

Steve Sisolak
Governor

Richard Whitley, MS
Director



**DEPARTMENT OF
HEALTH AND HUMAN SERVICES**
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
Helping people. It's who we are and what we do.



Lisa Sherych
Administrator

Ihsan Azzam,
Ph.D., M.D.
Chief Medical Officer

COMMISSION ON BEHAVIORAL HEALTH

MEETING MINUTES

November 18th, 2021
9:00 AM

MEETING LOCATIONS:

This meeting was held online and by phone.

Join Online

Zoom Meeting link: <https://zoom.us/j/93231660056?pwd=VlRoOEFHM2t1Wk1lZ0F0dDU5L3JMz09>

Meeting ID: 932 3166 056

Passcode: 675618

Join by Phone

Phone Number: +1 669 900 9128 US (San Jose)

Meeting ID: 932 3166 056

Passcode: 575618

1. CALL TO ORDER/ROLL CALL:

COMMISSIONERS PRESENT:

Lisa Durette, M.D. (Chair), Lisa Ruiz-Lee (Vice Chair), Natasha Mosby LCSW, Gregory Giron Psy.D., Dan Ficalora CPC, Arvin Operario

COMMISSIONERS EXCUSED:

Jasmine Troop, Billie J. Miller, Braden Schrag

Department of Health and Human Services (DHHS) Staff:

Joseph Filippi, Executive Assistant, DPBH; Rex Gifford, Administrative Assistant III, Cody Phinney, Deputy Administrator, DPBH; Joanne Malay, Deputy Administrator, DPBH; Theresa Wickham, Agency Manager, LCC; Christina Brooks, Agency Manager, NNAMHS; Ellen Richardson-Adams, Outpatient Manager, SNAMHS; Julian Montoya, Clinical Program Manager II, ADSD; Dr. Betsy Neighbors, Statewide Forensic Director, DPBH; Dena Schmidt, Administrator, ADSD; Gujuan Caver, Clinical Program Manager II, ADSD; Jessica Adams, Deputy Division Administrator, ADSD; Marina Valerio, Agency Manager, ADSD; Suzanne Sliwa, DAG; Roswell Allen, Recovery Manager, ADSD; Micky Lasko, Reach Coordinator, RRC, DPBH, Valarie Haskin, Rural Regional Behavioral Health Coordinator, RRC; Jessica Flood Abrass, Northern Regional Behavioral Health Coordinator; Susan Lynch, Hospital Administrator, SNAMHS; Jenny Casino, Licensed Clinical Social Worker, SNAMHS; Stanley Cornell, Agency Manager, Stein Forensic Facility, DPBH; Dr. Leon Ravin, Statewide Psychiatric Medical Doctor; Stephanie Dotson, Clinical Program Manager I, DCFS; Julie Slabaugh, DAG; Misty Allen, Statewide Suicide Prevention Coordinator, DPBH; Elvira Saldana, Executive Assistant, DCFS; Michelle Sandoval, Clinical Social Worker III, DPBH; Dr. Stephanie Woodard, Medical Epidemiologist, DPBH; Dr. Domonique Rice, Deputy Administrator, DCFS

Others/Public Present:

Michelle Bennett; Linda Anderson, Nevada Public Health Foundation; Valerie Balen; Alex Tanchek; Lea Case, Belz & Case Government Affairs; G. Susie Miller; Tray Abney; Dr. Tiffany Tyler-Gardner

Chair Durette called the meeting to order at 9:01 a.m. Roll call is reflected above. It was determined that a quorum was present.

Chair Durette asked if everyone in the meeting could identify themselves. Mr. Filippi went through all of the list of attendees. All attendees are listed above. Additionally, Mr. Filippi let the Commission know that Commissioners Schrag, Miller, and Troop were unable to attend the Commission on Behavioral Health meeting this morning and would be marked as absent excused.

2. PUBLIC COMMENT:

Chair Durette asked if there was any public comment. There was no public comment.

3. FOR POSSIBLE ACTION: Approval of meeting minutes from September 23rd, 2021, October 14th, 2021, and October 28th, 2021 – *Lisa Durette, M.D., Chair:*

Chair Durette asked the Commission if they had any edits or if anybody wanted to move this item forward.

Commissioner Ficalora made a motion to approve the meeting minutes as written. Commissioner Operario seconded the motion. The motion was unanimously approved by the Commission.

4. FOR POSSIBLE ACTION: Consideration and possible approval of Agency Director Reports – *Commission:*

Chair Durette disclosed that she had a meeting with the attorneys that represent the Commission on Behavioral Health, and they made the decision to discontinue the Commissioner requirement to attend the Local Governing Board (LGB) for both northern and southern Nevada. There was not a requirement found in the law directing a Commissioner to participate in the LGB's moving forward.

Chair Durette asked the Agency Directors to give the Commission highlights of the report since the Agency Director's Reports were already given to the Commission for review.

Northern Nevada Adult Mental Health Services (NNAMHS) Agency Directors Report presented by Christina Brooks, Agency Director, DPBH

Ms. Brooks highlighted that for the last quarter there has been an average of 9 individuals waiting in the emergency rooms (ERs) for a bed. Short staffing is an issue. Due to the COVID requirement the patient consensus continues to be reduced. The out-patient availability of beds continues to be a challenge.

Chair Durette thanked Ms. Brooks for her presentation and updated the Commission that the letter drafted regarding facility staffing concerns was sent to the Governor.

Southern Nevada Adult Mental Health Services (SNAMHS) Agency Directors Report presented by Ellen Richardson-Adams, Outpatient Manager, SNAMHS

Ms. Richardson-Adams highlighted that the numbers before the Commission were from last quarter. They are seeing an increased assisted out-patient treatment caseloads consistently. They are almost to capacity with their admissions team. The residential continues to demonstrate a need in the community for CBLA and group homes. There are also individuals living independently without supportive services based on their individualized needs. This is the status quo, but all positive.

Lake's Crossing Center Agency Directors Report presented by Theresa Wickham, Agency Director, LCC, DPBH

Ms. Wickham explained that they started off the vaccine mandate with 23 employees who were not vaccinated. Which considering the sustained staffing concerns was worrying. However, on November 1st all were vaccinated except 9 people. Of the 9 unvaccinated, 4 received accommodations and 5 resigned before October 31st. Unfortunately, 2 were psychiatrists and a psychologist. The client population still has not contracted COVID. This is attributed to LCC sectioning out the entire west wing as the quarantine wing which left the hospital staff stretched.

Ms. Wickham assured Chair Durette that if she was to visit the facility and she had a sniffle she would not make it past the thermal thermometer. It is because of those strict controls that the facility has been able to do well controlling COVID. They are also encouraging vaccination. They did their boosters and vaccinations along with flu shots to anyone who comes in. If a state employee wanted a flu shot the facility will give it to them if they are close by.

The facility is still having severe staffing concerns. They are hiring contractors to fill-in as many positions as they can to keep operations going as smoothly as they can. When the airplane arrives with 85 patients from Clark County Detention Center (CCDC) 85 of the 86 vacant beds will be filled. There will be another airplane arriving in 2 weeks additionally there are still admissions waiting from the counties. The facility is doing the best they can. This can be attributed to the wonderful staff who are giving of themselves as much as they possibly can. This can also be contributed not only the support of the Commission on Behavioral Health, but also the awesome staff at DPBH. As well as the mentorship and support that the staff has. Dr. Leon Ravin, Ms. Christina Brooks and Ms. Wickham are sharing providers and helping each other out. The agencies have banded together and are a good support system for each other. This contributes to the success of all the operations, not just Lake's Crossing but all of DPBH too.

Stein Forensic Facility Agency Directors Report presented by Stanley Cornell, Clinical Program Manager 3, SNAMHS, DPBH

Mr. Cornell stated that the facility is maintaining all of the COVID protocols that were in place. In September the facility has one patient who tested positive for COVID after he was admitted from CCDC. Later the facility found out that there were two units at CCDC that were put on lockdown because of positive COVID cases. The facility went on quarantine lockdown and isolated the individual for a little over 10 days. Fortunately, it was a mild case and the patient was asymptomatic for most of the quarantine and they were able to be released back into the general population. As a precaution the facility resumed COVID testing for all new admissions coming from CCDC going forward. So far there has not been any new cases of positive COVID patients.

Forensic staffing continues to be an issue. Currently there are 17 vacancies. The hiring, recruiting, and on boarding efforts are still going strong. All but 3 of the available PCN positions are hired but not filled. The timeframe of about 3 months contributes to the PCN hiring attrition rate, so there may be some hires that drop off. There are 5 or 6 nurse vacancies. The social worker positions are filled. The facility caseloads are full, and the facility is above maximum capacity. The facility is doing the best they can fulfilling new commitments from Clark County.

Chair Durette complemented the agencies abilities to handle staffing, clients and COVID mitigation.

Rural Clinics Agency Directors Report presented by Ellen Richardson-Adams, Outpatient Manager, SNAMHS

Ms. Richardson-Adams presented a list of vacant positions, filled positions, and current caseload waiting list to the Commission. The facility is seeing stability regarding these numbers. Before there was a reduction to these numbers during COVID but they are seeing numbers now maintain and increase. On the youth side there is an

increase in calls for the mobile crisis team. The facility is filling vacancies as they occur and trying to serve those who are in need.

Sierra Regional Center (SRC) Agency Directors Report presented by Julian Montoya, Clinical Program Manager II, ADSD

Mr. Montoya apologized to the Commission because SRC and RRC were unable to get updated data for the reports. There were some linking issues updating some of the data, however the problem is corrected now. As far as caseloads and everything else the facility is consistent. Staffing continues to be an issue as we are losing incoming staff to higher wage jobs, so the Commission's effort on the staffing letter is wonderful. There is an issue with provider staffing, there may be a large recruiting effort for provider staffing since provider staffing is having the same issues as facility staffing. The slow onboarding process means that there are 4 or 5 staff hired, but by the time the recruiting process is done out of all the candidates the facility may end up with one. Even with this there is a little staffing improvement. They are monitoring provider burnout from operating with limited staffing.

Desert Regional Center (DRC) Agency Directors Report presented by Gujuan Caver, Clinical Program Manager II, ADSD

Mr. Caver stated that what Mr. Montoya reported is the same for DRC. There is not much difference in the reports, but the good news is there has been an increase onboarding service coordinators. The facility staff is increasingly pleased that the facility is adding more service coordinators. If there are any questions please email Mr. Caver since they are having electrical issues at moment in the facility, and he may have to step away.

Rural Regional Center Agency Directors Report presented by Roswell Allen, Recovery Manager, ADSD

Mr. Allan wanted to provide three positive facility highlights. The facility was able to hire 3 new bi-lingual case managers from the local regions to replace the ones that were lost. One of the case manager positions was a health program specialist which is an apprentice position that can move up into that roll, so they are excited to see how this works out. There was a new provider that opened up in the rural areas and SRC too. The new provider will be paying a higher rate. We are excited to see if the current providers follow suite. There was a provider from northern Nevada move to Pahrump and they are opening up a thrift store day program so the people there will be able to have some employment. The local community is excitedly collecting donations.

Desert Regional Center (DRC) Independent Care Facility (ICF) Report presented by Marina Valerio, Agency Manager, ADSD

Ms. Valerio updated the Commission on the ICF. The ICF also made it through the COVID staffing vaccination mandate without a great impact. The facility lost one staff member and had 2 that transferred to community services. Originally there were 30 staff members that were not vaccinated, but they all complied, so that did not have an impact on programming services. There are 3 new technicians starting on the 29th of this month and 8 contract staff. However, the facility is losing some staff. The staff that are leaving are going to leave the field, which is sad. This Friday there was a person who is trying to move out of the ICF into community services that happened successfully, and they are doing well. We found a provider that will support him through all of his anxiety since he seems to self-sabotage and gets himself in trouble and they have accepted that, and they are willing to support him. The facility fencing project is being moved forward. They are trying to enclose the ICF so that their clients are able to go outside their homes without support from staff. It will almost look like a gated community where the homes are updated and fenced.

Chair Durette asked if she missed any of the reports. None of the reports were missed. She then asked the Commission if there were any questions. The Commission did not have any questions or comments.

Chair Durette asked for a motion. Commissioner Ficalora made a motion to accept the Agency Director's Reports as written. Commissioner Mosby seconded the motion. The motion was unanimously approved by the Commission.

5. FOR POSSIBLE ACTION: Discuss, edit, review, and approve the drafted letter from the Commission regarding the need to address staffing shortages in state operated mental health facilities for children. – Commission/Ross Armstrong, DCFS Administrator

Chair Durette explained for those who were not at the previous Commission on Behavioral Health meeting that this is letter is similar to the staffing letter submitted to the Governor for adult mental health facilities. This draft letter is for adolescent mental health facility staffing issues such as state agencies wages being below the private sector which is affecting Nevadans who need help the most not receive adequate care because the facilities are not adequately staffed.

Chair Durette asked Mr. Filippi to screen share the draft letter for adolescent mental health facilities that was drafted by her and co-drafted by Mr. Ross Armstrong, DCFS Administrator with data from the previous meeting. Now the Commission gets to edit, approve, and send the letter to the Governor.

Mr. Filippi informed Chair Durette that there were representatives from DCFS that were in the meeting. Ms. Susy Miller stated that she was representing Mr. Armstrong.

Chair Durette explained that this letter has the same structure as the adult mental health staffing letter and as the adult mental health staffing letter delineated what was DPBH and ADSD this letter talks about the different child mental health services and has the specific information about the salaries at DCFS.

Chair Durette then opened the meeting to any discussion, additions, or edits and if there are none then a motion to approve this letter to move it forward and sent to the Governor and legislature.

Commissioner Giron stated that he liked the letter.

Mr. Filippi asked Commissioner Giron if he would like to make a motion and Commissioner Giron made a motion to approve.

Commissioner Giron made a motion to accept the Adolescent Staffing Letter as written. Commissioner Operario seconded the motion.

Ms. Miller thanked the Commission for their support since this has been an ongoing issue. When you have the facilities, but you cannot staff them, it is extremely frustrating to have beds available and not have trained, skilled staff able to meet their needs, so thank you.

Chair Durette stated that as a team there has been a struggle to identify ways in which we can directly impact advocacy for improving the mental health care for the state and this was our idea of how to make an impactful difference, so we sent the letter for adult mental health staff, and we are going to send an accompanying letter for adolescent mental health staff.

Chair Durette then reminded the Commissioners that there was still a motion and asked for any questions or abstentions. Hearing none Chair Durette asked for a Commissioner vote.

Commissioner Giron made a motion to accept the Adolescent Staffing Letter as written. Commissioner Operario seconded the motion. The motion was unanimously approved by the Commission.

6. **FOR POSSIBLE ACTION: Discuss and make appointment recommendations to the Governor for a new Commission Chairperson – *Commission***

Chair Durette stated that she has been the Chairperson for quite some time and although she plans to still serve the Commission she feels that it might be fruitful to have a new Chair with some new ideas. Chair Durette feels over extended, and it is hard to do it all. Chair Durette has talked to Mr. Filippi and to some of the Commissioners one to one and believes that Commissioner Schrag, who is not present at this meeting, would be an excellent replacement as Chairperson. He has been a Commissioner for quite some time, he has been serving beyond the Commission such as the representative to the 988 Task Force and doing some public advocacy, so he would represent the Commission very well.

Chair Durette would like to open the discussion to the Commission to see if someone else would like to be Chair and since this is a possible action item, Chair Durette would like to make a possible recommendation that the Chair and Commissioner Schrag trade places starting in 2022. This would be a soft transition where Commissioner Schrag would become Chair and Chair Durette would take Commissioner Schrag's position as a Commissioner. Chair Durette then asked the Commission for any thoughts or comments.

Commissioner Ficalora asked what the duties of the Chair position are? What are we signing Commissioner Schrag up for?

Chair Durette explained that Commissioner Schrag would run the Commission on Behavioral Health meetings. There is also a lot of inter meeting communication between DPBH and DCFS Administration over Commission related details such as schedule restraints or meeting content, logistics, scheduling and etc.

Commissioner Giron stated that he wished Commissioner Schrag was at the meeting to comment and being new Commission member himself, he likes Chair Durette being the Chairperson and he likes Commissioner Schrag as well. Commissioner Giron said he will support Chair Durette anyway he can. Chair Durette thanked Commissioner Giron for his support.

Chair Durette did give the Commission the option of tabling this agenda item until the next meeting or making a motion in Commissioner Schrag's absence. Chair Durette is sure that Commissioner Schrag would be comfortable with the Commission making the motion or tabling the motion.

Commissioner Mosby asked if the Commission was making a motion for Commissioner Schrag, how would this work?

Chair Durette answered that a letter of her resignation would be sent to the Governor's office and then submit an official nomination of the Commission to the Governor's office recommending any Commissioner that wants to serve as the Chairperson. Chair Durette stated this would be based on the Commission's recommendations and it is not a unilateral decision.

Commissioner Ruiz-Lee said she would be very supportive of that, and she believes that Commissioner Schrag would do a great job. Commissioner Ruiz-Lee believes that Chair Durette has done an amazing job and understands being overcommitted. Commissioner Ruiz-Lee thinks that it might be better to table this action item until the next meeting so that Commissioner Schrag can officially comment on the record that he is ok and comfortable with the nomination. This would give him a chance to give his opinion and weigh his interest.

Chair Durette stated that made sense and asked if any of the Commissioners would like to make that a motion?

Commissioner Ruiz-Lee made a motion to delay this motion until the next meeting when, hopefully, Commissioner Schrag can join the Commission and the Commission can revisit the subject of him assuming the role and responsibility of the Commission. Commissioner Mosby seconded the motion. The motion was unanimously and was approved by the Commission. The agenda item was tabled.

7. **FOR POSSIBLE ACTION: Consideration and Possible Approval of DPBH Policies – Joanne Malay, Deputy Administrator, DPBH**

Ms. Malay asked Dr. Leon Ravin if he would like to talk to the Commission about the advance directive policy.

Dr. Ravin explained that this is an existing policy for psychiatric advance directives, CRR 1.4 Health Care and Psychiatric Advance Directives. There were some minor updates like the periodic review it was also reformatted so the sections would be easy to read and put in the places they belong. There were some updates to Nevada Revised Statutes (NRS) references to make it more specific, but the general content of the policy did not change much. Dr. Ravin asked the Commission to approve the policy in its updated version.

Chair Durette asked the Commission if they wanted to approve these policies separately or together. Ms. Malay stated that the second policy, the Civil Rights Grievance Procedures CRR 2.013 did not change that much and recommended having the motion carry for both policies.

Ms. Malay explained that CRR 2.013 Civil Rights Grievance Procedures was on the agenda for the last meeting, however as Ms. Malay was looking the policy over she realized that there was some language that needed to be updated. This policy has not been updated in quite a while so DPBH decided to update the policy with more inclusive language in the policy section and in section 6.1. The address to the Office of Civil Rights was also updated too. These were the only changes. Ms. Malay asked the Commission that if they approve this is that Ms. Malay will take 4.0 out of this policy. It just has definitions, and it would be removed for formatting purposes.

Chair Durette asked the Commission if they had any questions. Since no questions were asked Chair Durette asked the Commissioners if any of them would like to make a motion.

Commissioner Giron asked Chair Durette if the next approval date for the Civil Rights Grievance Procedures would be in 2023, and he asked if there is a process where the policy is regularly reviewed?

Chair Durette answered Commissioner Giron letting him know that the review is every 2 years and she thanked Commissioner Giron for the question.

Dr. Ravin stated that for the Advance Directive Policy the new renewal date would be 2 years from today. Chair Durette affirmed that answer.

Commissioner Ficalora made a motion to approve the policies as discussed and edited. Commissioner Operario seconded the motion. The motion was unanimously approved by the Commission.

8. **TAKEN OUT OF ORDER, IN PLACE OF ITEM 9. INFORMATIONAL ITEM: Update on Seclusion and Restraint/Denial of Rights, DPBH – Joanne Malay, Deputy Administrator, DPBH Update on Seclusion and Restraint/Denial of Rights, ADSD – Marina Valerio, Agency Manager, Desert Regional Center, ADSD:**

Ms. Richardson-Adams presented the Seclusion and Restraint/Denial of Rights report for Ms. Malay. She stated that there are no significant highlights on the report, but if the Commissioners had any questions to please contact Ms. Malay and she would be happy to answer them.

Ms. Valerio presented the update on Seclusion and Restraint/Denial of Rights for ADSD. The number of individuals that get upset and have anxiety with staff presents has decreased. It seems like most of it is related to particular items. The individual gets upset when the remote control is not working or is broken, and they need some support. There are also some individuals that just want human touch and they get upset when staff are there, and they put hands on them then they calm down. None of our restraints are very long. Again, folks just have an issue, staff are there to calm them and we move on.

Chair Durette asked the Commission if they had any questions. No questions were asked.

9. **TAKEN OUT OF ORDER, IN PLACE OF ITEM 8. INFORMATIONAL ITEM: Update on the Bureau of Behavioral Health, Wellness and Prevention. – Cody Phinney, Deputy Administrator, DPBH**

Ms. Phinney introduced herself as the Deputy Administrator for DPBH over regulatory and planning services. This branch has recently picked up the responsibility for the Bureau of Behavioral Health, Wellness and Prevention (BBHWP). Ms. Phinney stated she is going to give the Commission an update on their activities. Most urgently we are in the process of hiring a new bureau chief. Brooke Adie left the division to work for Douglas County, so in the future it will not be Ms. Phinney providing the updates it will be a new bureau chief, hopefully by the next Commission on Behavioral Health meeting.

Ms. Phinney highlighted that if anyone has interest in Resilient Nevada, or ACORN (Association of Community Organizations for Reform Now) please go to the Nevada site and subscribe to those updates. There is currently a notice of funding opportunity out. We will be accepting applications for that until December 23rd, 2021. Applications will be reviewed on or before the second week of January. Highlights include the development of the Mobile Crisis Teams and Crisis Stabilization Centers these are the steps toward the implementation of the Crisis System that the state is developing. There is also a second notice of funding opportunity for a statewide 988 call center again, a part of the statewide Crisis System for behavioral health. This will be released in January. These are all funding opportunities through block grants from the Substance Abuse and Mental Health Services Administration, so the grants are all subject to those rules and regulations. Ms. Phinney would be happy to answer any questions about those things.

Ms. Phinney encouraged anyone who knows anybody looking for a job to please go to the Nevada Careers Website we do have a lot of openings in the division. We are looking for dynamic individuals to join us in this work because there is plenty of work to do. Ms. Phinney offered to answer any of the Commissioner's questions.

Chair Durette stated that there is a lot of work to be done then asked the Commissioners if they had any questions. The Commissioners did not have any questions. Chair Durette thanked Ms. Phinney for the update.

10. INFORMATIONAL ITEM: Update on Aging and Disability Services Division – Jessica Adams, Deputy Administrator, ADSD

Ms. Adams introduced herself and that she is over the frontline services programs which is all of ADSD's regional centers. Her regional staff gave updates as far as what is going on in general. The only thing left to talk about today is provider rates and salaries. The American Rescue Plan Act (ARPA) that was passed in 2021 has a piece of the plan which allows for a 10% additional match in federal funds to our home and community based waiver program. They have been working with their sister agency, the Division of Health Care Financing and Policy (DHCFP) Nevada Medicaid to find out what the spending plan is going to be out of those funds. Part of that is supplemental payments to developmental services providers. This has not started yet as the division is still working through the details, but some developmental service providers as well as other home, health and community-based providers in the state will start getting supplemental payments sometime around the beginning of 2022. This should allow them to raise salaries and help with some of the staffing issues that they are having. This is temporary funding the federal government is providing for about 5 years with a little over 2 years to spend it all. This should be at least able to cover some gaps going into the next legislative session. After that, the division will have to ask for more permanent increases in rates to keep all of this going while trying to make sure our providers are able to hire people. Within developmental services the division is still struggling with provider staffing. There are still people sitting at home instead of attending job and day programs. Not because those job and day programs are closed, but because they cannot hire enough staff to get to the levels they were at prior to COVID. They are making progress each month, but there are a lot of people still staying at home. We obviously want to get them back out and into day services. Ms. Adams asked the Commissioners if they had any questions.

Chair Durette thanked Ms. Adams for the report and asked the Commission if they had any questions. No questions were asked.

11. PUBLIC COMMENT

Chair Durette asked if there was any public comment and paused for comments. No public comments were presented.

12. ADJOURNMENT:

The DPBH Commission on Behavioral Health Public Meeting was adjourned at 9:55 a.m.

DRAFT