



Merced County Mental Health Board Meeting

December 3, 2013

3:30 – 5:00 pm

1137 B Street, Merced, CA

Present:

Cora Gonzales, Chair; Richard Hawthorne, Vice-Chair; Iris Mojica de Tatum, Secretary; Mary Ellis; Sally Ragonut; Vince Ramos; James Fuller; David Baker; Jan Morita; Chuck McClure; Audrey Spangler; Supervisor Hub Walsh; Keng Cha; Mary Hofmann

Absent:

Kim Carter

Others Present:

Scott De Moss; Curt Willems; Chris Kraushar, PRA; Sharon Jones; Sharon Robinson; Kurt Craig, County Administration; Forrest Hansen, County Counsel; Carole Roberds, NAMI; Mike Zdanowski; Carol Hulsizer, Recorder

MINUTES

I. Call to Order / Flag Salute / Roll Call

Cora Gonzales, Chair, called the meeting to order at 3:30 p.m. The flag salute was done. Roll call was taken. Cora asked that those who were present, and not on the Board, to please introduce themselves. Also present were: Forrest Hansen, he is a new member of the County Counsel office; Kurt Craig, with the CEO's office; Sharon Robinson, Assistant Director/MH; Curt Willems, Assistant Director/MH; Mike Zdanowski, Mental Health/HR/Operations; Carole Roberds, NAMI; Sharon Jones, MHSA Coordinator.

II. Mission Statement

Sally Ragonut read the Mission Statement.

III. Approval of Minutes from November 5, 2013 (BOARD ACTION)

Action/Recommendation: M/S/C (Walsh / Ellis) to approve the minutes from November 5, 2013.

IV. Approval of Agenda for December 3, 2013 (BOARD ACTION)

Action/Recommendation: M/S/C (McClure / Fuller) to approve the December 3, 2013 agenda.

V. Opportunity for public input. At this time any person may comment on any item which is not on the agenda.

Discussion/Conclusion: Vince stated that in October he brought up the subject of pay raises and bonuses; Manuel had stated that there were none. Vince passed a document to Hub with highlights. Cora stated that the subject would be put on the agenda for future comment at a later date. Vince commented that the document was only to verify what he had previously stated and it was the only reason he brought it up.

Audrey stated that her phone number is now back to her old number; but she hasn't figured out her phone yet. She also had requested another psychologist a long time ago, had done the paperwork, and has received no response. She then gave her address. Cora stated this would be taken care of at a later date.

Recommendation/Action: As noted above

VI. Laura's Law Introduction

Discussion/Conclusion: Scott stated that at the last Mental Health Advisory Board meeting he was asked to give an overview of Laura's Law. Kurt Craig, Analyst in Scott's CEO office, helped him put a presentation together. The presentation was handed out to everyone. Scott continued that Laura's Law was passed into law by the Legislature in 2002. The law allows counties the option to enact outpatient commitment programs. Scott went through the presentation and added the anecdote that there were only two programs that they could find in the entire State. One was Nevada County and they have an implemented program; the other is LA County and they have a pilot program. The Assisted Outpatient Treatment is a court-ordered, assisted program to treat those who are severely, mentally disabled. Court-ordered treatment can last up to 180 days and can only be renewed by the court. In order for that

VI. Laura’s Law Introduction – con’t.

to happen there are a number of factors that have to be addressed. The program was devised to assist or compliment inpatient treatment. This is to reduce the recurring risk that is associated with this population who refuse treatment and find themselves exposed to inpatient services time and time again. Some say this law was a forethought to reduce the cost of care by helping people stay out of inpatient treatment and others say the law was enacted to provide the ability to help people stay out of inpatient treatment. Is it a risk mitigation or is it a proactive solution – what was Laura’s Law enacted to do. The law has certain requirements and the patients must meet certain requirements. The Department, on its own, cannot simply refer a patient into this program without a number of elements being met. If all of the requirements are not documented, then you cannot force a patient into this type of program. Voluntary treatment seems to be the best road to recovery and what this law does is provide a tool to help keep people out of inpatient placement by forcing them into outpatient medications. Under assisted outpatient treatment there are four requirements that create a set of checks and balances: investigation, court petition, hearing and treatment plan. Under State law, assisted outpatient treatment outlines ten basic rights: right to counsel; receive adequate notice; notice of hearing sent to any designated parties; right to copy of court-ordered evaluation; be present for evidence, witnesses, cross examination; be informed of their rights to judicial review; not be involuntarily committed or held in contempt solely for failure to comply with the treatment order; be present at hearing; right to appeal decision; and to receive the least restrictive treatment deemed appropriate.

Chris Kraushar commented that Alameda County is voting on Laura’s Law in January at the request of the Berkeley City Council.

Recommendation/Action: Information only

VII. Residential Treatment Proposal Update

Discussion/Conclusion: Curt reported that the Department is currently in collaboration with four other counties – Madera, Calaveras, Tuolumne and Mariposa. Because of some financial dynamics with the program, they are trying to include Stanislaus. Currently the cost is going to be very exorbitant because these are all small counties. They are looking at ways to reduce some of the cost to the counties and bringing in another county – Stanislaus, and possibly expanding some of the ways the provider would provide the service at a lower cost. Currently they are saying that whether the bed is full or not, they want it paid for at their full fee 365 days a year. This is very expensive for the counties even though there is a grant that will help cover some of the costs; it does not cover any of the staffing or service costs, it only covers “bricks and mortar” right now. There is another component of the grant that they are looking at that will provide some other services of outreach and stabilization units. They are trying to find ways to develop the grant that it will work collaboratively together. There is also the component of triage – they hope to take the triage component, the crisis stabilization and crisis residential and tie them all into one grant. They have a grant writer helping them with this. It will come down to cost effectiveness – whether it is financially feasible for everyone or not. They are still at the preliminary stages. The request for proposal has come out as a draft and they are looking at seeing this approved at the State level for the submission by January 29th. Crisis residential would definitely be helpful here in Merced County. They are looking at a collaborative effort of about \$3.5 million that they will be trying to put towards this program. This money is, again, for bricks and mortar, but they could purchase or build something here in Merced County. This was an issue for some of the counties and they are talking to their BOS about letting go of the money, but they don’t get the money unless the grant goes through. This is a competitive grant and everybody in the State is competing for the dollars. Even if they apply, the program has to be strong enough that the State will fund it.

Recommendation/Action: Cora requested that Curt keep the Board updated on this subject.

VIII. Chair’s Report

Discussion/Conclusion: Cora stated that she is honored and privileged to be a part of the interviewing team for the Director’s job. Interviews are tomorrow. Second, any questions that are brought to this body and cannot be answered immediately because it has to be referred to someone, the Board will do its best to get an answer. She thanked everyone for their comments.

Recommendation/Action: Information only

IX. Supervisor’s Report

Discussion/Conclusion: Supervisor Walsh reported that next Tuesday the County’s General Plan Update will go to the BOS. There will be public hearings on land use, ag mitigation and a variety of those kinds of issues. They may possibly be considering a warming shelter proposal for the homeless. As an FYI – the County furlough days and compensation adjustments that employees have had for the last couple of years ends in January. Employees will be restored back to their compensation levels two years ago and there will be no more furlough days.

IX. Supervisor’s Report - con’t.

Supervisor Walsh commented on the document that Vince had given him earlier in the meeting regarding pay raises and bonuses. He stated that the document was the summary for the Mental Health budget for 2013. It was a summary of the actions the Board has taken over the last four years. In April the Board approved the consolidation of the Public Administrator/Guardianship and the highlighted area states the salary and employee benefit counts have been adjusted to reflect annual merit increases and then goes on to other County employee coverages. Hub stated that every employee that is hired, who is not a contractual employee, comes with annual merit increases. There is a five-tiered salary line and each department has to budget for that salary increase.

Recommendation/Action: Information only

X. Director’s Report

- a. Brown Act
- b. Wellness Center Update
- c. Financial Report

Discussion/Conclusion: a. Scott invited Forrest Hansen from County Counsel to today’s meeting to give an overview of the Brown Act. Forrest continued with a brief overview. Government Code 54953a says that all meetings of the legislative body of a local agency shall be open in public and all persons shall be permitted to attend any meeting of the legislative body of a local agency. A legislative body of a local agency is the Board of Supervisors (BOS), Planning Commission, City Council, etc. But it also includes any commission, committee, board or other body, whether permanent or temporary, decision making or advisory (includes this Board) created by charter or resolution or action of the BOS. A meeting includes any gathering of a majority of the members of the committee to hear, discuss or deliberate upon any item which is within its subject matter jurisdiction. Just talking about something amongst a majority of the Board requires a noticed, regularly called meeting. To further define what a meeting is – a meeting can be a serial meeting where one member will go around to a majority of the other members, one by one, trying to build a consensus amongst the members on an item that may be before the Board. That is not allowed under the Brown Act. Doing that through a County staff person, asking that person to see what each of the other members thinks about a proposal on the agenda, is not allowed. It also includes “reply all emails”; when you reply to everyone in an email, this is a meeting. That is having a discussion about a matter that is on the agenda without giving the public proper notice. This should be avoided. If you want different agenda items or if you want an agenda item placed on the next meeting, you can bring that up at any meeting – you have to have those discussions at a regularly called noticed meeting. For adding an agenda item on the day of the meeting there has to be extenuating circumstances – it has to be something that was not known about or there was no way to know about it before the meeting; it has to be something that was not known at the time the agenda was posted. In the 72 hours prior to the meeting something had to have occurred in that period that said this has to come before this body and cannot wait – that is the only time that you can add a “late item”. That is why the agenda is approved before the meeting starts – that is the opportunity for adding something to the agenda if it is necessary. There does have to be a quorum present in order to do that. An amended agenda can be done in that 72-hours before the meeting; you cannot add an agenda item the day of the meeting unless it was not known during that previous 72 hours. Forrest continued as to what are not meetings. Attendance by all the members at a publicly held conference is not a meeting but you cannot sit together and discuss business of this committee. Agendas – this Board has done well with the agenda – they have to be posted 72 hours in advance; each item, or business transaction to be discussed should be listed and described in sufficient detail. Acronyms should be spelled out. Items that are not required on an agenda – announcements or reports of a board or committee member’s activities going to a community event, etc., referring a member of the public to county staff for information or brief responses to the public when they have the public comment period, requests to have agenda items placed on future agendas – those do not require being on the agenda right there. Public participation – any member of the public may attend and speak at the meeting without conditions, registrations or sign-ups. The committee may adopt reasonable regulations including time limits for public comments. Most importantly, you cannot regulate the content of what they are saying unless it is disruptive. Cora asked about violations and what could happen. Forrest stated that injunctions can be filed against the committee to stop actions that may have been discussed or taken action on; there is claritory relief where a court will tell you that you have done something wrong; you could be sued for the other person bringing the action – their attorney fees; lastly, it could be a misdemeanor if the DA wanted to take it up. Supervisor Walsh stated that this is a fairly complicated process but the focus of the Brown Act is for public transparency.

b. Scott has not received a sufficient answer to his question yet on this subject in order to report back. Therefore, he would like to hold this subject until the next agenda.

X. Director's Report – cont.

c. Sharon Robinson stated that this Board had requested a budget report. She passed out copies of a FY 13/14 Quarterly Budget Report and went over it with the Board. She will be presenting this budget report on a quarterly basis.

Recommendation/Action: As noted above

XI. Committee Reports / Updates

- a. **Quality Improvement Committee (QIC)** (Sally / Mary E.)
- b. **Executive / Bylaws / Planning Committee** (Cora)
- c. **Membership Committee** (Kim)
- d. **Patients' Rights Advocate** (Chris)
- e. **Wellness Center Update** (Chuck)
- f. **CALMHB/C Update** (David / Keng)
- g. **NAMI** (Jan)
- h. **Children's System of Care (CSOC)** (Cora)
- i. **MHSA Ongoing Planning Council** (Sharon J. / Iris)
 - 1. **Presentation by Vince**
- j. **Cultural Competency Committee** (Mary H. / David)
- k. **Community Partner's Meeting** (Vince / Mary E.)
- l. **AOD** (Richard)

Discussion/Conclusion: a. Sally commented that because the meeting she reports on is held only every other month, she would like to have four minutes at today's meeting to give her report. She continued that grievances were basically about the quality of care; there were nine grievances. There have been many more provider changes lately; from July 12 to Dec 12 there were 42 requests and January through June there were 68. In the review of AOD charts, 36 charts were reviewed. In credentialing there was a contract for two new doctors. Of interest – there is specialized treatment now for OCD for one consumer. Forms – there are monthly meetings for the Anasazi Form Committee; there are 4 to 6 new policies a week because of going to electronic health records. Medical Compliance Review – according to Psych Autopsy there were ten deaths in the last section, six are pending, there were no suicides, most were medical concerns (cancer, COPD, sudden unexpected death due to hypothermia, one head injury, two hit by vehicles and one homicide). The Medi-Cal audit begins next Monday and starts at 11:00. Alan Vaughn is retiring next Friday. Robert Porta is now working in QI in a leadership position. b. Cora reported that at the Executive meeting they discussed how to handle the questions that are asked and who are the appropriate people to answer the questions. They will do the best job they can in handling this. c. Kim was not present today. d. Chris reported that she attended the Regional Quarterly Patients' Rights meeting in Fresno on November 6-8. There was good information. e. Chuck reported that the Wellness Center had their Thanksgiving Celebration and over 100 attended. There was a lot of food, there was a talent show and an educational component. They are planning a Christmas Celebration on December 12th, 10:30-1:00, everyone is invited. There will be food, singing and karaoke and an educational component. Elections for the Consumer Advisory Committee will take place in about a week. There are more new groups – a nutrition group, sex education class that focuses on sexually transmitted diseases, anger management, math facts which tutors people who need help with math, two different dance classes – one for fitness and one for enjoyment and relaxation, and last is a Wellness Center Recovery which Cara facilitates. The art group and volunteers made a lot of glazed stars that will be used to decorate the Christmas tree at the Courthouse. f. Keng stated there is a meeting coming up January 17-19. David stated that there will not be a central regional meeting prior to the January meeting; it will probably be sometimes afterwards. David plans on attending the January meeting. David understands that there are only five counties out of the central region that are allowed to attend and are paid for by the CALMHB/C. They are developing a lesson plan for Mental Health 101; it will be piloted in Colusa County and they are asking for members to volunteer for this. Cora would like this item brought to the next Executive meeting. g. Mary H. stated that if anyone knows of family members that need support, please refer them to NAMI. The NAMI 12-week Family-to-Family Class is very intensive, has a large curriculum and is free begins on January 23rd. They plan on having a concurrent class in Spanish which will probably meet in Atwater. Jan continued that the Peer-to-Peer class for consumers is similar to the Family-to-Family and runs in conjunction with it but is only for 10 weeks and begins two weeks later. It is also an intense, educational program for consumers that is facilitated by consumers. It does contain more elements of coping skills. They are starting a new NAMI Connection – a consumer recovery support group – tomorrow night at 6:00 p.m. at B Street and will be doing this every Wednesday through January 22nd. However, it is not scheduled on Christmas or New Years; but, since the holidays can be a hard time for some and if a consumer has a special need, they will try to arrange a meeting on

XI. Committee Reports / Updates – con't.

Christmas or New Years. They have received a grant and plan on having a Mental Health Fair this spring; more information will come out soon. A second part of the grant is a spiritual component and the plan is to gather as many local ministers, priests, rabbis and shamans for an educational class on what it is like to live with a mental illness. Jan continued that two more Community Dialogues are coming up – one in Livingston on February 22nd, hopefully. This information will be given to Carol to get out to everyone. The third will be in Planada, but no date has been set. Please plan on attending. **h.** The next CSOC meeting is in January. **i.** Iris reported that the MHSO Ongoing Planning Council met this morning and the venue is pretty much like this one. They went through the agenda and the selling points were discussing the items that were proposed during the Annual Update process. Sharon will be posting them for the 30-day review. She asked everyone to please look at them and make comments during this time period. Sharon J. commented that they had six MHSO workgroups and there is a document that Crystal Guerrero will be sending out to this Board and Sharon will be doing a strategic plan to address the different items that were presented at those workgroups. Sharon J. stated she will be posting a document for 30 days starting on December 9th and ending on January 7th. There has to be a Mental Health Board Public Hearing after January 7th. Scott interjected that he wants to move the next MH Board meeting scheduled for January 7th to January 14th instead in order to accommodate the Public Hearing. **j.** Sharon J. stated that moving into next year they will be doing an organizational needs survey as well as having individuals do self-assessments. They are also gearing up for some workgroups on the Cultural Competence to move ahead and do a new Cultural Competence Plan. **k.** Mary E. stated there was no meeting in November and the next meeting is December 12th. **l.** Richard had no new updates from AOD.

Recommendation/Action: As noted above

XII. Announcements

Discussion / Conclusion: Scott stated that the entrance meeting for the Medi-Cal audit is on Monday, in this room, at 11:00 a.m. Anyone who would like to attend should be there by 10:50. Everyone is invited.

XIII. Adjournment

Discussion / Conclusion: The meeting was adjourned at 4:54 p.m. The next meeting is January 14, 2014.

Submitted by: _____
Carol Hulsizer
Recording Secretary

Approved by: _____
Iris Mojica de Tatum, Secretary
Merced County Mental Health Board

Date: _____

Date: _____