

West Virginia Developmental Disabilities Council
Quarterly Meeting
Comfort Suites, Mineral Wells, WV
October 25, 2011
Minutes

Members Present: Greg Bilonick, Sarah Brown, Bob Cain, Stefanie Caldwell, Joyce Church, Richard Covert, Ronald Dean, Jeannie Elkins, Amber Hinkle, Janice Holland, Betty Holliday, Ann Hubbs, Beth Morrison, Jane McCallister, Kelly Miller, Pat Nisbet, Richard Perry, Clark Queen, Jerry Ramsey, Karen Robinson, Karen Ruddle, Jim Slinn, Tina Tanner, and Stacey Thomas.

Members Absent: Virginia Gattlieb, Clarice Hausch, Stephanie Jackson, Julie McClanahan, Christina Mullins, and LuAnn Summers.

Guests: Jodi Calissie, WV Advocates; Jeff McCroskey, Community Access, Inc., Kevin Smith, People First of WV, and Christina Smith, People First of WV.

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

Welcome, Introductions, and Announcements

Stacey called the meeting to order and welcomed all Members. All Council Members introduced themselves. Stacey announced Clark and Christy will be attending the 2011 National Association of Councils on Developmental Disabilities (NACDD) Annual Conference – Building Bridges: Meeting Expectations of a New Generation on behalf of the Council. Jeannie and Jim will attend the Alliance for Full Participation Conference on behalf of the Council as well. Linda announced that Monica Accord, who oversees the Restoring Safety to a Vulnerable Population grant, was nominated by the Council for the WV Children’s Justice Task Force’s Extra Mile Award. The nomination was accepted and she will receive the award in November at their Annual Conference.

Mission Statement Reminder

Kelly read the Council’s Mission Statement.

Public Comments

None.

Approval of July 19, 2011 Meeting Minutes

Stacey asked Members to review the July 2011 Council Meeting Minutes to determine if any corrections are needed. Steve stated Betty Holliday needs to be added to the list of absent Council Members. Steve noted that Council Members will be contacted soon to establish workgroups regarding Employment, Cross-Disability Advocacy, and Sexual Abuse per the ~~recommendations~~ of the 2011 Grant Proposal Review Workgroup. **Jeannie moved the Minutes be approved with the suggested correction. Clark seconded. Motion carried.**

New Business

Legislative Priorities for 2012

Christy reviewed the recommended Legislative Statements for 2012. She also discussed each priority and why it was chosen.

In the area of Education, the Council will continue to advocate against the further development of segregated educational settings. The Council will continue to support legislation that ensures equal opportunities for students with developmental disabilities to be educated in regular education classrooms, in their home school, and in other inclusive educational settings. The Council will also continue to monitor and make recommendations regarding the newly developed Policy on Restraints and Seclusion.

In the area of Employment, the Council will continue to support legislation that ensures integrated employment for people with developmental disabilities with competitive wages.

In the area of Community Supports, the Council will support legislation that invests adequate funding for services that support people with developmental disabilities to live in their own homes and neighborhoods, eliminates the institutional bias, ensures rebalancing of Medicaid and other public funding.

In the area of Public Funding, the Council will continue to advocate for the restoration of, and increases in, State and Federal funding necessary to maintain or enhance critical support services that allow people with developmental disabilities to live, work, and play in the community.

In the area of Unserved/Underserved, the Council supports legislation that strengthens safeguards for people with developmental disabilities who do not qualify for, or are being denied, Medicaid I/DD Waiver, Aged and Disabled Waiver, and other relevant publicly funded community supports. People with developmental disabilities must be protected from abuse, neglect, and preventable death, and have access to essential services and supports. In the area of Behavioral Health Licensure Regulations, the Council would oppose any changes to the behavioral health licensure rules that would cause persons' private homes to be designated or treated like facilities.

In the area of Guardianship, the Council will advocate for clarification of Guardianship laws to permit the pursuit of limited guardianship in all areas of the state.

In the area of Health, the Council will continue to advocate for people with developmental disabilities and their families/guardians to have access to a comprehensive health care system that provides the most appropriate, effective, quality services. The Council supports legislation that promotes a healthier environment, and ensures better access to quality health care.

Steve gave additional information about the Olmstead Plan and reported several states have filed lawsuits in regards to lack of Olmstead implementation.

Joyce requested explanation in regards to limited guardianship on page five of the Legislative Statements document. Linda explained the Council became aware of judges in areas around the state who were not allowing people to apply for limited guardianship of individuals who are capable of retaining control over some areas of their lives.

Jane reported that DHHR, when appointed to be an individual's guardian, does apply for limited guardianship, when appropriate. **Betty moved to approve the Legislative Statements for 2012. Tina seconded. Motion passed.**

Designated Stipend Request

Steve reported the Council has a balance of \$9,000 of Designated Stipend funds. Fair Shake Network (FSN) will be holding the 2012 Annual Training Day and

Disability Advocacy Day events on January 17th and 18th. They will also be celebrating the 20th anniversary of the FSN. WV Affordable Care Act will be one of several trainings provided at the event. Their request for Designated Stipend funds, which was received after the deadline, is in the amount of \$2,500. This amount, if approved, will be used to offset costs for people with developmental disabilities to attend. **Kelly moved to fund the Designated Stipend request at \$2,000. Greg seconded. After discussion, Kelly amended her motion to fund the request at \$2,500. Greg agreed to second the amended motion. Motion passed.**

Old Business

Steve reported that he met with Jessica Wright who will carry-out the PATHS, Inc. project funded by the Council. He discussed materials and outcomes of the project. They will receive funding and begin working soon.

Other Business

Members' Comments

Ann reported a concern about individuals reaching adulthood with severe disabilities and limited communication and the risk of abuse when they leave their parent's home to live elsewhere. She also shared her concern that parents are not receiving enough or correct information regarding services and supports available as well as the ability of parents, as they age, to safely get their adult children out of the home in an emergency situation.

Jim S. also reported several concerns. He has been working with the Diocese to establish a trust and provide support for his children. He was told nothing is available due to the increase in individuals looking into these services. He also shared his concern about what would happen to his estate if he leaves it to his children's service provider agency to manage. Could the agency move his children from their home after he dies?

Another issue Jim reported was in regard to dental care for adults with developmental disabilities. He is facing the possibility of having his adult child's teeth removed because of the high costs. Preventative dental health is very important. Jim also pointed out that not all options of Title XIX Waiver are available at all levels. With the 1:2 staff ratio option, available under the traditional model, his children

could be served at a lower cost. Why can this not be available under the self-directed option?

Jeannie shared that she has been working on a shared living arrangement in the event she and her husband will no longer be living with her son. A will has been developed to allow another family, whom her son is close to and helped choose, live in their home with her son. She reported that this option is being done in other states and would like to see the process formalized in WV.

Ann shared her concern of families possibly being taken advantage of with this type of option. She would like to see some type of toolkit developed that would include these concerns. She would also like to see training in the area of adult services and planning for the future.

Karen Robinson agreed that awareness of availability of resources is a major issue. Betty also agreed that trust is a big problem. She asked how families can really know who to trust for their loved ones, especially family units that are very small and do not have a lot of supports. Families can end very quickly and a reliable process needs to be developed to help parents find people they can trust.

Five Year State Plan and FY 2012 Workplan Update

Jim reviewed the Five Year State Plan. Development of the Plan has been in progress since November 2010. It is anticipated that the Council will receive feedback by the Administration on Developmental Disabilities (ADD) by November 2, 2011. The major areas of focus selected during the Plan development process include: Formal/Informal Community Supports, Quality Assurance, Employment, Education, and Health. Jim reported States were required to provide more information in each of those areas than in the past, which is an improvement to the process. Jim stated staff are working on an Evaluation workplan to evaluate completion and effectiveness of the Plan's goals and objectives.

Janice stated she believes the Council could not have developed a more comprehensive workplan. She also commented on the Council's efforts and success in including people with developmental disabilities, families, and stakeholders in the process. The CED intends to use the DDC plan in development of its own workplan.

Steve thanked the CED and WVA for their participation in the process and provision of staff to assist at forums.

I/DD Waiver Update

Pat Nisbet reported there are currently 4,534 slots on the Title XIX I/DD Waiver. Twenty-nine slots are currently inactive and will be released in December. Pat also reported that of the \$326,000,000 in the State line item for the program, \$40,000,000 goes to acute care.

The Bureau for Medical Services (BMS) was awarded two grants: Money Follows the Person and Criminal Investigation and Background (CIB) check. The Money Follows the Person grant aids individuals in getting out of nursing homes and served in the community. The CIB grant will enable Service Provider Agencies to receive limited expedited information about applicants through a digital fingerprinting system. Additionally, this system will be available to individuals throughout the state within 50 miles.

BMS is also working to rebuild the Incident Management System (IMS). The process will soon be online and will automatically send reports to the necessary agencies.

Richard asked if individuals can still be allotted 16 hours per day. Pat said it is based on need and APS assessment, but the max allotment is 12 hours per day for adults who live with their families. He asked if there is an appeal process for mileage. Pat reported that if there is an assessed need and justification. Richard also stated that his family has a unique need – his son needs 24 hour support. This is possible if he lives in an apartment rather than with the natural family, Pat responded.

Kelly asked if parents have to become an employee of the agency their child receives services from in order to provide residential habilitation. Pat reported that this is an individual decision each agency makes. Kelly also stated that agencies do not have to pay parents more if they continue to be served under the traditional model. Pat agreed agencies do not have to, but most can pay as much as \$9.88.

Steve asked about an issue reported to the Council concerning students receiving limited homebound services and a maximum of eight hours of nursing services. Pat

said private duty nursing could be available through the State Plan services to those individuals who have children who receive limited out of school services.

Jim S. asked how many students fall under Exemption K (“too fragile to attend school”). Karen reported some students receive homebound services while others receive out of school environment services. She stated that if he meant Least Restrictive Environment identified as “Exemption K,” and stated she could get those numbers.

Jeannie commented on how much easier the paperwork is now.

Presentations

People First of WV

Kevin Smith, Self Advocate Coordinator, and Christina Smith, Grant Manager of People First of WV, provided an overview of the project, upcoming events, meetings, trainings, programs and activities. They also discussed accomplishments of the People First of WV including Chapter Start-up Toolkits, increase in number of chapters, increased communication, Student Self Advocacy Project, Telling My Story project, 18th Annual People First Conference, outreach and training. Ann stated how nice it was to hear individual stories in their own words. She would really like to see people with severe disabilities and limited communication included in such a project. Christina reported efforts were made to ensure people with severe disabilities and limited communication were included.

Career Technical Education Initiative

Jeff McCroskey, President of Vocational Services, Inc. reviewed the history, hopes, outcomes, and expectations of the Career Technical Education project. He reported many interesting and positive things are happening. One example included a young man who would not typically be able to participate in a career technical education program will not only attend and receive the IWRC certificate, he will also likely earn the standard certification as well. It is anticipated that the pilot systems change project will go statewide next year.

Karen reported that one of the obstacles to implementation of this project was the limitation of two diplomas in the state of WV: “standard” and “modified.” They follow the Carl D. Perkins Act to design an Individual Work Readiness Certificate

(IWRC) such that students can be recognized for mastery of particular competencies rather than be required to learn and master all competencies in a curriculum and receive a standard certificate. Additionally, students earning a IWRC certificate must master a particular number of competencies to ensure they have the skills needed to obtain a job. Karen has been working with instructors to develop specially designed instruction to teach all students. She will also be meeting with Career Technical Education Administrators in November.

Jim asked about the purpose of the upcoming meeting. Karen reported a document containing guidance and procedures in selecting students not typically involved in a career technical education program will be discussed.

Kelly asked if Jeff felt this project could later serve students who will receive a modified diploma. Karen responded that a lot of schools have work readiness programs available to students who are working toward a modified diploma. She also stated that parents should contact the County Special Education Director if a program is not already available.

Steve stated reports will be developed and disseminated regarding the process and outcomes of the project.

Feedback Forms

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

Adjournment: By acclamation.

Next Meeting: January 24, 2012, Charleston, WV.