AGENDA
CITY COUNTY COMMON
MONDAY, JUNE 4, 2018
COUNTY-CITY BUILDING
555 SOUTH 10TH STREET
ROOM 113
12:45 P.M. - 1:45 P.M.

Location Announcement of Nebraska Open Meetings Act: A copy of the Nebraska Open Meetings Act is located on the wall at the back of the room

12:45 p.m.  1.  Approval of Common Meeting Minutes of February 13, 2018

12:55 p.m.  2.  Civil Protective Custody Update - Tammy Stevenson, Executive Director

1:45 p.m.   3.  Adjournment
Present: City Council Member Jan Camp, Common Chair; Carl Eskridge, Cyndi Lamm, Leirion Gaylor Baird, Jane Raybould and Bennie Shobe; City Council Members; County Commissioner Deb Schorr, Common Vice Chair; Roma Amundson, Todd Wiltgen and Bill Avery, County Commissioners

Absent: Jennifer Brinkman, County Commissioner; Roy Christensen, City Council Member; Mayor Chris Beutler

Others Present: Tory Carkoski, County Clerk’s Office

Advance public notice of the City-County Common Meeting was posted on the County-City Building bulletin board and on the Lincoln and Lancaster County, Nebraska, websites.

The Chair noted the location of the Open Meetings Act and opened the meeting at 12:46 p.m. Roll call attendance was taken.

AGENDA ITEMS

1. APPROVAL OF THE COMMON MEETING MINUTES OF FEBRUARY 13, 2018

MOTION: Amundson moved and Schorr seconded approval of the minutes. Avery, Schorr, Amundson, Wiltgen, Eskridge, Gaylor Baird, Shobe, Lamm and Camp voted yes. Raybould abstained. Beutler, Brinkman and Christensen were absent. Motion carried 9-0 with one abstention.

2. CIVIL PROTECTIVE CUSTODY UPDATE – Tammy Stevenson, Executive Director, The Bridge Behavioral Health

Tammy Stevenson, Executive Director, The Bridge Behavioral Health, stated The Bridge is a licensed substance abuse treatment center housing 68 beds with services that include civil protective custody (CPC), respite, medical withdrawal, and residential and outpatient treatment. She said 18 months ago Medicaid stopped paying CPC claims. Further research found there was not a current service definition as required by Medicaid so they began working with the Department of Health and Human Services (DHHS) on a new one.

Stevenson discussed the CPC program in Omaha which was initially run by Catholic Charities but services were transitioned to CenterPointe and the Douglas County Mental Health Center. It was during this transition that the Douglas County facility was denied a license based on the use of seclusion and a dialogue then began about The Bridge in Lincoln. Stevenson said the issues with licensing and funding lie not only with Medicaid but also with the DHHS - Division of Behavioral Health (DBH). DBH met with The Bridge to discuss regulation interpretation and the services provided. Stevenson said The Bridge was initially told their license would be in a good
position. She added that although a letter from the State was received last week, while not exactly clear, it was hopeful that the license would be approved.

Stevenson said DBH has now indicated that they will no longer fund programs that are not accredited. It was noted all programs at The Bridge are accredited except for CPC. She provided background information on The Bridge’s accreditation dating back to 2011, as well as law enforcement’s ability to involuntary commit persons to CPC for no more than 24 hours if they are found to be heavily intoxicated on public property and are deemed a danger to themselves or others. She explained that nursing staff monitors and assesses up to four individuals per treatment room until they are safe to release. The goal is to move them to a less restrictive environment as soon as possible including being released to a responsible party. If such party is not found, the individual will stay in custody until their blood alcohol content (BAC) is 0.0 or until the 24-hour mark is reached. The average CPC stay is just over 9 hours.

With regard to accreditation, Stevenson stated the accrediting bodies for substance abuse treatment centers believe seclusion should only be used as a last resort and not at the time of admission. She agreed that should be the case with all other programs, however, CPC deals with people who are acutely intoxicated. She said in 2011 The Bridge met with an accrediting consultant about the CPC program who felt it was not within the scope of accredited programs. Stevenson said they continued to run CPC as a licensed, non-accredited program for the safety of the clients as well as the staff. The State is now saying they will not pay for a non-accredited program. Stevenson felt it is important for many reasons to continue to serve these individuals.

Cindy Lamm, City Council Member, asked about alternatives. Stevenson said if they pursue the suggested model with an unlocked treatment room door there would be no choice but to limit the number or types of admissions into CPC. She noted research shows other programs across the State will not take people who are under the influence of drugs, violent or combative or juveniles. Under the proposed model, Stevenson said admissions would be limited to 25% of those currently served by CPC with the remaining 75% likely going to jail.

Jane Raybould, City Council Member, questioned if the Nebraska Legislature could be contacted about changes to Medicaid classifications to include CPC. Stevenson said they worked with Medicaid for several months to develop a new service agreement definition but it was put on hold when the licensing issue came up as that was more critical. It was noted that as of May 16, 2018, Medicaid said it will no longer pay for non-accredited services.

Carl Eskridge, City Council Member, inquired about payment to Bryan Hospital. Stevenson said Dr. Edward Mlinek is aware of the CPC issues and how changes to that program could impact emergency rooms (ER). The County Jail’s policy requires anyone with a BAC of 2.5 or higher to be medically cleared. Dr Mlinek explained to Stevenson that these individuals would be the lowest priority in the ER and law enforcement would be required to stay with the individual until medically cleared after which time they could be transported to jail.

In response to Eskridge’s question about lost funding, Stevenson said as of now only Medicaid funding ($50,000-$60,000 per year) has been impacted. Region V funding of roughly $100,000 is also at risk if the program is not accredited by July 1, 2018.
Discussion followed on the interpretation of various regulations related to CPC and seclusion and the CPC budget ($675,000 for fiscal year 2018).

Leirion Gaylor Baird, City Council Member, asked if funding problems were resolved, would there still be licensing problems? Stevenson indicated that she would not operate an unlicensed facility.

Raybould asked what was driving the new regulation interpretations. Stevenson assumed funding and felt the issue snowballed with Medicaid and the situation in Omaha.

Deb Schorr, County Commissioner, asked about a potential legal remedy. Jeff Kirkpatrick, Lincoln City Attorney, said civil action against the State is always an option, although, some people would like the issue resolved through a more common-sense approach. Pat Condon, Lancaster County Attorney, felt it was important to figure out exactly who from the State and Region V should be contacted about resolving the issue and moving forward before proceeding with a lawsuit.

Lamm asked how many people The Bridge serves per year. Stevenson said they expect nearly 3,800 admissions for Fiscal Year 2018 (July 1, 2017 to June 30, 2018).

Jeff Bliemeister, Lincoln Police Chief, said 90% of admissions come from the Lincoln Police Department with 1,400 individuals having a BAC of 2.5% or greater. He added should The Bridge close, those people would be transported by officers to Bryan West then to jail which will cost everyone money and take officers away from an already stressed workforce.

Terry Wagner, Lancaster County Sheriff, also pointed out if people picked up on mental health warrants or Emergency Protective Custody (EPC) have a BAC of 2.5 or greater, they are not admitted to the County Mental Health Crisis Center but instead taken to The Bridge until their BAC was lowered. He felt if the process is so arduous, it is possible that an intoxicated person will shove a police officer and go to jail instead of detox.

Jan Camp, City Council Member, suggested creating an action plan. Wiltgen offered to draft a letter to the Governor for everyone to sign as the County has had no success working with DHHS division directors to this point.

Kerry Eagan, Chief Administrative Officer, stated since the City and County can’t legislate to the National Accrediting Agency what they accredit, there could be some legislative solutions which could mandate that CPC can be licensed in a substance abuse center.

Gaylor Baird asked what happens in the interim if The Bridge loses licensing. Stevenson said in early to mid-August they receive a statement and are required to fill out forms requesting to be licensed for “x” number of beds. Once their fee is received, a new license is typically mailed within the month. Stevenson added she did receive a letter from DHHS which stated they are eager to work with The Bridge on licensing but she now has obvious concerns.

Camp suggested that Wiltgen, Stevenson, Eagan and Eskridge work together to draft a letter to the Governor. Schorr requested copies be sent to DBH, DHHS and Douglas County.
3. ADJOURNMENT

MOTION: Schorr moved and Eskridge seconded to adjourn the City-County Common meeting at 1:46 p.m. Avery, Schorr, Wiltgen, Amundson, Eskridge, Camp, Lamm, Gaylor Baird, Raybould and Shobe voted yes. Brinkman, Christensen and Beutler were absent. Motion carried 10-0.

Submitted by Tory Carkoski, Lancaster County Clerk's Office