

**LOUISIANA DEVELOPMENTAL DISABILITIES COUNCIL
JULY 22, 2010
MEETING**

Holiday Inn South
Baton Rouge, Louisiana

8:30 A.M.

1. GREETINGS AND INTRODUCTIONS

A. Sam Beech, Chair of the Council, welcomed everyone to the meeting. She stated there are forms on the table for anyone who would like to address the Council. Time is allowed at the end of the meeting for people to speak for five minutes each. Ms. Beech reminded those present that Council Bylaws do not allow for proxy voting; anyone representing a Council member cannot vote on any issue.

B. MEMBERS PRESENT
Sandra Beech
Susan Berry, OPH
Brandon Burriss, GODA
Lynn Cannon
Pranab Choudhury
Mary Elizabeth Christian
Hugh Eley, OAAS
Rocky Fuselier
Reginald Garey
Laura Head
Valerie Hiser
Kathy Kliebert, OCDD
Andrew Merlin
Heather Mobley
Chasedee Noto
Nanette Olivier, DOE
Bambi Polotzola
Olantha Scott
Lois Simpson, AC
Nicole Soileau
Roseland Starks, LRS
Phil Wilson, HDC

C. MEMBERS ABSENT
Donna Breaux
Melissa Fayard
Don Gregory, BHSF
Kay Marcel

D. STAFF PRESENT
Shawn Fleming
Paige Freeman
Robbie Gray
Kevin Hill
Derek White
Santee Winchell

E. GUESTS IN ATTENDANCE
Lou Ann Owen for Don Gregory, BHSF
Kahree Wahid, HSSCO/DSS
Justin Ward, guest of Reginald Garey
James Sprinkle, FHF Crossroads
Liz Gary, Partners in Policymaking Coordinator
Ashleigh Freeman
Keaton Martin

2. SUMMARY OF APRIL MEETING

Ms. Beech entertained a motion to accept the Summary from the April meeting.

Motion passed. Motion to accept summary made by Mary Elizabeth Christian. Second by Pranab Choudhury. Passed without opposition.

3. CHAIRPERSON'S REPORT –Sam Beech

On April 28th, Ms. Beech attended the Disabilities Rights Rally at the Capitol.

On May 25th, Ms. Beech, along with several other Council members, participated in a telephone interview with Westat, under contract with the Administration on Developmental Disabilities (ADD). ADD is evaluating how DD networks organize and perform their mandates.

On June 15th, Ms. Beech participated on a National Association of Councils on Developmental Disabilities (NACDD) conference call for the Public Policy Committee to discuss the DD Act reauthorization and the 4% increase in appropriations requested for all DD Councils.

On June 22nd through June 25th, Ms. Beech and Sandee Winchell attended the ADD 2010 Technical Assistance Institute in Washington, DC. Both met with Representatives Cao and Alexander to discuss disability issues. They also heard a speech by the new ADD Commissioner, Sharon Lewis. Ms. Lewis stated she will hold DD Councils more accountable on how funds are spent and that each Council needs to ask themselves what would happen if DD Councils did not exist.

On June 29th, Ms. Beech attended the LaCAN/LaTEACH debriefing in Baton Rouge.

On July 7th, Ms. Beech attended a People First meeting in northwest Louisiana.

Executive Committee Meeting

Act 850 requires a period of public comment at public meetings prior to voting on any agenda item. The Executive Committee recommends that after a motion is made and seconded, and Council member discussion is over, visitors would have up to three minutes each to make a comment. It would be up to the Chair's discretion to allow additional time for public comments. Further discussion by Council members can follow public comment if necessary.

Motion Passed. Motion to accept the recommendation of the Executive Committee to include public comment prior to each agenda item to be voted on made by Nanette Olivier. Second by Lynn Cannon. Passed without opposition.

The Council has one vacancy now due to Simone Honore Chretien's resignation and will have another in October when Melissa Fayard's term ends. The Executive Committee recommends waiting to submit names to the Governor for both of these positions together after the October Council meeting rather than filling Simone's position now and Melissa's position after October. Ms. Beech appointed Rocky Fuselier, Donna Breaux and Nanette Olivier to serve on the Membership Committee. The Committee will interview applicants and present names of their recommended applicants for the Council to vote on at the October meeting. Applicants approved by the Council will be submitted to the Governor for appointment.

Motion Passed. Motion to accept the recommendation to fill both vacancies at the same time made by Chasedee Noto. Second by Pranab Choudhury. Passed without opposition.

The Executive Committee and staff want to provide more support for self-advocates and new Council members on issues discussed during meetings. Beginning in October, staff will be available from 12:30 p.m. to 1:15 p.m. for explanation of any Council issues. The Act 378 Sub-Committee will meet from 1:30 p.m. to 3:00 p.m. and the Self-Determination/Community Inclusion/Housing and the Health/Education/Employment Committee will meet from 3:15 p.m. to 5:00 p.m.

The Executive Committee reviewed recommendations on changes to Council position papers. The revised position papers will be voted on during the October meeting. Since the *TriAngle* is scheduled to end following its October 2010 edition, the Executive Committee recommends in lieu of a Council newsletter, the Council staff will produce newsworthy articles and send them electronically to subscribers as needed. These articles will be called "LaDDC News."

Motion Passed. Motion to accept the recommendation of the Executive Committee to develop news articles to be sent electronically called "LaDDC News" made by Chasedee Noto. Second by Rocky Fuselier. Passed without opposition.

Ms. Beech provided a brief presentation on the 20th Anniversary of the Americans with Disabilities (ADA) Act.

4. EXECUTIVE DIRECTOR'S REPORT – Sandee Winchell

Ms. Winchell spoke on the ADD Evaluation performed in May by Westat. Some Council members participated in the evaluation. The results will be shared in aggregate. The new Commissioner, Sharon Lewis, wrote a letter acknowledging criticism of previous evaluations and the revised format. She stated that the ADD will be evaluated also.

Commissioner Lewis sent out ADD surveys seeking input from individuals with disabilities, family members and the people that work in DD network agencies.

There was a discussion among DD Executive Directors and Council members about clustered housing. There is a concern that some states are beginning to build community homes on the campuses of former large institutions and applying to Centers for Medicaid and Medicare Services (CMS) for waiver funding for this cluster housing. A letter has been sent to CMS from NACDD urging them to not approve funding for this practice.

Ms. Winchell welcomed Julia Kenny as the new Assistant Secretary for the Office for Citizens with Developmental Disabilities (OCDD). Ms. Kenny will be recommended for appointment to the Council.

5. BUDGET REPORT – Shawn Fleming

The June preliminary budget report was distributed. Shawn Fleming reported that the Council is on track with expenditures.

6. COMMITTEE REPORTS

A. SELF DETERMINATION/COMMUNITY INCLUSION/HOUSING – Rocky Fuselier

The committee discussed how to keep Partners graduates engaged in advocacy and suggested activities for the coordinator to find previous graduates.

There was discussion regarding building community capacity and ensuring quality of care of service providers.

Sharon Hennessey gave an update on People First.

B. HEALTH/EDUCATION/EMPLOYMENT – Pranab Choudhury

The committee discussed the proposals for the Competitive Employment Educational Campaign. It recommends to fund, with conditions, the proposal from the Arc of St. Charles.

The committee reviewed the proposal for the Voluntary Registry and Data Management System and felt it did not meet the SOP objectives. The committee recommends the Solicitation of Proposals (SOP) be re-issued.

Education related legislation and the activities of LaTEACH and the Council were discussed. Guidelines from Kansas on the use of restraint and seclusion were shared.

Staff provided information on an Employment First meeting, activities and outcomes from Best Buddies at Work program and the Lose the Training Wheels program.

Motion Passed. Motion to accept the Competitive Employment Educational Campaign proposal from the Arc of St. Charles made by Pranab Choudhury. Second by Andrew Merlin. Passed without opposition. Abstention – Lynn Cannon.

Motion Failed. Motion to reissue the SOP for the Voluntary Registry and Data Management System and include agencies that provide first responder services made by Mary Elizabeth Christian. Second by Lynn Cannon. Passed without opposition.

C. ACT 378 SUB-COMMITTEE – Val Hiser

Each of the Office of Behavioral Health regions that did not spend all of their funds, either for children or adults, will be asked to submit a remediation plan. The plan will be shared with the committee at the October meeting. If training is needed for the regional offices, that training will be made available.

An ad-hoc committee was formed to review Act 378 to assure that it is still current or whether amendments are needed.

The Arc of Louisiana will administer the Office of Aging and Adult Services (OAAS) program for people who require services due to disabilities acquired after the age of 21 but

prior to the age of 55. The Arc of Louisiana will allow people to choose their providers and is striving for the option of self-direction.

Due to the sale of Metropolitan Developmental Center, there is one-time money to assist more people with Family Support funds. A report detailing the use of these funds will be provided to the Act 378 committee.

7. LEGISLATIVE REPORT – Sandee Winchell

Ms. Winchell reviewed the outcome and implications of all (Level 1) bills from the 2010 Legislative Session.

The sale of Metropolitan Development Center (MDC) provided \$4.2 million for the Community and Family Support Fund. Part of the proceeds will increase the number of staff processing waiver slots to speed up the process. The remaining funds will be used for one-time expenditures through the Regions, Districts and Authorities for individuals with developmental disabilities and their families.

Ms. Winchell accepted questions and comments on Level 2 bills.

8. STATE AGENCY REPORTS

Ms. Beech presented a Certificate of Appreciation to Kathy Kliebert for her six years of service on the Council.

A. OFFICE FOR CITIZENS WITH DEVELOPMENTAL DISABILITIES (OCDD) – Kathy Kliebert

OCDD worked with the legislature and within the Department of Health and Hospitals (DHH) to reach compromises on rate cuts. A 3.1% cut was originally in the budget to all Medicaid providers. Another 1.52% cut was added during the legislative session bringing the total cuts to 4.62%. OCDD expressed accessibility issues with this level of cuts and how cost saving measures are stretching dollars further. Through the discussion, OCDD ended up with a 2% cut to Supports Waiver, Children's Choice, ROW and ICFs/DD. NOW received a 2.5% rate cut with the exception of the night rate. There were no cuts to EarlySteps and Support Coordination. The cuts take effect August 1st.

The plan for changes in developmental centers include closing Northeast by December 31, 2010, and transition of about twenty percent of individuals from Northwest, Pinecrest and Northlake. Residents of the lowest levels of need (1A, 1B and 2 on the Supports Intensity Scale/LA Plus) will be offered a waiver slot or community home bed. About one-third of these residents will be transitioned each quarter.

B. OFFICE OF AGING AND ADULT SERVICES (OAAS) – Hugh Eley

OAAS received approval and implemented changes to the Elderly and Disabled Adult (EDA) Waiver. The changes went into effect on July 5th.

Most programs are receiving a 2% cut. The Long-Term Personal Care Services program (LTPCS) was originally going to be cut by \$61 million but DHH decided it was not feasible and cut it by 4.6%. This will cause a reduction in the hours that some recipients receive.

OAAS is hoping to have an implementation date of January 1st for the Community Choices Waiver which will take the place of the EDA Waiver.

A discussion followed.

9. COUNCIL MEMBER REPORTS

A. ADVOCACY CENTER (AC) – Lois Simpson

The AC is still working on its Annual Plan, which begins October 1st. Ms. Simpson will send out the Plan when it is completed. The Annual Report from 2009 is overdue but will be handed out at the October meeting.

Even after 20 years of the ADA, accessibility issues are still being addressed including voting issues and accessibility of polling places.

Ms. Simpson invited everyone to the Protection and Advocacy (P&A) pod events that show people how the AC works. These events occur about twice a month.

B. HUMAN DEVELOPMENT CENTER (HDC) – Phil Wilson

Phil Wilson recently visited the University of Arkansas-Medical Sciences Center to collaborate with their UCEDD and medical school around inter-disciplinary training.

HDC is submitting a federal grant to establish a post secondary program to begin collaboration between five local New Orleans school districts, Delgado College and the local office of Louisiana Rehabilitation Services (LRS) to target 18-21 year old youth with intellectual disabilities. The individuals will have IEP objectives provided through an array of classes from Delgado to address career or employment goals.

A discussion followed.

10. STATE AGENCY REPORTS CONTINUED

C. CHILDRENS' SPECIAL HEALTH SERVICES (CSHS) – Sue Berry

The full CSHS Needs Assessment and the Block Grant will be posted on the Office of Public Health (OPH) website for Council members to view.

CSHS has two new Program Managers, one in Birth Defects Monitoring Network and one in Hearing, Speech and Vision.

Dr. Berry provided a presentation on the results of the CSHS Needs Assessment Evaluation.

11. COUNCIL MEMBER INDIVIDUAL PICTURES

12. EMPLOYMENT CONSORTIUM – Beverly Phillippi, LSU Health Services Center-Human Development Center

Participants in LSUHSC-HDC Employment Consortium shared their perspectives and experiences with employment and the project.

13. STATE AGENCY REPORTS CONTINUED

D. BUREAU OF HEALTH SERVICES FINANCING (BHSF) – Lou Ann Owens for Don Gregory

The Residential Options Waiver (ROW) is now serving 42 people.

The Money Follows the Person (MFP) grant is serving approximately 60 people. Louisiana was approved for an additional \$14 million from the federal government which will be used to support housing through vouchers provided through a lottery system. The MFP grant has been extended through 2016.

BHSF received approval from CMS for a rate increase for EarlySteps Support Coordination.

The National Healthcare Reform Law will significantly impact Louisiana and BHSF is preparing to enact the provisions that must be done by next year.

A discussion followed.

E. LOUISIANA REHABILITATION SERVICES (LRS) – Roseland Starks

HB1198 transferred LRS to the Louisiana Workforce Commission (LWC) as of July 1st. Due to this transition the LRS State Plan must be updated and approved by the Federal Government. LRS will be holding town meetings seeking input on its plan.

F. DEPARTMENT OF EDUCATION (DOE) – Nanette Olivier

DOE is being reorganized around three major areas: Literacy, Science-Technology-English-Math (STEM) and College and Career Readiness.

The Positive Behavior Support (PBS) initiative will be managed directly through DOE via regional coalitions.

DOE will be seeking public input on the guidelines for the use of restraint/seclusion. During discussion, the following recommendations were offered for consideration:

- Not to include restraints/seclusion as part of the IEP. By writing it into the IEP it gives the perception that it should be used as punishment.
- Have some mechanism for parents to pursue legal recourse.

- Use support/assistive devices for prescribed purposes only.
- Procedures only used by people adequately trained.
- Get parental permission vs. universal protocol.

A discussion followed.

G. GOVERNOR'S OFFICE OF DISABILITY AFFAIRS (GODA) – Brandon Burris

There have been major staff changes in the Administration in the last few weeks. Mr. Burris gave a legislative update. HB76 provided \$250,000 of funding for LATAN. Mr. Burris shared a summary of constituent calls GODA had prepared. Parking violations in accessible spots are not as big of an issue as previously believed. Access to recreation for children with disabilities was identified as a high need. Access to receive SSI and SSDI payments is more difficult along with the availability of pro bono lawyers to assist with appeals.

A discussion followed.

H. RECOMMENDATIONS FOR CHANGES TO THE WAIVER ALLOCATION POLICY – Julia Kenny for Kathy Kliebert

Ms. Kenny requested input from the Council on the new waiver allocation policy that must be developed in response to Act 305. In addition, a Stakeholder Group will be formed to assist OCDD in developing the policy. Ms. Beech, Ms. Winchell, Val Hiser, Liz Gary and Chasedee Noto volunteered to participate in the Stakeholder Group. The first meeting will take place around September 1st.

The following comments/concerns were provided:

- There are issues with consistency across regions in waiver implementation and assurance is needed that decisions regarding waiver allocation will be based on a consistent assessment tool.
- There is concern over children being automatically underrated to fit under the cap of Children's Choice.
- Various waivers should be given out at different times across the life span by assessing children again at 18 to identify their current needs.
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Ms. Kenny requested recommendations on the process OCDD should use for people to appeal decisions. These suggestions should be made in writing prior to the stakeholder meeting.

Ms. Kenny stated that Children's Choice and NOW waiver slots will continue to be offered while the new policy is being developed.

14. UNFINISHED BUSINESS

Motion passed. Motion to accept ratification of State Plan as voted on in April made by Mary Elizabeth Christian. Seconded by Val Hiser. Passed without opposition.

15. NEW BUSINESS

None to discuss.

16. ANNOUNCEMENTS

LaTEACH is recruiting coordinators for Regions 3 and 4.

Partners In Policymaking is recruiting for the class of 2011. Application deadline is September 30th.

The next quarterly Council meeting will be held on October 20-21, 2010.

17. ADJOURNMENT OF MEETING

Motion passed. Motion to adjourn meeting at 3:15 p.m. made by Chasedee Noto. Seconded by Mary Elizabeth Christian. Passed without opposition.