

California Behavioral Health Planning Council

Executive Committee Agenda

Wednesday, October 20, 2021

8:30am to 10:00am

Zoom Meeting Link:

<https://us02web.zoom.us/j/85696230505?pwd=SIJNSHZFVjRFNnNjU1UvN1ZkTjErZz09>

Meeting ID: 856 9623 0505

Meeting Passcode: CBHPCEC

8:30am	Welcome and Introductions <i>Noel O'Neill, Chairperson</i>	
8:35am	Approve June 2021 Meeting Minutes <i>Noel O'Neill, Chairperson</i>	Tab 1
8:40am	Review Council Membership/Recruitment Needs <i>Jenny Bayardo, Chief of Operations</i>	Tab 2
8:55am	Public Comment <i>Noel O'Neill, Chairperson</i>	
9:05am	Motion: Approve 2021-22 Transparency Statement <i>Noel O'Neill, Chairperson</i>	Tab 3
9:15am	Break	
9:20am	Discuss Future Meeting Format <i>Noel O'Neill, Chairperson and Jane Adcock</i>	Tab 4
9:40am	Public Comment <i>Noel O'Neill, Chairperson</i>	
9:50am	Report from CA Coalition for Mental Health <i>Daphne Shaw</i>	
9:55am	Wrap-Up and Plan for Next Meeting	
10:00am	Adjourn	

Notice: All agenda items are subject to action. Scheduled times on the agenda are estimates and subject to change. **For questions or if Reasonable Accommodation is required, please contact the CBHPC at 916-701-8211 by October 12, 2021** in order to meet the request.

California Behavioral Health Planning Council

Executive Committee Members

Officers: Noel O'Neill, Chairperson Deborah Starkey, Chair-Elect Lorraine Flores, Past Chair

Housing/Homelessness: Vera Calloway, Chairperson Monica Caffey, Chair-Elect

Legislation: Tony Vartan, Chairperson Iris Mojica de Tatum, Chair-Elect

Patients' Rights: Catherine Moore, Chairperson Daphne Shaw, Chair-Elect

Systems and Medicaid: Liz Oseguera, Chairperson Karen Baylor, Chair-Elect

Workforce and Employment: Dale Mueller, Chairperson John Black, Chair-Elect

Performance Outcomes: Susan Wilson, Chairperson

At-Large: Arden Tucker

Liaisons: **CBHDA:** Veronica Kelley **DHCS:** Jim Kooler **CCMH:** Daphne Shaw

TAB 1

**California Behavioral Health Planning Council
Executive Committee
Wednesday, October 20, 2021**

Agenda Item: Approve June 2021 Executive Committee Meeting Minutes

Enclosures: Draft Executive Committee Minutes for June 2021 meeting

Background/Description:

Attached are the draft meeting minutes for Executive Committee review and approval.

DRAFT

CBHPC Executive Committee Meeting

**April 14, 2021
Meeting Minutes**

Committee Members present:

Noel O'Neill, Lorraine Flores, Deborah Starkey, Vera Calloway, Monica Caffey, Catherine Moore, Susan Wilson, Daphne Shaw, Arden Tucker, Veronica Kelley, and Jim Kooler.

Staff Present: Jane Adcock, Jenny Bayardo and Naomi Ramirez.

Welcome and Introductions

Members were welcomed and introductions were completed.

Approve April 2021 Meeting Minutes

Lorraine Flores moved to approve the minutes of April 2021 and Susan Wilson seconded. Motion passed with Deborah Starkey abstaining.

Catherine Moore moved to approve the minutes of May 2021 and Daphne Shaw seconded. Motion passed with Deborah Starkey, Lorraine Flores and Ronnie Kelley abstaining.

Review Council Membership/Recruitment Needs

Jenny Bayardo, Chief of Operations for the Council, gave a quick update on Council member appointments and vacancies.

In the packet, there is a copy of the current appointment roster. Presently, Kim McCoy Wade is representing the CA Department of Aging and Elena Gomez is representing the Department of Rehabilitation. There continues to be a vacancy for a parent of a child and a representative for the Department of Education.

Noel acknowledged the membership is filling out nicely with excellent representation all around.

Public Comment

Desiree, a member of the public, made comment on the cruel and unusual treatment that is being inflicted in the county correctional facility toward inmates. She stated, "I want to file a grievance because my loved one is experiencing harm and retaliation, it's an unnecessary situation. I went to visit on Sunday and the officer at the front kept taking his mask off. I asked if I could speak with the Watch Commander, but he told me

that I don't work with those guys everyday so don't know what they have to go through. Every time I make a complaint or file a grievance, they are never acknowledged. Nothing is done about it. They get beat, my loved one was moved to the twin towers and was choked during transport. Lots of stuff happening that's not good. Even COVID compliance is not being followed. Officers are given one mask per month. The Sheriff's Department staff should also have to show verification of negative tests. Policies should be enforced on both ends not just on our end. I'm asking if someone could help me get some help on these issues." Council Member Vera Calloway connected with Desiree to provide some help outside of the meeting.

Review Virtual Meeting Procedures

Jane Adcock provided an overview of the draft proposed virtual meeting procedures under Tab 3 of the meeting materials. During the April meeting, suggestions and additions were discussed regarding use of the chat feature, establishing rules for chat, and naming committee/Council members to promote identification, etc. Jane provided highlight of changes in final document.

Arden acknowledged the return of Naomi Ramirez. Noel provided reminder for chairpersons to be sure to take the breaks. Jane relayed actions that occur behind the scenes by staff and how the break also allows for catch-up by staff.

Vote to Approve Virtual Meeting Procedures

Lorraine Flores moved to accept the Virtual Meeting Protocols. Catherine Moore seconded the motion.

No public comment.

Motion passed unanimously.

Approve the 2021-22 Transparency Statement

Noel referred members to Tab 5 for the proposed Transparency Statement which presents Council members who have financial connections outside of the Council to provide additional transparency beyond the Fair Political Practices Commission's Conflict of Interest Form 700 filing. Council policy calls for any Council member, when there is a perceived conflict, to recuse themselves from a vote. Noel then opened discussion among the members. Catherine asked if this was for new members or for anyone on the Council. Noel confirmed, that any member who is paid from a source that is connected to the publicly-funded behavioral health system discloses such information on this document. Jane explained that this process was developed years ago as a strategy to be transparent about potential financial connections of members. The public disclosure avoids any question of conflicts.

Catherine pointed to the column titled "date reported" which are all recent but for some, the income source isn't new. After discussion, it was pointed out that if the column

doesn't depict the original date of report, then may be best to remove the column since the statement is prepared and approved each year.

Review Council Procedures vs Legal Requirements

Noel advised that Council staff have prepared an overview of various legal requirements and operational protocols that the Council follow and utilize for structure for its meetings and processes.

Jane reviewed Bagley-Keene's definition of what is a meeting and explained how the definition applies to the Council to trigger when/under what circumstances the requirements of Bagley-Keene Act are activated. The definition does not drive the Council's own definition/requirements for its meetings, rather it solely serves to indicate when the Council must follow the Open Meeting Act requirements.

Jane further discussed legal requirements versus Council procedures. Under the Council's Operating Policies and Procedures, a modified Robert's Rules of Order has been adopted to be used for motion processes. This adoption is a choice and can be changed by the Executive Committee. Alternatively, the Council is required to abide by the legal mandates of the Open Meeting Act to allow public access and participation.

Jane acknowledged the lifting of some of the Open Meeting Act requirements due to the pandemic with regards to meeting virtually. Currently, we are not required to include member addresses on the agenda for our virtual meetings, however, all other meeting notice and public access requirements remain in place. The Council's ability to meet virtually without disclosing the physical location of the members may change when the public health emergency is lifted.

Catherine stated that once we adopted the rules then we have to follow them and we are obligated to maintain compliance until they are changed. Jane confirmed and stated that the Council strives to maintain a balance to be inclusionary and welcoming. We want to invite open and honest dialogue among members and the public, so at times something may occur which may be better handled by being flexible.

Susan asked Jane to confirm the definition of a meeting under Bagley-Keene. Jane read the Act's definition, "A meeting occurs when a quorum of a body convenes, either serially or all together, in one place, to address issues under the body's jurisdiction."

Catherine asked if the Bagley-Keene was a bit antiquated about the requirement to include member addresses on the agenda and expressed concern over possible harassment as has happened to other public officials. Jane reported about recent legislative amendments to the Open Meeting Act and that the inclusion of addresses is a new rule to allow members of the public to be able to look the members of the body in the face rather than address disembodied voices over the phone. Catherine reflected that the new use of Zoom, which does allow the public to see the faces of the body, could result in a change in the law in the future.

Arden discussed accessibility and raised questions about how the Council includes the deaf and hard of hearing community. She looked up a website for information about how to do that but it means an ASL interpreter would be provided and whomever does Council arranging would need to give access to any member of public/Council member who is deaf or hard of hearing to be able to place the image anywhere on their screen.

Jane indicated that the Council uses closed captioning rather than an ASL interpreter. We have that accommodation available for more meetings. Arden indicated that English is not the first language for most deaf and hard of hearing individuals. Jane indicated the Council has secured ASL interpretation in the past, however, we have not received any requests recently. Arden indicated that if a person who has hearing impairment doesn't see something that indicates the meeting is welcoming and safe, then they will assume the meeting doesn't include them/their community. Arden expressed that it is similar to the experience by members of the queer, trans, gay or lesbian community.

Jenny indicated that the state process requires a request be made by an individual. We definitely want to be welcoming and inclusive and will cover all costs for the provision of ASL interpreter should an individual make a request. Notice has to be given to secure the service in advance, we are not always able to make last minute accommodations.

Arden asked the Council to step back away from business as usual, that in order to be inclusive, there needs to be change. Vera agreed with Arden and asked Arden if she sees a flyer and doesn't see any sign or mention that it is LGBTQ-friendly does she not attend the event? Vera and Arden agreed to talk further offline. Additionally, it was decided to include this issue for the October agenda.

Public Comment

Steve Leoni mentioned that the Bagley-Keene's requirement to put participating members' addresses on an agenda for a conference call does not make sense for us. Many members are in their personal homes when calling in to teleconference meetings. As an example, Steve's own home is very small and does not lend itself to having members of the public inside to participate in a Council meeting/call. He suggested getting a waiver to this requirement.

General Session Present: Future Meeting Format

Noel invited members to review the proposed future hybrid meeting format. Noel reviewed the proposal to hold in-person quarterly meetings following our existing format in January, April and June 2022. The proposal includes holding most of the committee meetings, via virtual format, in the week before the traditional quarterly meeting week. Then, in the traditional meeting week, the Executive, Performance Outcomes and Patients' Rights Committees would meet in person and the General Session would be held in person 10:00am – 5:00pm on Wednesday and 9:00am – 12noon on Thursday.

Jane mentioned that Jim Kooler has asked the Council to consider "ripping the band-aid off" and adopting the new format in January 2022 rather than holding in-person

meetings in 2022 and then changing to the new format in October 2022. She indicated the possible loss of public dollars for canceling current contracts with meeting venues.

Noel invited Executive Committee members to comment on the proposal:

Arden Tucker stated she is still contemplating the proposal.

Catherine Moore responded to the “ripping the band-aid off” approach suggested by Jim Kooler and shared by Executive Officer Jane Adcock. Catherine advises against it. One reason is that we are required to have public access (Bagley-Keene), this includes listing Council Members personal home addresses if this is where they call in from and allowing members of the public to show up there. She does not expect this rule to be revised anytime soon. Also, there are advantages and disadvantages for the 2 different weeks for meetings. Reduced travel is a bonus and being able to continue working in-between meetings. However, now having meetings span 2 weeks instead of just 1 can have an impact on other scheduling.

Deborah Starkey, no additional comments.

Vera Calloway expressed concern regarding the differing times between in-person and virtual meetings.

Ronnie Kelley stated she see benefits of the proposal and appreciates not being out of office for so many days.

Daphne Shaw stated she is wrapping her brain around not ending our meeting on Friday at noon. “I have been doing it for so long and this is a deviation after a long habit.”

Lorraine Flores indicated that the need and cost of having animals fed and taken care of while out of town for most of a week would be alleviated under new format. She likes the combination of in-person and virtual. Being able to be with other members face to face to discuss issues and connect is important.

Susan Wilson stated, I believe the proposal is ok. Hard to imagine that far out.

Monica Caffey echoed comments about having to adapt to so many changes, and change being difficult. She appreciates the team putting together a structure that is viable and keeps us safe. A transition period is important.

Noel asked for staff to weigh in also.

Jenny Bayardo stated if this works for members, it works for staff. We should save some money on sleeping rooms and meeting space rental. Although there are additional things to take into consideration.

Naomi stated it is all new and will be good for members to have opportunity to meet in person. She acknowledged that virtual meetings does allow for increased participation

while in-person might have caused someone to miss the meeting due to conflicts in schedules.

Jane acknowledged that the Council has adapted to change very well in the past. She also indicated there are additional operational considerations such as whether staff will be able to attend the in-person General Session meetings if their committee is not meeting.

Noel indicated that this proposal will be discussed the following day.

Public Comment

Steve Leoni indicated that it is the Governor who has made the waiver of Bagley-Keene by Executive Order which may not be in place this October so that needs to be considered. He also indicated he would prefer that the committee meetings continue to be held one at a time rather than returning to holding 2 committee's meetings during the same timeframe. He also stated that it might be better to hold committee meetings in-person because they are much more interactional and the General Session be held virtually. He also requested if the committees could meet in person one time per year.

Report from CA Coalition for Mental Health

Daphne Shaw reported that the CCMH met on June 2nd at 1:00pm. She stated that at the beginning of the meeting, the Treasurer's Report showed that NAMI had ended its membership. Daphne indicated that she was disturbed because NAMI is a founding member of the Coalition and has been an important member.

Daphne reported that the main event was a presentation by Stephanie Welch, Deputy Secretary for Behavioral Health at the Health and Human Services Agency. She presented on the Children and Youth Behavioral Health Initiative. The group also reviewed several bills that the member organizations are active on, some of which the Council has not taken a position. Daphne reported on an effort to include Occupational Therapists as designated mental health providers under Medi-Cal. It was reported at the meeting that about 3% of OTs in California already work in mental health.

Wrap Up and Plan for Next Meeting

Next meeting will be in October. Discussion of the inclusion of persons from the deaf and hard of hearing community will be on the agenda. Also, depending on result of the members' discussion on proposed meeting format during the General Session there may be need for additional discussion and decision making by this committee. There may be new operational issues to be determined.

Noel reported out about meeting with Toby Ewing, Executive Director of the Mental Health Services Oversight and Accountability Commission (MHSOAC) in May. The Welfare and Institutions Code states that the Commissioners are all ex officio members of the Planning Council. Toby is willing to come to meet with the Council members. Noel emphasized there should be robust communication between our organizations including

having the Council present our Year End Report during a Commission meeting each year.

Daphne mentioned that in previous years, a commissioner did sit on the Council.

Catherine indicated it would be great to include the MHSOAC in the Data Notebook work.

Vera advised that DHCS released a Request for Proposal in early June. The Advocates for Human Potential (AHP) worked with DHCS on it. Being curious, she looked them up and found that among the 12 senior advisors at AHP, there were no persons of color. Also, among the 2nd tier of program staff of approx. 25 people, there was only one person of color. She asked how are consultants, who promote themselves as Human Potential experts, have no representation from communities of color? So why are they leading the Peer Workforce efforts?

Public Comment

Steve McNally gave a thumbs up on increased communication with the MHSOAC. Steve also mentioned that the local boards really need help getting solidified in their communities and with their elected officials.

Meeting adjourned 10:02am.

**California Behavioral Health Planning Council
Executive Committee
Wednesday, October 20, 2021**

Agenda Item: Council Membership Update

Enclosures: Current Council Appointment List

Background/Description:

At each quarterly meeting, to ensure fulfillment of the provisions in Welfare and Institution Code Section 5771, the Executive Committee reviews the membership needs and identifies any actions to occur by the next quarterly meeting.

As of September 15, there is one vacancy in the Family Member Parent of child with SED category.

2021 Summary of Council Member Activity:

January-February

No Changes

March

Appointments: None

Separations: Kathi Mowers-Moore (State Rep Department of Rehabilitation)

April

Appointments: Kim McCoy Wade (interim State Rep Department of Aging)

Separations: Irene Walela (State Rep Department of Aging)

May

Appointments: Elena Gomez (State Rep Department of Rehabilitation)

Separations: None

September

Appointments: Daniel Lee (State Rep Department of Education)

**California Behavioral Health Planning Council
Executive Committee
Wednesday, October 20, 2021**

Agenda Item: Motion: Approve CBHPC's Transparency Statement

Enclosures: Proposed 2021-2022 CBHPC Transparency Statement

How This Agenda Item Relates to Council Mission

The CBHPC evaluates the behavioral health system for accessible and effective care. It advocates for an accountable system of responsive services that are strength-based, recovery-oriented, culturally and linguistically responsive, and cost-effective. To achieve these ends, the Council educates the public, the behavioral health constituency, and legislators.

This agenda item provides the Council an opportunity to demonstrate credibility and transparency in disclosing any potential, or perceived, conflicts of interest due to a member's financial connection to the public behavioral health system.

Background/Description:

The members of the Council often have ties to county or state behavioral health systems. Often it is those ties and experience that bring a rich diversity of perspective and input to the Council's work. It would be very difficult to appoint a membership with absolutely no connection to state or county operations. To mitigate any actual, or perceived, conflict of interest the Council publishes an annual Transparency Statement to publicly disclose all the financial connections of the membership to the publicly funded behavioral health system. This is done in addition to the annual Form 700 filing required by the Fair Political Practices Commission.

Attached is the proposed Transparency Statement for FY 2021-22 for Executive Committee review and approval.

MOTION: Approve the Fiscal Year 2021-22 Transparency Statement

**California Behavioral Health Planning Council
2021-22 Transparency Statement**

Council Member Name	Activity	Date of Executive Committee Approval
John Black	Contractor, MHSA-funded project	10/20/21
Noel O'Neill	Interim Director, Colusa County	10/20/21
Tony Vartan	Director, San Joaquin County Behavioral Health	10/20/21
Walter Shwe	Consultant to Behavioral Health Concepts, EQRO contractor of DHCS	10/20/21
Veronica Kelley	Director, San Bernardino County Dept of Behavioral Health	10/20/21
Barbara Mitchell	Executive Director, Interim Inc., contracts with Dept. of Rehabilitation and County of Monterey, Behavioral Health Division	10/20/21
Steve Leoni	Contractor, Progress Foundation San Francisco	10/20/21
Angelina Woodberry	Employee, CalVoices, MHSA-funded contractor	10/20/21
Deborah Starkey	Employee, Turning Point Community Programs contracts with Butte, Nevada, Placer, Sacramento, San Joaquin, Stanislaus, Solano, Sonoma and Yolo counties.	10/20/21
Vera Calloway	Contractor, LA County DMH	10/20/21

**California Behavioral Health Planning Council
Executive Committee
Wednesday, October 20, 2021**

Agenda Item: Discuss Future Meeting Format

Enclosures: None

Background/Description:

The success of the Council's virtual meetings and ease of public participation from around the state opens the door to new possibilities for Council meeting structure. While the elimination of all in-person meetings is not under consideration, shortening the amount of time spent out of town for quarterly meetings is being explored as a potential option.

In June 2021, the Executive Committee presented a potential hybrid meeting structure for the Council's quarterly meetings. During that meeting, Chairperson Noel O'Neill solicited member input to the proposal.

This agenda item provides the Executive Committee members time to review and discuss the Council member reaction to and comments on the proposed hybrid meeting format during the June 2021 General Session. During this agenda item, the Executive Committee will decide whether changes to the proposed meeting structure need to be made before bringing a motion to the full membership for a vote in January 2022.

Proposed Hybrid Meeting Schedule for Month of Quarterly Meetings:

2nd week of quarterly meeting month **all virtual**:

Tuesday:

- Performance Outcomes Committee- 2:00 pm to 4:00 pm

Wednesday:

- Legislation Committee- 1:30 pm to 3:30 pm
- Workforce and Employment Committee- 1:30 pm to 3:30 pm

Thursday:

- Housing and Homelessness Committee- 8:30 am to 10:30 am
- Systems and Medicaid Committee- 8:30 am to 10:30apm

3rd week of quarterly meeting month **in-person**:

Tuesday:

Patients' Rights Committee- 3:00 pm to 4:30 pm

Wednesday:

Executive Committee- 8:15 am to 9:45 am

General Session- 10:00 am to 12:00 pm then 1:30 pm to 5:00 pm

Thursday:

General Session- 8:30 am to 12:00 pm

Summary of Feedback during June 2021 General Session

Full Support: 14 members stated they were in favor of the change.

Opposed: Two members opposed the proposed hybrid format.

Concerns: Several concerns were expressed as presented below:

- Two members requested to revise the meeting schedule due to the overlapping of committee meetings which limits the public's opportunity to attend multiple committees.
- It was suggested committee meetings meet in person once a year.
- Three members suggested to extend committee meetings to allow adequate time for committee discussion and public comment.
- Three members expressed "mixed feelings".
- Two statements of concern that committees need more time and that virtual meetings can be difficult with distractions of incoming emails, persons coming into the office, etc.
- A concern was expressed of losing support from the public and stakeholders because of virtual meeting format.

- A member suggested that after trying the meeting format a few times, to take the opportunity to get feedback and assess for possible tweaks to new meeting structure.
- There was concern expressed that some things are lost virtually due to less committee member interaction.
- One member asked how it would work to getting new members up to speed on zoom and the loss of quality in virtual meetings.
- Four members indicated they were willing to give it a try and/or will go with the majority.
- Two members suggested implementing the new structure sooner than Oct 2022.