



**Clark Regional Behavioral Health Policy Board
Meeting Minutes
Tuesday
March 11, 2021
3:00pm – Adjournment**

The meeting will be virtual through WebEx, in accordance with Governor Sisolak’s emergency directive on public meetings to maintain government transparency and protect public safety.

Please use landline to call into teleconference number

Meeting Locations: Teleconference only

Teleconference: Call-in number: +1 346 248 7799 US (Houston) +1 669 900 9128 US (San Jose)

Meeting ID: 847 1538 3824 Passcode: 792236

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Note: Agenda items may be taken out of order, combined for consideration, and or removed from the agenda at the chairperson’s discretion

1. Call to order/roll call

Members present: Char Frost, Cory Whitlock, Dan Musgrove, Jacqueline Harris, Jamie Ross, Dr. Lesley Dickson, Michelle Guerra, Justine Perez, Ariana Saunders, Captain Nita Schmidt

Members absent: Dr. Ken McKay, Assemblywoman Rochelle Nguyen

Staff and Guests Present: Jemyr Mae Sacasas, Intern for Alex Cherup; Wendy Whitsett, Health Plan of Nevada’s behavioral health department, Stacy McCool. SAPTA, Sara Hunt, UNLV School of Medicine, Alex Cherup Esq. and Christena Georgas-Burns Esq., Nevada Legal Services, Trey Delap, Tray Abney

2. Public comment – no comment

3. Approval of minutes –December 1, 2020 Meeting and January 28, 2021

Dan made motion and Jaimie seconded, motion was passed to approve minutes from December and January, motion passed unanimously

4. Update on Bills

Char: The bills have been presented for the first time. SB70 has gone through the work session, they are working on the amendments. Jaime, do have an update on SB69?

Jaime: SB69 was heard and there is a work session, it was due passed as amended.

Char: SB70 was due passed as amended, SB44 I believe was heard and has not gone to session, SB56 was heard and there was a 33million dollar fiscal note was added by Medicaid, we have been working with Medicaid to remove the fiscal note, until we can get that removed it will be dead in the water.

Dr. Dickson: One of the things that is being talked about is that according to HIPPA there is no problem doing telephone consultations, it looks like Medicaid is trying to kill this bill one way or the other.

5. Discussion and vote to allow Char Frost to represent the interests of the Board as they relate to SB56

Char: The AG's office sent some guidance that we just need it on the record who is representing the board regarding our bills and any kind of legislative activity

Dan: I make a motion for Clark Regional Behavioral Policy Board to designate Chair Frost to be our presenter on any of our legislative issue that we take position on.

Michelle: I second the motion

Motion passed unanimously with Chair Frost abstaining

Char: I did want to bring to your attention SB5 was heard and it is the patient protection commission bill, but there is a piece that talks about a dashboard that would be available to the public but would also require us to review the information as it pertains to Behavioral Health. Its part of this boards duty to maintain a dashboard and I think this will make it easier for us because we will be able to utilize people who already do this kind of thing.

6. Char: This is about the other Policy Board's bill and whether we want to support them by writing letters of support to submit as testimony.

Dan made motion to support; Jackie Harris seconded. Motion was passed unanimously.

5-minute recess

7. Presentation on the Olmstead Decision- see presentation

(Alex Cherup and Christina Georgas-Burns)

Alex: I'm with Nevada Legal Services, I work out of the Northern office, my colleague is in the Las Vegas office.

Christina: We are a statewide, nonprofit, public interest law firm. We provide services to low-income Nevadans.

Alex: we are going to talk about disability rights as civil rights.

Christina: Unnecessary segregation is discrimination based on disability, Section 504 of the Rehabilitation Act on 1973. The American with Disabilities Act was signed by George W. Bush on July 26, 1990. The integration Mandate, a public entity shall administer services to individuals with disabilities in appropriate settings.

Alex: Olmstead is a supreme court case not a law. Olmstead v L.C. was a supreme court case that increased integration. Ultimately, unnecessary segregation by public entities violates the ADA; the passage of the ADA is a culmination of a tremendous amount of advocacy.

The Olmstead v. L.C. breakdown:

- Setting is appropriate- a person has the ability to identify their own evidence
- Persons do not agree- Individuals must be given an "informed Choice"
- Reasonably accommodated and the needs of others- The burden is on the public entity to prove "that, the allocation of available resources, immediate relief for plaintiffs would be inequitable, given the responsibility the State or local government has taken for the care and treatment of a large and diverse population of persons with disabilities"

Char: One of the reasons I wanted to make sure we had this presentation is because we, as the RBHPB, as we talk about decisions that we keep Olmstead in the back of our minds.

Jamie: do you know if Olmstead covers substance use disorder for both adult and child?

Christina: I have not done much research on that, it will probably require some litigation to see how that is defined, but I would argue yes.

Alex: it depends on the setting, and about the ADA definition of disability.

Char: Thank you both for being here and giving this presentation so that we can remember to keep this at the forefront of our thoughts.

8. There was no public comment

Next meeting will be May 12th 3-5pm

9. Adjournment at 4:48pm