

West Virginia Developmental Disabilities Council
Meeting Minutes
Erickson Alumni Center, Institute, WV
January 22, 2002

Members Present: Debrin Jenkins, Luann Decker, Tim Derico, Jeannie Elkins, Laura Helems, John Hunneshagen, Richard Merryman, Mike O'Brien, Jim Plitt, James Qualls, Michael Sharley, Kevin Smith, Jerri Stephens, Andrea Workman, Jeanne Grubb, Mary Ellen Zeppuhar, Robin Ayers, Cheryl Vega, Karen Davis, Ann Burds, Ken Kennedy, Frank Kirkland, Pat Moss, Ann Stottlemyer

Members Absent: Christy Bishop, Dee Bodkins, Ophelia Coats, Tommy Davis, James Farrar, Paula Hickman, Rosanna Hohman, Kelly Kirk, Ernie Matthews, Debbie Mitchem, Libby Nestor, Peter Triplett, Barbara White

Staff Present: Steve Wiseman, Jan Lilly-Stewart, Linda Higgs, Betsy Southall

Guests: Robin Bowling for Dee Bodkins; Commissioner Jerome Lovrien, BHHF; Martha Simerl, Parent

Welcome, Introduction and Announcements

The meeting was called to order at 9:34 AM by Laura Helems, Chairperson.

Members of the Council and guests introduced themselves.

Revised expense forms and change of address forms were distributed.

Steve Wiseman announced an upcoming Advocacy meeting for advocates and advocacy organizations interested in self-determination. The meeting will be held on February 1, 2002 at the WVSC Erickson Alumni Center, Institute.

He announced the Autism Society Spring Conference which will be held March 22-23, 2002 in Charleston.

He announced the upcoming Program Analysis of Services Systems (PASS) training sponsored by the Council in collaboration with the DD Division of DHHR. The training is scheduled for May 5-10, 2002 in Martinsburg.

Jan Lilly-Stewart announced the upcoming Fair Shake Legislative Training at the Pastoral Center, Charleston on January 28, 2002, and the Disability Awareness Day at the Legislature on January 29, 2002.

Laura read the mission statement of the Council.

Approval of the October 23, 2001 Minutes

Debrin Jenkins stated that there was a typo in the last paragraph of the Olmstead Update section on Page 6. She also stated that she had said that group homes could also be used for Habitat for Humanity homes.

Kevin Smith made and Andrea Workman seconded a motion to approve the Minutes with the corrections.

The Minutes were approved as corrected.

Old Business

Cheryl Vega stated that the Systems Coordination Committee selected the Arc of Kanawha/Putnam Counties to carry out the Core Indicators Project.

Steve stated that the Arc had already had a training session in Flatwoods on January 21, 2002, in preparation for the project.

MR/DD Waiver Update

Frank Kirkland gave an update on the MR/DD Waiver. He stated that several people have been added to the waiver program. The current cap for FY 2002 is 2895 waiver slots. He stated that the office has had an overwhelming number of applications already this year.

Jim Plitt began a discussion on the number of ineligible applicants who do not know that they are not eligible for the waiver. He stated that while many applicants have been determined to be ineligible, the State is not permitted to discourage individuals from applying. Frank stated that those persons were being tracked.

Andrea began a discussion regarding the duties of the psychologist in the waiver office.

Mike O'Brien asked Jim what happens with people who are not eligible for the waiver. He asked if there is a system in place to keep track of those individuals who have been denied the waiver service.

Richard Merryman stated that he thought that individuals in his area have to pay for their waiver services to go to the day programs. Frank stated that Waiver services are reimbursed by Medicaid and that no one should be charged for those services.

Frank stated that the waiver manual has undergone changes and input from families and consumers has been included. A new quality assurance program is being developed with focus groups that include consumers, advocates and providers.

Richard began a discussion regarding the Eastern Panhandle Training Center and the difficulty individuals are having. He stated that people are losing their jobs and restated that he thought that those individuals have to pay for waiver services.

Cheryl Vega asked for clarification on how “need” and “benefit” are defined within the waiver system. Jim said that there was an actual definition but would have to do research to answer more thoroughly.

Steve asked for clarification on the plan for consumers and families to be given more control and services to be more person directed. He stated that the DHHR had given assurances that once the current MR/DD Waiver had been renewed, work would begin to make services more person centered rather than supporting group environments and large institutions. He stated consumers and families are frustrated that the department has not followed through on its promises.

Karen Davis added that she feels she has to be very assertive to get control of her services.

Jim said there is nothing in the current waiver that prevents a person centered model. He stated there is nothing that encourages it either. He said that the quality assurance process should help to focus services more on what the consumer needs and wants if it is developed correctly.

Steve stated that independent case management is not going to solve all of the problems. He stated that the buying power needs to be placed in the consumers’ hands. He said he feels that too much time is being spent verifying what we already know. He said that there needs to be some action and cited Olmstead as an example of this line of thinking. He said there needs to be fundamental changes in the system in order to help people.

He again asked for a definitive answer to the promises that were made to make the system truly community based and person centered.

Jim discussed an issue surrounding an 8 bed facility which was grandfathered into the waiver system because he felt it was the right thing to do. A discussion ensued regarding whether or not the individuals were asked what they wanted. He reiterated his commitment to **the current policy that MR/DD Waiver services are not to be purchased/provided where a group home has more than 4 beds.**

Richard stated that he shouldn’t have to see stories in the papers about the people in the Eastern Panhandle losing their jobs, services and supports.

Kevin stated that the waiver process is too long and people are being adversely affected. He said there needs to be more training and the process needs to be more consumer friendly. He said that we are losing people to nursing homes.

Aged/Disabled Waiver Update

Ann Stottlemyer gave an update on the Aged/Disabled Waiver. She gave an overview of the history of that waiver and the services provided. She stated that several changes have been made and will be in effect on February 1, 2002, including a policy change regarding the roles of homemaker agency nurses and case management agency nurses. The purpose of the change is to get the planning of the services closer to the consumer. She presented the Council with copies of the revised manual. She stated that they are committed to making A/D Waiver services more person-directed. She said that she does not feel that this waiver provides enough services and supports, and that issue is being closely examined.

Richard stated that, at the present time, the waiver cannot provide respite care to consumers.

Karen asked what happens to the money if people become their own case managers.

Ann gave a review of the funding for the current waiver program. If people choose to be their own case managers, the money saved cannot be used to provide other services to that particular individual, but is recycled into the program to serve others.

Steve asked what input people with developmental disabilities have had in developing the changes that are going in place. Ann acknowledged that their input had not been sought. She stated that internal State government developed the changes. A discussion ensued regarding input from disability groups, the changes in the waiver policies and the availability of the waiver manuals.

Questions were raised on how funds paid to providers were monitored.

Comments by Jerome Lovrien

Mr. Lovrien, Commissioner of the Bureau for Behavioral Health and Health Facilities, gave an overview of changes that will be taking place in the BHHF. He stated that emphasis should be placed on individual, family and community. The Bureau will be split into 5 units consisting of a fiscal unit, a unit for human resources and planning, a unit based on an integrated service model putting the emphasis on the individual, a unit based on quality initiatives, a unit based on family and community initiatives including family and peer centered support.

Council members and staff raised the following concerns: We need to get away from the medical model;

There is a need for educating the Faith Based Initiatives and the Quality Assurance Initiatives;

Consumers need to have a strong voice in these Community Based Services; and

There needs to be accountability within the community-based system.

Committee Reports:

Executive Committee: Laura gave an overview of the Executive Committee's meeting Minutes. She reviewed Steve's involvement in the Olmstead Task Force and the implementation plan. She said that Steve was disappointed in the plan and felt that it did not sufficiently address the issue of moving people into integrated environments.

She said she had sent letters to several Council members addressing their lack of attendance at meetings. David Sudbeck, Court Monitor, has resigned.

She said the Committee also discussed the issue of the WV Advocates involvement on the Council, since an employee of WVA serves on the Council. That the issue has not yet been resolved.

Community Living: Karen and Jan gave a brief overview of the activities of the Community Living Committee as outlined in the meeting Minutes in the packets. Jan gave an overview of the NWVCIL "Fair Housing: What it Means to Me" project. The Center has requested to extend its funding through the remainder of the fiscal year while changing the activities/strategies.

Steve said that this was basically a no cost extension and is just affording them the opportunity for more time to achieve their original goals.

Jan discussed a meeting in which the "Home of Your Own Project" requested \$10,000 dollars. She stated the Committee made no formal recommendation and decided to bring it to the full Council.

Debrin asked for clarification regarding the statement in the Minutes which implied that no existing housing was being utilized for this project and a discussion ensued.

Michael Sharley asked if anyone brought up the fact that many people would prefer to live in older homes rather than newer homes.

Kevin said that it was a good project when it started, and reminded the Council of its focus to fund new projects. He stated that this project has been funded beyond the three year period.

Steve stated that there were some areas in the state in which the project has been successful.

Kevin stated that he felt that the project should be funded at a significantly lower rate and for the Council to make it clear in the contract that the project would not be funded after FY 2003.

Debrin suggested that they go to the Realtors Association as a funding source since they have a vested interest in selling existing property. A discussion ensued regarding alternate funding sources.

Kevin made and James Qualls seconded a motion to fund the project at \$10,000 and stop funding after this year.

Mary Ellen stated she would be concerned that it would be a waste of money to fund the project at an excessively low rate and a discussion ensued.

Richard asked if there were other options for spending the excess money saved by funding at a lower rate.

Mike asked if the "Home of Your Own" project has looked for other funding sources.

Frank suggested amending the motion to state that it be contingent upon other resources (at least \$30,000) being identified to help sustain the project for the next year. The resources must be identified by March 31, 2002.

Kevin agreed to and James seconded the amendment to the original motion.

Motion carried. Karen Davis abstained.

Education Committee: Jeannie gave an overview of the activities of the Education Committee as outlined in the meeting Minutes in the Council packet. Her presentation focused on the awards proposed by the Committee to recognize inclusive programs.

Steve announced that the Director of the New Jersey Council would be in town on January 28, 2002, and suggested that the Committee talk to him about the awards his Council is giving to inclusive education programs.

Jim Plitt made and Debrin seconded a motion to continue with the school inclusion award.

Motion carried.

Employment Committee: Michael Sharley gave an overview of the Committee's activities as outlined in the meeting Minutes provided in the Council packets. The Committee's focus centered on the WVSILC, RYPAS and WVARF's request for additional funds in the State budget for FY 2003 to foster competitive community employment opportunities through community rehabilitation programs.

Steve raised a concern that there are conflicting issues of the high unemployment rate and no request for additional funding.

Health: Linda Higgs stated that the Health Committee has not yet met.

Systems Coordination: Cheryl gave an overview of the Committee's activities as outlined in the meeting Minutes provided in the Council packets. She announced that the Arc of Kanawha/Putnam counties was awarded the grant to perform the interviews of the Core Indicators Project.

New Business:

Elections

Jeannie nominated that Jim Plitt be re-appointed as an Executive Committee member.

Laura asked for additional nominations from the floor.

There were no additional nominations. Laura called for a vote.

Jim Plitt abstained.

Motion carried.

Jeannie nominated Cheryl Vega as the new NADDC Representative.

Laura asked for additional nominations from the floor.

There were no additional nominations. Laura called for a vote.

Cheryl abstained.

Motion carried.

Laura thanked Kevin Smith for his hard work as the NADDC representative for the last couple of years. Kevin had become an NADDC Board member during his term.

Grant Proposals

Community Living: Jan and Karen reported that they had no grants to consider.

Education: Jeannie stated that they received 6 proposals. Jeannie stated that, based on its reviews, the Committee recommended not funding proposals presented from Marion County Schools, Cabell County Schools, or Kanawha County Schools.

Jeannie made and Kevin seconded a motion to fund two grant projects: Monongalia County Schools Inclusive Head Start and Nicholas County Schools. The Monongalia County Schools proposal would be funded pending the review of

additional information. The Education Committee would make a final recommendation to the Executive Committee which would make the final decision.

Pat Moss expressed concern about committing Council resources to Head Start Programs because Head Start receives significant federal funding. A discussion ensued.

Laura called for a vote.

Motion carried. Mary Ellen Zeppuhar and Michael Sharley abstained.

Employment: Michael Sharley gave an overview of the grant proposals before the Employment Committee and stated that the Committee recommended not funding Bridges “Morgantown Employer and Client Needs Assessment” and John D. Rockefeller IV Career Center “Training in the Graphic Arts for Special Needs Students.” The committee recommended funding APSE/OBHS “Work4WV Supported Employment Task Force” in the amount of \$9,098 for FY 2003. This represents \$5,000 less than was requested. The request to purchase an audio visual projector was denied.

Steve stated that any equipment purchased through a grant must be surrendered back to the Council at the end of the grant term. This State requirement had created problems in the past.

Members discussed whether or not this grant would be funding something that is already required by law.

Michael Sharley made and Mike O’Brien seconded a motion to fund the APSE/OBHS “Work 4 WV Supported Employment Task Force” project for \$9,198 for FY 2003.

Motion carried. Frank, Jeannie, Kevin, Ken and Pat abstained.

Systems Coordination:

Cheryl Vega made and Andrea Workman seconded a motion to fund the Easter Seals of Ohio County “Inclusive Child Care Study” and the Northern “WV CIL WV Parent Empowerment Network” projects.

Motion carried.

New CFI

Steve stated that there would be a new CFI, but he felt that the announcement needed to be more focused before it goes out again. He suggested a study on the closure of group homes and a study on the individuals who were displaced from State day services to see how these individuals are actually fairing. He then asked that each of the committees develop a list of objectives which they would like to have targeted in the CFI.

Laura stated that CFIs would be discussed at an Executive Committee retreat at the end of February. She asked that each of the committees discuss their target issues and report back to the Executive Committee before that retreat so issues can be discussed.

Proposed Changes to *By-Laws*

Linda led a discussion of the proposed changes to the *By-Laws*.

Mary Ellen stated that the WVU CED name needed to be changed to be WVU Center for Excellence in Disabilities in the document.

Debrin asked if there needed to be an addition to state that members who miss 3 consecutive meetings are off the Council. Linda stated that it was addressed in the *Policy on Membership*.

Luanne began a discussion regarding people who worked at night and whether or not they would be paid a stipend even though they are not being paid by another organization concurrently.

Steve and Linda suggested asking the Federal Administration on Developmental Disabilities for clarification regarding the language in the legislation.

Debrin Jenkins made and Pat Moss seconded a motion to adopt the *By-Laws* as revised. The reduction of the size of the Council to 35 members would be contingent upon the Governor's approval of 3 resignations.

Motion carried.

Policy on Membership

Linda gave an overview of the proposed changes to the *Policy on Membership*

Debrin made and Tim Derico seconded a motion to accept the proposed changes.

Motion carried.

Policy on Conflict of Interest

Linda gave an overview of the proposed changes to the *Policy on Conflict of Interest*.

James Qualls made and Andrea seconded a motion to accept the changes.

Motion carried.

Policy on Committees

Linda gave an overview of the new Policy on Committees.

Debrin stated that there was a provision in the By Laws that stated that Ex Officio members must be appointed by the Executive Committee.

Debrin made and Cheryl Vega seconded a motion to accept the changes.

Motion carried.

Policy on Grants

Linda gave an overview of the proposed changes to the Policy on Grants.

Pat suggested making a requirement that the Council be reflected as a Sponsor under Policy on Grants.

Jim Plitt suggested changing the wording on page 4 VIIA to read "...quarterly and annual reports..."

Linda stated that page 4, VIB addresses Pat's concerns regarding Council credit.

Kevin Smith made and Tim Derico seconded a motion to accept the policy with proposed changes.

Motion carried.

Hate Crimes

Debrin gave an overview of hate crimes. She stated that hate crimes against persons with disabilities are not being reported in the State but that they are occurring. She urged Council members to report any hate crimes.

Debrin announced an opportunity for people to get free continuing education unit (CEU) credits.

Steve announced that the WVU CED is looking for Advisory Council members. Anyone interested was encouraged to contact Steve or Mary Ellen.

He stated that he had been contacted by the Disability Caucus and said that the Council has funded them in the past, and the Council needs to decide if they will support them this year.

Jim Plitt said that the Disability Caucus was important and worth supporting.

Robin Ayers made and Jeannie Elkins seconded a motion to support the Disability Caucus in the amount of \$3,000.

Motion carried.

Debrin, James and Kevin abstained (Karen was absent at this point).

Other Business:

Laura announced that there will be a *Partners in Policymaking* training series starting in the Fall of 2002.

Adjournment:

Pat Moss made and James seconded a motion for adjournment.

The meeting was adjourned at 3:48 PM.

DRAFT