

# WV Developmental Disabilities Council

## Meeting Minutes

### Erickson Alumni Center

### January 24, 2006

**Members Present:** Jerri Stephens, Clint Martin, Christy Bishop, Christy Black, Richard Covert, Craig Curtis, Ronald Dean, Kim Farley, Ginny Gattlieb, Sandy Haberbosch, Clarice Hausch, Frank Kirkland, Jeff Marr, Pat Moss, Mary Nunn, Karen Robinson, Parul Shah, Julie Shelton, Christina Smith, John David Smith, Kevin Smith, LuAnn Summers, Mary Ellen Zeppuhar

**Members Absent:** Bob Cain, Ulissa Dowell, Mary Ann Jenkins, Jane McCallister, Terri Rodighiero, Libby Nester, Cheryl Vega, Pat Winston, Jennifer Waybright

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

#### **Welcome, Introductions and Announcements:**

The meeting was called to order at 9:42 am by Jerri Stephens.

Members of the Council introduced themselves.

Mary Nunn read the Mission statement of the Council.

Steve announced that the Council was sending Christy Bishop, Karen Robinson, Jan and Steve to Washington, DC in February for Public Policy Forums and visits to State congressional members. Christina Smith and her Board President of the Arc of the Mid Ohio Valley would also be going.

Jan announced that Disability Advocacy Day at the Capital is on January 25, 2006. The event will begin with a press conference at 9:30 am. All Members are invited to attend.

Steve thanked the Members of the Council who agreed to be featured in the 2006 Legislative Priorities booklet. (Jennifer, Jeff, Jerri and her family, Christina and her family and Laura Helem's son Johnathon).

LuAnn announced that Janice Holland retired effective the end of December and Deborah Lovely had been appointed as Acting Director of the Division of Rehabilitation Services.

Frank announced that Sheila Kelly has been appointed as Assistant Commissioner of the Bureau for Behavioral Health and Health Facilities. This position was previously known as the Director of the OBHS.

Jerri reminded Gubernatorial Appointees that they need to sign and return the Ethics form as soon as possible.

Steve reminded Members that the NACDD is having its Conference in October in Pittsburgh, PA. The WV DD Council is co-sponsoring the Conference with the Pennsylvania and Ohio Councils. He said that he, Cheryl Vega and Jan are representing the DD Council in the planning process for the conference.

**Public Comments:**

No comments offered.

**Approval of the October 25, 2005 Minutes:**

**Christina made and Kevin seconded a motion to accept the Minutes as presented.**

**Motion carried.**

**New Business:**

**Appointment of Nomination Committee:** Jerri announced that Christy Bishop, LuAnn Summers and Jennifer Waybright have agreed to serve as the Nominating Committee. There will likely be two appointments of persons with developmental disabilities and family members needed this year.

**Budget Update:**

Steve gave an overview of the status of the Council budget. He stated that the Council is currently running under budget and the Council is in good shape financially. He said that Councils received a 1% across the board cut in the 2006 Federal allotment. Our allotment reduction is \$7,653 for FY 2006. He does not anticipate the cut to be a problem. The Council should be able to make funding available for new grants starting in October.

**Legislative Issues:**

Jan gave an overview of the issues currently before the Legislature which are of particular interest to the Council. On the Federal level, she said that the Council will be paying particular attention to the re-authorization of the DD Act and the House budget bill that would cut millions from human services.

On the State level, she said that the Council will be paying particular attention to the progress of the Governor's proposed budget which includes a \$60 million dollar increase

in the Medicaid budget and \$250,000 in a non-specified line item for the implementation of the *Olmstead Decision*.

She also said that she is paying particular attention to the “Do Not Resuscitate” legislation which would allow doctors to limit treatment or hasten death by invoking “quality of life” concerns. She said that staff is planning to develop a fact sheet outlining the concerns of the Council which will be distributed to Legislators.

Frank stated that there was \$20 million dollars allotted to the Department of Health and Human Resources (DHHR) for an improvement package in the Governor’s budget which is primarily aimed at persons with mental illness or co-existing (mental illness and developmental disability) conditions.

**Other Business:**

Jerri stated that she and the staff have sent a follow-up letter to Bill Elswick of the Department of Education in response to the school building design concerns addressed at the October Council meeting.

Jerri stated that the Executive Committee has decided to defer the restructuring of the Council to focus more energy to other on-going projects.

Steve stated that the Council was very actively involved with the Family Support Study. He said that the recommendation of the group was for DHHR to hire a full-time Coordinator for the program. The program has been without staff for approximately 16 months.

Steve stated that the *Olmstead* Plan was signed by the Governor. He said that the plan is well developed and is integral to realizing the Council Vision. It addresses the need for people to have opportunities to live in the most integrated settings possible.

Steve stated that the Council has removed itself from the commission that is dealing with the downsizing of the Green Acres Facility. That group endorsed plans to build several ICF/MR group homes, one of which is already under construction. Steve wrote letters of protest in this regard. He said there is a rumor that this agency was working with the DHHR to build a large ICF/MR group home. He will follow up.

Steve reviewed the written Comments submitted on behalf of the Council on the proposed policy changes in the MR/DD Waiver program. One issue that the Council is particularly concerned about is that guardians would no longer be able to be reimbursed for providing training in the home. He said that he and Jan have consulted with Legislators and officials within the administration regarding the proposed changes. He anticipates that there will be some legislation to address the guardian issue. A discussion ensued.

Steve announced that the Council sponsored a training for members of the MR/DD and Aged/Disabled Waivers Quality Councils. The training took place in November. Michael Head, an expert in helping States include more person-centered planning in MR/DD Waiver programs, was the lead trainer. Steve said the event was well attended and was of very high quality.

Kevin began a discussion regarding the public comments/questions from the recently held Public Forums on the draft of the MR/DD Waiver Policy Manual. He asked if the comments were made available on a website. Steve stated that there were eight public input sessions held at four locations in the State. Each meeting was attended by a staff member from the DD Council. After the first session staff members made a public statement of concerns. The DHHR personnel holding the sessions prohibited the Council staff from making a statement at the first session. Steve said that the public statement and analysis of the policy changes are available on the DD Council website ([www.wvddc.org](http://www.wvddc.org)). Input received by DHHR is not yet available on Department websites. He said that he and other staff members have asked for the information and will follow-up with appropriate persons in DHHR.

Kevin shared with the Council his experience of trying to access one of the DHHR's public forums which was not accessible to individuals who use wheelchairs. Steve stated that he wrote a letter of complaint to DHHR about this situation. Sheila Kelly of the Bureau for Behavioral Health was responsive to that letter.

Clarice brought several accessibility issues to the Council's attention, including building accessibility and alternative format accessibility of the draft manual. When she spoke with DHHR, they refused to make any accessible formats available.

Frank stated that comments are still being compiled. He said that the Department is making changes based on those comments. He stated that some of the changes in the Draft came from recommendations made by Centers for Medicaid and Medicare Services. He said that there will be another Draft of the Manual and there will be another comment period.

Mary Ellen began a discussion regarding problems faced by families, including the problem of the unneeded services which are forced on individuals and families as a condition to receive necessary services and supports from the Waiver program. She said that the money spent on unnecessary services could be used to serve other individuals.

Linda stated that the draft Aged and Disabled Waiver Policy Manual is also open for public comment. She gave a basic overview of the purpose of the A/D Waiver and discussed the written comments submitted to the Bureau of Senior Services regarding concerns about the proposed changes. She said that the comments just skimmed the surface of the issues because there was no notification that the Manual draft was open for public comment.

Julie began a discussion regarding the Self-Directed option for the A/D Waiver, which has been approved and will be included in the new Manual. The option will give individuals the option to have a “budget” to choose services that they need based on the level of care for which they qualify. The individual will develop a plan and the money allotted will go to a fiscal intermediary. [Note: A “fiscal intermediary” is a service company, such as a credit union, that collects funds such as Medicaid and SSI on behalf of the individual. The company then contracts for services that the person chooses and pays the bills.] The individual will be able to choose their services and hire their own staff, giving them control of their services and the money allotted for those services. She said that it was not included in the first draft of the Manual because there are still critical decisions that need to be made regarding this option. Julie suggested looking at “Attachment F” of the A/D Waiver renewal application which describes the Self Directed option. She agreed to send that attachment to the Council office.

### **Five Year Plan Process:**

Jim gave an overview of the process for formulating the Council’s next *Five Year Plan*. He thanked Kevin and Karen for helping develop the strategic plan to guide the Council’s work. Part of the process will include 12 public input forums which will be held at six locations throughout WV. Jim said that the rough draft would be available by May 15, 2006. The final *Plan* will need to be submitted to ADD by August 15, 2006.

Jim and Steve said that they anticipated needing approximately \$7000 for non-staff related costs associated with the formulation of the *Five Year Plan*. Most of those funds will be used for the public forums.

**Kevin made and Frank seconded a motion to set aside \$7000 for the costs associated with the formulation of the *Five Year plan* and public forums.**

**Motion carried.**

### **State Plan Group Exercise:**

The Council Members and staff participated in a planning activity based on the “World Café” (by J. Brown and D. Isaacs) model. It consisted of the Council Members forming four groups of five or six members each. Each group started at an assigned table where they discussed two of the eight areas of emphasis of the DD Act. For each area (e.g. employment) they shared their thoughts on:

- 1) the major concerns
- 2) the vision of how it should be, and
- 3) the actions the Council could take over the next five years to move toward the vision.

When time was called (after 15 minutes) the groups all moved to the next table and so on until each group had been to all four tables and addressed all eight areas of emphasis.

Members provided numerous ideas in each area. The compilations of those ideas are attached.

Members reported that they felt the exercise had been successful and enjoyable.

### **Adjournment**

The meeting was adjourned by the Chair by acclamation at 3:40 pm.