

West Virginia Developmental Disabilities Council
Quarterly Meeting
July 13, 2010

Minutes

Members Present: Christy Black, Sarah Brown, Bob Cain, Ronald Dean, Jeannie Elkins, Virginia Gattlieb, Sandy Haberbosch, Clarice Hausch, Amber Hinkle, Janice Holland, Betty Holliday, Ann Hubbs, Jane McCallister, Julie McClanahan, Kelly Miller, Christina Mullins, Pat Nisbet, Clark Queen, Jerry Ramsey, Karen Robinson, John David Smith, LuAnn Summers, and Tina Tanner.

Members Absent: Joyce Church, Richard Covert, Stephanie Jackson, Carlos Lucero, M.D., Clint Martin, Richard Perry, Karen Ruddle, and Pat Winston.

Guests: Randy Hill, APS Healthcare; Cassandra Tolliver, Division for Developmental Disabilities.

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

Welcome, Introductions, and Announcements

Jeannie called the meeting to order and welcomed three new Council Members: Kelly Miller, Sarah Brown and Christina Mullins. Kelly Miller is a parent of an 11 year old daughter with Down's syndrome from Lincoln County. She is a recent Partners in Policymaking graduate. Sarah Brown is an individual with a developmental disability from Harrison County. Sarah was recently elected Chair of the State People First organization. Christina Mullins is the Director of the Division of Infant, Child and Adolescent Health at the Office of Maternal, Child and Family Health.

Everyone present introduced themselves. Jeannie announced the resignation of Libby Nester and Pat Moss to the Council. Jeannie expressed her appreciation of their efforts and participation as Members of the Council as well as Pat's participation on the Executive Committee. Certificates of Appreciation will be mailed to them. Jeannie recommended Stacey Thomas as a candidate to fill Libby's position. Stacey, from Berkeley County, is a mother of a seven year old son with autism. She is a recent Partners in Policymaking graduate.

Jeannie moved Stacey Thomas fill Libby's position. Bob seconded. Motion carried.

Steve informed the Council that Sharon Lewis is the new Commissioner of the Administration on Developmental Disabilities (ADD). Steve met her recently while in Washington D.C. She has a daughter with developmental disabilities, was a Member of the Oregon Council on Developmental Disabilities, is a Partners in Policymaking graduate, and served as a staff member to Congress for a number of years.

Steve also shared with the Council that Jim, Jeannie, Christy, and he attended the National Association of Councils on Developmental Disabilities' (NACDD) Technical Assistance (TA) Institute, June 23-25. Steve stated the sessions were informative and beneficial as the Council moves forward with the State Plan Development. Steve made a presentation at the Institute on Sustaining Council Initiatives.

He also announced the passage of HB 4281 to change State code language to replace the term "mental retardation" with "intellectual disability." The People First of WV, The Arc of WV, Fair Shake Network, and other groups were very instrumental in getting the bill passed.

Mission Statement Reminder

Betty Holliday read the Council's Mission Statement.

Public Comments

None.

Approval of April 27, 2010 Meeting Minutes

Jeannie asked Members to review the April 2010 Council Meeting Minutes to determine if any corrections are needed. Pat Nisbet requested "CMS" be changed to "BMS" on page 8, second paragraph.

Pat moved the Minutes be approved with the recommended change. Clark seconded. Motion carried.

New Business

Election of Executive Committee Members (Action Needed)

Jeannie announced that the recent resignation of Pat Moss caused a vacancy on the Executive Committee to occur. The Executive Committee wanted to replace Pat

with another State representative. State representatives on the Council were asked to submit their interest in serving on the Committee.

Christy moved Jane McCallister be elected to the Executive Committee. Bob seconded. Jane abstained. The motion passed unanimously.

Approval of Budget

Steve discussed the proposed Budget for fiscal year 2011 (October 1, 2010 – September 30, 2011).

He based the draft budget amounts on the following:

- There will be about \$550,000 available (carried over) of the expiring federal funds;
- There will be a new allocation from ADD of about \$788,000;
- The Advocacy Specialist position will be re-filled;
- Due to State policy, no raises are expected for the staff;
- A small amount of furniture and equipment will be purchased;
- Most all current grants will be renewed;
- Fifty thousand dollars or less will be available for new grants & contracts; and
- Except for a \$7000 increase in printing & Office Expense, the Current Expense line will remain about the same as FY 2010.

Steve recommended the projected budget of \$1,083,100 be approved, with a 20.0% ‘cushion’ (see attached).

Karen Robinson moved to approve the budget as presented. Ron seconded. Motion carried.

Approval of Designated Stipends

The Council approved \$30,000 dollars to be used for Designated Stipends at the April 2010 meeting. Christy, Karen Robinson, and Jeannie participated and Linda staffed the Designated Stipend Committee. Karen reported the recommendations by the Committee. She explained that requests totaled \$3,000 more than the allotted amount. The group decided to fund all requests at \$500 less than the requested amounts.

Karen moved to approve funding as presented (see chart below). Janice seconded. Clarice abstained as her agency, WVA, will receive Designated Stipend funding, if approved. Sarah, Tina, and Clark abstained due to involvement with People First of WV, which also applied for Designated Stipend funding. Motion carried.

WV Developmental Disabilities Council

Designated Stipends Funding

FFY 2011 (October 1, 2010 – September 30, 2011)

Organization	Conference	Dates	Funds Provided	Contact Info
WV Family Support Program	Families Conference Charleston Town Center Marriott Charleston, WV	Oct 8-10, 2010	\$6,000	Cassandra Toliver 304.558.3616 304.558.3616 Cassandra.L.Toliver@wv.gov
WV SenseAbilities Project/WV DOE Office of Special Programs	Early Communication for Children w/Severe Disabilities Including Deaf-blindness WV University, Morgantown, WV and Family Learning Day John XXIII Conference Center Charleston, WV	Nov 29, 2010 April, 2011	\$3,500	Ruth Ann King 304.558.2696 304.558.2696 raking@access.k12.wv.us
Fair Shake Network	Annual Training and Disability Advocacy Day WV DRS, Institute and State Capitol, Charleston, WV	Feb 8-9, 2011	\$2,000	Jan Lilly-Stewart/Paul Smith 304.766.0061 304.766.0061 wvfn@suddenlinkmail.com

WV Advocates	Wrightslaw Special Education Law & Advocacy Boot Camp Stonewall Resort, Roanoke, WV	Apr 20-21, 2011	\$7,500	Brittany Given 304.346.0847 304.346.0847 bgiven@wvadvocates.org
Autism Society of America – WV Chapter	Autism Conference Location undetermined	Spring, 2011 Date undetermined	\$4,500	Kim Farley 304.544.4730 304.544.4730 Kfarley72@aol.com
The Arc of WV	18th Annual People First Conference Jackson’s Mill, WV	Sep 7-9, 2011	\$8,500	Christina Smith 304.422.3151 304.422.3151 51 ext.106 Christina.smith@arcwd.org

Approval of Grants

Jeannie discussed the grant review process and thanked those who were able to participate. Eight Council Members participated in the Grant Proposal Review Workgroup Meeting July 12th. The Workgroup analyzed the renewal requests made by the current grantees.

Ann Hubbs reported the Grant Proposal Review Workgroup’s recommendations concerning the requests to renew the grants:

<u>Organization</u>	<u>Grant</u>	<u>Funding Yr.</u>	<u>Fund Amount</u>
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Arc of WV, Inc.	People First of WV	3	\$98,115
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Ann made a motion to fund and Jane seconded the motion. Clark, Sarah, and Tina abstained due to involvement with the program. Motion carried.

Child and Youth Advocacy Center	Restoring Safety in a Vulnerable Population (RSVP)	2	\$57,875
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Ann made a motion to fund and Karen Robinson seconded the motion. Amber abstained due to involvement with the project. Motion carried.

Community Access, Inc.	School Transition to Employment	4	\$40,900
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Ann made a motion to fund with conditions and Christy seconded the motion. Motion carried.

Fair Shake Network, Inc.	Statewide Cross Disability Coalition	13	\$20,000
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Ann made a motion to fund and Janice seconded the motion. Motion carried.

Jackson Co. Developmental Center	Micro-Enterprise	3	\$31,075
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Ann made a motion to fund and Jane seconded the motion. Motion carried.

Job Squad, Inc.	Active Employer Council	3	\$23,817
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Ann made a motion to fund and Karen Robinson seconded the motion. Motion carried.

Job Squad, Inc.	Self-Employment Project	3	\$42,694
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Ann made a motion to fund and Karen Robinson seconded the motion. Motion carried.

Spice Enterprises	Jefferson Co. Game Plan: Recreation for All	2	\$0
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Ann made a motion to not fund and LuAnn seconded the motion. Motion carried.

WVU Research Corp.	Emergency Responder Training	1 ½	\$15,400
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Karen made a motion to fund and Christy seconded the motion. Ann abstained due to involvement with a grant at WVU. Janice abstained as she is an employee at Center for Excellence in Disabilities at WVU.

Community Access, Inc.	DDC Mgmt	n/a	\$183,000
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Ann made a motion to fund and Betty seconded the motion. Motion carried.

Mountain State Center for Independent Living	DDC Mgmt	n/a	\$124,000
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Ann made a motion to fund and Janice seconded the motion. Motion carried.

State Plan Update

Jim provided a State Plan update and an explanation of the current areas of emphasis with the related goals and objectives. He recommends the following be removed from the Plan: Employment 4 c; Education 2 b (change WV Department of Transportation to responsible agencies); Appeals and Grievances 3 a; and Formal/Informal Community Supports 2 a.

He stated we are in the final year of the current 5 year State Plan and will begin the process to develop the new comprehensive Plan very soon. Jim gave an overview of that process. He also spoke about changes to ADD has proposed in the template of the Plan.

A State Plan workgroup was formed with the following Members: Kelly, Ginny, Christy, Sandy, LuAnn, Jeannie, Clarice, and Jim.

Christy moved to approve the updates to the current State Plan. Bob seconded. Motion carried.

Other Business – Council Members

Members' Issues and Concerns

Ann expressed a concern about the lack of accessible, integrated daycare for children with developmental disabilities in WV. She said regulations in WV were changed causing insurance costs to increase at daycares that provide care to children over 10 who use diapers. This has caused daycares to stop providing daycare services to children over 10. She would like to see an exception made for children with profound disabilities in this legislation. Jane expressed awareness of options for children with disabilities over 10 in Kanawha County. She said she would further explore this issue.

Steve reported an issue that had been brought to his attention by a Council Member. The Disability Caucus application requires a five dollar processing fee. Steve stated he will contact the Statewide Independent Living Center to request the five dollar application fee for people with developmental disabilities and families be covered with the DD Council's grant of Designated Stipend funds.

Karen Robinson expressed a concern about the prohibition of motorized wheelchairs and other vehicles that would permit people with physical disabilities to access the Greenbrier River Trail. A result of a related discussion was the decision to form a workgroup to study the accessibility of the State parks. The following Council Members volunteered to be on that group: Karen, Ann, Janice, Clarice, and Sandy.

Family Support Council

Ann represented the Council on June 22. She reported the Family Support Council and program will continue to be managed by the Division for Developmental Disabilities under the Bureau for Behavioral Health and Health Facilities. The MR/DD Waiver program, however, is now managed by APS Healthcare. She also reported the Family Support Council can and will cover adult dental treatment and prophylaxis if it is determined to be an unmet need and not covered by another program.

Sustainability

Steve shared information from his NACDD TA presentation with the Council. He explained sustainability basically refers to the continuation of grantees' efforts and/or activities after Council funding is no longer available. Sustainability can also mean a system or process change. He also discussed the three Council projects highlighted during his presentation and their successes and limitations. Steve lastly spoke of strategies to expand on the successes of the DD Council's projects during the upcoming fiscal year.

MR/DD Waiver Update

Randy Hill, APS Healthcare, provided an update on the MR/DD Waiver. Additionally, in response to Karen Robinson's question, he stated that people can only receive a slot as other individuals leave the program. He also explained slots are filled annually based upon the date of receipt and approval of applications rather than level of need (as it is done in some states). This is the method set forth in the order from the Benjamin H. v. Ohl lawsuit.

Steve asked what the DHHR is doing with the \$7.5 million dollars the legislature approved for the program. Randy stated the department feels the money was intended to cover services currently provided. Randy said the legislature did not include ongoing money in the budget to continue funding any additional slots. So, the money will be used to fund the program's current number of participants.

Randy stated 39 representative groups provided comments during the Public Comment period of the Draft MR/DD Waiver Renewal. A total of 358 comments were received. Several actions were taken in response to the comments received.

Steve expressed his concerns about psychologists having too much control over the Waiver processes. He asked if this was discussed with the consultants during development of the Renewal. Randy said it was discussed, and it is common to have a third party review applications.

Linda stated the concern was that the same group of psychologists who will be providing training (to other psychologists to determine MR/DD Waiver eligibility) are the same ones who end up in court with overturned decisions by the judges. Randy stated many of the overturned decisions were caused by a lack of understanding of the program and eligibility criteria by the courts..

Pat Nisbet stated she will send Steve the language submitted in the application regarding electronic surveillance of people in their residences and safeguards.

Randy reported Self-Directed services will be available around December 2010. Participants will continue to need to meet program requirements. Ann asked how the issue of participants not receiving the amount of services/staff written in their IPP will be handled. Randy stated APS recently began receiving complaints from participants, and they will be resolving issues reported. Linda asked how participants can be assured agencies will provide Agency with Choice. Randy stated one fairly statewide agency intends to be an Agency with Choice provider. He believes others will also as the option becomes more understood. He also reported CMS appears to be siding with guardians in being allowed to be employees, which will help with staff issues. Additionally, rates are still being looked at. It is hoped rates will be determined in the next few weeks.

New Web Site Demo

Tiffany reviewed key areas of the newly developed web site including: About Us, Council Projects, Resources, Library and Publications. Category headings were changed to make navigation of the Web site easier. She also reviewed new

features: video, searchable training database, Council news, and online registration form. Tiffany notified Members the site will be complete soon and will receive a launch announcement to share with others.

WVA Priorities and Objectives

Clarice Hausch updated the Council concerning the WVA Priorities and Objectives. Jim participated on the workgroup that developed them.

Clarice stated the Wrightslaw Bootcamp is scheduled for April 21 – 22, 2011. Training will also be provided in the area of Fair Housing. She expressed her appreciation to the Council for providing stipend funds for people with developmental disabilities and families.

Clarice also reported WVA intended to focus on primary investigations (due to resource availability), voter registration, improvement of working relationship with legislators, and awareness of work related barriers. She shared her excitement to be collaborating with the Council in developing a “Policy 2419: Regulations for the Education of Students with Exceptionalities” toolkit. Once complete, she would like to use the same model for developing a MR/DD Waiver policies toolkit.

Jeannie requested all present complete and turn in the Meeting Feedback Forms.

Adjournment: By acclamation.

Next Meeting: October 26, 2010, Waterfront Place Hotel, Morgantown, WV.

Attachment: 1. *WV DD Council Budget FY 2011*
2. *Sustainability of DD Council Projects* by Steve Wiseman