

**WV Developmental Disabilities Council
Senior Citizen's Center, Summersville
July 16, 2002**

Members Present: Laura Helems, Christy Bishop, Ann Burds, Luanne Decker, Jeannie Elkins, Jeanne Grubb, Rosanna Hohman, John Hunneshagen, Debrin Jenkins, Ken Kennedy, Kelly Kirk, Frank Kirkland, Richard Merryman, Bob Peck, Pat Moss, Libby Nester, Jim Plitt, James Qualls, Michael Sharley, Kevin Smith, Jerri Stephens, Cheryl Vega, Andrea Workman, Mary Ellen Zeppuhar

Members Absent: Robin Ayers, Ophelia Coats, Tim Derico, James Farrar, Peter Triplett, Ann Stottlemyer

Staff Present: Steve Wiseman, Linda Higgs, Jim Cremeans, Betsy Southall

Guests: Larry Medley, Debbie Mitchem

Welcome, Introduction and Announcements

The meeting was called to order at 9:36 am by Laura Helems, Chairperson.

Laura introduced Larry Medley, Long Term Care Ombudsman, attending as a guest for Ann Stottlemyer.

Steve Wiseman showed the Council a new, framed poster that will be presented to the Governor and our members of Congress. The posters will be distributed nationwide and will include a statement about self determination and the 5 year State Plan on the back. Matted copies will be given to the Secretaries of DHHR, BOSS and Department of Education and Arts. Betsy Southall provided the artwork and layout for the poster. Others that highlight the other parts of the DD Council's mission are in development.

Laura announced that the Council had received Barbara White's letter of resignation.

Approval of the April 23, 2002 Minutes:

The spelling of Libby Nester's last name was corrected.

Kevin Smith made and Karen Davis seconded a motion to approve the minutes as amended.

Motion carried.

Federal Funding Cuts Update

Steve gave an overview of the funding cuts being imposed by the ADD as a result of some erroneous language in the reauthorization of the 2000 DD Act. Steve said that the "hold harmless" clause was omitted from the Act. Steve stated that Commissioner Morrissey took full responsibility for the error. As a result of this error, the Council will lose \$221,412 (\$103,480 Federal FY 01 and \$117,932 Federal FY 02). However, the Federal DHHS has not restored the funds. The cuts will have a significant impact on WV's State Plan which was previously approved by the ADD.

SFY 2003 Budget Revision Proposal

Steve presented a revised Budget for State FY 2003 (including SFY 2004 projections). The revision was made to accommodate the cuts in federal allotments. He stated that he was concerned the Council could face significant cash flow problems over the next several months. This could result in cuts to some contracts. Steve asked the Council to grant the Executive Committee authority to deal with the financial situation at this time, and report all actions to the full Council.

Laura stated that the CFI's were being held until the financial crisis was resolved.

Kevin suggested the Council grant the Executive Committee the administrative power to make decisions between meetings and a discussion ensued.

Debrin Jenkins made and Libby Nester seconded a motion that the Council grant the Executive Committee the necessary authority to make any necessary decisions regarding the budget, and then report to the full Council at a later date.

Motion carried with Executive Committee members present: Mike Sharley, Jim Plitt, Jeannie Elkins, Cheryl Vega, and Karen Davis abstaining.

A discussion ensued concerning ways to cut expenses and increase resources to the Council. Suggestions included:

- Look at cutting the Council meetings back to once every 6 months.
- Look at whether or not we need all the staff that we have.
- Look at requesting funds from the Governor's discretionary budget and other outside funding stream opportunities.
- Look at how agencies represented on the Council can contribute funds to support Council projects.

Laura asked for a vote on the Revised Budget Proposal

Frank Kirkland made and Kevin Smith seconded a motion to accept the Revised Budget Proposal as presented.

Motion carried.

Five Year State Plan Revision Proposal

Jim gave an overview of the revisions he suggested be made in light of the recent allotment cuts. The recommendations are outlined in the document "Summary: Proposed Changes to the Five Year State Plan Due to ADD Funding Cuts" contained in the Council packets.

Richard Merryman asked about the Council efforts to increase self-advocacy as discussed in Washington, DC. Jim Cremeans gave an overview of the Council projects outlined in the State Plan which support self-advocacy. He stated that the Partners in Policymaking project, the Fair Shake Network, and the Community Integration Project were the primary projects which support self-advocacy.

Jim led the Council committees through an exercise in which they were asked to review and revise the proposed changes as a group.

Each committee chair or a designated committee member gave an overview of their suggestions regarding the proposed changes to their respective area of emphasis. A discussion ensued regarding the revised changes put forth by each committee.

Steve stated that he sent Secretary Nusbaum a copy of the State Plan to ask for his input in accomplishing the Council goals.

Frank stated that he felt that the allotment cuts could present a good opportunity for the Council to form more partnerships with other State agencies as well as put forth more position papers.

James Qualls made and Karen Davis seconded a motion to approve the changes to the State Plan as developed by the Council.

Motion carried.

Self Determination Statement

Steve read the Self Determination statement printed on the back of the State Plan posters. The statement was adapted from the work of the Fair Shake Network initiative on self-determination. He asked for input from the Council to make sure that the members were in full agreement with the statement. Comments were supportive of the statement as written.

Information/Discussion Items

- **Resource Guides:** Steve presented two new resource guides (one re: children and one re: adults) created by the Systems Coordination Committee. Both are double-sided posters (artwork and layout by Betsy) with contact information on one side and a poster print on the other.
- **July 2001 Council Retreat Progress:** Will be reported on at the October meeting.
- **Program Analysis of Service Systems (PASS):** Steve reported on the success of the PASS training workshop held in May. He showed two PowerPoint slide presentations he used in the workshop. Jim reported that 44 social work continuing education credits were approved for the training.
- **Protection & Advocacy System Position Paper:** Steve read and gave an overview of the Council's P&A System Position Paper. The paper focuses primarily on standards to which a P&A provider should follow. He stated that the Council will not take "sides" in the debate as to which agency should prevail. The Council will work cooperatively with any organization designated by the Governor to be the State P&A agency.

Bob Peck stated that the Council members were mailed a document that contains WVA's response to the Governor's intent to de-designate WVA. A short discussion ensued.

- **Relationship with Designated State Agency:** Steve gave an overview of a meeting with Phil Lynch, Deputy Secretary of WV DHHR. They discussed the Protection and Advocacy issue. Steve informed Mr. Lynch that the Council would not take sides for or against WVA or WVEMS. He reiterated that the Council's primary concern is that the designated organization demonstrates that it can perform up to the standards outlined in the position paper.

Laura expressed the Executive Committee's concern that the Department of Health and Human Resources has suggested it would like to take more control of the Council and its activities. She gave an overview of a meeting with Secretary Nusbaum attended by herself, Jeannie Elkins, Michael Sharley and Steve.

Steve said that he felt the meeting went well. He said the Executive Committee and the Secretary agreed to partner with the Council and keep the lines of communication open between the Department and the Council.

Laura stated that she reiterated to the Secretary that the Executive Director acted under the direction of the Council (as stated in the Act and the Assurances signed by the Secretary).

Kevin stated he felt that if any government entity had a problem with the Council, they needed to bring those concerns directly to the Council.

Steve announced that Secretary Nusbaum had asked to attend a full Council meeting. He was invited to the October meeting. He emphasized the importance of a good working relationship with DHHR and the Secretary.

Karen asked what Secretary Nusbaum said about nursing homes. Laura stated that the Secretary had asked if he was perceived as a “nursing home person.” Laura said that was how he was perceived. The Secretary mentioned that he had divested himself of his financial interest in nursing homes well before he took the position as Secretary. He stated he built nursing homes that were better for the residents than those homes that existed at the time.

Kevin stated that if the Secretary is unable to attend in October, a meeting should be arranged between the Secretary and “key” members of the Council so he can see the enthusiasm and dedication of the Council.

- **Update on Services in the Eastern Panhandle:** Frank stated that East Ridge is operating all of DHHR funded day programs in the Eastern Panhandle as a result of Eastern Panhandle Training Center having filed bankruptcy. He clarified that individuals do not have to pay for day services. He stated that there were still some ongoing concerns with East Ridge, but he feels that those issues will be worked out.

Richard stated that he felt that East Ridge was doing a much better job in providing services than did EPTC.

Steve asked if there was a problem with individuals losing their services and a discussion ensued.

Richard asked if East Ridge had respite providers that the Council could link to parents in the Eastern Panhandle. Libby began a discussion regarding the difficulty in getting out-of-agency respite workers and the difficulty of getting adult companion services.

- **MR/DD Waiver:** Steve began a discussion regarding Community Residential Habilitation provided under the MR/DD Waiver Services.

Jim Plitt addressed the Council’s concern that all of the Waiver slots had already been filled. He stated that the slots were filled with the exception of nine slots that are being held for emergency use. He said that the Bureau for Medical Services is now concentrating on what needs to be done for next year and a discussion ensued.

Mary Ellen raised concerns regarding eligibility for the Waiver program given the lack of slots for the program.

Pat Moss asked how many people needed Waiver services in the state. Jim Plitt stated that the numbers were significant although he did not have an exact figure. A discussion began regarding person-centered services.

- **Medicaid Aged/Disabled Waiver Changes:** Larry Medley, representing Ann Stottlemyer, gave an overview of the new draft policies and changes made to the Aged/Disabled Waiver. He stated that a letter inviting written comments on the new changes will be sent soon.

Laura asked if anyone with disabilities was included in the development of the revised manual policies. Larry stated that comments were being welcomed, but ultimately, the decisions would be made at the State level.

Debrin asked how to get a new manual as she has made several attempts to obtain one.

Kevin stated that he felt the Aged/Disabled Wavier should grant more freedom to allow people to get out of their homes. He feels the waiver is too restrictive. Steve stated that many people feel institutionalized in their own homes.

Pat Moss suggested using public libraries and county court houses as a vehicle to disseminate information out to the public. She stated that the Office of Maternal, Child and Family Health used libraries and court houses to disseminate information frequently, and offered to assist BOSS in this process.

Steve asked if there were accommodations being made for people who do not write so they can make comments. Debrin asked if the information was being distributed in alternative formats. Larry said he would have to defer those questions to Commissioner Stottlemyer. He said he would provide feedback to Debrin.

- **Protecting People in Hospitals:** Linda Higgs gave an overview of a workshop she recently attended in Ohio. She discussed issues surrounding “mercy killing” and “quality of life” and the dangers surrounding these issues for people with disabilities and members of other socially devalued classes. The workshop focused on how to become “good protectors” of individuals in hospitals. Reading material from the workshop was made available to anyone who wanted a copy.
- **Family Opportunity Act:** Steve discussed the Family Opportunity Act and stated that Senator Rockefeller sent out a press release on 7/12/01 after having contacted the Council office for background information. He stated he felt that

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this was evidence of a very strong and positive relationship with Senator Rockefeller's Office.

- **Other** - James Qualls announced the upcoming statewide Disability Caucus on July 19-21 at the Charleston Marriot.

Adjournment

James Qualls made and Andrea Workman seconded a motion to adjourn.

Motion carried.

The meeting was adjourned at 3:29 pm.

Next Meeting: October 22, 2002
John XXIII Pastoral Center
Charleston, WV