

WV Developmental Disabilities Council  
Quarterly Meeting  
Comfort Suites, Mineral Wells, WV  
April 23, 2013

MINUTES

Members present: Greg Bilonick, Robert Cain, Stefanie Caldwell, Jonathon Chaffin, Joyce Church, Deborah Davis, Patricia Elliott, Clarice Hausch, Amber Hinkle, Janice Holland, Betty Holliday, Ann Hubbs, Jane McCallister, Kelly Miller, Beth Morrison, Christina Mullins, Pat Nisbet, Richard Perry, Clark Queen, Jerry Ramsey, Tara Roush, Karen Ruddle, Jon Sassi, LuAnn Summers, Tina Tanner, Stacey Thomas, and Melvin West.

Members absent: Sarah Brown, Brent Bush, Kathy Butler, and Robert Roswall.

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

Guests: Nancy Cipoletti – Bureau of Senior Services.

**Call to Order, Welcome:** Stacey Thomas, Chairperson, called the meeting to order.

**Introductions and Announcements:** Linda reminded everyone that the Alternatives to Guardianship workshops are scheduled for May 14<sup>th</sup> (Wheeling), 15<sup>th</sup> (Beckley) and 16<sup>th</sup> (Huntington). She asked for everyone to get the word out about the workshops. She said that the Guardianship training is one of the Council's most highly regarded events. LuAnn informed the Council of a recent article about the S.T.E.P. Project that appeared in the WV DRS newsletter, VocRehab Perspective. The S.T.E.P. (School Transition to Employment Project) was recognized as a "best practice" example of school to work model as selected by a research panel from nominations from around the country. Teachers and other school staff in the S.T.E.P. project who know students best receive training to become certified independent adult services vendors through the WV DRS. As certified vendors, school staff assist students in career and job development activities in the community. Karen said that collaboration between schools and the DRS is essential for students with developmental disabilities to succeed in community work after high school. Janice announced a WVU Extension Service Training on Diversity & Inclusion scheduled for May 8. Interested persons can email her at [jholland@hsc.wvu.edu](mailto:jholland@hsc.wvu.edu).

**Mission Statement Reminder:** Tara Roush read the Council's Mission Statement.

**Public Comments:** There were none.

**Approval of the January 22, 2013 Meeting Minutes:** Pat Nisbet corrected the section on the planned and required release of new I/DD Waiver Program slots. She said that a total of 100 new slots will become available no later than July 2014, not by July 2013. She said that everyone who received a letter stating that they would receive a slot will get the slot. There are 769 people on the I/DD Waiver wait list. Greg moved to approve the January 22 Minutes as corrected by Pat. Melvin seconded the motion to approve the corrected Minutes. **Motion carried.**

**New Business:**

**Budget Update:** Steve presented the budget information and referred Members to two (2) budget information sheets in their packets. Steve said that the Council's federal funding allotment has steadily decreased by \$38,460 since FFY 2010, while expenses have increased. He said that although the Council has reserves (due to an unfilled staff position and expiring grants), funds available for new grant projects will be less than last year (\$110,000). He said that the Council received a 4.7% cut for FFY 2014 as a result of the federal budget sequestration. FFY 2013 grants that will expire are 1) Step by Step, Inc. (Stand Up to Bullying Project), 2) Vocational Services, Inc. (Career Technical Education Pilot Project) and 3) West Virginians for Affordable Health Care (People with DD and the Affordable Care Act).

Clarice said that the WVA received a larger percentage cut (all WVA programs but one were cut) than the Council from sequestration. She said that federal funding cuts may continue over the next nine (9) years for the Protection and Advocacy programs. Steve said that the federal funding formula is generous for the Council (thanks in part to the late Senator Byrd) as factors such as poverty and the high disability rate provide WV with higher funding levels than other states with similar populations (e.g. New Mexico).

**Call for Investments Allotment:** Steve suggested that \$50,000 could be set aside for new grant projects (FFY 2014). He distributed (for Council Members only) a draft Call for Investments Notice developed by Jim, based on the the State Plan. Steve said that the Council can choose to put out a FFY 2014 CFI or wait and revisit grant funding and explore other options for implementing the State Plan goals.

Based on the draft CFI, several potential new grants involve studies, and a discussion occurred about the purpose and value of studies as opposed to traditional demonstration projects. Ann said that data is essential for future planning and moving forward with the Council's objectives. She specifically spoke about the need for better data around the impact of the lack of dental services and obtaining better information about the incidence of abuse and neglect of persons with DD. Steve said that typical demonstration grants are three year obligations while studies are single event (usually one year) grants or contracts. LuAnn expressed concern about funding studies that are unnecessary and asked about the Council's options to fund competitive grants and/or develop targeted contracts. Steve said decisions to fund studies are dependent on the issues, and information or data needed that is not available by current in-state sources or programs. He said that the Council is flexible in determining whether to seek grants versus contracts. The Council is required to follow WV DHHR grant and purchasing rules and regulations. Melvin moved and Greg seconded a motion to approve \$50,000 funding for the FFY 2014 CFI. **Motion carried.**

**Designated Stipends Allotment:** Steve explained the purpose of and eligibility for the Council's designated stipends. Funds are for in-state, not-for-profit organizations to support the attendance of people with DD and family members of people with DD at relevant conferences. He also said that the Council will pay for Members expenses to attend approved conferences rather than using stipend funds. Steve proposed that \$30,000 be made available for FFY 2014 stipends. Joyce made a motion that \$32,000 be advertised due to increasing costs associated with travel and conference/training participation. Stefanie seconded the motion. **Motion carried.**

**Autism Society of WV Request:** Linda reported on the request from the Autism Society, WV Chapter for a waiver of Council rules to allow the designated stipend funds allotted for their Annual Conference to be used instead for families to attend the National Autism Society's conference being held in Pittsburgh, PA. in July. The WV group will not hold an annual conference this year since the national conference is being held there. Linda explained that the Council previously funded out of state stipends for individuals but ended the practice when it became difficult to manage and implemented the current program of providing funds to in-state organizations to support families. A discussion was held regarding the pros and cons of approving this request. Ann made a motion to approve this single case waiver request to allow the Autism Society of WV to use the designated stipends allotment of \$5,000 to support families attending the national conference. Melvin seconded the motion. **Motion carried.**

**Nominating Committee Report:** Stefanie presented the Nominating Committee report. The Committee included Stefanie, Kelly and Beth. She reported that second terms are expiring for Bob Cain and Richard Perry, and that there remains a vacant At-Large position to be filled. First terms are expiring June 30 for Clark, Tina and Stacey who are eligible to apply for another term. Stefanie made a motion that applications for Clark Queen, Tina Tanner and Stacey Thomas be approved for re-appointment to the Council by the Governor for four years. Kelly seconded the motion. Stacey, Tina and Clark abstained. **Motion carried.**

New Applications: Stefanie reported that the Committee specifically searched and campaigned for new Council members with developmental disabilities in the southern region of the State. The Committee received four applications (one parent from Gilmer County, and three people with developmental disabilities from Mercer County). Two individuals with developmental disabilities were recommended by the Committee for Council membership: Mary Etta Jones and Wanda Proffit. Stefanie made a motion that Mary Etta and Wanda's applications be forwarded to the Governor for four year appointments. Greg seconded the motion. **Motion carried.**

At-Large Vacancy: Stefanie reported the Council has had a vacant At-Large position since Dr. Carlos Lucero's resignation. Stefanie said that the Committee looked for someone other than from a behavioral health agency due to fact that Amber Hinkle is with a provider agency. Two applications were received (including one from a staff member of a behavioral health agency). The Committee agreed that Ricky Meade, Transition Coordinator, Mingo County Schools, be recommended for Council membership. Mr. Meade has worked with Karen Ruddle and Jim on improving school to work transition planning and support for students for several years. Stefanie made a motion to forward William Ricky Meade's application to the Governor for a four year appointment. Kelly seconded the motion. Karen abstained because she has worked with Mr. Meade. **Motion carried.**

Approval of slate for Chair and Vice-Chair: Stefanie made a motion that Stacey Thomas be elected Council Chair and Greg Bilonick be elected Vice-Chair for a term of two years, beginning July1. Bob Cain seconded the motion. Greg and Stacey abstained. **Motion carried.**

Election of Executive Committee Members: Stefanie then reported that there are two Executive Committee vacancies as Clark's and Kelly's terms will expire on

June 30. Members were invited prior to the meeting to have their names placed on a ballot. Members were asked to vote for two people on the ballot. After counting ballots later in the day, Kelly Miller and Clark Queen were elected to the Executive Committee for two year terms starting July 1, 2013.

### **Workgroup Reports:**

- **Employment First:** Jon reported for the Employment First Workgroup. The workgroup last met on April 12, 2013 and developed short and long term recommendations for educating policymakers, organizations, people with developmental disabilities and families about Employment First. One activity suggested by the group was to develop educational materials based on information learned over the past year. The workgroup recommended that consultation continue with staff from the national APSE and Institute for Community Inclusion (ICI) on policy development and data needs. An important goal of the workgroup is to reach out to families of young children with developmental disabilities and programs that support them concerning the importance of having high expectations. The workgroup will meet on an as needed basis pending the creation of development of new grant projects, training or other initiatives. Jim and Steve thanked the workgroup for their work and commitment.
- **Abuse Prevention Workgroup:** Ann reported for the Abuse Prevention Workgroup. The workgroup met February 8 and made recommendations specific to self-protection and workforce training, increased protections for people with significant and/or multiple disabilities, and data collection. The workgroup recommends that training focus on individualized planning, especially for those who are non-verbal. The workgroup also receives updates from the Stand Up to Bullying Project carried out by Step by Step, Inc. which is providing training regarding WV Department of Education Policy 4373 (Expected Behavior in Safe and Supportive Schools). Kelly said that she was concerned about the effectiveness of the policy as it pertains to consequences for students who bully students with disabilities. Karen said that the policy includes a range of consequences and penalties for students who hurt other students or staff. Pat Elliot asked Ann if she or the workgroup looked into specialized training for staff who teach children who are non-verbal. Ann said that she and workgroup discussed possible curricula and trainers. Ann suggested that the Council seek expert consultation with people or programs that specialize in training and protection of children and adults who are most at-risk. Clarice said that the Department of Justice issued an instruction to state departments of education

that clarifies the responsibilities of schools to provide education and training on the prevention of bullying.

**National Disability Policy Seminar Report:** Deborah said that it was a privilege to participate in the 2013 Disability Policy Seminar along with other Members and staff in Washington. Deborah attended the Seminar along with Melvin, Stacey, Christy and Steve. Christina Smith and Kevin Smith of People First of WV also attended. Deborah said that meetings with congressional staff (Capito, Rockefeller, McKinley and Rahall) were very beneficial. The WV delegation discussed a range of issues important to people with developmental disabilities and their families. Deborah said that major issues and concerns focused on uncertainties around managed care and potential cuts to Medicaid and Social Security. Stacey discussed their visit with Senator Manchin in which they discussed concerns around education, abuse and neglect, Medicaid, the ABLE Act and long term care. Steve said that the best way to communicate with congressional representatives is by email.

**Discussion of State Plan Goal Area on Direct Support:** Jim said that the overall goal of the Council is to enhance the status and recognition of the direct support worker and advocate for better wages and benefits. He gave a brief summary of the Council's current State Plan goal, and brief history of work carried out by the Council to improve the direct support workforce. In 2004-2005, the Council funded a grant project with the Human Services Research Institute (HSRI). The project led to the development of a State Plan goal to improve the workforce and a guide for developing a training curriculum. In 2008, the Council funded a workforce study through the WVU CED.

**Personnel Development and Training and related CTE (Career and Technical Education) Proposal:** Karen Ruddle provided Members with an overview of the Direct Support Professional (DSP) curriculum that is becoming available in some Career and Technical Education programs. She said that CTE programs across the country are moving toward credentialing in all fields to better prepare students for successful community employment. Karen said that the DSP apprenticeship is based on the College of Direct Supports and credentialed by the US Department of Labor. She said that although a curriculum is available, students are not enrolling in high numbers. Karen then led the Members in an exercise to study each of four core courses available. Members discussed each course and prioritized (or added to) the topics and issues within each.

**Final Legislative Report:** Christy said that she monitored 86 of the 1,828 bills introduced this session. Eighteen (18) of the 86 bills became completed legislation. Does this mean 18 of those she monitored? Christy summarized the most relevant legislation to the Council:

- **HB 2463** - Repeal of Article 16 of Chapter 27: Sterilization of Mental Defectives. The purpose of the bill was to put an end to State sponsored permission to sterilize persons deemed to be mentally incompetent. After answering many questions about the scope and purpose of the bill, it was eventually passed through the House Health and Judiciary Committees without challenges. It passed on April 9<sup>th</sup> and is awaiting the Governor's signature.
- **HB 2731** - Ken Ervin Community Living Act pertains to the regulation of health maintenance tasks by unlicensed personnel. The bill added new tasks and procedures, including ventilator care, to the AMAP law that was previously revised in 2012. The bill encountered challenges by the WV Nursing Association and the RN Licensing Board and changes were made to address concerns raised by those groups. The WV Respiratory Board and Association raised additional concerns that led to the removal of respiratory tasks from the bill but added language for the development of an oversight committee that will include representatives from respiratory, nursing, State Health Officer, and disability advocacy groups including the WV DDC. The final bill passed and is awaiting the Governor's signature.
- **HB 2014** – Budget Bill – The Governor called a special session and a Conferee Committee was assembled (Senate and House Committees). An agreement was made and the budget bill passed and awaiting the Governor's signature. Key programs: School for the Deaf & Blind was funded at \$12,860,163 (decrease of \$467,637 from last year). Independent Living Services were restored to \$500,000; Birth to Three was funded at \$3,307,043 (\$231,493 less than last year); Family Support funded at \$985,078 (nearly 10% cut); \$0 for Colin Anderson Placement (CAC/Medley/Hartley Classes), Finance Committee members said that funding was unnecessary for CAC due to the numbers of deceased class members. Programs that received level funding from 2012: I/DD Waiver (\$88,753,483 even though 764 persons on wait list); Supported Employment Extended Services (\$100,000); Workshop Development (\$2,116,149); Ron Yost Personal Assistance Fund (\$388,698);

Employment Attendant Care Program (\$156,065) and Autism Spectrum Disorder Funds (\$497,035).

**Partners in Policy Making (PIP):** Christy reported that she has received thirteen (13) applications for PIP training that begins in September. The deadline for applying for the training is June 30.

**Council Member/Staff Comments/Concerns:** LuAnn reported the good news that WIPA (Work Incentives Planning and Assistance) funds have been restored and will be allocated to the WV DRS. LuAnn said that the WV DRS acts as a “flow through” agency with the WVU CED providing the WIPA training and services. LuAnn said that as a result of an RSA (Rehabilitation Services Administration) audit, funds will be reduced for Extended Supported Employment Services which provides job coaching services. Clarice said that PABSS (Protection & Advocacy for Beneficiaries of Social Security) funding (\$100,000) will be restored through 2013. PABSS provides assistance and information to SSDI (Social Security Disability Income) and SSI (Social Security Income) beneficiaries who want to work about work incentives and their rights. Clarice also thanked the Council for funding stipends for the Wrightslaw training.

Linda said that the estate planning video will be on the WV DDC’s website soon. Steve said that the Parents Advocacy Guide to Special Education is near completion. Stacey reminded everyone about the Council Retreat July 23-24 at Stonewall Jackson Resort and encouraged everyone to participate. Joyce recommended the book “The Guide to Good Health for Teens and Adults with Down Syndrome.” She said the book is easy to read and promotes a healthy lifestyle and prevention.

Pat reported that several draft Medicaid manuals are either available for public comment now or will be soon, they include: TBI, Hospice and Personal Care Manuals. Pat said that 350 people have signed up for the Self-Directed I/DD Waiver program option. She also said that 34 people in ICF/ID and one (1) individual in a nursing facility are on the I/DD Waiver waitlist. Pat said that twenty (20) people are accessing both personal care and I/DD Waiver services.

Clark made a motion to adjourn. Tara seconded the motion. **Motion carried.**