

WV Developmental Disabilities Council  
Quarterly Meeting  
Charleston Civic Center, Charleston, WV  
October 22, 2013

MINUTES

Members present: Greg Bilonick, Jonathon Chaffin, Joyce Church, Deborah Davis, Pat Elliott, Clarice Hausch, Amber Hinkle, Janice Holland, Betty Holliday, Jane McCallister, Kelly Miller, Beth Morrison, Christina Mullins, Patricia Nisbet, Clark Queen, Jerry Ramsey, Tara Roush, Karen Ruddell, Jon Sassi, LuAnn Summers, Tina Tanner, and Melvin West.

Members absent: Sarah Brown, Brent Bush, Kathy Butler, Stefanie Caldwell, Ann Hubbs, Robert Roswall, and Stacey Thomas.

Staff Present: Steve Wiseman, Christy Black, Jim Cremeans, and Linda Higgs.

Guests: Marietta Jones, Wanda Proffitt, and Rickey Meade (all awaiting appointment by the Governor), Teresa Nelson (Bureau of Senior Services), Paula Flint, Ian Rudick, Russell Sickles, and Beth Weegar (all from Job Squad, Inc.), and Randy Hill (PPL).

**Call to Order, Welcome:** Greg Bilonick, Vice Chairperson, called the meeting to order.

**Introductions and Announcements:** Linda announced that the grantee from West Virginians for Affordable Healthcare would be in filming this afternoon as part of the Council's grant project on the Affordable Care Act. Some Members will be going in and out to shoot parts of the video.

Steve announced that he met with the new Secretary of the Department of Health and Human Resources, Karen Bowling, and the Deputy Secretary. He said that it was a very good meeting. She understood the autonomy of the Council and the Department's administrative role in support of the Council.

Steve also informed Members that Pat Nisbet, LuAnn Summers, and staff have been discussing a gentleman with developmental disabilities who is employed and receives benefits, including a retirement plan, from his employer. He has

been informed he will need to work less hours to avoid eligibility for those benefits and to remain eligible for the I/DD Waiver services he needs. Steve sent a letter to CMS to get clarity on the impact of retirement plans that are not accessible to an employee during their working years. The response from CMS essentially indicated this is a State policy issue.

Steve announced that Linda was featured in a national publication, *The SRV Journal*, in which she had a movie review published.

**Mission Statement Reminder:** Melvin West read the Council's Mission Statement.

**Public Comments:** There were none.

**Approval of the July 23, 2013 Meeting Minutes:** Joyce Church asked that a correction be made on page seven. The Minutes stated "mental retardation," and should say "retard." Clarice Hausch commented that WVU had a Blue and Gold dinner, and a gentleman by the name of Huggins used the "R" word along with several others. Someone contacted WVA to see what could be done. Clarice stated the video Janice showed at the last Council meeting was good and was a start, but there is still a lot of work that needs done. Joyce requested that Mary Etta's and Wanda's last names be added on page two. Jane McCallister moved that the July 23 Minutes be approved as corrected by Joyce. Betty Holliday seconded the motion. **Motion carried.**

**New Business:** Steve mentioned that The Parent Advocacy Guide was finished, being printed, and would be available by the end of this week. Steve stated that over the time the guide was being developed, some policies and forms were dated, and that the Council and WVA are working on a plan to keep the guide current. Updates will be posted on the Council's and WVA's website. Both Clarice and Steve feel it is well done. It is written to be accurate while at a reading level that will be accessible to most parents, and there are tips throughout the guide. It is necessarily long but has tabs at the beginning of each section to make it easier to find important parts. People may call either WVA or the DD Council office with questions. Steve also stated that Jim was going to attempt to get feedback from 200 families, and we will be working on that as well as dissemination.

**Legislative Statements for 2014:** Deborah Davis, chairperson for the Legislative Statements Workgroup, gave a report for the group which met on October 1<sup>st</sup>. Greg Bilonick, Stefanie Caldwell, and Amber Hinkle participated on the workgroup which was staffed by Christy.

Pat Nisbet voiced her disagreement with a statement on page 13 which says that the state spends much more money per person on out-of-date, institutional models. Pat stated that while there are about 600 people in nursing homes, we now have Money Follows the Person and the TBI waiver. Steve stated that Money Follows the Person and the Traumatic Brain Injury waiver are steps in the right direction, but there is still more money being spent on unnecessary and expensive institutional care.

Karen Ruddle commented that on page 22 the word “credential” needs to be changed to “certificate.” Kelly Miller discussed the need for something to be added to the statements about the need for appropriate training for service personnel. She gave details of her daughter’s situation as an example. Karen stated that aides must be trained and supervised.

Other Members offered edits as well. Deborah Davis stated that she liked that we could have this type of conversation and that is why she serves on this Council. After a break Greg stated that the discussion was good. He asked to table the discussion and have the Legislative Statements Workgroup look at the draft and the comments made in this discussion again. The Workgroup’s recommendations will be sent to the Executive Committee for final approval and then distributed to all Members.

**Other Business:**

**State Plan Update:** Jim presented on the draft updated Plan that was before the Council Members. He provided information about new requirements by the federal Administration on Intellectual and Developmental Disabilities (AIDD) for increased evaluation and accountability. Performance Objectives must be more measurable and outcome-focused than before. This required revision, but no changes of substance, to many of the State Plan objectives. Information was gained at the national Technical Assistance conference in Washington, DC. Additionally, the staff brought in the Director of Technical Assistance for the National Association of Councils on Developmental Disabilities (NACDD) for a one day workshop and help in using the Logic Model to write stronger Performance Objectives for grant Statements of Work.

Members recommended some specific edits that included the need to address housing abuse; make the employment related objectives consistent with the Employment First Workgroup's recommendations; add "individualized" to services; and to be clear about the baseline levels and amount (percentages) of gain targeted.

Jim explained that Members had ten days to give him any further input before the draft would be made available to the public for comment.

**Progress on Grants as of September 30<sup>th</sup>:** Linda provided Members a detailed update on the progress of Council grants for the federal fiscal year which ended on September 30<sup>th</sup>.

**Training Events:** Linda informed Members of training events that are planned for the upcoming year, including Social Role Valorization. She reminded Members that training video on Estate Planning and Special Needs Trusts is available on the Council's website and that Guardianship training will be added during this year. The video explaining the Affordable Care Act will also be posted to the website. A list of possible training topics was distributed to Members and feedback was requested.

**Abuse/Neglect workgroup:** Amber Hinkle reported for the Abuse/Neglect Workgroup. The Workgroup met on October 17<sup>th</sup> and was attended by Ann Hubbs, Clarice Hausch, Jane McCallister, Jim Cremeans, Christy Black, and Linda Higgs. Amber mentioned that there were three guest speakers Christina Smith and Sarah Harper of the Arc-MOV, and Nancy Hoffman - State Coordinator for the WV Foundation for Rape Information Services (WVFRIS).

The workgroup received updates on two abuse prevention training projects. Christina Smith spoke about the Arc's project, the Self-Protection Initiative, which is a Council grant project that uses curricula from two nationally known programs: SAFE (Stop Abuse For Everybody) and CAPE (Curriculum on Abuse Prevention and Empowerment). Nancy Hoffman informed the workgroup that WV FRIS is WV's sexual assault coalition. Nancy spoke about the WV SAFE (Sexual Assault Free Environment) collaboration toolkit project which was funded by the Office on Violence Against Women, US Department of Justice. She said that several agencies and programs, including the Council, contributed to the training modules.

**Council Meeting Dates:** Clark Queen announced the 2014 Council meeting dates and locations. The Council will meet on January 28<sup>th</sup> in Charleston, April 22<sup>nd</sup> in Bridgeport, July 22<sup>nd</sup> in Beckley, and October 28<sup>th</sup> in Mineral Wells. Steve said that he would ask Linda to email the Council dates using Microsoft Outlook. Steve said that accepting the date was not responding to say that you would be attending the Council meeting. Council Members would still need to complete and send in their Meeting Response Forms before each meeting.

**Informational Sessions:**

**PABSS Employment Grant:** Clarice discussed the Protection and Advocacy for Beneficiaries of Social Security (PABSS) grant that WVA received. PABSS is part of the Ticket to Work program. In 2012 the Social Security Administration decided not to fund PABSS or the Work Incentives Planning and Assistance (WIPA) program that WVU CED administers. However, the programs were written into the Sequester Act, and both WVA and the CED now have funding to re-start the programs. Clarice stated that PABSS has an income requirement - you must qualify for SSI or SSDI. The person has to want to go to work for the first time or return to work, and there must be a barrier related to their disability. To avoid a social security overpayment, a person must report social security income each month. If they don't then they can find themselves in a payback situation. WVA can only help people with the first three administrative levels of appeals. She also advised Members that WVA is now allowed to serve the transition age group of 16 years and up. Clarice distributed folders with employment, financial exploitation, and voting rights information.

Janice Holland discussed WIPA. She stated that Jennifer Tenney is the staff person at the WVU CED who handles WIPA and social security questions. Janice gave the Council the contact phone number. She will have more information for our next meeting.

**Community Guide Project "Ties to Employment," Job Squad, Inc. grant – Russell Sickles:** Russell Sickles gave a presentation on Job Squad's Council grant project. Along with Russell, staff with the grant project also made presentations on three of the people they assisted in the project.

**I/DD Waiver news:** Pat Nisbet (BMS) and Randy Hill of Public Partnerships, LLC (PPL) gave a presentation regarding companionship and worker exemption rules that will be released by the U.S. Department of Labor. These rules fall under the Fair Labor Standards Act and will go into effect January 1, 2015. If

the Waiver family member uses a traditional service provider, the service providing family member works for the agency and is not a companion worker. If you are not a companion worker you can only work and be paid for 40 hours. All service providing family members who work through PPL, as employees of the Waiver family member who directs his/her own services are considered companionship workers. A companionship worker provides fellowship and protection. Fellowship is social, physical, and mental activities such as conversation, reading, games and crafts. The new guidelines state that only 20% of the services can be care services, and the other 80% must be fellowship services. Care is assistance with activities of daily living. If you do any medically related services then you cannot claim companionship. More information is available on the Department of Labor's website at [www.dol.gov](http://www.dol.gov).

**Feedback Forms:** Greg asked the Members to complete feedback forms and to turn them in before leaving.

**Adjournment:** Greg made a motion to adjourn the meeting.