

BEHAVIORAL HEALTH ADVISORY COMMITTEE

MINUTES

May 30, 2018
10:00 a.m.
1645 'N' Street
Lincoln, NE

MEMBERS PRESENT: Gene Cotter, Corrine Jarecke, Susan Johnson, Stephanie Knight, Jill Kuzelka, Rebecca Meinders, Barbara Murphy, Tracy Pella, Richard Pethoud, Melissa Ripley, Tammy Sassaman, Darla Winslow, C.J. Zimmer (via phone)

MEMBERS ABSENT: Megan Hinrichs, Sara Hoyle, Jennifer Jennings, J. Rock Johnson, Brenda Tracy

OTHERS PRESENT: Tammy Stevenson, Bridge Behavioral Health; Jay Conrad, Houses of Hope; Kelly Madcharo, Lincoln Medical Education Partnership; Julie Fisher-Erickson, Lutheran Family Services; Scott Etherton, Mental Health Crisis Center: C.J. Johnson, Patrick Kreifels, Sandy Morrissey, Robin Schmid, Amanda Tyerman-Harper and Marti Rabe, Region V Systems

HOUSEKEEPING AND INTRODUCTIONS

In the absence of the Chair, Vice Chair Sassaman called the meeting to order at 10:08 a.m. followed by introductions.

ADDITIONS / CHANGES TO AGENDA

- Van De Water requested that an additional contract be added to Motion item 6B due to the timing of required approval.
- Cotter requested that Civil Protective Custody at Bridge Behavioral Health (BBH) be included on the agenda.

OPEN MEETING ACT INFORMATION

Sassaman pointed out that Open Meeting Act information is posted as required by the Open Meetings Act. Notification of this meeting and information regarding availability of the agenda was provided through a legal notice in the Lincoln Journal Star.

PUBLIC COMMENT

There was no public comment.

CONSENT AGENDA ITEMS

S. Johnson made a motion, seconded by Ripley, to approve the Consent Agenda (May 2, 2018, BHAC Minutes; FY 17-18 Compliance Management Report, March 2018 Discharge / Pre-Admitted Noncompliance Report and RGB Report) as presented.

Roll Call: Yes: Cotter, Jarecke, S. Johnson, Knight, Kuzelka, Meinders, Murphy, Pella, Pethoud, Ripley, Sassaman, Winslow

Abstain: Zimmer

Absent: Hinrichs, Hoyle, Jennings, J. Johnson, Tracy

Motion carried.

ACTION / PRIORITY ITEMS

Election of Officers for FY 18-19: The Nominating Committee's Recommendations for FY 2018-2019 Officers were respectfully submitted. Those recommendations were: Sara Hoyle, Chair; Gene Cotter, Vice Chair; and CJ Zimmer, Member at Large. Each candidate had agreed to serve if elected. Knight made a motion, seconded by Pella, to accept the recommendations of the nominating committee as submitted.

Roll Call: Yes: Cotter, Jarecke, S. Johnson, Knight, Kuzelka, Meinders, Murphy, Pella, Pethoud, Ripley, Sassaman, Winslow

Abstain: Zimmer

Absent: Hinrichs, Hoyle, Jennings, J. Johnson, Tracy

Motion carried.

Contractual Agreements for Region V: Johnson reviewed the following categories of contracts:

Nebraska Department of Health and Human Service (DHHS – 3):

- System of Care Grant for Youth Crisis Response: In the amount of \$370,000; the grant cycle runs from October 1, 2018 through September 30, 2019.
- Opioid contract: In the amount of \$190,000 for the purpose of funding activities that reduce opioid overdose related deaths and abuse of opioids.
- Regional Contract with the Division: In the amount of \$19,428,613 for prevention, rental assistance, transition voucher program, behavioral health, coordination and network management activities.

Network Providers: Region V contracts with 15 providers and / or collaborations for the provision of mental health and substance abuse services. Johnson reviewed each contract entity and the amount of funding provided for those services.

Emergency Protective Custody (EPC): Region V enters into EPC contracts with each of the 15 rural counties. In addition the Region contracts with The Bridge Behavioral Health (BBH) and the Mental Health Crisis Center (MHCC) to provide emergency protective custody services as well as a collaborative contract among Region V, MHCC and BBH to facilitate transition from one facility to another.

Prevention Federal Block Grant Recipients: Johnson presented the Federal Block Grant Recipients reviewing each grantee, the amount of the award, and the purpose for which the funds will be used. Coalitions are requesting funds for activities which are evidence-based practices.

Building Partners: Johnson reviewed the various building partner contracts explaining that the purpose of these contracts is to provide facilities usage, fiscal support and information technology support for entities renting office space here. Those entities include: Families Inspiring Families, Human Services Federation and Mental Health Association of Nebraska.

Mental Health First Aid (MHFA): DHHS contracts with Region V to coordinate and provide MHFA training using the funds to sub-contract with a number of individuals to actually provide the MHFA trainings in the community. Legislation was passed three years ago specifically to provide MHFA trainings.

Cluster-Based Planning: These contracts with various individuals and entities are for the purpose of providing cluster-based planning training to network provider staff and coordination of cluster-based planning implementation. In addition to contracting for training, the Region contracts with Synthesis Inc. for training, training of trainers, data analysis, technology sharing, outcomes data reporting and analysis of the cluster-based planning project.

May 30, 2018
Behavioral Health Advisory Committee Minutes
Page 3 of 6

Miscellaneous: Johnson reviewed the Miscellaneous Contracts explaining the purpose for each one. These contracts are with the following entities: Families Inspiring Families, University of Nebraska Medical Center and University of Nebraska-Public Policy Center.

Cotter made a motion, seconded by Knight, to recommend the Board approve all the contracts in the above categories as presented.

Roll Call: Yes: Cotter, Jarecke, S. Johnson, Knight, Kuzelka, Meinders, Murphy, Pella, Pethoud, Ripley, Sassaman, Winslow

Abstain: Zimmer

Absent: Hinrichs, Hoyle, Jennings, J. Johnson, Tracy

Motion carried.

FY 18-19 Prevention Mini-Grant Recommendations: Johnson presented the 2018 summer cycle for Prevention Mini-Grants reviewing each of the grant applications and the purpose for which funds were being requested. A total of \$7,960.25 was requested and that amount was approved. Winslow made a motion, seconded by Cotter, to recommend the Board approve the FY 18-19 Prevention Mini-Grant Recommendations as recommended by the BHAC.

Roll Call: Yes: Cotter, Jarecke, S. Johnson, Knight, Kuzelka, Meinders, Murphy, Pella, Pethoud, Ripley, Sassaman, Winslow

Abstain: Zimmer

Absent: Hinrichs, Hoyle, Jennings, J. Johnson, Tracy

Motion carried.

FY 18-19 Special Populations Award Recommendations: Johnson presented the Special Population Award Recommendations. \$4,500 was requested and \$4,325 was approved. Tyerman-Harper explained the rationale for denial of one part of the request for Matt Talbot Kitchen. Kuzelka made a motion, seconded by Winslow, to recommend the Board approve the FY 18-19 Special Populations Award Recommendations as presented.

Roll Call: Yes: Cotter, Jarecke, S. Johnson, Knight, Kuzelka, Meinders, Murphy, Pella, Pethoud, Ripley, Sassaman, Winslow

Abstain: Zimmer

Absent: Hinrichs, Hoyle, Jennings, J. Johnson, Tracy

Motion carried.

One-Time-Only (OTO) Funding Report: A revised copy of the OTO report was available at the meeting. The revised document will be submitted to the Division for approval. Johnson briefly reviewed the origin of these funds noting that these dollars are a result of funds that were originally allocated to the Regional Centers and were not being utilized as the system moved to a community-based system due to Behavioral Health Reform. In 2008 the Division announced that 3.1 million dollars was “left over”; Region V challenged that amount and following review by the HHS Legislative Committee, led by Senator Jensen, it was determined that 15.2 million was actually available. Legislation was written which required that the funds be disbursed to the Regions. As a result Region V received 4.2 million dollars in one-time funding which has been used for a variety of purposes as outlined on the OTO report. The change noted is that funding to the Provider Network line item was reduced by

May 30, 2018

Behavioral Health Advisory Committee Minutes

Page 4 of 6

\$54,000 and by \$27,580 for the Consumer & Family Coalition. Johnson assured BHAC members that providers were apprised of this change and also that no services or activities would be affected by these reductions. Cotter made a motion, seconded by Ripley, to recommend the Board approve the revised One-Time-Only Funding Report as presented.

Roll Call: Yes: Cotter, Jarecke, S. Johnson, Knight, Kuzelka, Meinders, Murphy, Pella, Pethoud, Ripley, Sassaman, Winslow

Abstain: Zimmer

Absent: Hinrichs, Hoyle, Jennings, J. Johnson, Tracy

Motion carried.

Alternative Compliance for Community Support: Per regulations, Tyerman-Harper explained that providers and the Region must request Alternative Compliance for Community Support annually if they want to bill differently than currently allowed by the state service definition. Per the service definition three hours of contact or three contacts are required to bill for a unit of this service. Alternative Compliance allows providers to bill in 15-minute increments for those clients that they are not able to see for a total of three hours or three contacts per month. This is consistent with how Medicaid reimburses providers. Providers making this request include: Blue Valley Behavioral Health, CenterPointe, Lutheran Family Services and St. Monica's. Knight made a motion, seconded by S. Johnson, to recommend the Board approve Alternative Compliance billing for Community Support as requested by these providers.

Roll Call: Yes: Cotter, Jarecke, S. Johnson, Knight, Kuzelka, Meinders, Murphy, Pella, Pethoud, Ripley, Sassaman, Winslow

Abstain: Zimmer

Absent: Hinrichs, Hoyle, Jennings, J. Johnson, Tracy

Motion carried.

Site Visit Report Summaries: Tyerman-Harper briefly explained that annually a two percent sample of contracted units is reviewed to ensure service provision. A program fidelity audit is conducted every three year. Tyerman-Harper then presented site visit reports for the following:

- Associates in Counseling and Treatment: A unit audit was performed reviewing a two-percent sample of FFS services. All units were verified.
- Child Guidance Center: A unit audit was performed reviewing a two-percent sample of FFS services. All units were verified.
- Mental Health Crisis Center: A unit audit was performed reviewing a two-percent sample of FFS services. Audit for services funded by expense reimbursement (non-fee-for-service) is pending

Winslow made a motion, seconded by Ripley, to recommend the Board approve the Site Visit Report Summaries as presented.

Roll Call: Yes: Cotter, Jarecke, S. Johnson, Knight, Kuzelka, Meinders, Murphy, Pella, Pethoud, Ripley, Sassaman, Winslow

Abstain: Zimmer

Absent: Hinrichs, Hoyle, Jennings, J. Johnson, Tracy

Motion carried.

Annual Survey Results (Network Provider Executive Director and BHAC): Johnson commented that a common thread throughout both the surveys related to how feedback is provided. Network providers had asked that the Region provide BHAC minutes which will be in draft form when receiving their agenda / reminder emails. BHAC members were reminded that the RGB report serves the purpose of informing BHAC members regarding decisions the Board has made relative to their recommendations. In addition BHAC and Board minutes are available on the Region V website within ten working days of the respective meeting. Winslow made a motion, seconded by Knight, to recommend the Board approve the survey results for Network Provider Executive Director and BHAC surveys.

Roll Call: Yes: Cotter, Jarecke, S. Johnson, Knight, Kuzelka, Meinders, Murphy, Pella, Pethoud, Ripley, Sassaman, Winslow

Abstain: Zimmer

Absent: Hinrichs, Hoyle, Jennings, J. Johnson, Tracy

Motion carried.

OTHER UPDATES/INFORMATION

Behavioral Health / Legislative Updates: Johnson provided the following updates:

- **Network Providers – Over Capacity Funding:** Region V has submitted a request for an additional \$400,000 in funding for over-produced units. Due to the fact that all Regions are running close to their allocation, any additional funding, if approved, will come out of Program 38 rather than a shift from another Region. There is a statewide meeting tomorrow at which time it is hoped the Region will be notified that the total request will be funded. Johnson has cautioned providers that the expectation that funds in excess of contract allocations will be available at the end of the next fiscal year is not realistic.
- **Civil Protective Custody (CPC) at The Bridge Behavioral Health (BBH);** Stevenson, Executive Director at BBH provided a synopsis of the challenges BBH has faced regarding the CPC program since Heritage Health became the managed care provider.
 - Beginning in January 2017, all claims filed for CPC were denied by Heritage Health with the reason cited being that there was no service definition for CPC and that CPC did not meet the service definition of social detoxification by which Magellan had previously funded the program. BBH worked for over a year, in conjunction with DBH and Medicaid, to develop an acceptable service definition for social detoxification that would encompass both voluntary and involuntary admissions. Medicaid, however, has announced that they will not pay for CPC under the new service definition either, as the service is still involuntary and has no medical component. Medicaid funding was typically between \$50,000 and \$60,000 annually.
 - When Catholic Charities ceased to operate the CPC program in Douglas County, Douglas County elected to operate that program. However, when attempting to license the program, Licensure refused the license because the facility was secure and used locked doors. Even though the Bridge has been licensed as a substance abuse treatment facility for over 20 years, licensure for CPC was called into question at this time given they operate in the same fashion as Douglas County.
 - Meanwhile, even though regulations have not changed, the Division's current interpretation of the regulations is that individual services/programs must be accredited not just the organization. DBH has stated they will only pay for treatment in an accredited program. BBH has all programs, with the exception of CPC, accredited by CARF. However, CARF does not accredit or condone programs that are provided in a locked / secluded setting.
 - Stevenson cited the unpredictable behaviors of individuals who are brought to CPC involuntarily by law enforcement who have deemed them to be a danger to themselves or others. Every individual who is brought to CPC is initially placed in a locked room. Forty-one percent of these individuals are released to

a responsible party with an average stay of approximately nine hours. No one is held for longer than 24 hours, and must be released when their blood alcohol (BAC) is zero.

- Approximately 3,800 individuals are admitted to CPC annually. If BBH is not allowed to continue to operate CPC in the current manner, the number of individuals they are able to safely serve will be much smaller. Those individuals BBH could not safely monitor will be taken to the hospital for medical assessment and stabilization if necessary, and then will be taken to the jail.
- While BBH has received verbal approval that licensure is not at risk without accreditation but, despite a recent letter from both DBH and Public Health, is still not confident that this assurance has been explicitly been put into writing. Nebraska is one of a small number of states that has decriminalized intoxication. Research nationwide has shown that the program appears to be unique. While the licensure issue appears to have been resolved, the accreditation issue continues to loom.
- Contingency planning has been taking place. The impact of the loss of CPC will be felt by the hospital, the jail, probation, Lincoln Police Department, UNL Police, County Sheriff's office, Lancaster County, etc. Stakeholders are united in the desire to see CPC continue and alternative funding may be available; however, Stevenson noted that credibility and liability for the program would be a risk if the program is not accredited.
- Next / ongoing efforts include meeting with a CARF consultant in conjunction with BBH, the Division, the Regions, and Douglas County to discuss concerns; a Common Meeting is scheduled for next week; continuing contingency planning; and continuing to advocate for the clients they serve. In order to protect funding for CPC, the Region has moved \$99,000 to social detox for the time being.

Continuous Quality Improvement: Kreifels reported that a subgroup has been reviewing data and will be bringing results of that analysis to the BHAC in the next fiscal year.

FY 17-18 Capacity Utilization Summaries: Capacity reports are provided through April for informational purposes and reflect the last round of contract amendments.

FY 18-19 Schedule of Meetings: Provided for informational purposes.

FY 18-19 Schedule of Site Visits: Provided for informational purposes.

Training: Upcoming training information is provided for informational purposes.

Level of Care Meeting Updates / Dates:

- June 18 – Community Support / Non-Residential / Emergency
- June 25 – Children's System of Care
- July 14 – Regional Prevention Coalition

OTHER BUSINESS

- Morrissey announced that June Jam is coming up and 235 individuals will be participating this year. This annual youth event is held at Milford on the SECC campus.
- The Region is in the process of determining whether or not persons who attend Open Meetings via phone are able to vote.

IMPORTANT DATES

- June 11 – RGB Meeting – 10:30 a.m.
- June 18 – Network Providers Meeting – 9:00 a.m.
- August 29 – BHAC Meeting – 10:00 a.m.

ADJOURN

There being no further business the meeting was adjourned at 11:20 a.m.