BOARD OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
April 1, 2011
Department of Mental Health And Substance Abuse Services
Oklahoma City, Oklahoma

Board Members Present:

Ronna Vanderslice, Ed.D., Chair
Brent Bell, D.O.
Joel Carson
Bruce Fisher
Henry Haynes, Ed.D.
Mary Anne McCaffree, M.D.
Larry McCauley, Ed.D.
Robert McDonald
Paul Pierce, M.D.
Gail Wood

Others present:

Commissioner, Terri White, ODMHSAS
Durand Crosby, ODMHSAS
Caletta McPherson, ODMHSAS
Steven Buck, ODMHSAS
Carrie Slatton-Hodges, ODMHSAS
Angie Patterson, ODMHSAS
Gretchen Geis, ODMHSAS
Jeff Dismukes, ODMHSAS
Dewayne Moore, ODMHSAS
John Hudgens, ODMHSAS
Karen Frensley, ODMHSAS
Jim Orsi, ODMHSAS
Joe Johnston, Catalyst Behavioral Services

CALL TO ORDER

Dr. Vanderslice called the meeting to order at 10:10 a.m. and declared a quorum was present.

DISCUSSION AND POSSIBLE ACTION REGARDING ODMHSAS ADMINISTRATIVE RULES

CHAPTER 24. STANDARDS AND CRITERIA FOR COMPREHENSIVE COMMUNITY ADDICTION RECOVERY CENTERS

Deputy Commissioner Steven Buck presented an overview of the process that the Department followed in accordance with the procedures set forth by the Office of Administrative Rules to create Chapter 24. Deputy Commissioner Buck read a letter from Dr. Sullivan, who attended the public hearing, to the Board members because Dr. Sullivan was unable to attend today's meeting.

Deputy Commissioner Caletta McPherson presented Chapter 24. She emphasized that Chapter 24 was optional and in no way replaced Chapter 18. In addition, many of the core services are already found in Chapter 17 and Chapter 18. Deputy Commissioner McPherson shared the core services with the Board

members, and she listed some of the optional services in Chapter 24. Deputy Commissioner McPherson stated that this process is continuing to evolve, and we will continue to meet with stakeholders and providers to establish rates and protocols. It is hoped that this chapter will enable providers to provide an array of services, not just treatment for addiction, and improve access to all of the services that the consumers need. They will be able to assess for any mental health, wellness and addiction needs, and will allow collaboration between mental health centers and addiction treatment providers.

Mr. Fisher asked if there were any changes made to Chapter 24 as a result of the public comments. Commissioner White stated that there were not any comments that requested any changes to the content of Chapter 24, but there were comments requesting that ODMHSAS slow the process down by not moving forward with the rules at this time.

Ms. Wood asked when Chapter 24 would go into effect. Commissioner White explained the process of promulgating rules and stated that the rule would technically go into effect July 1st. However, she also explained that we have implementation protocols that would need to be put in place before certifying anyone under this chapter and that typically we involve providers in the development of these protocols, and that those are usually in place by November 1st.

Dr. Pierce asked if this rule was not approved what would be the earliest that this rule could go through the approval process again. Commissioner White stated that we could submit it any time after the Board approves, but that the Legislature and Governor need at least 30 legislative days to approve. In that case, we would not be able to submit the approved rule to the Governor and Legislature until the next legislative session next year.

Dr. Pierce also asked that if the rule needed to be changed, what would be the procedure. Commissioner White stated that if the change needed was in the protocols, it can be changed at any time. If there needed to be a change in the actual rule, it would follow the same process as any other rule to be changed which is set forth in the Office of Administrative Rules procedures and by statute.

Mr. McDonald asked for clarification as to why there was such a press for time in getting this rule through the rules process. Commissioner White stated that, for many years, the Leadership team has been struggling with how to make our services more co-occurring. Leadership has in the past been told that there are more opportunities for mental health providers to provide a broader array of services and additional reimbursement opportunities through Medicaid, and substance abuse providers would like to have those same opportunities. Leadership has tried to move towards a co-occurring model by putting it in the Providers' contracts. It only recently occurred to the Department to create a certification for substance abuse providers that would give them the opportunity

to provide co-occurring services. When the idea for creating a chapter for certification was thought of, there was a short window of time left to go through the rules process and get Chapter 24 submitted to the Governor and Legislature with enough time for them to review and approve. However, the time was adequate to follow all of the required meetings, comment periods and deadlines. Also, during the public comment period, Leadership met with the Board members of the Oklahoma Substance Abuse Services Alliance (OSASA) to explain the reasons behind the creation of Chapter 24 and to answer any questions. The OSASA Board members didn't request any changes to the chapter.

Mr. Carson moved to approve Chapter 24. Ms. Wood seconded the motion.

Mr. Fisher stated that he was in favor of the concept of Chapter 24, but he is uncomfortable with the speed at which this rule was created. He stated that many of the providers are feeling that they cannot take this opportunity at the same time that they have to react to other certification requirements and adjustments. Mr. Fisher does not want to put providers in that position. He would like to give the providers a few more months to become ready.

Dr. McCaffree asked if there would be any penalties if providers do not become certified under Chapter 24. Commissioner White stated that there are no penalties; it is completely optional. She does not believe that there are that many people who will apply for certification under Chapter 24 until their current certification expires.

Dr. McCaffree also asked if this chapter was created to be considered part of the Accountable Care Organizations (ACO) in Health Care reform for potential funding. Commissioner White responded that this chapter was not related to health care reform, and she did not think this rule would qualify as an ACO.

Dr. McCaffree wanted to know the downside of not proceeding forward. Commissioner White stated that some providers feel that currently they are getting close to that continuum of care and want to see this opportunity for a chance at Enhanced Medicaid payments. It may also give them access to private insurance companies for more billing opportunities. Chapter 24 also allows for substance abuse providers to create a strategic plan and guidelines and has opened the opportunity for them to create partnerships with other health care providers. In addition, Commissioner White stated that this is the right thing to do for the people that we serve.

Mr. Fisher wanted to know what would happen if it didn't get approved until next year. Commissioner White stated that if it doesn't get approved until the next legislative session, it would not go into effect until the following July, so it would be at least 17 months before we could implement this chapter.

Dr. McCaffree asked what the usual timeframe was for bringing a rule forward. Commissioner White stated that the actual rule process and timeframes were followed for this chapter exactly the same way they would be for any chapter, but we usually have more time for additional notice before the rulemaking timeframes begin and are followed.

ROLL CALL VOTE

Dr. Bell	Yes	Mr. McDonald	Yes
Mr. Carson	Yes	Dr. Pierce	Yes
Mr. Fisher	No	Dr. Vanderslice	Yes
Dr. McCaffree	Yes	Ms. Wood	Yes
Dr. McCauley	Yes		

Commissioner White invited the Board members to participate in the meetings with the stakeholders and providers to establish the protocols that we will put in place in regards to Chapter 24.

NEW BUSINESS

Commissioner White presented the two new TV ads for the anti-stigma campaign that will begin airing soon.

Dr. Pierce asked for the website given in the ads. Commissioner White stated that it is yourlifeoncourse.com and it is created by The Daily Oklahoman as part of their Know It campaign. It will be maintained by our communications division.

Mr. McDonald complimented Jeff Dismukes and his division on the TV ads.

Mr. Fisher complimented the ODMHSAS on putting such a comprehensive chapter together and responding very quickly.

ADJOURNMENT

Mr. Fisher moved to adjourn the Board meeting. Dr. McCauley seconded the motion.

ROLL CALL VOTE

Dr. Bell	Yes	Mr. McDonald	Yes
Mr. Carson	Yes	Dr. Pierce	Yes
Mr. Fisher	Yes	Dr. Vanderslice	Yes
Dr. McCaffree	Yes	Ms. Wood	Yes
Dr. McCauley	Yes		

The meeting adjourned at 10:50 a.m.

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Brent Bell, D.O. Joel Carson

Bruce Fisher

Henry Haynes, Ed.D.

Mary Anne McCaffree, M.D.

Larry McCauley, Ed.D.

Robert McDonald

Paul Pierce, M.D.

J. Andy Sullivan, M.D.

Ronna Vanderslice, Ed.D,
Chair

Gail Wood, Vice-Chair