

LOUISIANA DEVELOPMENTAL DISABILITIES COUNCIL
APRIL 18, 2013
MEETING SUMMARY

8:30 A.M.

Holiday Inn South
Baton Rouge, Louisiana

MEMBERS PRESENT

Susan Berry, OPH/CSHS
Laura Brackin, OCDD
Brandon Burris, GODA
Brenda Cosse'
Hugh Eley, OAAS
Reginald Garey
Kristopher Hebert
Kay Marcel
Chasedee Noto
Stephen Osborn, DOE
Stephanie Patrick, AC
Bambi Polotzola
Allison Rouse
Deshae Lott-Sadow
Erin Smith
Olantha Scott
Phil Wilson, HDC

STAFF PRESENT

Shawn Fleming
Paige Freeman
Robbie Gray
Brandi Lin Jones
Keokah Sanders
Derek White
Sandee Winchell

MEMBERS ABSENT

Sandra Beech
Donna Breaux
Pranab Choudhury
Rocky Fuselier
Valerie Hiser
Ruth Kennedy, BHSF
Mark Martin, LRS
Andrew Merlin

GUESTS PRESENT

Rickii Ainey
D'Nita Billoups, OCDD
Tracy Brown
Wesley Cagle, South Central La Human
Services Authority
Christy Cormier, LaTEACH
Jason Durham
Rebecca Ellis, Northshore Families
Helping Families
Lynsey Hebert, Transcriptionist
Margaret McGarity, GOEA
Ashley McReynolds, LaCAN Region 2
Scott Meche, Capital Area Human
Services District
Shantell Nunnery, Guest of Monica
Simmons
Jeff Sadow, Guest of Deshae Lott
Sadow
Monica Simmons
James Sprinkle, Families Helping
Families at the Crossroads
Jamie Tindle, Families Helping Families
of Greater Baton Rouge
Patsy White
Lilian Wise
Ken York for Mark Martin, LRS

SUMMARY OF JANUARY MEETING

Kay Marcel served as acting Chairperson and called the meeting to order.

Motion passed. Motion to accept the summary of the January Council meeting made by Kristopher Hebert, seconded by Chasedee Noto, passed without objection.

CHAIRPERSON'S REPORT – Kay Marcel for Sam Beech

Ms. Beech and other family members delivered testimony on April 9th to the Appropriations Committee. The executive committee completed Ms. Winchell's evaluation and will provide the results to her prior to the July meeting.

EXECUTIVE COMMITTEE

The Executive Committee met on April 9th and April 17th and developed a number of recommendations for Council consideration. The Executive Committee recommends that the Council oppose family cost participation in EarlySteps.

MOTION PASSED. Motion for the Council position to be in opposition of family cost participation in EarlySteps made by Chasedee Noto, seconded by Kristopher Hebert, passed without objection. Abstentions included Stephanie Patrick, Brandon Burriss, Laura Brackin and Stephen Osborn.

The Executive Committee recommends giving Sandee Winchell or Shawn Fleming, acting on her behalf, the authority to change the Council's position on an issue in a piece of legislation if the bill is amended and will change the way it affects people with developmental disabilities change. The new Council position must be in line with the Council's Mission and Values.

MOTION PASSED. Motion to give Sandee Winchell, or Shawn Fleming acting on her behalf, the authority to change the Council's position if a bill is amended and the issue in the bill affecting people with developmental disabilities changes, as long as it is in line with the Council's Mission and Values made by Brenda Cosse', seconded by Chasedee Noto, passed without objection.

The Executive Committee recommends requesting an exception to the Louisiana Open Meetings Law from the Attorney General's Office to allow members of the Executive Committee and ad-hoc committees to participate via video conference to accommodate Council members with developmental disabilities or family members of people with developmental disabilities.

MOTION PASSED. Motion to request an exception to the Louisiana Open Meetings Law from the Attorney General's Office to allow members of the Executive Committee and ad-hoc committees to participate via video conference to accommodate Council members with developmental disabilities or family members of people with developmental disabilities made by Allison Rouse, seconded by Chasedee Noto, passed without objection.

The Executive Committee recommended that the staff develop recommendations for the Inclusive Education and Self-Determination position papers, but the Council go ahead and adopt the positions now. The revised position papers can be approved at the July meeting. The committee also is recommending the addition of a fourth recommendation to the Health position paper to read, "Include access to highly specialized care coordination."

MOTION PASSED. Motion for the staff to develop recommendations for the Inclusive Education and Self-Determination position papers and adopt the positions now and the revised position papers be approved at the July meeting. The committee also is recommending the addition of a fourth recommendation to the Health position paper to read, "Include access to highly specialized care coordination" made by Chasedee Noto, seconded by Deshae Sadow, passed without objection. Abstention by Stephen Osborn.

In the spirit of collaboration, the Executive Committee recommends the Council notify state agency Council members of any action regarding that member's agency prior to taking the action, providing such notification will not interfere or delay the Council's action. This practice would be added to the Council's Policy and Procedures Manual.

MOTION PASSED. Motion for the Council to notify state agency Council members of any action regarding that member's agency prior to taking the action providing such notification will not interfere or delay the Council action made by Stephanie Patrick, seconded by Olantha Scott, passed without objection.

The Executive Committee recommends approval of a request for a Council member stipend for Bambi Polotzola to attend the Office of Special Education Programs conference in Washington, DC in the amount of \$1,500.

MOTION PASSED. Motion to accept the recommendation by the Executive Committee to grant a Council member stipend in the amount of \$1,500 for Bambi Polotzola to attend the Office of Special Education Programs conference in Washington, DC made by Kristopher Hebert, seconded by Deshae Sadow, passed without objection.

Sam Beech appointed the Nominating Committee as Phil Wilson, Chair, Stephanie Patrick, Donna Breaux and Chasedee Noto. The election for new Council officers will be held at the July Council meeting.

The Executive Committee recommends the Council adopt a position on managed care for long-term supports and services based on several of the principals and recommendations developed by the National Council on Disability. The Council would send a letter to DHH Interim Secretary Kathy Kliebert recommending that these recommendations be taken into consideration as DHH decides whether to move forward with managed care.

MOTION PASSED. Motion for the Council to adopt the recommendation from the Executive Committee for Council position on managed care for long-term supports and services for people with developmental disabilities based on the principals from the National Council on Disability made by Stephanie Patrick. Second by Erin Smith. Ms. Marcel put a substitute motion to adapt the language in Principles number nine and fifteen from Centers for Medicare and Medicaid Services (CMS) to DHH, seconded by Kris Hebert, passed without objection.

EXECUTIVE DIRECTOR'S REPORT – Sandee Winchell

Ms. Winchell welcomed Allison Rouse and Kristopher Hebert to the Council.

Ms. Winchell reminded all Council members to submit their Financial Disclosure Forms by May 15th and to complete the online training with the Ethics Board

Ms. Winchell referred to the item in the Executive Director's Report that the Council federal grant for Federal Fiscal Year (FFY) 13 would be reduced by \$58,000. This reduction was put on hold by the Administration on Intellectual and Developmental Disabilities due to President Obama canceling the sequester in his FFY14 budget. Also in the President's budget, the DD Councils' budgets were level funded for FFY 2014 which begins in October.

Christy Cormier has resigned as the LaTEACH Statewide Coordinator to accept a job with the Advocacy Center. Council staff will be working with Families Helping Families of Southwest Louisiana to fill the position.

Council members' involvement in legislative advocacy is almost 100% and Ms. Winchell encouraged Council members to continue to be involved.

BUDGET REPORT – Shawn Fleming

Mr. Fleming shared the Council expenditures through March 2013.

LEGISLATIVE REPORT – Sandee Winchell

Ms. Winchell reported on the list of bills prepared for the Council to consider positions and advocacy on issues contained in legislation and answered Council members' questions.

HB 268 authorizes an income tax deduction for employers who employ people with disabilities. It is recommended that Council staff ask Representative Foil to ensure that the tax deductions be for employers who are community employers and require employment be integrated employment. It is recommended the Council express a position to be against tax deductions that would incentivize segregated employment and be for tax deductions that incentivize integrated employment.

MOTION PASSED. Motion for the Council to request the tax deductions be limited to community employers hiring people with developmental disabilities in integrated employment made by Bambi Polotzola, seconded by Chasedee Noto, passed without objection. Abstentions include Brandon Burriss, Hugh Eley, Stephen Osborn, and Allison Rouse.

MOTION PASSED. Motion for the Council to move HB251 from priority three to priority two and the Council be in opposition made by Stephanie Patrick, seconded by Brenda Cosse', passed without objection. Abstentions include Brandon Burriss, Hugh Eley, and Stephen Osborn.

MOTION PASSED. Motion to accept the recommended positions on the legislative tracking list with the changes made by Kris Hebert, seconded by Chasedee Noto, passed without objection. Abstentions include Hugh Eley, Stephen Osborn, Allison Rouse, and Deshae Lott Sadow.

COMMITTEE REPORTS

COMMITTEE OF THE WHOLE – Kay Marcel

Ms. Marcel reported the Committee of the Whole considered the work of the Planning Ad Hoc Committee and reviewed the five year plan with status reports on current initiatives. The Committee of the Whole recommended the following: Decrease funding for People First from \$94,000 to \$63,000 and stipends from \$25,000 to \$20,000. Keep the following projects at their existing funding levels: Partners in Policymaking at \$80,000; LaTEACH at \$110,000; DD/Healthcare Curriculum at \$91,100; Supported Living Ombudsman at \$90,000; LaCAN at \$125,000; and the Rally at \$5,000. Fund the following new projects: Early Intervention Trans-disciplinary Teaming at \$35,000; Natural Supports at \$28,000; Court Appointed Advocates for Vulnerable Adults (CAAVA) at \$15,000; and Supported Employment Mentoring at \$60,000.

MOTION PASSED. Motion to accept the Committee of the Whole's funding recommendations as stated by Kay Marcel in the Committee report for the FFY14 plan made by Olantha Scott, seconded by Chasedee Noto, passed without objection.

SELF-DETERMINATION/COMMUNITY INCLUSION/HOUSING COMMITTEE – Kay Marcel

Proposed changes to the Five Year Plan for FFY 2014 are as follows:

Activity 1.3.3 - develop a policymaking network for past graduates of Partners in Policymaking.

Activity 3.1.4 - Monitor the possible restructuring of long-term supports and services to a managed care system and advocate for an increased quality and quantity of services to be included in the reorganized system.

Activity 3.1.5 - Research impact of managed care on individuals determined to be dual eligible and make recommendations to DHH

Activity 3.1.6 - Monitor the effect of Medicare/Medicaid dual eligibility on services for people with developmental disabilities.

Objective 3.2 - changed the wording from “developmental centers” to “residential facilities” and “state-operated facilities.”

Activity 3.2.1 - changed to wording of the first bullet to read “additional providers with specialized expertise in behavioral services.” The second bullet was changed to read, “the development of a discharge plan within two weeks of admission with specific activities, person responsible, and in timelines for discharge or transition.”

Activity 3.2.2 - self-direction to be removed from medication administration law.

Activity 3.2.3 - Advocate for adequate rates that support services for people with complex medical and behavioral needs.

Activity 3.3.2 - add strategies for initiative to allow residents of private ICF/DDs to obtain waiver services.

Activity 3.3.3 - deleted the activity

Activity 3.4.2 - deleted the activity

HEALTH/EDUCATION/EMPLOYMENT COMMITTEE – Bambi Polotzola

Proposed changes to the Five Year Plan for FFY 2014 are as follows:

Activity 9.1.1 – eliminated the fourth bullet that reads, “...implementation of on-going multiagency employment data collection, management and analysis.” And moved language that had been Activity 9.1.3 under this activity.

Activity 9.2.2 – removed the activity.

MOTION PASSED. Motion to accept the changes of the non-contractual activities in the Five Year Plan for FFY 2014 made by Kris Hebert, seconded by Brenda Cosse’, passed without objection.

ACT 378 SUB-COMMITTEE – Kay Marcel

Expenditure reports from Office of Behavioral Health (OBH) revealed some Flexible Family Funds slots were not filled and several regions have significant balances in their Consumer Care Resources Program. The committee made the following suggestions to address these issues:

1. That a representative from the Office of Behavioral Health speak with those regions and determine if corrective action is warranted.
2. It was suggested that Magellan be informed about these services since Magellan is now the provider of behavioral health services for children and families.
3. If these measures are not effective, the next step will be to send a letter to the Boards of the Districts and Authorities to make sure they are aware of the funding that is available in their region.

The Office of Aging and Adult Services Supported Living Program is considering merging the Act 378 program with the state Personal Assistance Program. If it is pursued, Ms. Winchell, Rocky Fuselier and Jeanne Abadie will participate in a work group to consider the merge.

The Office for Citizens with Developmental Disabilities (OCDD) reported that recipients of Flexible Family Funds received 1099 forms indicating these funds were reported as income and therefore taxable. This is a result of the state using a third party to disperse the funds in an effort to draw matching federal dollars on these resources. OCDD is working to address this issue to ensure families have full access to these funds and Council staff will assist with connecting families with IRS consultants.

Several Council members expressed concern over cuts to the Council budget which affects funding to Families Helping Families Centers.

MOTION PASSED. Motion to include the restoration of funding to Families Helping Families Centers as part of the Council advocacy agenda by Bambi Polotzola, seconded by Brenda Cosse', passed without objection. Abstentions include Stephen Osborn and Hugh Eley.

Lunch Presentation

A presentation on the Employment First Initiative was provided by Rosemary Morales, Office for Citizens with Developmental Disabilities.

COUNCIL MEMBER REPORTS

HUMAN DEVELOPMENT CENTER (HDC) – Phil Wilson

Dr. Wilson reported on HDC work with Louisiana Rehabilitation Services (LRS). HDC intends to work with Families Helping Families in Jefferson and Louisiana Parent Training and Information Center (La-PTIC) to sponsor the Inclusion Matters Conference in June 2014.

HDC, in collaboration with the Louisiana Department of Education, found funding for another year to recruit psychology students who completed Ph.D.s to serve internships in local school districts as school psychologists.

ADVOCACY CENTER (AC) – Stephanie Patrick

Ms. Patrick mentioned that the Advocacy Center is going to court on April 24th regarding Applied Behavioral Analysis (ABA) therapy being funded by Medicaid for children with Autism.

STATE AGENCY REPORTS

OFFICE OF PUBLIC HEALTH (OPH) – Sue Berry and J.T. Lane

Assistant Secretary J.T. Lane and Dr. Berry discussed the impact of the \$794,000 budget cut on Children Special Health Services clinic closures.

MOTION PASSED. Motion to add restoration of funding for Children’s Special Health Services to the Council and LaCAN’s advocacy agenda made by Chasedee Noto, seconded by Phil Wilson, passed without objection. Abstentions include Laura Brackin, Brandon Burris, and Stephen Osborn.

GOVERNOR’S OFFICE OF ELDERLY AFFAIRS (GOEA) – Margaret McGarity

The Louisiana Executive Board has conducted interviews for an Executive Director for GOEA.

GOVERNOR’S OFFICE OF DISABILITY AFFAIRS (GODA) – Brandon Burris

GODA has lost three executive staff members in the last two weeks. The Art Contest and the Legislative Session were discussed.

DEPARTMENT OF EDUCATION (DOE) – Stephen Osborn

Ms. Osborn shared a fact sheet and information on the Minimum Foundation Program (MFP) as well as Families Helping Families Centers. The Department filed an exception to filing the application for the Individuals with Disabilities Education Act (IDEA) grant funding since it was past the deadline. Mr. Osborn indicated the delay was related to uncertainty with the sequestration of federal budgets and expects to submit the application by the end of the month.

A request was made for a presentation in the future on how the Department is monitoring special education services. Mr. Osborn stated he will be more than happy to share how the DOE monitors special education services in the various districts and making sure the schools are providing quality services.

OFFICE FOR CITIZENS WITH DEVELOPMENTAL DISABILITIES (OCDD) –

Laura Brackin

The EarlySteps application is posted online and public comments are being taken through April 27th.

Dr. Brackin answered questions asked by Council members regarding waiver services.

Dr. Brackin and Kathy Kliebert, Interim DHH Secretary, met with the Louisiana Special Education Center. It is under new leadership and is very receptive to suggestions from DHH.

UNFINISHED BUSINESS

None to be discussed

NEW BUSINESS

None to be discussed.

PUBLIC COMMENT

David Legendre from Louisiana Assistive Technology Access Network (LATAN) shared a financial loan program for people who need assistive technology.

ANNOUNCEMENTS

The statewide LaCAN Rally is May 1st at the State Capitol.

The next Council meeting is July 17th and 18th.

ADJOURNMENT OF BUSINESS MEETING

MOTION PASSED. Motion to adjourn made by Bambi Polotzola, seconded by Phil Wilson, passed without objection.