

**Lincoln, Nebraska
December 10, 2008**

**JUSTICE BEHAVIORAL HEALTH COMMITTEE
*MEETING MINUTES***

The Justice Behavioral Health Committee (JBHC) of the Community Corrections Council (Council) met Wednesday, December 10, 2008, in Conference Room A, at Bryan LGH West, Lincoln, Nebraska. The meeting was open to the public and was preceded by advance publicized notice in the Lincoln Journal Star.

Members Present:

Jerome Barry, Co-Chair
Scott Carlson
Dave Carver
Thomas Glenn
Lori Griggs
Anne Hansen
Jim Harvey
Julie Hippen
Linda Krutz
Rick McNeese
Deb Minardi
Terri Nutzman
Michael Overton
Dan Powers
Bruce Prenda
Nancy Probst
Brenda Rohren
Steve Rowoldt, Co-Chair
Julie Scott
Dave Wegner
Mark Weilage
Linda Wittmuss

Members Absent:

Roxie Cillessen
Kathleen Grant
Scott Helvie
Lee Kimzey
Dennis McChargue
T. Hank Robinson
Kathy Seacrest

Council Staff Present:

Tia Bachman
Jeffrey Beaty

Others Present:

Nanette Gingery
Ed Lankas
Otto Schultz
Trina Thomas

WELCOME & INTRODUCTIONS

Jerome Barry, Licensed Alcohol and Drug Counselor (LADC) and Co-Chair, called the meeting to order at 9:03 a.m. and announced the meeting was subject to the Nebraska Open Meetings Act. Attendance is indicated above. Each member introduced him or herself and gave a brief statement about their association with JBHC.

PUBLIC TESTIMONY

Otto Schultz and Trina Thomas gave a presentation on Midwest Court & Counseling Services, LLC.

APPROVAL OF MINUTES

Members reviewed the September 10, 2008 meeting minutes. A correction was made on page 4, Data Sub-Committee Reports: 'Wegner said the sub-committee... assess the impact of cost shifts, standardize...'

A motion was made by Dave Wegner and seconded by Linda Wittmuss to approve the September 10, 2008 minutes as corrected. The motion passed unanimously by acclamation.

MEMBERSHIP VACANCY REVIEW

JBHC consists of thirty-two committee members. Three member positions are currently vacant.

Dave Carver will contact Kris Chiles, Behavioral Health & Consumer Services, Department of Health and Human Services (DHHS), and make them aware that a candidate is needed to fill the LMHP Licensing Board position vacated by John Atherton.

Linda Krutz, Executive Director of the Community Corrections Council, said the Governor has not yet filled the two Council vacancies for behavioral health.

CO-CHAIR NOMINATION

Steve Rowoldt, Chief Probation Officer and Co-Chair, introduced Linda Wittmuss, Associate Regional Administrator for Region V Systems, as the proposed candidate for the Co-Chair position being vacated at the end of 2008 by Jerome Barry.

Wittmuss said she began working in some capacity for Behavioral Health when the Justice Substance Abuse Team (JSAT) was formed by Probation. She was involved in the training of LADC's, and the creation of the Addiction Severity Index (ASI), the Standardized Model, and the Fee for Service Voucher Program (Voucher).

A motion was made by Jim Harvey and seconded by Steve Rowoldt to approve the nomination of Linda Wittmuss as the Co-Chair for JBHC. A ballot vote was conducted and Linda Wittmuss was elected as the Co-Chair.

BYLAWS REVIEW

Rowoldt proposed the addition of a representative or designee from the Federal Probation office be added to JBHC. Federal probation faces similar issues and resource constraints as state probation and has expressed an interest in collaborating with the state.

Deb Minardi, Deputy Probation Administrator for Community Based Supervision, Programming and Services, said federal probation uses the standardized model and is currently implementing evidence based practices. Discussions have begun as to how federal probationers could access services provided by state probation, such as SSAS, in areas where the programs may not be at full capacity.

A motion was made by Steve Rowoldt and seconded by Bruce Prenda to approve the addition of a representative or designee from United States Probation be added to JBHC. The motion passed unanimously by acclamation.

Julie Hippen proposed the addition of a representative from the United States pretrial services be added to JBHC.

A motion was made by Julie Hippen to approve the addition of a representative from the United States pretrial services be added to JBHC. The motion was withdrawn.

The discussion on the addition of a representative from the United States pretrial services is tabled until March 11, 2009 to allow time for Rowoldt to contact pretrial services to determine interest in JBHC.

Rowoldt will also contact federal probation for a candidate to be considered at the March 11, 2009 meeting.

CURRICULUM SUB-COMMITTEE REPORT

Linda Wittmuss gave the Curriculum Sub-Committee report. Membership is currently comprised of the following:

Dave Carver
Dennis McChargue
Monica Miles-Steffen

Russ Smith
Kate Speck
Linda Wittmuss

Wittmuss said the sub-committee met during the week of December 1, 2008 and were able to make the changes to the Criminal Justice Performance Assessment Rubrics for Addiction Professionals (Rubrics) as requested. Wittmuss discussed the steps detailed

in the JBHC Curriculum Sub-Committee report dated 12/2/08 that the sub-committee wants to take in developing the Rubrics.

The following acronym changes will be made throughout the ‘Operationalize Training and Application of Rubrics graph located in the sub-committee report: LADAC to LADC; LMEP to LMHP; DOC to DCS; R&L to Division of Public Health.

Wittmuss said Kate Speck will meet with the University of Nebraska at Lincoln (UNL) research department and Dennis McChargue, Associate Director of Clinical Training for the Department of Psychology, UNL, on emerging best practices and training needs with respect to working with juvenile offenders.

Terri Nutzman, Director of the Office of Juvenile Services, suggested Youth Security Specialists and Youth Counselors be added to the list of Criminal Justice Personnel detailed in the Rubrics.

David Carver, Director of Counseling & Student Development, University of Nebraska Medical Center (UNMC), and Board of Psychology, suggested Rick McNeese, Ph.D. and Mark Weilage, Ph.D. review the psychology portion of the Rubrics. John Herdman, Ph.D., LADC would also be an important individual to review the Rubrics.

Jeff Beaty, Policy Analyst for the Community Corrections Council, suggested a disclaimer be attached to the beginning of the Rubrics stating personnel trained in the awareness of mental health or substance abuse does not qualify them to diagnose or treat an individual.

Wittmuss confirmed the next steps to follow: Request Speck discuss the Rubrics with McChargue; Have Dr.’s McNeese and Weilage review the psychology sections and make recommendations; Request Court administration, Department of Correctional Services (DCS), Probation, Parole, and Jail Standards review the ‘how’ section; and solicit feedback from the licensing boards represented in JBHC.

Nutzman recommended McNeese speak with Dr. Don Belau, a facility psychologist at the Youth Rehabilitation and Treatment Center at Geneva (YRTC-Geneva). Lori Griggs, Chief Juvenile Probation Officer, can also review the Rubrics and provide feedback on the youth probation aspect. Nutzman will send the Rubrics and Curriculum Sub-Committee report to YRTC - Geneva and YRTC - Kearney for review and then schedule a face to face meeting for Wittmuss.

LICENSING BOARD RECOMMENDATIONS

Barry presented the Rubrics to the LADC licensing board. The board wanted to review the Rubrics and discuss them further at its January 2009 meeting. It may be helpful for Wittmuss or Speck to be present during the January 2009 meeting to answer any questions. Barry will present the boards remarks during the March 11, 2009 JBHC meeting.

Carver discussed the concerns voiced by the members of the Board of Psychology. He noted members did not want unqualified personnel to make mental health diagnosis or treatment.

The recommendations from the LMHP Licensing Board will be tabled until the LMHP representative position, formerly held by John Atherton, is filled.

DATA SUB-COMMITTEE REPORT

Dave Wegner, Deputy Probation Administrator, Information Systems, said the Data Sub-Committee has not been able to meet since the September 10, 2008 JBHC meeting. A sub-committee meeting is currently set for February 4, 2009.

Wegner said the automation process of the Voucher system in Nebraska Probation Management Information System (NPMIS) is in the process of being finalized with paper vouchers being closed and determining if payment has been received by providers. A test version is underway in automating a database for the Problem Solving Courts. This allows data to be captured for a population involved with substance abuse and drug courts that was previously not available.

Wegner discussed membership of the sub-committee and said the position held by Marcella Short has not been filled. He also requested Steve King, Department of Correctional Services, sit on the sub-committee as a representative that is familiar with data and the criminal justice system. Barry said no motion is necessary and to proceed with inviting King to sit on the sub-committee.

UNIFORM DATA ANALYSIS FUND

Mike Overton, Nebraska Commission on Law Enforcement and Criminal Justice, gave the Uniform Data Analysis Fund report. Overton noted the difficulty in convincing people to commit to projects in the second half of the biennium. More than likely, the Council will ask for spending authority in the middle of the biennium with a deficit request.

Overton noted most of the data requested by Barry during the September 10, 2008 meeting: "...the number of criminal justice clients who were evaluated were admitted to the level of care recommended, how many completed treatment, diagnosis breakdown, breakdown of level of care recommended, and how many completed what they were recommended to do", will be available with the automation of NPMIS.

Minardi reiterated that the Voucher program still only covers a small percentage of offenders. The best way to collect data on all offenders would be to have a set document or form for providers to fill out regardless of whether the offender is using the Voucher program. Julie Scott, Justice Treatment System Specialist, Probation

Administration, noted a non-monetary voucher is being piloted in the Problem-Solving Courts to see what data can be obtained.

Minardi said the three year data from the Voucher program will be available for the March 11, 2009 meeting.

PROVIDER SUB-COMMITTEE REPORT

Rowoldt discussed the outcome of introducing the Standards of Practice to the Council. Since the process as a whole was not complete, the Council agreed to rename the report the Provisional Standards of Practice.

Nancy Probst, LADC, discussed the meeting held on October 30, 2008 by the Provider Sub-Committee. All attendees agreed it was unrealistic to expect providers to complete Quality Reviews on a voluntary basis. The purchaser of services should be the agency to do the Quality Review.

Probst said sub-committee members recommended that a performance measurement model be utilized by probation. This would include verifying that registered providers are following the Standardized Model Evaluation Format by utilizing the Compliance Worksheet. Probation would then only pay for evaluations that comply with the Compliance Worksheet.

Probst also said members recommended that rather than reviewing providers for compliance with the identified Standards of Practice, focus should be on monitoring outcome. The following data points should be monitored: tests indicating use of alcohol and/or drugs; re-arrests; times in treatment; and revocations. The raised percentage of these data points may indicate the need for a Quality Review.

Probst said the final recommendation from the sub-committee was that each provider is monitored to ensure they are maintaining appropriate licensures to remain on the approved provider list.

Jim Harvey, Division of Behavioral Health, DHHS, said in order to implement a Quality Review, certain features must be in place. This requires a set of standards that providers can be measured from, a person to grade the standards, a workforce that is qualified to enforce the standards, training and supervision for the workforce, and payment for the workforce. Harvey also said Probation Administration should be accountable for following the flow of funds since they supervise the Voucher program.

Barry said the way to know if the providers are evidencing competent practice with a specific population is not by a Peer/Quality Review, it's by outcome. If fewer people are being arrested, testing less often positive, coming back to treatment fewer times, or fewer revocations, then that would show the providers are giving good care. The sub-committee agreed that it would be best to move away from a Peer/Quality

Review since there is no funding available. Using outcomes is a way to generate the end results without having to train and fund a work force to monitor providers.

Scott Carlson, Statewide Coordinator for Problem Solving Courts for Nebraska Supreme Court, said that the outcomes from drug court providers can be skewed as a result of the high-risk clients they serve. This can result in higher instances of failed drug tests and increased arrests which could reflect badly on the provider. Probst and Barry agreed that providers with high risk clientele should be shown consideration.

Minardi reminded the committee that the Standardized Model is not owned by probation but is a collaborative effort from Justice and providers. Probation only administers the Voucher program, while the model impacts the entire justice system including corrections, probation, parole, pretrial, felons, and juveniles. A checklist does not check the quality of services provided by the providers. It only checks that services were rendered.

Bruce Prenda, Lancaster County Attorney, said the Nebraska State Auditors Office could be a resource to use because the funds that are being used for the Standardized Model programs are state money. State auditors could audit the registered providers that are receiving the money and come to the conclusion of whether or not the money could be better used somewhere else. That would be the incentive for the providers to provide adequate services.

Rick McNeese, Behavioral Health Assistant Administrator for Substance Abuse, DCS, questioned what the rate of success is and how you determine it. Rowoldt said parole and Specialized Substance Abuse Supervision (SSAS) participants would fall into the high risk population. In Lancaster County, Driving Under the Influence (DUI) offenders would also fall into the high risk group. Any provider who treats this clientele should not be held accountable for the high risk group they are providing services for. Wittmuss said it is equally important to view whether the clientele has followed through with the recommendations made by the providers.

Wittmuss recommended that JBHC start small with the quality assurance part of the evaluation piece. Barry agreed that the Provisional Standards of Practice needs to be sent to the providers so they are aware of its existence. Harvey suggested data that has already been gathered and prepared be sent to providers so they understand where the information they are putting in the computer goes and what outcomes are coming from it.

Wittmuss also said that during the last Substance Abuse and Mental Health Services Administration (SAMSA) block grant review, treatment standards were questioned repeatedly. The Provisional Standards of Practice could become useful to DHHS to incorporate treatment standards into the rewrite of the regulations.

Further discussion on the Provisional Standards of Practice will be tabled until the March 11, 2009 meeting.

LETTER TO PROVIDERS

Scott presented a draft cover letter describing the purpose of the Provisional Standards of Practice. Barry recommended that the electronic location of the Provisional Standards of Practice be incorporated into the letter.

Harvey questioned what agency or body will sign the letter. Minardi noted that registered providers are only administered through probation. Providers work with all justice clients and therefore all justice agencies are incorporated.

Krutz will present the letter to the Council at the December 19, 2008 meeting and receive feedback from it.

Further discussion on the letter to providers will be tabled until the March 11, 2009 meeting.

STANDARDIZED MODEL AND VOUCHER CONCERN LETTER

Scott discussed a letter from a Substance Abuse/Mental Health Therapist regarding the Standardized Model and Voucher program concerns. The therapist claims that providers are using the Addiction Severity Index (ASI) and Comprehensive Adolescent Severity Inventory (CASI) as their only basis of diagnosis. That would not meet American Society for Addiction Medicine (ASAM) requirements for a clinical assessment of a client. The therapist recommends dispensing with the ASI and CASI.

Dave Carver suggested the therapist file a licensing board claim against the therapist(s) he feels is not doing the clinical assessments correctly.

Scott will include that the quality of services is currently being addressed by JBHC in a response to the therapist and invite the therapist to attend the next meeting.

COMMUNITY CORRECTIONS COUNCIL REPORT

Krutz said the next Council meeting will be held on December 19, 2009 at Country Inn & Suites.

JUVENILE REPORT

The Juvenile Report is tabled until March 11, 2009 meeting.

PROBATION ADMINISTRATION UPDATE

Minardi gave an update on activities by the Probation Administration. Probation will be embarking on a pilot project with DHHS juvenile justice to transfer funds from DHHS to probation in order to alleviate issues of dual supervision by DHHS and

probation for juvenile justice clients. Probation will be responsible for the oversight and referral of juvenile justice services under a system similar to a juvenile voucher system.

Beginning in January a new DUI law takes affect. Anyone who is convicted of DUI can request a permit to install ignition interlock which allows them to drive to and from work and treatment. Offenders would not be allowed to drive to court appearances or meet with their parole or probation officer. A provision is available for offenders who can not afford ignition interlock to access funding to have it installed.

PAROLE UPDATE

Anne Hansen, Deputy Parole Administrator, gave an update on parole. Currently parole is working with Douglas County Corrections to develop a memorandum of understanding to allow parole offenders to use classes hosted by Douglas County Corrections.

2009 MEETING DATES

The 2009 meeting dates are as follows: March 11, 2009; June 10, 2009; September 9, 2009; December 9, 2009.

OTHER BUSINESS

No other business was presented.

PUBLIC TESTIMONY

There was no further public testimony.

ADJOURNMENT

The next meeting is scheduled for Wednesday, March 11, 2009, at 9:00 a.m., at Bryan LGH West Classroom 1 in Lincoln, Nebraska.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Tia M. Bachman