to what the letter is speaking to.

Commissioner Durette asked that Commissioners leave all the yellow forms on the table at the end of the meeting today. If you have any other forms, please return them to the Planning and Evaluation Unit office.

13. Discuss, and Provide Updates on Draft Reports Compiled for Completion of the Next Annual Governor's letter, Per NRS 433.314(4), and Determine Next Steps – Commissioners

Commissioner Durette asked Joseph Filippi where we are with the Annual Governors Letter. She has not yet received any reports from Regional Boards, so believes we are in a holding pattern.

Mr. Filippi reported there was a meeting with Chair Durette, Vice-Chair Ruiz-Lee, himself, and Regional Behavioral Health Policy Board Chairs and Regional Coordinators on January 8, 2020 to discuss the annual submission of their reports to the Commission. They agreed to submit their

reports by end of day today, January 17, 2020 to him. He has not received these but sent a follow up email requesting they send the reports to him. Once he receives them, he will forward them on to the Commissioners that volunteered for the certain regions.

He does not believe the newly formed Southern Regional Behavioral Policy Board has had a meeting yet. It was agreed they would not be responsible for submitting a report to the Commission for 2019. We are just expecting reports from Washoe, Clark, the Northern Region and the Rural Region.

14. Review the Commission's Bylaws Last Revised in April 2017 and Determine if any Updates Need to be Made – Commissioners

Commissioner Durette did not see anything that needed to be amended on our bylaws. Commissioners Scott and Johnson said they did not see anything needing revision.

The bylaws will be left as is.

15. Announcements

None.

16. Discussion and Identification of Future Agenda Items

1. Separate DCFS Agency report agenda item.
2. An NEIS update statewide.
3. Removal of AB457 Licensing Board Oversight.
4. Pending the review of the rates for SNAMHS and NNAHMS to the next adult Commission meeting.
5. Joseph Filippi – There was an email that went out from one of the Licensing Boards. They have a regulation they are putting forward for adoption. AB457 still applies to the Commission needing to review or make any recommendations regarding regulations they are working on. He thinks the only thing that has sunsetted at this time is the appeals process. Our DAG said the Commission is still responsible for reviewing any pending regulations. Ms. Slabaugh said the issue is they sent the email with the regulations to the Commission on Wednesday night which was too late to put on the agenda for this meeting. The public hearing for this regulation relating to rates and raising fees for Psychologists for the Board of Examiners so she believes there will be some public interest in it. The public hearing is set for February 14, 2020 and the next Commission meeting is in March, so it would be too late to get any recommendations you might have to the Board before the public hearing adopts the regulation. Our discussion was that you might want to set a special meeting. It could be a phone meeting to get recommendations back to the Board of Examiners prior to February 14, 2020. Ms. Rivas said DCFS will send out a doodle poll to determine a time to hold this meeting.

17. Public Comment

Commissioner Scott has one correction on the minutes from the last meeting. Ms. Slabaugh said this agenda item could be re-opened. Under agenda item #5, she would like to change the

statement ‘Sometimes decisions are made that are more about emotion’, to “Licensing Boards must have a legal basis for disciplinary decisions’. Ms. Slabaugh said she does not know if the change can be made if the minutes reflect what was said in the meeting.

Commissioner Scott said that what was said was that Boards need to have a legal basis for disciplinary decisions because sometimes decisions are more based on emotions.

Ms. Slabaugh suggests that DCFS go back and review the recording of the last meeting. This conversation will be reflected in the minutes of this meeting, so that correction can in fact be made and DCFS can bring it during the discussion of the minutes at the next meeting to determine whether or not the addition should be made about the information from a legal basis. Handle it that way rather than strike it out of the minutes from the last meeting – try to clean it up from this meeting and it will be reflected in the minutes of this meeting.

18. Adjournment of Public Session

Commissioner Durette adjourned the meeting at 9:35 am. There will be a five minutes break and then move into the Executive session.