

## ***Executive Director's Report April 22, 2010 Council Meeting***

### **Budget**

- The budget report through February 2010 is included in the packet.

### **Membership Update**

- Reginald Garey, Bambi Polotzola and Nicole Soileau were appointed by the Governor to the Council on March 24, 2010. Rocky Fuselier was also reappointed.
- Jerry Phillips has been appointed by the Governor as DHH Undersecretary and has therefore resigned from the Council. James Bulot has resigned from the Governor's Office of Elderly Affairs and left Louisiana. The Governor will need to appoint a replacement for both of these individuals on the Council to represent the Medicaid Office and GOEA. No one has been hired for their positions at this point.

### **Annual Report**

- Our annual report was published and mailed to all Louisiana legislators, our Congressional delegation, BESE members, OCDD state and regional offices, LRS state and regional offices, the Families Helping Families centers, all other DD Councils, the state library, the Governor's Office, Sec. Alan Levine, Supt. Paul Pastorek, the Administration on Developmental Disabilities and NACDD.
- We have a few additional copies at our office and it is also posted on our website.

### **Advocacy Activities**

- I was fortunate to be in attendance at a DHH reception with the Governor and took the opportunity to approach and speak to him about the developmental disability reform measures in his Executive Budget. He was aware that these are reforms the Council has long advocated to implement and he said they were the right thing to do. I thanked him for taking these steps and told him the Council would work with DHH to bring them to fruition. I also spoke to Sec. Levine at this reception and he thanked the Council for our press release, letters to the editor and overall support of OCDD's proposals.
- Fact sheets on issues related to our advocacy agenda have been developed and are continuously revised to stay current with budget and other information. When Sec. Levine was testifying recently before the Appropriations Committee, one legislator held up one of our fact sheets, quoted from it, and said, "If the Developmental Disabilities Council says this is good, you must be doing something right!"
- Several legislators have been visited to provide information and support to some of our Council members and LaCAN members.
- Individuals with developmental disabilities and parents were provided information and support to assist them in providing testimony before the Appropriations Committee in support of the reform measures included in the Executive Budget.
- A meeting was held with Erin Rabalais and Terry Cooper with DHH Health Standards to discuss the lack of implementation of the DSP registry. A suggestion was made to allow online submission of DSP information by providers. This change would allow information to be entered within a short time frame of the DSP being hired, allowing information to be quickly available on the DSP registry. This would eliminate the time consuming paper submission and data entry process. In addition to avoiding a backlog of submissions, as is currently the case (six months behind), the contract funds saved by Health Standards on data entry could be used to provide assistance on the investigation and case

preparation involved in verifying reports of abuse and neglect. In subsequent correspondence from Ms. Rabalais, she stated that she is pursuing a process of online submission, however, to implement such a process will take some time and she may encounter some budget constraints in getting the system she wants as quickly as she would like.

- Advocacy continued this quarter with Medicaid to allow DSPs to accompany an individual while they are an inpatient in a hospital. While Vermont was identified as a state that does allow this service, apparently they are able to do so because their waiver services are bundled. Our Medicaid office has stated that after several phone conversations with CMS, this service is not allowable. While this was not the answer we were hoping for, our advocacy on this issue will now end. We will provide Medicaid's answer to the Families Helping Families Centers and to the specific individuals who have contacted the Council requesting our advocacy on this issue.

### **Westat – ADD Evaluation**

The Administration on Developmental Disabilities (ADD) has contracted with Westat to conduct an evaluation on its grant programs – councils, protection and advocacy agencies and university centers for excellence. Nineteen states were selected at random and Louisiana is one of the 19. Westat staff will be here the week of May 24<sup>th</sup> to interview our staff, Council officers and collaborators. There is also extensive data we have to collect and stacks of forms to complete prior to their arrival. The results of the evaluation will be shared in the aggregate.

### **Collaborative Efforts**

#### **State Interagency Coordinating Council (SICC)**

- The SICC Executive Director resigned and we have been informed by the chairperson that the position may be vacant for an extended period.
- The Federal Office of Special Educational Programs (OSEP) visited Louisiana to monitor the Part C program. OCDD and EarlySteps are to be commended in that OSEP had no negative findings and “no further action is required.”
- The rate increase for family service coordination agencies is still awaiting approval at CMS. A response from Jerry Phillips to the SICC's letter of concern over this issue was received basically stating there was nothing he could do to expedite the approval.

#### **Money Follows the Person Coordinating Council**

- This grant provides Louisiana enhanced federal match (up to 90%) for one year for each person who transitions from an institution to the community. DHH plans to move 300 people from public and private ICFs/DD, 20 children with developmental disabilities from nursing homes and/or hospitals, 364 elders from nursing homes and 76 adults with disabilities from nursing homes.
- Phase I utilizes Children's Choice and Medicaid State Plan services for the DD population. Phase II will utilize the ROW and the NOW.
- The majority of nursing home residents (population served by OAAS) identified for transition need affordable housing and this is difficult to find in many areas of the state. Approximately 30 nursing home residents have transitioned out to date.

#### **OCDD Direct Support Professional (DSP) Coalition**

- The coalition approved a survey DHH plans to disseminate to DSPs through their providers. It will collect information on wages, benefits, training, public assistance, job satisfaction, hours worked, etc.

- There was a request made again for OCDD to collect cost reports from a sample number of providers to determine how much the reimbursement rate will support in DSP costs. This data would support a mandated minimum percentage of the rate spent on DSP wages and related expenses.
- State training initiatives were also discussed.

#### Children's Choice Work Group

- OCDD formed this group to solicit recommendations from families and advocates to improve the Children's Choice Waiver and make it more flexible to meet the needs of families. Group members reported that some families whose children have a waiver slot use no services because the available services do not meet their needs or they cannot obtain a DSP willing to work the after school hours they need them.
- Two suggestions to increase the pool of available DSPs included adding the self-directed option to the waiver and allowing school personnel to use their school training as part of the mandatory DSP training.
- Suggested services to be added included alternative therapy services, assistive technology and LoJack SafetyNet. Support coordination and issues with some of the regional waiver units were also discussed.

#### Autism State Team

- The team reviewed the Louisiana State Autism Team Work Plan and progress on each of the four major areas of Identification/Pupil Appraisal, Higher Education, Professional Development, and Marketing. Council staff contributed information and guidance in the Identification/Pupil Appraisal subgroup.
- The team decided to not pursue teacher certification in autism but to work toward some type of endorsement or recognition of specific competencies.

#### LDE State Performance Plan Subcommittee on Discipline and LEA determinations

- The subcommittee made the following recommendations for consideration by the entire committee: 1. using a 1.5 weighted risk ratio as the criteria in identifying districts with significant discrepancies in the rates of long term suspensions/expulsions; and, 2. For making LEA determinations of meets requirements, Needs Assistance, Needs Intervention and Needs Substantial Intervention to maintain the existing criteria and add performance in ELA and Math, graduation rates and drop out rates.

#### Positive Behavioral Support (PBS) Project at LSU Advisory Committee

- Future PBS project directions and goals were shared that included moving toward building capacity with addressing the needs of students with severe challenging behaviors, merging PBS with the Response to Intervention initiative, refining and expanding the recognition system of school/district level of implementation and increasing technical assistance through regional coalitions.

#### LDE State Performance Plan Steering Committee

- The Department shared findings issued from the U.S. Office of Special Education Programs (OSEP) monitoring visit in October 2009. The Department has until May 5<sup>th</sup> to respond to OSEP findings. The Committee decided on criteria for determining LEAs with significant discrepancy in removals of students for more than 10 days would be equal to or greater than one and a half times the state average, not to exceed three percent. The committee also selected criteria for LDE to make determinations of whether LEAs meet requirements, need assistance, need intervention or need substantial intervention. The

LEA determination criteria will include elements of system and student performance results.

#### OCDD Mortality Review Committee (MRC)

- Twenty-three cases were reviewed by the committee this quarter.
- The MRC recommended categorizations for deaths for reporting purposes and developed and recommended a plan to accommodate concerns regarding the cost of obtaining medical records while ensuring timely reviews of necessary documents.

#### Louisiana Rehabilitation Council (LRC)

- A committee was designated to draft a letter to express support/concern over specifics of the plan to transfer La. Rehabilitation Services (LRS) to the Louisiana Workforce Commission (LWC) and the Office of Aging and Adult Services (OAAS).
- LRS reported that due to severe budget cuts they will be altering their order of selection process, closing three parish offices (Livingston, Natchitoches, and St. Mary) and the Northwest Rehabilitation Evaluation Center in Shreveport.
- The LRS Consumer Satisfaction Survey Committee reported on its progress redesigning the format to reduce cost and increase its relevance to current services.

#### Louisiana Indian Education Association (LIEA)

- LIEA revised the application for the American Indian Scholarship administered by the Governor's Office of Indian Affairs (GOIA). The 2010 scholarship application includes a way to determine if an applicant or the applicant's family member has a disability. Scholarship applications are due to GOIA by May 1, 2010 and those who qualify will be sent \$500 to their schools around mid-August for school year 2010-11.
- The Indian Youth Leadership Camp was March 19 – 21 at Uskichitto Retreat Center in Le Blanc, La. There were a total of 49 participants (31 students and 18 adult staff and counselors) including three students and one adult with disabilities. In addition to cultural ceremonies, demonstrations and crafts classes, the camp agenda included Safe and Drug Free presentations, leadership and skills building activities, and educational activities.

#### **Meetings Attended Since January 5, 2010**

Executive Committee Conference Call – January 5

Senate Finance Committee re: waiver slots – January 7

LaCAN Legislative Roundtable in Baton Rouge – January 7

State Interagency Coordinating Council (SICC) committee and council – January 13

LaCAN Leaders Conference Call – January 22

Presentation to Partners in Policymaking – January 29

National Assn. of Councils on Developmental Disabilities Conference Call – February 1

Meeting with Health Standards with Jeanne Abadie and Kathy Kliebert re: DSP Registry – February 2

Money Follows the Person Coordinating Council – February 2

LaCAN Leaders Conference Call – February 17

Joint Legislative Committee on the Budget re: Executive Budget – February 19

Reception at DHH for Charles Castille – February 19

National Assn. of Councils on Developmental Disabilities Conference Call – February 23

Meeting with Sen. Michot, Reps. Cortez and Landry with Kay Marcel and Lynette Fontenot in Lafayette - February 24

LRS/Workforce Commission Stakeholders Meeting – February 24

Employment Ad Hoc Committee – March 1  
Meeting with Sen. Gautreaux and Lynette Fontenot in Abbeville – March 3  
LaCAN Leaders Conference Call – March 8  
*TriAngle* Editorial Board – March 9  
Meeting with Kathy Kliebert – March 15  
Appropriations Committee re: DHH's Budget – March 17  
Children's Choice Work Group – March 18  
Westat (Third Party Independent Evaluators) Conference Call – March 19  
OCDD Direct Support Professional (DSP) Coalition – March 26  
Appropriations Committee re: Public Testimony – March 30