

STATE COUNCIL ON MENTAL HEALTH

Behavioral Health Administration
 Department of Health, State of Hawaii
 Queen Medical Center: Conference Center
 October 13, 2009
 9:30 a.m. – 12:00 p.m.

Members Present: **Buffenstein, M.D., Alan; Cabatbat, Arthur; Cattaneo, Liesje; Durant, Mike; Hack, Randolph; Hansen, Donna; Harris, J.T.; Kaneaiakala, Alva; Miyoshi, Sandra; Sandal, Candace; Shiraki, Ph.D., Steven; Wilcox, APRN, Noelani; Young, Carol.**

Members Absent:

Members Excused: **Kiliona, Ku’ulei; Tsark, Amy; Watters, Maile.**

Guests Present: **Daraban, Charlene; Enos, Joey; Killian, Kevin; Gonzalez, Peter; Yokote, Sharon.**

Staff Present: **Andreas, Esq. Ann; Clarke, Judith; Crockett, Judy; Haitsuka, Stacy; Michels, M.D., Stan; Nazareno, Jocelyn; Pak, Sandra; Sheehan, M.D., William P.**

AGENDA ITEM	DISCUSSION	RECOMMENDATIONS/ACTIONS/ CONCLUSIONS	PERSON(S) RESPONSIBLE	DATE DUE
1. Call To Order	The meeting called to order at 9:45 a.m. and quorum was established.		N. Wilcox	10-13-09
2. Review of Minutes	<p>The minutes for May 12, 2009 were reviewed by the Council. Mr. Durant made a motion to approve the May 2009 minutes and Mr. Hack seconded the motion.</p> <p>The minutes for July 14, 2009 were reviewed by the Council. Ms. Young made a motion to approve the July 2009 minutes. Mr. Hack seconded the motion.</p> <p>The minutes for August 18, 2009 were reviewed by the Council. Mr. Durant made a motion to approve the minutes. Dr. Shiraki seconded the motion.</p>	<p>The motion to approve the May 12, 2009 minutes was passed by the Council.</p> <p>The motion to approve the July 14, 2009 minutes was passed by the Council.</p> <p>The motion to approve minutes for August 18, 2009 was passed by the Council.</p>	SCMH Members	10-13-09
3. Community Input	<ul style="list-style-type: none"> Mr. Gonzalez stated that he and Ms. Enos are submitting their applications to serve on the Maui Service Area Board to represent the Island of Moloka`i. 			

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3. Community Input Cont'd.	<ul style="list-style-type: none"> • Ms. Hansen asked for clarification as to the definition of a quorum. The Maui Service Area Board has not been able to meet regularly due to a lack of quorum. • Ms. Crockett replied that because the Maui Service Area Board (SAB) is suffering from a lack of filled membership positions, it has been unable to achieve a quorum. When lack of a quorum persists, the law allows a Board, and in this case the Maui SAB, to hold a special meeting and invite members from the community to develop a list of applicants for submission to the Governor's Office for membership. At all other times, the nine-member Maui SAB must have five (5) members to conduct a meeting (quorum). • Ms. Yokote provided comments on the need for skill-building services to assist consumers to become more self-reliant: <ul style="list-style-type: none"> (1) Planning for older consumers who are 55 years and older. (2) Development of basic life skills as one gets older. (3) Education and assistance regarding the normal grieving processes. (4) Information and counseling regarding what to do when you are the last senior in your family who is still alive. (5) Stabilization for post case management through ensuring completion of wellness recovery action plans. 			
4. Discussion of Conflict of Interest Questions	<ul style="list-style-type: none"> • Ann Andreas, Deputy Attorney General reported that when Ms. Wilcox was first employed by the Department of Health (DOH), Public Health Nursing Branch, a question was raised by the Council as to whether her employment in that position would pose a conflict of interest and prohibit her from chairing this Council. Ms. Andreas stated she interviewed Ms. Wilcox as to what her position would involve and checked the law. The key question was what would Ms. Wilcox be doing for Public Health Nursing and whether there was any intersection between Public Health Nursing and SCMH. The answer to both questions was "No". • Ms. Andreas continued that Ms. Wilcox may chair the SCMH and work for Public Health Nursing because there is little or no interaction between Mental Health services and Public Health Nursing. If any issue were to 			

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	<p>come to this Council that involves her work in Public Health Nursing, Ms. Wilcox indicated that she is willing to recuse herself and designate the SCMH Vice-Chair to lead the meeting. Because early intervention is probably the only area of conflict that we know about right now, it does not seem to make a lot of sense to prohibit Ms. Wilcox from working with this Council on the grounds that Ms. Wilcox took the Public Health Nursing position.</p> <ul style="list-style-type: none"> • Ms. Andreas stated that one of the key factors is that Ms. Wilcox was appointed by the Governor to represent family with children with mental illness. Unless that appointment is changed, Ms. Andreas advised that the Council leave her designation in the Block Grant application as the same. • Ms. Kaneaiakala asked what would cause a conflict of interest. • Ms. Andreas replied that conflict of interest questions usually concern appointment decisions. Hypothetically, if Ms. Wilcox had a job either for the State or was working privately and in this regard would benefit from a decision that this Council made, it would be a clear conflict of interest. • Ms. Kaneaiakala stated that as a member of the Council’s membership committee it was not clear when prospective members with children who are receiving AMHD services would be in conflict. • Ms. Andreas asked if the committee had queried the Governor’s Office and the person who is in charge with the Boards and Commission about questions of conflict. • Ms. Kaneaiakala replied that they had but did not think sufficient clarity was provided. For example, it was thought there might be a conflict of interest in the membership of an administrator of Hawaii Families with Allies versus a family member served by this organization. • Ms. Andreas stated that this particular question had never come to her. The Governor’s Office is usually advised by a deputy attorney general in a different section. 			

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	<ul style="list-style-type: none"> • Ms. Clarke provided information regarding the application of a prospective member who was employed by a grant obtained by the Department of Health. An opinion was sought from the Governor’s Office, Boards and Commissions, and the answer was that she could not serve on the Council. • Ms. Andreas stated that the advisement from the Board and Commissions was because the applicant had a job in Mental Health with the State and that would affect the balance on the Council of how many people were employed by the government • Ms. Kaneaiakala rejoined that it appears this is the opposite of what was stated about the Council Chair. • Ms. Andreas replied that the distinction is that on one hand, a person working for the government may be working in a program that deals with mental health. If the program does not deal with mental health (and Ms. Wilcox’s program does not), then that changes the way we look at the situation. • Dr. Buffenstein indicated that at the time the discussion about Ms. Wilcox occurred, the Council was very sensitive to potential conflict of interest which was not financial but about the person’s loyalty to AMHD by virtue of prior employment or not wanting to be critical of the Division. • Ms. Hansen replied that she was in agreement with Dr. Buffenstein. She stated that a former member was an example of these repercussions, and she stated it was her impression that the former member lost part of her grant because the former member made someone in DOH angry. • Ms. Andreas asked Ms. Hansen if she would connect her statement with Ms. Wilcox being the Chair of the Council. • Ms. Hansen replied that since Ms. Wilcox has taken the chair it does not feel as though consumers are being represented. She continued that if you look back and note the voting, you will see that the state and providers are worried about their jobs or getting grants and so are afraid to do or say anything because of repercussions. Ms. Wilcox changed the way things are 			

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	<p>handled from when she was first elected to when she received her Branch Chief's job. That is not only my personal opinion, but that of others as well. Ms. Hansen stated that she felt she could not say anything because of repercussions. She also asked if all Boards are controlled or overseen by the Federal Government.</p> <ul style="list-style-type: none"> • Ms. Andreas replied that to her knowledge there is no Federal oversight of this Council; however, you have at your disposal Federal technical assistance. Council members are appointed by the Governor and accountable to the Governor. The Hawaii Revised Statutes set out the parameters for activity. • Ms. Hansen stated that it was her understanding that the Boards were formed as a result of law suits and the Federal government indicated that these Boards would be formed to work together to improve the mental health system. • Ms. Andreas replied that the Boards were created to meet a federal grant requirement. But that was the result of federal legislation not federal litigation. Ms. Andreas continued that Ms. Hansen is correct in that Federal legislation requires that any state that receives funding from the Community Mental Health Block Grant have a Board such as the one that is described in statutes (HRS 334-10). • Mr. Gonzalez interjected that the State Council has guidelines on how the Council is to operate. The Council is not doing what the outline stated at the time that Ms. Wilcox took the Chair. She started out with a new beginning that included following these guidelines. • Ms. Andreas stated that she will follow up on the information that she received from Dr. Buffenstein and will report back to Dr. Buffenstein. 	<p>Provide comment on Dr. Buffenstein's perspective.</p>	<p>Ann Andreas</p>	<p>12-09</p>
<p>5. Island Reports</p>	<ul style="list-style-type: none"> • <u>Hawaii</u> No report 			

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5. Island Reports cont'd.	<p><u>Kauai</u></p> <ul style="list-style-type: none"> The Kauai Service Area Administrator (SAA) and the State Council representative from Kauai traveled to Hawaii State Hospital over two weeks to promote Psychiatric Advance Directives (PADS). During the first meeting, Dr. Goetz provided information about the Network of Care, and they showed Dr. Tom Vendetti's video about the training held on Kauai. There was a great deal of interest especially at admissions. The plan is to return to HSH talk with consumers at one of their monthly meetings. The SAA is working on a grant to establish a micro-enterprise which will provide consumers with jobs. The clinic's Network of Care is expected to be available in November. <p><u>Lanai</u></p> <ul style="list-style-type: none"> The position for a full time psychiatrist to visit Lanai twice a month was terminated. The person that was to fill that position decided not to take the job. It has been about 2-1/2 years since Lanai has had twice a month coverage. A temporary psychiatrist is still needed. <p><u>Maui</u></p> <ul style="list-style-type: none"> Ms. Hansen reported that the contract for Psychosocial Rehabilitation was awarded to Mental Health Kokua. Mental Health Kokua has been doing an excellent job in helping the consumers during their transitions. Ms. Hansen continued, asking that all voting be done in writing, rather than verbally. She further reported that the Maui SAB meeting had additional community members in attendance as prospective members. <p><u>Oahu</u></p> <ul style="list-style-type: none"> No report. Ms. Shirley Davenport will provide information regarding the situation in Waianae at the next meeting. <p><u>Issues/Needs in More than One Service Area</u></p> <ul style="list-style-type: none"> Common Issues: <ol style="list-style-type: none"> Impact of budget cuts on the statewide system. Need for more psychiatrists on the neighbor islands. Length of time required before a consumer is assessed for mental illness. 			

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	<ul style="list-style-type: none"> • Mr. Randy Hack stated there is a request for votes to be in writing. In general, voting does not need to be written except where there is election of officers. Mr. Hack asked Ms. Andreas if this was correct. • Ms. Andreas replied that she would have to research the question. A suggestion was to put it as an item on the agenda. 			
6. Discussion Letter from United Self Help	<ul style="list-style-type: none"> • Ms. Wilcox asked the members for their suggestions on the draft letter provided to them to Mr. Bowles and Mr. Ferris. • Ms. Sandal stated that the letter is excellent. She continued that in the second paragraph where it states, “According to procedures in effect at the time”, she would like to know what were the procedures that were in effect; when did they change, how did they change, and why did they change? Ms. Sandal indicated that the Council did not discuss this; otherwise, she stated she approved the letter. • Mr. Harris suggested that on the third paragraph, the word “veracity” be changed to “accuracy”. On the fourth paragraph, delete the first sentence and start it off with, “On behalf of the SCMH.” Change the word “inaccurate” to “hearsay” information. • Ms. Wilcox asked that prior to discussing the changes; she would like staff to discuss the issues that Ms. Sandal raised in terms of procedures in effect at the time of the report. • Ms. Clarke answered that at the time there was no decision on whether island reports needed to be written or oral. Since that time the Council has voted on reports to the SCMH be presented orally. • Ms. Wilcox asked for the Council’s response to the modifications that Mr. Harris suggested. Members agreed that Mr. Harris made some good points. Mr. Hack moved to accept this letter to United Self Help with Mr. Harris’s corrections. Ms. Sandal and Mr. Durant seconded the motion. 	The motion passed to accept the letter to United Self Help with corrections noted.	SCMH members	10-14-09

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7. Nominations for SCMH Officers	<ul style="list-style-type: none"> • Nominations for SCMH officers were conducted. Results were: <u>Chair:</u> Ms. Kuulei Kilion, Mr. Steven Shiraki, Ms. Noelani Wilcox <u>Vice Chair:</u> Ms. Kuulei Kilion, Mr. J. T. Harris, Mr. Randolph Hack, Ms. Carol Young <u>Secretary:</u> Mr. Randolph Hack • Ms. Hansen declined to be nominated for Chair because her SAB term will be ending in June 2010 and she has not yet decided to remain on the SAB. Ms. Hansen thinks it is not appropriate for Ms. Wilcox to run as a SCMH officer until a determination has been made on the conflict of interest. • Ms. Young stated that she thought that issue was completed and Ms. Hansen thought otherwise due to the need for the Deputy Attorney General to perform research on the newly discovered facts. • Ms. Andreas stated that at first, two questions were raised: 1) Whether Ms. Wilcox's employment by DOH meant that she is in an impermissible conflict to serve as Chair of the Council. Her reply to this question would be "No" for various reasons. 2) Whether Ms. Wilcox should be listed as a government employee of this Board or was she appointed as a family member representative. Her answer to that is "don't change what she was appointed to represent." Then Dr. Buffenstein raised a third question, very different from the first two questions, which she could not answer without speaking and interviewing certain persons outside of this meeting then considering a response. • Ms. Hansen asked Ms. Andreas how she relates to the SCMH and who she represents? • Ms. Andreas replied that she was assigned to this Council by her supervisor to give advice and consent. • Ms. Liesje Cattaneo stated that the question that we need to have answered is whether or not there is or will be a question which prevents someone from being nominated and or elected to an office on the Council. 	Office of Planning will send out the ballots to membership.	Staff	10-19-09 To be Returned October 30 th .

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	<ul style="list-style-type: none"> • Ms. Andreas indicated she could not answer that question. • Ms. Carol Young affirmed that the Council may continue, and Ms. Wilcox can be nominated. 			
8. State Council Annual Report to the Governor and Legislature.	<ul style="list-style-type: none"> • Comments on the Report were as follows: <ul style="list-style-type: none"> ○ Ms. Hansen stated that since the Council does not know what the budget cuts are going to be, is the report really appropriate at this point, or is it due even though we don't know what the cuts are going to be? ○ Ms. Wilcox stated the report is due at the end of this month, and this is as much as is known at this time. ○ Mr. Hack reminded the Council that their deliberation over the report and the Council's list of motions is very valuable (as in the report) because it reflects the overall sentiments of this body. The report goes to the Governor and the Legislature and sometimes sentiments and motions can turn into legislation. ○ Ms. Sandal commented on page two regarding the Peer Specialist Program. She stated that clarity is needed on the number of Peer Specialists that is on each island for each clinic. There's a need that the Peer Specialist Program be implemented in all locations because there is no Peer Specialist on Kauai. Administration should insure that the clinics have such a job and that the jobs are filled. ○ Ms. Sandal, Ms. Wilcox and Ms. Miyoshi determined that the report should include the development of a plan to implement the Peer Specialist program that ensures short and long time goals with target dates. • Ms. Young moved to accept the report. Mr. Durant seconded the motion. 	The motion passed to accept the report with the changes indicated.	SCMH Members	10-13-09
9. Issue/Needs Identified by Council Members at the July 14 th Meeting	<ul style="list-style-type: none"> • Dr. William Sheehan asked the Council membership for the context or clarification in which members requested that he report on four specific areas (suicide, timely psychological; assessments, ACCESS wait-times to requests and budget cuts). • Ms. Kanaiakala responded that the Council would like to know in advance rather than after the fact of actions being taken such as budget cuts or the ACT program. Communication ahead of time is needed if AMHD is going to do something drastic. 			

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	<ul style="list-style-type: none"> • Ms. Sandal explained that Council members are advocates for consumers and find it very difficult when AMHD makes decisions out of the blue. She continued that Council members need advance information regarding the reasons why something was determined, like ending ACT, in order to prevent negative reactions. She stated that members want to be able to support the Division’s decisions and be liaisons in their communities. • Dr. Sheehan indicated he would like to receive the Council’s input regarding where services should be cut or decreased. He explained that cuts are needed because savings through furloughs, layoffs or pay cuts may not be enough. Fiscal responsibility and stewardship would say “we should be doing something now to cut our expenses.” He stated that he welcomed the Council’s advice on suggested cuts. • Dr. Sheehan stated that the AMHD Service Array lists services and provides the definitions of each service; therefore, this will give the Council reference in which to respond. 	Send out AMHD Service Array to membership electronically and by mail.	Staff	10-14-09
10. Announcements	None.			
11. Agenda Items for Next Meeting	Reconfiguration of SCMh Committees			
12. Adjournment	Lost quorum at 11:55 a.m. The meeting adjourned at 11:55 A.M.	.		
Mail Outs	<ul style="list-style-type: none"> • October SCMh Agenda • SCMh Attendance Log • May 12, June 14, and August 18, 2009 SCMh Minutes • Draft Annual Report to the Governor and Legislature on Implementation of the State Plan • Letters from SCMh to Director, and to the CPA of United Self Help. • Oahu SAB Agenda and Minutes of July 20, 2009 • Kauai SAB Agenda and Minutes of July 30, 2009 • CAMHD Report on Sentinel Events 			