

**LOUISIANA DEVELOPMENTAL DISABILITIES COUNCIL**  
**July 16, 2009**  
**MEETING**

8:30 A.M.

Sheraton Baton Rouge  
Baton Rouge, Louisiana

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1. GREETINGS AND INTRODUCTIONS

A. Lynette Fontenot, Chairperson of the Council, welcomed everyone to the meeting. Ms. Fontenot indicated 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. Fontenot 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

Jeanne Abadie  
Sam Beech  
Donna Breaux  
Brandon Burris, GODA  
Lynn Cannon  
Pranab Choudhury  
Hugh Eley, OAAS  
Lynette Fontenot  
Laura Head  
Val Hiser  
Kathy Kliebert, OCDD  
Billie Ruth Kvaternik  
Kay Marcel  
Andrew Merlin  
Heather Mobley  
Chasedee Noto  
Nanette Olivier, DOE  
Jerry Phillips, BHSF  
Olantha Scott  
Lois Simpson, AC  
Roseland Starks, LRS  
Phil Wilson, HDC

C. MEMBERS ABSENT

Sue Berry, OPH  
Jay Bulot, GOEA  
Mary Elizabeth Christian  
Melissa Fayard  
Rocky Fuselier  
Simone Honore-Chretien

D. STAFF PRESENT

Shawn Fleming  
Armondo Frank  
Paige Freeman  
Robbie Gray  
Kevin Hill  
Derek White  
Sandee Winchell

E. GUESTS IN ATTENDANCE

Dora Chandler - Guest of Lynette Fontenot  
Sheryl Doga - Guest of Lynette Fontenot  
Frances Hilburn – Committee Member  
Martha Whitlock – Committee Member  
Dionka Pierce for Sue Berry – OPH  
Johniece Whitehead  
Liz Gary – Partners’ Coordinator  
Consuela Knight  
Kahree Wahid, DSS  
Betsey Snider, OPH  
Jeannie Jenkins

2. MINUTES OF APRIL MEETING

Ms. Fontenot entertained a motion to accept the Minutes from the April meeting.

Motion Passed - Moved to accept minutes by Valerie Hiser. Second by Roseland Starks. For – 20. Against – 0.

3. CHAIRPERSON’S REPORT – Lynette Fontenot

- **Disabilities Rights Rally**

Ms. Fontenot stated that the Disabilities Rights Rally, held on May 7<sup>th</sup>, was a huge success. Over 1,000 people attended the rally. Many legislators spoke to the crowd and pledged their support of the Council’s issues. She thanked all of the Council members who attended.

- **Executive Committee**

An Executive Committee conference call was held on May 22<sup>nd</sup> to discuss the release of one of the Partners in Policymaking participants and her request for information dated May 11, 2009. The Committee directed Sandee Winchell to send a letter to the participant stating that upon advice of DHH Legal, there are no documents that correspond with her information request. The Committee was copied on this letter and the full Council was informed of this decision via email.

The Committee met by conference call on June 18<sup>th</sup> when Ms. Winchell reported that the Council had received numerous complaints regarding Northshore Families Helping Families. According to the procedures the Council has agreed upon with the Families Helping Families Statewide Association, these complaints were forwarded to the Association. The Association provided technical assistance to the Northshore Board of Directors. Shawn Fleming and Kevin Hill, as directed by Ms. Winchell, hand delivered a letter to the Board expressing the Council’s concerns regarding the complaints received as they pertained to the Council’s contracts.

The Board subsequently submitted a letter to the Council with a plan that will adequately address the issues that were raised in the complaints. The Board is committed to assuring that the families in Region 9 will receive high quality, professional services from the center.

The Committee met July 15<sup>th</sup> to discuss the process used by the Council at the April Planning meeting to amend the Council's Five Year Plan and considered comments that were made by members after the meeting. The Committee also discussed the outcome of the meeting – the actual plan itself. It is recommended that the plan be streamlined to contain targeted priorities that best utilize the Council's limited resources to bring about systems change. This would be done by selecting priorities in several different areas of emphasis at the January meeting. Council members and constituents would be invited to list the top two priorities in each area of emphasis prior to the January meeting. The Council would then select which areas and which priorities to address at the January meeting. Beginning at the next October meeting, the committees would go through the plan and evaluate all strategies to determine which strategies are not affecting systems change or can be achieved through another entity, thereby freeing up Council resources for other priorities. This recommendation will be presented and voted on during new business.

The Bylaws contain many outdated provisions and are in need of revision. The Policies and Procedures also need minor updates. Ms. Fontenot plans to appoint a Bylaws Committee to make recommendations for the Council's consideration at the October meeting. Lois Simpson has agreed to chair this committee. The Executive Committee will look specifically at the Executive Director Evaluation process and submit any recommendations for revisions to this process to the Bylaws Committee.

The Committee next offered Ms. Winchell some suggestions to assist in recruiting additional applicants for Council membership. The Committee also directed Ms. Winchell to talk to the Governor's Office of Boards and Commissions about making Council members' appointments always effective October 1<sup>st</sup> so the Council can adhere to its schedule for orientation of new members.

- **Legislative Visits**

Since the last meeting the Council has been very busy sending letters to legislators and the Governor and attending and testifying at legislative committee meetings during the legislative session. The session was very disappointing. Some good things did come out but there are many concerns about the cuts and how the cuts will affect services.

Ms. Fontenot attended the Senate Finance Committee hearing on SB 267. The Council was relieved when the language that would have abolished the NOW Trust Fund and other special funds was taken out of the bill.

Ms. Fontenot attended the day the Appropriations Committee was taking public testimony on HB 1. The 2,000 waiver slots requested were not included in HB 1 even though the funding was available in the trust fund.

Ms. Fontenot attended the Appropriations Committee meeting in support of SCR 116. It passed but was amended on the House floor. Rather than directing savings from cost effective practices in the NOW program back into that program to use for new slots for people on the waiting list, the amendment states the savings could also be used to sustain current slots.

HB 832 was deferred, which prevented Metropolitan Developmental Center property from being sold below fair market price.

Fortunately HB 788 was withdrawn. This bill would have established a cap on waiver services causing individuals with high needs to be ineligible for services.

Ms. Fontenot attended the House committee meeting when SCR 42 was being considered. SCR 42 called for a plan to reorganize and consolidate the state's developmental centers. It passed out of committee, but unfortunately failed to be heard in the House. It appears that funding levels will be maintained for developmental centers while the effects on home and community based services is uncertain due to the cuts to these supports and services.

LaCAN, Council members and staff did an excellent job in contacting legislators, preparing and giving testimonies and keeping everyone informed. Although we are disappointed, we cannot give up and must continue to work with the legislators and let our voices be heard loud and clear.

- **Partners in Policymaking**

On April 24<sup>th</sup>, Ms. Fontenot did a presentation on assistive technology for the Partners in Policymaking class.

- **2009 Technical Assistance Institute**

Ms. Fontenot and Ms. Winchell will be attending the 2009 Technical Assistance Institute meeting in Washington, D.C. July 27<sup>th</sup> – 28<sup>th</sup> and also making visits on Capitol Hill.

- **Membership Committee**

Ms. Fontenot appointed a membership committee that will review applications and interview applicants for Council membership. There are three vacancies to fill. Donna Breau will chair the committee. Simone Honore-Chretien, Kathy Kliebert, Nanette Olivier and Laura Head were appointed to serve on the committee.

- **Executive Committee Officers**

Members were sent a list of nominations for officers of the Council recommended by the Nominating Committee. These nominations will be voted on under new business. The new officers will begin their term of office on October 1<sup>st</sup>.

4. EXECUTIVE DIRECTOR'S REPORT - Sandee Winchell

Ms. Winchell stated that it has been an honor and privilege to work with Ms. Fontenot as Chairperson. The Council is not going to let her go even though she is rotating off of the Council. The Council is depending on her to continue advocating and testifying on behalf of people with disabilities.

Ms. Winchell also welcomed the newest staff member, Armondo Frank. He came on board in June as the Council's new Program Manager.

Ms. Winchell discussed the following:

- **Legislative Session**

Ms. Winchell stated that over the last quarter the Council has been busy with the Legislative session. Ms. Marcel will report on the various LaCAN activities in her report and Ms. Winchell will share specifics in her Legislative report. She congratulated everyone on breaking the record for Rally participation with fifteen Council members present.

- **Annual Report**

Ms. Winchell brought everyone's attention to the Annual Report received in their packet this morning. She believes more people will read it because it is shorter than previous reports. Derek White was responsible for putting together the report with help from other staff.

A discussion followed.

5. BUDGET REPORT – Shawn Fleming

Mr. Fleming discussed the following:

- **June Preliminary Budget Report**

Council members received a copy of the June preliminary report in their handouts this morning. It is preliminary because there are expenditures that are still being processed. There will be significant funds left over in salaries, benefits and travel. There will be around \$35,000 unused in Contracts, including \$6,000 in Stipends, \$4,200 in LaCAN, \$7,600 in Partners, and about \$3,600 in the Autism Project.

A discussion followed.

## 6. COMMITTEE REPORTS

### A. ACT 378 Sub Committee – Jeanne Abadie Ms. Abadie discussed the following:

- **Office of Mental Health**

Robert Levy reported that OMH will spend all of the Act 378 funds, which has not happened in the past. The Region 7 contract is being cancelled due to performance issues with the services being moved in-house.

- **Office for Citizens with Developmental Disabilities**

Brenda Boyd reported that she expects all funds to be expended in Family Support in the fiscal year. The promulgation of the rule for the cash subsidy is ready to begin, except the screening instrument is not developed as of yet. OCDD psychologists misinterpreted the recommendation of the Council, and therefore have not proceeded with the development of the screening instrument. It was thought that all children would have to be screened, not just children with qualifying exceptionalities. The committee clarified for Ms. Boyd that the recommendation was to screen all children with qualifying exceptionalities. Ms. Boyd will now proceed with the formation of this committee. Laura Head, Martha Whitlock, Val Hiser, Shawn Fleming and Sandee Winchell volunteered to serve on the committee. The cash subsidy funding was not cut from next year's budget. OCDD is still uncertain if or how much individual and family support funds were cut.

- **DD Council**

Shawn Fleming reported that Vee Boyd expressed her appreciation for the Council's support and wanted the Council to be assured that the Federation of Families would continue to support families as best they could and seek alternative funding sources to continue their mission.

Northwest INCs will probably have approximately \$1,000 left in the Supported Living Contract due to a Council request to not add another person in March. This program is expected to be transferred to OAAS in January 2010 in conjunction with the LRS Act 378 funds.

- **Louisiana Rehabilitation Services**

LRS Supported Living Program is currently serving 22 people in the New Orleans and Baton Rouge areas and potentially can expand statewide with the transfer to Office of Aging and Adult Services (OAAS). OAAS will be able to give participants a choice of providers and a choice of self-direction. The committee will monitor the transfer.

## B. HEALTH/EDUCATION/EMPLOYMENT COMMITTEE – Sam Beech

Sam Beech reported on the following:

- **LaTEACH**

There will be a LaTEACH Advisory Committee meeting on August 5<sup>th</sup> in Lake Charles that will focus on developing an educational policy/legislative agenda and plan to increase grassroots education advocacy. Four criteria were also discussed to determine activating LaTEACH members on pending legislation and policy decisions. Education issues discussed for consideration for LaTEACH's 2010 agenda include:

- Behavior and discipline to ensure implementation of Positive Behavior Supports, abolish corporal punishment and the development of guidelines and policies for restraints and seclusion.
- Literacy – to ensure implementation of the IDEA of 2004 requirement for accessible instructional material.
- Teacher/paraprofessional qualifications - to address training and skills teachers and paraprofessionals need to effectively teach children in the classroom.
- The Universal Pre K 4 and/or Pilot LA3 program – to address the exclusion of children with disabilities through programs that use discriminatory practices such as choosing children who have free or reduced lunches first. In the Pre K funding, like Title 1 and other grants, there are a percentage of children with disabilities that should be accepted. This requirement appears to be being ignored and needs attention so children are included as early as possible.
- Charter school admissions for students with a range of disabilities - there is a concern that many Charter schools are only enrolling students without disabilities or students with more mild disabilities like speech articulation.

- **Autism Early Intervention Project**

The committee received an update from Dr. Gina Easterly-Taylor about the project. The project will be in Regions 1, 2, 3, 9 and 10. Dr. Easterly-Taylor gave a description of the intake process and eligibility criteria. Project staff met with regional coordinators and representatives of each Early Intervention agency to review children's files. Next steps are to identify children who meet the criteria and solicit participation in the project.

- **Employment Study**

Dr. Alyssa Lowery reported on the Employment Study that has reviewed policies across the nation. One project will be a matrix of policies to compare Louisiana to other states and identify any gaps or redundancies in employment services. Dr. Lowery will provide an update on the project at the October meeting.

- **Employment Consortium**

Dr. Lowery also reported on the Employment Consortium. A Louisiana Chapter of the Association for Persons in Supported Employment (APSE) has been created.

- **Emergency Responder Volunteer Registry**

Derek White has been reviewing the capacity of Emergency Medical Services (EMS) to process and provide First Responders with information on a specific person's needs. A database for managing information of people with disabilities exists. He has also reviewed how other states create and maintain a registry to develop recommendations for updating information in the registry when someone moves.

- **Recommendation to be Voted on Under New Business**

In the Council's Plan under Education and Early Intervention, Strategy 17.2.4 provided a total of \$8,000 as incentive for eight recipients to include an ability awareness component in their Service Learning Programs. Because of timing, it is not feasible to implement the initiative next year.

Council staff presented a proposal from Best Buddies LA for the Buddies-at-Work program that addresses some of the same goals as the Service Learning Project. The project will target 24 individuals with developmental disabilities who are 15 years of age and older and pair each with a professional in their area. The pairs will spend time at work and structured activities with the goal of bringing awareness to employers regarding people with disabilities. This will be voted on under New Business.

#### C. SELF DETERMINATION/COMMUNITY INCLUSION/HOUSING COMMITTEE – Kay Marcel

Kay Marcel reported on the following:

- **People First**

There are 14 active People First chapters with a total of 527 members in Louisiana. New leadership was recently elected, including Chasedee Noto as President. Chapters focus on two training topics for members: self-advocacy and the structure and organization of meetings. Many members serve on their Mayor's

Advisory Councils on Disabilities. People First was very involved in planning and participating in this year's Disability Rights Rally. The committee recommended for People First to emphasize outreach strategies to recruit new members targeting high school students. Brandon Burriss indicated the Governor's Office of Disability Affairs is putting together information packets for legislators and will include information related to "People First Language."

- **My Choice Project**

Four trainers will be conducting nine trainings in July, August and September on two topics identified as important to self advocates. The topics are: "How to Recognize and Respond to Abuse (Emotional or Financial)" and "Communicating with your DSP."

- **Partners in Policymaking**

Kevin Hill shared that 19 graduates completed the program on June 20<sup>th</sup>. There were 61 applicants for this year's class and 25 were chosen.

Partners' Coordinator, Liz Gary, is creating a document for the graduates that will include a brief bio of each graduate along with their goals regarding areas where they want to see change and how they will try to bring about that change. Ms. Gary will contact graduates in six months to see how they are doing with their plan and whether they need support. She is also continuing to work on finding and re-engaging graduates of other classes with a focus on classes of the last five to ten years.

The application form and selection process for Partners is being revised. Mr. Hill provided committee members with a working draft of the application and requested suggestions. He noted that the selection process will have selection committee members each score applications based on specific criteria. The committee recommended that applicants be provided with a brief questionnaire that must be completed by three individuals and submitted with the application. The individuals completing the questionnaire will be contacted as part of the selection process.

- **LaCAN and Other Advocacy Activities**

Sandee Winchell updated the committee on LaCAN and other advocacy issues.

LaCAN activities during the last quarter included Action Alerts, legislative visits, attendance at legislative committee meetings, participation at the Rally, and yellow shirt days at the capitol. Although LaCAN did not achieve all the desired outcomes sought during the legislative session the grassroots network remains strong.

Brandon Burris shared information that the Governor's office reported around 157 messages received on one day from LaCAN members in response to an Action targeting the Governor.

The annual "legislative debriefing" was held with the regional LaCAN leaders and Families Helping Families directors. Concern was expressed that LaCAN members are frustrated with the results this year and need direction to channel their frustration in constructive ways. Some ideas generated at the debriefing included:

- Have members attend the monthly Joint Legislative Budget Committee meetings wearing their yellow rally shirt.
- Action alerts will be sent encouraging members to continue educating their state legislators and building personal relationships. Members will be encouraged to inform legislators if they are still waiting for waiver services. Those receiving waiver services will be encouraged to let legislators know if their services are adversely affected due to budget cuts.

- **Emergency Management Disability Coalition**

Jeanne Abadie reported on the Coalition's initiative to have volunteers in shelters provide personal assistance to individuals with disabilities. Legislation was passed this session that will limit the liability for these volunteers. Individuals can also be paid if providing support to an individual who has access to paid supports, if their typical direct support worker is not with them. Individuals wishing to volunteer may do so by going to the Louisiana Volunteers in Action (LAVA) website at [www.lava.dhh.louisiana.gov](http://www.lava.dhh.louisiana.gov).

- **Other Business**

The committee discussed contacting Secretary Levine to request that frozen waiver slots be unfrozen. Council members agreed that the status of what slots are frozen should be determined prior to moving forward.

The committee also discussed the lack of implementation of recommendations from the Prioritization of the Waiting List Committee of the Resource Allocation Stakeholder Group. The group recommended that a certain percentage of new waiver slots be designated as Emergency Slots and for the eligibility criteria for Emergency Slots to be broadened. The committee recommends that the Council send a letter to Kathy Kliebert urging action on the recommendation and requesting a response that includes a timeline for implementation.

The committee also discussed the lack of action by DHH in allowing DSPs to accompany waiver recipients during hospitalization. Currently when a waiver recipient is hospitalized the waiver will not reimburse a provider for DSPs to provide support although federal Medicaid rules allow this practice. In such situations, the individual is either left alone, state dollars pay for the DSP service, or providers send a DSP but cannot bill Medicaid for the service. With the recent budget cuts to regional offices and providers, it is unlikely this can continue. This issue has been discussed for over two years. In a recent conversation with Jerry Phillips, he indicated he would be talking to Kathy Kliebert about addressing this issue.

A discussion followed.

#### D. NOMINATING COMMITTEE – Jeanne Abadie

Ms. Abadie thanked Pranab Choudhury, Billie Ruth Kvaternik, Kay Marcel, and Phil Wilson for participating on the committee and Sandee Winchell for her assistance. The group agreed that it is important for the Executive Committee to consist of self-advocates and family members of people with developmental disabilities. The Slate of Officers recommended is as follows:

- Sam Beech – Chairperson
- Val Hiser – Vice Chairperson
- Rocky Fuselier – Self Determination/Community Inclusion/Housing Committee Chair
- Simone Honore-Chretien – Housing/Education/Employment Committee Chair
- Chasedee Noto – Member-at-large

This will be voted on under New Business.

#### 7. LEGISLATIVE REPORT – Sandee Winchell

Ms. Winchell referred to the Tracking List in the packet that was passed out this morning. She indicated that the final tracking list will be sent out electronically which will allow Council members to click on the bill number and go to the bill online or click on the author's name and access the legislator's web page.

The tracking list is color coordinated. Green indicates the outcome of the bill was consistent with the Council's position and red indicates the bill's outcome was opposite of the Council's position. The list also shows the level of action taken by the Council. Level 3 is top priority which resulted in Action Alerts, Yellow Shirt days and testifying at the capitol. Level 2 bills had letters of support or opposition from the Council. Level 1 bills were tracked but unless amendments changed the nature of the bill there was not any action.

- HB 1 – This is the budget bill. DHH and other agencies are still determining exactly how the cuts are going to be distributed. There are cuts in Medicaid and DHH is in the process of determining the exact percentages of cuts to each of the different Medicaid programs, which means cuts to all of the waiver programs and long term personal care services. The regional districts and authorities community services took cuts. The community living ombudsman program was cut by 30%. The Louisiana Assistive Technology Access Network (LATAN) took a 25% cut to their budget and Best Buddies was totally eliminated from the budget. The Developmental Centers' budgets had an overall increase of 3.6%.
- HB 179 – This bill was an education bill. The original intent was to not make passing the LEAP the only determining factor in pupil progression. The bill was amended with language that states the Superintendent of Education will make recommendations to BESE for other options for students who fail to pass the LEAP and BESE shall improve and implement these recommendations.
- HB 571- This bill would have prohibited corporal punishment in public schools. The Council was in support of this but the bill never got out of the House Education Committee.
- HB 788 – This bill was introduced by Representative Nowlin and was withdrawn by the author. One of the provisions in the bill would have imposed an individual cap on waiver services.
- HB 832 – This bill would have allowed the sale of Metropolitan Developmental Center for less than fair market value. In 2006 the Council was instrumental in passing Act 555 that requires that the proceeds from the sale of developmental centers go into a fund for waiver services. HB 832 passed out of the House but was deferred in the Senate.
- SCR 42 – This resolution was written at the Council's request for a plan to consolidate the state's developmental centers. This also called for implementing the Resource Allocation Model in the state's developmental centers by transitioning people with disabilities that fall in levels 1A, 1B and 2 into community settings. This would have been a very important provision but the resolution did not pass.
- SCR 116 – This resolution was initiated by the Council upon realizing that the 2,000 additional waiver slots were not included in the budget. Senator Donahue authored this resolution so that the cost savings in the NOW program would not be lost to the State General Fund or other programs in the Medicaid budget.

- SB 2 – Previously the Governor could reduce up to 5% of appropriation or allocations of statutorily or constitutionally dedicated funds during any years with a projected budget deficit. This bill removes that 5% limit and the time restriction. Now when there is a projected budget deficit the Governor and legislature have free reign to utilize any funds however they see fit.
- HB 612 – This bill became Act 298 and creates a Career Diploma Option. The Council believes that this, in combination with LAA2, will increase the number of students with disabilities who stay in school and graduate.

A discussion followed.

## 8. UNFINISHED BUSINESS

### A. BIG BUDDIES AT WORK PROGRAM

Under unfinished business, Ms. Breaux said there was a recommendation made by the Health/Education/Employment Committee to contract with Best Buddies Louisiana for the Buddies at Work program for \$8,000 in lieu of the Service Learning Project.

Motion Passed - Moved to approve the committee recommendation to contract with Best Buddies for \$8000 by Val Hiser. Seconded by Pranab Choudhury. For – 12. Against – 1. Abstentions – Lois Simpson, Brandon Burris, Roseland Starks, Jerry Phillips, Kathy Kliebert and Hugh Eley.

### B. FIVE YEAR PLAN

Ms. Breaux stated the Council amended and approved the plan at the April meeting. The staff made minor technical changes and the Council has had time to review the final document which now must be ratified.

Motion Passed - Moved to ratify the Five Year Plan made by Kay Marcel. Seconded by Laura Head. For - 14. Against – 0. Abstentions – Kathy Kliebert, Jerry Phillips, Hugh Eley, Brandon Burris and Roseland Starks.

## 9. NEW BUSINESS

### A. SLATE OF OFFICERS

Ms. Breaux stated the recommended Slate of Officers made by the Nominating Committee were Sam Beech - Chairperson, Val Hiser – Vice Chairperson, Rocky Fuselier – Self Determination/Community Inclusion/Housing Committee Chairperson, Simone Honore-Chretien – Health/Education/Employment Chairperson and Chasedee Noto – Member-At-Large.

Motion Passed - Moved to accept the Slate of Officers by Nanette Olivier.  
Seconded by Billie Ruth Kvaternik. For - 19. Against – 0.

Prior to the vote, Ms. Breaux asked twice if there were any nominations from the floor. There were none.

#### B. REVISIONS TO PLANNING PROCESS

Ms. Breaux reviewed the Executive Committee's recommendation that the Plan be streamlined to contain targeted priorities that best utilize the Council's limited resources to bring about systems change. Council members and constituents will be invited to include their top priorities in each area of emphasis prior to the January meeting. The Council will select areas and priorities to address at the January meeting. Beginning with the October 2009 meeting, the committees will go through the plan and evaluate all of the strategies to determine which strategies are not effective to systems change or can be achieved by another entity thereby freeing up the Council's resources for other priorities.

Motion Passed - Moved to accept the Executive Committee's recommendation to streamline the plan by Kay Marcel. Seconded by Lois Simpson.  
For – 19. Against – 0.

#### C. LETTER TO KATHY KLIEBERT

Ms. Breaux reviewed the Self-Determination Committee's recommendation to write a letter to Kathy Kliebert urging her to move forward on the implementation of the Resource Allocation Stakeholder Group's recommendation to broaden the criteria for Emergency Waiver Slots and to designate a certain percentage of all new waiver slots for emergency slots.

Motion Passed - Moved to accept the recommendation to send a letter to Ms. Kliebert regarding emergency waiver slots by Val Hiser.  
Seconded by Kay Marcel. For – 15. Against – 0. Abstentions:  
Jerry Phillips, Hugh Eley, Pranab Choudhury and Roseland Starks.

#### D. REQUEST A MEETING WITH SECRETARY LEVINE

Ms. Breaux reviewed the Self-Determination Committee's recommendation to request a meeting with Secretary Levine to urge him to unfreeze all of the attrition waiver slots and emergency slots.

Sam Beech suggested getting something in writing that waiver slots are frozen before asking for a meeting.

Motion Passed - Moved to request a meeting with Secretary Levine if verified in writing that waiver slots are frozen by Chasedee Noto. Seconded by Lois Simpson. For – 16. Against – 0. Absentions: Hugh Eley, Jerry Phillips and Roseland Starks.

## 10. COUNCIL MEMBER REPORTS

### A. ADVOCACY CENTER (AC) - Lois Simpson

Lois Simpson reported on the following:

- There are now over 300 friends of the Advocacy Center on Facebook. This provides a nice forum for people with disabilities to converse with each other, learn new things and express their opinion about things in the disability community.
- The Ombudsmen Program did sustain a 30% cut which will impact the program for many years to come.
- Several cases outlined in the Advocacy Center's report concern advocacy with financial entitlements.
- The Advocacy Center has been inundated with calls about cuts being made in Long Term Personal Care Services for people with disabilities and the Elderly and Disabled Adult waiver.
- People are starting to be scrutinized due to the new Resource Allocation Model. The Advocacy Center is expecting calls from people on the NOW requesting a similar type of advocacy with getting services and supports reinstated. The Advocacy Center's name will not be on the Resource Allocation determination letter which may result in less calls.
- The Advocacy Center is investigating how charter schools are steering away students with disabilities. They are also alerting parents that they have the right to special education no matter what public school their child attends. This seems to be a particular problem in Orleans Parish.
- The Advocacy Center has agreed to be the plaintiff in a lawsuit filed by the ACLU of Louisiana on behalf of people with mental illness who are deemed unable to go to trial because of their mental illness but are kept in jail for long periods of time without getting services. The system should at least send these individuals to forensic facilities where they can receive mental health treatment get better and go to trial.

- The Advocacy Center is continuing to investigate and advocate in a children's residential facility that is not offering special education services.

A discussion followed.

#### B. HUMAN DEVELOPMENT CENTER (HDC) – Phil Wilson

Phil Wilson reported on the following:

- In partnership with the Department of Education, HDC just completed its four day summer institute, the Louisiana Autism Spectrum and Related Disabilities (LASARD). It was very successful. There were between 250 and 300 people who attended all four days.
- The Employment Consortium recently had one of its participants hired.
- HDC received a contract from EarlySteps to do a Trans-disciplinary Service Pilot Project. The Council provided partial funding for the project, along with OCDD.
- Dr. Wilson thanked the Department of Education for renewed funding for the LASARD project and the Louisiana School Psychology Internship Project (LaSPIP).
- HDC's state allocated funds were decreased by about 75% which resulted in the loss of the Supported Employment Continuous Improvement contract.
- One new area being explored is the use of webinars. Dr. Wilson is hoping the Council will help identify topics of interest in the disability community.

#### C. POSITIVE BEHAVIOR SUPPORTS (PBS) CONFERENCE – Sam Beech

Sam Beech attended the PBS Conference the week of July 7<sup>th</sup>. PBS creates systems change on how schools deal with discipline and behavioral challenges. PBS uses a three tier system that parallels the response to intervention model. For more information, go to the LSU PBS Project website at [www.lapositivebehavior.com](http://www.lapositivebehavior.com).

### 11. STATE AGENCY REPORTS

#### A. LOUISIANA REHABILITATION SERVICES (LRS) – Roseland Starks

Roseland Starks reported on the following:

- LRS' budget situation is similar to every state agency. LRS is working on ways to still serve individuals with disabilities and use stimulus money to help mitigate the cuts.

- The Department of Social Services Secretary is increasing the use of technology in call centers across the state to be more consumer orientated. This will allow for staff reductions in the department.
- LRS had to move up the order of selection of people with disabilities served due to budget cuts. Going into 2010, the big emphasis will be on-the-job training to try to stimulate Louisiana's economy.
- Pride Industries, near Fort Polk, had various positions open at their facility. Across four regions, sixty people applied for positions with benefits and twenty-five people were hired.
- Nationally, there was an initiative with the Social Security Administration, where 5,000-6,000 positions were open and people with disabilities were targeted for hire. Twenty-eight self-advocates were sent to the Louisiana office resulting in one being hired and two more returning for second interviews.

A discussion followed.

#### B. GOVERNOR'S OFFICE OF ELDERLY AFFAIRS (GOEA)

There was no written report provided and no representation at the meeting.

#### 12. BEYOND REPAIR: AN INVESTIGATION INTO SERIOUS ABUSE AND DEATH AT NORTHEAST SUPPORTS AND SERVICES CENTER – Lois Simpson

Lois Simpson spoke about the investigation into serious abuse and homicide at Northeast Supports and Service Center and the report the Advocacy Center released on this investigation. She showed the DVD of the press conference when the report was released and reported on what has transpired since that time.

#### 13. STATE AGENCY REPORTS CONTINUED

##### C. DEPARTMENT OF EDUCATION (DOE) – Nanette Olivier

Nanette Olivier reported on the following:

- There are three residential facilities with educational services operated by the State Board of Elementary and Secondary Education (BESE). Those are Louisiana School for the Deaf (LSD), Louisiana School for the Visually Impaired (LSVI) and Louisiana Special Education Center (LSEC). Over the last year there has been a lot of publicity regarding sexual abuse at the Louisiana School for the Deaf. Last year Superintendent Pastorek called for drastic changes at the school. The DOE website homepage contains information about Town Hall meetings related to strategic planning for both LSD and LSVI. These meetings are being

held around the state and Ms. Olivier invited anyone who is interested to attend.

- The DOE also has the Special School District (SSD) which provides educational services for school age persons in juvenile detention centers or state residential facilities.
- The DOE received a \$7.7 million cut from operational funds. These funds were used to pay for salary supplements of certain school personnel. This means DOE is under a freeze which prohibits hiring, travel, contracts, or training. The good news is that Special Education Services is 100% federally funded. No IDEA funds were lost. All stimulus funds for IDEA are going directly to the school districts. Schools will have to submit two separate budgets, one for the regular IDEA budget and another for stimulus funds.
- Around August 1<sup>st</sup> a letter will be sent out from Superintendent Pastorek announcing the Council's Art Contest.
- Ms. Olivier referred to item #7 of the DOE report. The U.S. Department of Education gave the LDOE a rating of "needs intervention." This was due to some data not being submitted to the USDOE. Once the data is received, the LDOE expects to receive a rating of "needs assistance."
- The division of Student Support Services is now the Division of Special Populations. Susan Batson is the acting Division Director and Rodney Watson is the Assistant Superintendent.

A discussion followed.

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

Kathy Kliebert reported on the following:

- SCR 42 did not pass. Ms. Kliebert stated OCDD will continue with the recommendations that are in the resolution and push those recommendations as far as they possibly can.
- In the Greater New Orleans area, the community homes and supported independent living services will be privatized by September 30<sup>th</sup>. As a result of this, OCDD will lose 102 positions. These employees have the option of going with the private providers or going to other centers within state services.
- OCDD also lost 12 positions in the Regional offices and four in administrative services.

- The biggest budget cut for services did not take place in OCDD but in Medicaid with continued cuts to providers that have not yet been determined. The 3.5% rate reduction from February will continue. Additional reductions will go into effect August 1<sup>st</sup>. The department is trying to make the cuts fair across all providers. OCDD is utilizing any savings from resource allocation to mitigate some of the provider rate cuts.
- The Resource Allocation was approved by CMS as of June 30<sup>th</sup>. It goes into effect July 1<sup>st</sup>. Anyone whose plan date is August 26<sup>th</sup> or later who are currently receiving services or will be receiving new NOW services will be using the new planning guidelines and the resource allocation. It is critical for the resource allocation to be implemented as effectively as possible to generate projected savings.
- The cuts being made right now in Medicaid will fully restore the Medicaid budget. The budget will be reassessed in October to determine whether or not additional cuts will need to be made. The department is trying to make the cuts as minimal as possible. A lot of providers are anxious to know what the cuts will be in order to put their budgets in place. It is anticipated that these cuts will result in some changes to services. Ms. Kliebert has been meeting with providers to see if there are things as an office or department that can be done like combining agencies or doing cooperative agreements through smaller agencies so one billing agent can be used.
- Some providers, not just developmental disability providers, but other Medicaid providers will have significant issues. It is going to be a very difficult year and unfortunately, the forecast is that it will be difficult in forthcoming years also. If Louisiana does not successfully argue for the federal match (FMAP) to remain, Louisiana will go from receiving 80% federal match for every Medicaid dollar to 63% in January 2011. This will put the entire Medicaid program in dire shape. OCDD is determined they will work with providers and families to assure that people are still getting the services they need. They are still looking at other cost effective alternatives.
- Money Follows the Person is moving its first person into the community from a residential facility on August 5<sup>th</sup>. Once the ROW is approved, another person can be moved.
- At this point EarlySteps is not slated for provider rate cuts. OCDD has gotten a lot of new providers for occupational and speech therapy.
- Ms. Kliebert asked that the Council not assume that OCDD or the Department is not taking everything in the Northeast report extremely seriously.

A discussion followed.

E. OFFICE OF PUBLIC HEALTH (OPH) – Dionka Pierce for Sue Berry

Dionka Pierce reported on the following:

- The report that was included in the Council member packet had no changes or updates since the mail out.

Sam Beech inquired about the Pediatric rotation. Ms. Pierce stated the person who conducts the lectures is on contract with the state through LSU. This program is an effort to educate all pediatric residents going through LSU through a rotation of learning about children with disabilities and the concept of medical homes.

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

Brandon Burris reported on the following:

- GODA has a new staff member, Jamar Ennis, who is in charge of constituent services, the Youth Leadership Forum and the awards ceremony.
- Mr. Burris asked his staff to do two reports, one to illustrate the services available for people with disabilities in every city in Louisiana and to inform and educate people about GODA. The second will be a transportation resource guide broken down by parish.
- Some large disability related items that passed during the session were election codes for people with disabilities and accessibility for service animals.
- The Governor's Advisory Council for Disability Affairs was held the week of July 6<sup>th</sup>. There are a few issues in the budget that were not affected, one of which is the Louisiana Commission for the Deaf. The budget was not cut, but instead increased an extra \$500,000 this year.
- Mr. Burris indicated that GODA worked on two projects with the Council: the Partners in Policymaking class and the Art Contest.

A discussion followed.

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

Hugh Eley reported the following:

- Due to budget cuts a project directed at consumer care has been put on hold.
- OAAS is in talks with the Council and DSS about moving contracts with the Act 378 funds into OAAS.

- HB 432 expands criminal record checks on healthcare workers and for the first time it enumerates certain offenses that prohibit a person from being hired by a provider agency.
- Staff is in place for Money Follows the Person at OAAS.
- Several years ago a piece of legislation passed to set up an official mechanism for nurse delegation in community based programs with non-licensed personnel. It was never implemented because DHH and the Board of Nursing could never come to a complete agreement about all the rules. Last year, a bill was passed to extend time for this to be implemented. A meeting was held last week which produced a 99% agreement which should produce some rules within the next few months.
- OAAS has been working on self-relation type activities. Agencies, recipients and others will be receiving information on Micro-Enterprise program that will actually provide for individuals with disabilities to start small businesses or expand their existing businesses.
- Because the EDA waiver is not in compliance with federal law due to the cost being too high, OAAS may lose the entire program.

A discussion followed.

#### G. BUREAU OF HEALTH SERVICES FINANCING (BHSF) – Jerry Phillips

Jerry Phillips reported on the following:

- In the private sector, at the end of 07/08, Medicaid's budget was \$4.2 billion. The following year, 08/09, the budget was near \$4.7 billion. This year it is about \$4.25 billion which is a loss of over \$400 million.
- The first approach to cuts was to see what the money in the budget funded and base cuts on that information. Once the economist comes back with the projections on October 1<sup>st</sup> BHSF will have a better handle on the true budget. Another area is stimulus money which will come through Medicaid match and all together will draw down over \$1 billion. The current federal match rate is a little over 80%.
- Waiver slots have not been frozen but there is just not enough money to fund all of the slots that have been approved.
- Next fiscal year, if the stimulus funds don't come through, Medicaid will go from an 81% federal match down to a 63% match.

- Medicaid was informed by CMS that it will not pay for DPSs during hospital stays, so Medicaid did not cover it. Since that time, CMS stated that it will cover DSPs during hospital stays so if the budget allows, it will be covered.

A discussion followed.

14. ANNOUNCEMENTS

Ms. Fontenot announced the next quarterly Council meeting will be held in Baton Rouge on October 21-22, 2009.

15. ADJOURNMENT OF BUSINESS MEETING

Motion Passed - Moved to adjourn the meeting by Lynn Cannon. Seconded by Nanette Olivier. For – 18. Against – 0.

The meeting adjourned at 3:45 p.m.