

JUSTICE BEHAVIORAL HEALTH COMMITTEE
9 December 2015 Lincoln, Nebraska

MEETING MINUTES

The Justice Behavioral Health Committee (JBHC) of the Community Corrections Division met Wednesday, December 9, 2015, at Trabert Hall, 2202 S. 11th Street, Lincoln, Nebraska. The meeting was open to the public and was preceded by advance publicized notice in the *Lincoln Journal Star*. The meeting was held at Trabert Hall to offer video conferencing for members who travel distances. Christine Chasek, Dallas Massey, and Tom Maxson attended by video conferencing.

Members Present:

Sue Adams
Scott Carlson
Christine Chasek (video)
Tamara Gavin/Adam Proctor
Cathy Gibson-Beltz
Tony Green/Nathan Busch
Joan Huss
Lisa Jones/Natalie Johnson
Randy Kohl/Stephanie Bruhn
Linda Krutz
Dallas Massey (video)
Tom Maxson (video)
Deb Minardi/Gene Cotter
Joe Nigro
Brenda Rohren
Lisa Sample
Julie Scott
Kathy Seacrest
Ryan Spohn
Shane Stutzman
Mike Tolley
Nancy Wilson-Hintz
Linda Wittmuss

Members Absent:

Angie Apthorpe
Jeff Beaty
Dave Carver
Kim Etherton*
Darrell Fisher/Michael Overton*
Kathleen Grant*
Troy Greve
Lori Griggs*
Bruce Prenda*
Steve Rowoldt

Division Staff Present:

Kitty Policky
Laurie Holman

Others Present:

* Indicates excused absence

1. CALL TO ORDER

Co-Chair Linda Wittmuss, Deputy Director, Systems Integration, Division of Behavioral Health, called to order the December 9, 2015 meeting of the Justice Behavioral Health Committee (JBHC) at 9:10 a.m. at Trabert Hall, 2202 S. 11th Street, Lincoln, Nebraska. It was announced that the meeting was subject to the Nebraska Open Meetings Act and was duly posted and published in compliance with the Open Meetings Act and the agenda was kept current in the office of the Crime Commission. Materials used for the meeting were available in the public folder for inspection. A copy of the Act is displayed. Attendance is indicated above. Known absences are as follows: Kim Etherton, Lori Griggs, Michael Overton, and Bruce Prenda. Video conferencing: Christine Chasek, Tom Maxson, and Dallas Massey. Each member introduced him or herself and their association with the committee.

2. APPROVAL OF MINUTES

Members reviewed the September 9, 2015 meeting minutes.

A motion was made by Gene Cotter and seconded by Shane Stutzman to approve the September 9, 2015, minutes. The motion passed unanimously by acclamation.

3. 2016 PROPOSED MEETING DATES

JBHC members reviewed the proposed 2016 JBHC meeting dates. The proposed dates are March 9, June 8, September 14, and December 14.

A motion was made by Stephanie Bruhn and seconded by Lisa Sample to approve the 2016 meeting dates as presented. The motion passed unanimously by acclamation.

4. MEMBERSHIP

Membership began with a handout of the bylaws reflecting changes approved at the September meeting. It was determined that four positions needed to be filled:

Position #3 / Julie Scott informed members that Steve Rowoldt would have a permanent designee, Jacey Nordmeyer, attending future meetings.

Position #9 / the director or permanent designee from the Department of Health and Human Services Division of Medicaid and Long Term Care. Sue Adams will discuss when a selection can be made to the committee.

Position #23 / the Administrator of Consumer Affairs for Behavioral Health. Sue Adams informed members that the position will be filled but is not filled at this time.

Position #19 / a licensed psychologist from Licensure Credentialing Division or Board of Psychologists is needed and a request for a nomination for submission was made at the December meeting. In the absence of Dave Carver, who nominated Joseph Swoboda, Co-Chair Wittmuss made the motion for approval.

A motion was made by Linda Wittmuss to approve Joe Swoboda to fill #19 position as a licensed psychologist and seconded by Kathy Seacrest. With the nomination uncontested, the motion passed unanimously by acclamation.

A welcome letter with information will be sent to Joe Swoboda for the March meeting.

Tamara Gavin, filling position #31, a representative from a managed care behavioral health entity, has taken a new position and thanked members and introduced Adam Proctor, who will be filling the position.

5. SEX OFFENDER UPDATE / GENE COTTER

Gene Cotter, Assistant Deputy Administrator, Office of Probation Administration, Programs and Services Division, returned to the handout of proposed standards from the December meeting as an overview of a recent meeting of the group. A topic also discussed at the meeting was that there seemed to be problem with standardized definitions of terms.

The handout, attached and considered part of the minutes, represents part of the charge of the committee to develop standardized protocols surrounding such topics as credentialing of sex offender treatment providers; what evaluations and treatment should encompass; and what supervision of sex offenders should constitute. The first offering as a subcommittee are the Proposed Standards with the hope of drawing more assistance in providing sex offender treatment and services.

The Proposed Standards are meant to give direction and encourage additional service in the field by offering guidelines for the Associate Level, Intermediate Level and Full Operational Level

to produce and workable process. The proposed standards were created with reference to other states such as Colorado, California, and Idaho.

There was much discussion surrounding the need for 50 hours of face to face within the first year under a full operational level supervisor as the opportunities simply were not there and especially for individuals who live further west in Nebraska. There just simply isn't going to be a perfect fit to cover the state but we have to start some place and begin to move forward.

Considering the funding aspect of standards, it will be necessary to review qualifications and supervision to meet the requirements of agencies such as licensing boards. Perhaps adding a separate section of comparison to existing licensing requirements for supervision for each level to develop and define an expertise.

There would be an agency of oversight for tracking and maintaining a listing.

There is definitely a need for treatment services from individuals qualified to treat sex offenders.

The Proposed Standards will be presented at the March meeting with suggested changes along with a proto type of a sex offender evaluation. Members were reminded that executive branch agencies are not permitted to participate in this process.

Cotter ended the report by asking for suggestions especially in regard to the 50 hour entry level requirement. Kathy Seacrest, Program Director, Region II Human Services suggest that we provide a vehicle to attain the 50 hours. Perhaps an internship or fellowship could be considered.

Suggestions and discussion will be returned to the March meeting.

6. PROVIDER SUB-COMMITTEE REPORT / JOAN HUSS

Co-Chair Joan Huss, Licensed Mental Health Practitioner (LMHP), Licensed Alcohol and Drug Counselor (LADC) reported there was a committee meeting and began discussing first steps in regard to expanding the Standardized Model to include mental health services. The progress will be cautious in making sure that a pocket of population has not been overlooked and the expertise that goes along with the pocket of population. There is research to determine which mental health disorders are most commonly occurring in the criminal justice population to have the most adequate representatives on the Provider Sub-Committee.

It is expected that by the next meeting there are individuals identified to serve and address the issues inclusively.

7. CURRICULUM SUBCOMMITTEE UPDATE / LINDA WITTMUSS

Co-Chair Wittmuss presented the Curriculum Sub-Committee Report. Wittmuss briefly reviewed the progress of the Curriculum Subcommittee noting that the Charge Statement has been met with the "Performance Assessment Rubrics" but Wittmuss reminded members that it is imperative to integrate the Rubrics with any curriculum development, orientation of staff, training, or with any HR or supervisory types of activities. We will continue to have members report how they have integrated and implemented the elements into their programs periodically.

8. DATA SUB-COMMITTEE/ MIKE OVERTON

Co-Chair Wittmuss deferred the Data Sub-Committee report until the next meeting as Mike Overton, Chief Crime Commission IT, was excused for this meeting. A permanent designee has been appointed for Steve Rowoldt so perhaps there will be another opportunity for reporting.

9. BREAK

A short break was announced at 10:10 a.m.

Committee reconvened at 10:25 a.m.

10. LEGISLATIVE UPDATE / LAURIE HOLMAN

Laurie Holman, policy analyst for Community Corrections announced the Legislative session begins January 6th and this is a short session or about 60 days so should end April 20th. There have been numerous interim hearings. The Judiciary Committee had a hearing for LR295 which is Senator Kate Bolz's study to examine how to improve behavior health and mental health services in Nebraska in order to prevent crime and reduce costs associated with the incarceration of people who have heightened behavioral and mental health needs. The transcript is available on the website.

Department of Health & Human Services (DHHS) had an interim study, LR248 to examine the federal Preventing Sex Trafficking and Strengthening Families Act and its implementation in Nebraska and the Department of Correctional Services Special Investigative Committee has had at least four hearings pursuant to LR34. Hearings and discussion were held on the following: the auditor's report and is available on the corrections website; a discussion on the state ombudsman's report and is available on the legislative website; a hearing on training health professions students in correctional settings; and hearings regarding Nebraska's prison system.

The Health and Human Services Committee had a hearing, LR231 to examine the effectiveness of the prescription drug monitoring program currently housed within the Nebraska Health Information Initiative.

A request was made to define the term fiscal notes from the legislative process for members of the committee. Every bill has a fiscal note attached and many times they have more than one fiscal note. The multiple fiscal notes are generated because the legislative fiscal office does their version of the impact of the bill as well as the fiscal note required from the agency. Sometimes there is death by fiscal note where you see an agency or the legislative fiscal office overestimate the financial impact with the intent to kill the bill. The other side is to grossly underestimate the cost of funding which cuts the program success to nothing due to the lack of funding. It is important to pay attention to fiscal notes as both sides of the issues needs to be addressed to make sure the funding to cover the true cost of a successful program exists as indicated by the legislation.

11. BEHAVIORAL HEALTH UPDATE / SUE ADAMS

Sue Adams, DHHS Division of Behavioral Health, informed members that the strategic plan is technically up December 31. A bridger document has been created detailing the work that will be done until there is a new strategic plan which will also be a part of a response for the committee. There is a pre-audit for children's behavioral health which is asking how much money has been spent and persons served.

Kathy Seacrest, Program Director, Region II Human Services explained that the Regions came into being as an adult service provider with only a few funds for juveniles but, the bulk of children's behavioral health funds are in Medicaid and in child welfare. It is not under the Regions leading to confusion. The pre-audit for children will be interesting in that the individuals performing the audit may have limited knowledge of the system and its responsibilities. Adams did comment that when they met with the legislative performance auditor, Cameron White was still with Medicaid and indicated where the expense for children's behavioral health was located in the budget. LB1083 was discussed indicating it was expressly declared by the Governor that it was an adult behavioral health initiative.

There will be a new centralized data system. There has been a contract with Magellan for many years but now we are going to build our own data system. It is due to go live sometime in February. The data collection should render a wide variety of opportunities and knowledge in regard to services.

There were funds reinstated into the budgets that had been pulled and also additional small allocations for supportive housing and special projects such as the central data system as well as new monies for priority system flow thru such as court orders and various issues that go into Lincoln Regional Center. This is a system based on public safety so who goes into the Lincoln Regional Center is the issue so work continues to create the flow thru system.

There is a rate study about complete. The rate system is a double edged sword in that when you increase rates and you're a capitated system, if you don't get additional money then you actually decrease capacity. Much care is being applied to determine how we can work together and perhaps the legislature can contribute additional money.

Medicaid is also doing rate studies so we plan to work with them. We will also be at the table with Heritage Health, Medicaid's managed care initiative to assure that we can work together.

Briefly we are moving forward on System of Care for children's behavioral health initiative; there is a supported employment initiative in Omaha; and supported housing initiative is moving forward to work with a consultant to develop a statewide plan for support housing for individuals with behavioral health disorders.

12. PROBATION UPDATE / JULIE SCOTT / GENE COTTER

Gene Cotter emphasized the primary focus continues to be the development and implementation of the components of LB605. At this point we have developed our incentives and sanctions matrix; developed and had approved the processes and policies and forms, etc.; and we're probably going to get the trained to the state by the end of the year or early January. The court rules that are associated with LB605 were tentatively approved by the Supreme Court in October and put up for public comment for thirty days. There was no public input so they have returned to the Supreme Court for final approval.

Although there has been collaboration on programming since 2006, LB605 requires that Probation, Parole, and the Nebraska Department of Corrections (NDOC) work together creating a re-entry program for post release supervision. Julie Micek and Dawn Renae-Smith have been working diligently to put together a program to prevent situations such as inmates released without medications or appointments and the biggest obstacle, available housing.

There are prototypes developed as far as a post-release supervision plan because the laws and court rules require that the courts have to review and approve the plan for post-release supervision upon release. Right now the court is sentencing a split sentence where part of the time will be spent in prison and a certain amount of time on post-release supervision under the following terms and conditions. So as an inmate prepares for release, NDOC and Probation will be discussing what kind of programming did the inmate get; what was their behavior and performance in prison; and any adjustments to the order when they entered and were released will be modified if and as necessary. There are modifications being made to both the process and pre-sentence investigation so that an individual can enter the system more timely and with applicable recommendations for programming to reduce their risk.

Strengthening collaboration between the agencies and branches will make the process workable. Approval of the forms and rules should make going forward with a standardized process and procedures.

Probation is in the process of rewriting the fee for service voucher program and the interfaces between the systems. The system is built to accommodate about 1,000 vouchers per year and now it is about 5,000 a month so there is a need to revamp the system. There is a fee for service advisory committee to discuss and propose recommendations. The fee for service voucher system is being audited so there may be additional recommendations and changes.

The juvenile division recently completed the summer tour to travel around the state to each district to discuss LB504; juvenile specific issues; and perform additional training. Also recently completed was a stakeholder training on how evidence based practices have been implemented in juvenile justice across the state.

Co-Chair Julie Scott, Justice Behavioral Health Specialist, Probation, continued the Probation Update with a status of working with behavioral health Regions 5 & 6, and the Division of Behavioral Health on pilot projects in three of the probation districts located in Omaha, Lincoln, and Sarpy counties. One pilot is around the evaluations and looking at utilizing a smaller specifically trained provider network and specifics related to refining the network management aspects. Another pilot is around the justice wrap around services for justice clients. In both pilots, a suicide screen will be conducted by both the evaluators and the region. The suicide screen is the same used within Division of Behavioral Health so there will be shared data around the screen and how it is being conducted within the population for examination. Also as part of the evaluation pilot finished training and implemented the Massachusetts Youth Screening Instrument (MAYSI 2) a mental health screening instrument designed to identify potential mental health needs of adolescents involved in the juvenile justice system. MAYSI looks at the mental health, substance use, and trauma. MAYSI screening tool was extended use to rural District 10, the Hastings area.

In addition to MAYSI 2, the Districts will be doing the SSI side by side, Simple Screening Instrument used for substance use to compare the data to see if the MAYSI2 could adequately become one tool to provide the mental health and substance use screening for the system.

There was work with Council of State Governments (CSG) in regard to the juvenile division. The executive summary is available on the Supreme Court website. The summary emphasizes strengths in regard to juvenile reform and transition as well as areas that need additional efforts.

13. PROBLEM-SOLVING COURTS / SCOTT CARLSON

Scott Carlson, Statewide Coordinator for Problem-Solving Courts, Nebraska Supreme Court, pointed the interested in specialized courts this session from members of the Legislature. In an effort to take advantage of the momentum, a package was created to include mental health courts, veteran's courts, DUI courts, and as part of LB605, re-entry courts to develop solutions on how to handle high risk individuals being released from incarceration.

In addition a specific package was created for veteran's courts for senators determined to move forward with a \$200,000 request for this pilot for veteran's courts.

The Supreme Court Problem Solving Committee had agreed prior to this moving forward with the expansion package, making some adjustments to state statutes, with the idea of determining how serious the legislature is in having alternatives to prison and getting individuals better and saving dollars. The legislature needs to decide to use the different types of problem-solving courts and how many they want with recommendations as to where they would be best suited. With the legislature's support, proven best practice programs can be utilized. There was a comprehensive fiscal note of 1.5 million dollars.

In discussing the intricacies of establishing access to information, Veterans Affairs has created a new database system where jails can dump their jail data into the veterans system and it will cross match against veteran service records that will give access to the system to determine the number of veterans currently in the system that are matched with a service record.

14. PAROLE ADMINISTRATION UPDATE / CATHY GIBSON-BELTZ

Cathy Gibson-Beltz, Parole Administrator, reported that Director Frakes recently released the strategic plan for the Department of Corrections and it is available on the website.

Regarding Parole Administration, there are a number of initiatives for LB605 and LB598. LB598 takes the Parole Administration and moves it under the authority of the Board of Parole. There is still work on the processes and support that will need to be put in place. Just finished presentations for the RFP for the risk need responsivity tool but cannot report at this time if the letter of intent has been posted. Until we have the risk needs tool, we really cannot complete our matrix. As you cannot do a whole lot with custodial sanctions and the Board cannot move forward with parole guidelines which are all part of LB605. There has also been discussion with Dr. Latessa and the University of Cincinnati concerning the ethics training that they offer and they want the parole officers to have experience with risk needs responsivity tool prior to completing training.

Dr. Spohn reported to members that the Department of Corrections reopened the position for a Vocational Life Skills administrator. It is a good program in trying to get people reentered into the communities. If members know anyone who may be qualified for the position the description and application process are posted on the state website.

The trends report from Nebraska Center for Justice Research is being finalized at this time. The report consists of basic data for everybody. Senators on the Judiciary Committee are probably already aware of the data but it is distributed to all senators to give them baseline knowledge of what is going on.

The marijuana report completed last year was accepted in a peer review journal, the Criminal Justice Policy Review and the London Institute of Economics. The London Institute put the report on their blog which gets something like 230,000 hits.

In April we will be participating in a panel for the Academy of Criminal Justice Sciences meeting with Colorado and Washington to discuss the challenges states are facing.

The first meeting on the classification and reclassification instruments, one of the first things in Corrections Director Frakes report on things that can bring a little more of an evidence-based approach to what they're doing as it will impact every new inmate and every existing inmate in trying to reduce overrides and having a validated tool. This is a major contribution for the Department of Corrections.

Co-Chair Wittmuss asked if members had any further information to share.

Joe Nigro, a criminal defense attorney announced that in the past, we have discussed at prior meetings adding a social worker to the Lancaster County Board and that has finally been done. Jared Gavin has been hired to fill the position. It is very important to try and connect clients to services.

15. PUBLIC COMMENT

Co-Chair Wittmuss asked for public comments.

With no further business, the Chair proceeded to adjournment.

16. ADJOURNMENT

The next meeting is scheduled for Wednesday, March 9, 2016 at 9:00 a.m.

There being no further business, at 11:55 a.m. the meeting was adjourned.

Respectfully Submitted,

Kitty Policky
Secretary II