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Public Comment for the August 24, 2016, Meeting:
Legislative Committee on Health Care

I'm a private citizen, a retired behavioral health professional.

The Work Session Document shows that the Committee is considering legislation to effectively eliminate licensing boards for the behavioral health professions, with the duties of those boards to be transferred to the Nevada State Board of Health and the Nevada State Department of Health and Human Services.

This is an exceptionally bad idea. That Board and that Department are already failing to meet their behavioral health overview and regulatory duties.

When behavioral health services provided by the State were consolidated with public health in 2013 to become the Department's Division of Public and Behavioral Health, a study was commissioned, "Comprehensive Gaps Analysis of Behavioral Health Services", to identify the challenges which would be faced by the new division. That study found that Nevada has a longstanding problem with inadequate public overview of State mental health services.

With the creation of the Division of Public and Behavioral Health responsibility for public overview of State behavioral health services was assigned to the State Board of Health. I encourage you to visit the Board of Health's website, which can be accessed through the Division's website, <http://dpbh.nv.gov/>, and review the minutes of that Board's meetings.

You'll find that the Board of Health meetings are very short: In 2015 the Board met for a total of just under four hours. You'll find that the Board neither receives nor asks for reports on State behavioral health services. You'll find that on June 12, 2015 and March 11, 2016, I reminded the Board of its responsibility to provide public overview of State behavioral health services.

At the Board's meeting on June 10 of this year I asked the Board to exercise its authority to enforce a regulation prohibiting treatment programs in Clark or Washoe counties from operating as an Evaluation Center. I made this request because the Department's Substance Abuse Prevention and Treatment Agency doesn't meet its duty to enforce it. The program in question still continues to have unlawful certification as both a treatment program and as an Evaluation Center.

It should also be noted that I informed the Division some time ago that the Board of Health is in violation of statute requiring that it post information regarding health care record destruction on its website (NRS 629.053) and in violation of regulation the Board itself adopted to implement that statute (NAC 629.050). If you visit the Board's website you'll see that the statute and regulation continue to be violated.

I began looking at the State's behavioral health services back in 2009 when I found that the number of pregnant women in Nevada receiving substance abuse treatment had fallen by half in the absence of a corresponding decrease in the number of pregnancies in Nevada and with no evidence of a corresponding decrease in the rate of substance abuse among pregnant women in Nevada. Even fewer are got treatment in 2015.

I found that the underlying problem is that the Department of Health and Human Services fails to comply with State and federal statutes and regulations and fails to enforce its own regulations. Since that time I have been unrelenting in my attempts to get the Department to please comply with State and federal statutes and regulations and to enforce its own regulations.

In 2014 and 2015 Richard Whitley, Director of the Department of Health and Human Services, gave the Substance Abuse and Mental Health Services Administration (SAMHSA) that the State is in compliance with federal laws governing the Substance Abuse Block Grant. The State has never been in compliance with some of those laws, and some are the very statutes and regulations relating to substance abuse treatment of pregnant women which I have been trying since 2009 to get the Department to comply with. On July 26 of this year I sent to each member of this Committee a copy of a letter in which I ask Mr. Whitley not to sign the assurances of compliance this year until there actually is compliance, providing the text of the relevant laws and suggestions for how to attain compliance. Compliance has yet to be attained.

There are many reasons why the elimination of independent behavioral health licensing boards is inappropriate, but there is one very good reason why it's inappropriate to assign their responsibilities to a State Board of Health and to a Department of Health and Human Services which fail to meet their current behavioral health oversight and regulatory duties: It's patently absurd.

For the sake of brevity I have left much unexplained. If you have any questions, please do not hesitate to contact me via e-mail.

Thank you.