

Executive Director's Report October 19-20, 2011 Council Meeting

Budget

- The budget report with expenditures through August 2011 is included in the packet.

Membership Update

- After extensive outreach we received sixteen applications for the three upcoming vacancies on the Council. The Membership Committee interviewed twelve applicants who met the eligibility criteria and will meet on October 6th to make recommendations to present to the full Council.

Plan Update

- Our new Five Year Plan, which includes activities for Federal Fiscal Year (FFY) 2012, was submitted to the Administration on Developmental Disabilities (ADD) on August 15th and has been approved by ADD.
- For the first time all state plans have been read by a peer review team composed of other Council Executive Directors and Council members. We will share these comments with the Council when we receive them.

Professional Development

- Shawn and Sam participated in the ADD Technical Assistance Institute in Washington in July. Highlights included strategies to:
 - increase effectiveness of systems change initiatives that enhance self-determination and person centered services;
 - strengthen accountability and performance reporting of Council outcomes and impact; and
 - implement Employment First initiatives.
- I participated in the DD Council Executive Directors' meeting in Chicago in September. Highlights included strategies to:
 - use non-disability agencies to build community connections for people with disabilities; and
 - overcome strong institutional provider political influence.

Advocacy Activities

- While in D.C. Shawn and Sam made visits to Senators Landrieu and Vitter's staff, Congressman Alexander and staff of Congressman Fleming to communicate the benefit of home and community-based services and the need for Medicaid to discontinue its institutional bias.
- A letter was sent to the Money Follows the Person (MFP) Grant Director with copies to Don Gregory, Julia Kenny and Hugh Eley expressing concern over the suspension of meetings of the MFP Coordinating Committee and lack of stakeholder input in the grant activities.
- Met with the Office for Citizens with Developmental Disabilities (OCDD) to plan the regional family forums on Individual and Family Support to help determine if

the program is being implemented in accordance with policy and the guiding principles of Act 378.

- In June the Board of Elementary and Secondary Education (BESE) adopted rules that permit behavior analysts to receive Ancillary School Service Certificates that enable them to be employed in Louisiana schools. Shawn wrote an article on this accomplishment and the impact it will have on Louisiana children with disabilities for the August issue of the Association of Professional Behavior Analysts Reporter.
- Input was provided to the Dept. of Education in the rule making process regarding restraint/seclusion.
- A letter was sent to BESE members requesting increased stakeholder input and involvement in the creation of rules impacting students with disabilities. This request was a result of concerns regarding a lack of broad stakeholder input prior to BESE receiving language recommendations for education policies and rules. The Council requested BESE review and revise its rule-making process and direct the Department of Education to increase involvement of stakeholder organizations.

Collaborative Efforts

Special Education Advisory Council (SEAC) to BESE

- Catherine Pozniak, BESE Executive Director, indicated she will present a proposal to alter SEAC to enhance stakeholder input on educational policy making related to students with disabilities.

Dept. of Ed (LDE) State Performance Plan/Annual Performance Report Stakeholder Committee

- Louisiana status has been changed from Needs Assistance to Meets Requirements by the Federal Office of Special Education Programs (OSEP).
- Local Education Agency (LEA) representatives indicated that the incompatibility and lack of synchronization between the two data management systems LEAs must utilize to report data to LDE cause incredible amounts of time with correcting data entry errors.
- The committee decided a single criterion of 1.5 times the state average to determine whether an LEA has a significant discrepancy in the percentage of students with disabilities removed for more than ten days for students across all race or ethnic categories. This criteria will be used anytime there are at least two students with disabilities in any race/ethnic category who were removed for more than ten days. This decision is aligned with Council member and staff recommendations and will result in a large number of LEAs being identified as having a significant discrepancy in their rates of removal.
- LDE staff indicated the Department will be replacing some members of the committee to enhance participation and representation.

OCDD Employment First Work Group

- A draft implementation plan has been developed.
- A format and agenda were developed for listening sessions to be held across the state beginning this October.

OCDD Mortality Review Committee

- Of the 23 cases reviewed, two were confirmed for abuse/neglect by Adult Protective Services (APS) and one other is currently under investigation by APS. The committee found two other incidents of systemic concerns relating to the support coordinator/provider failing to utilize the Resource Center/Community Support Team and a failure to adequately address medical issues in the Comprehensive Plan of Care.
- To more efficiently address concerns the Committee will begin submitting quarterly reports to the DHH Secretary.

La. Rehabilitation Council (LRC)

- A survey to determine consumers' level of satisfaction with the LRC will be conducted
- Outreach to La. Rehabilitation Services' consumers was done to improve attendance at public forums.
- Officer elections were held. Derek White was elected to the Executive Committee.

State Interagency Coordinating Council (SICC)

A letter expressing the following concerns over Family Service Coordination (FSC) for EarlySteps was sent to DHH Secretary Bruce Greenstein. A meeting with him to discuss these concerns was requested however this meeting has not been scheduled.

- Non reinstatement of original billing rates of \$130 for FSC agencies
 - Due to a mistake in the language in the request for a rate increase submitted to CMS in September/October of 2008, the incorrect amount of \$121 was subsequently approved.
- Non-payment for services rendered for the difference between the original rate and the approved rate retroactive to the April, 2010 approval by CMS.
 - Because EarlySteps assured these agencies that the mistake in the language and resulting billing rate would be corrected, agencies budgeted services around the \$130 per child and delivered services in good faith.
- Delayed payment due to the prior authorization process within the billing system following implementation in April, 2010.
 - The process involving data exchange has had communication problems resulting in agencies having numerous denied claims. Over one year has passed since the original problems were identified, now exceeding the one year timely filing limit for dates of service from May through July, 2010.
- FSC agencies could possibly survive with one of these billing/rate issues, but the combination of them has made fiscal management nearly impossible.

Home and Community Based Services Improvements Stakeholders Group

- The group has a short timeline (before January 2012) in which to develop a comprehensive plan to address the systemic issues with the home and community-based infrastructure to improve capacity, quality and accountability.
- Seven sub-committees were formed which include Licensing – Accreditation and Compliance; Reducing Administrative Burden; Cost Reporting/Rate Reimbursement; Support Coordination; and Provider Re-Enrollment. The Council is represented on several of these as well as the Steering Committee.

Update on Act 515 of 2010

- Shawn met with members of Representative Franklin Foil's staff and other stakeholders to provide input into tracking the effectiveness of Act 515 of 2010. Act 515 provides funding for eligible students in eligible parishes to cover some costs of attending private schools. During the meeting it was realized that to qualify a student must have services provided in accordance with an Individual Education Plan (IEP). However, IEPs must be signed by an authorized representative of a Local Education Agency (LEA). Since federal law requires that students with disabilities are afforded a Free and Appropriate Public Education an authorized LEA signature indicating a private school as the appropriate placement would automatically require the LEA to cover the entire cost of the student's education at that school. Therefore, it is doubtful that many LEAs will sign such an IEP for a student to go to a private school thereby preventing any student from being deemed eligible to receive the educational certificate for funds as stipulated in Act 515.

Meetings Attended Since July 1, 2011

OCDD Emergency Waiver Work Group – July 7

State Interagency Coordinating Council (SICC) – July 13

LaCAN/LaTEACH Legislative Debriefing – July 14

Meeting with Sec. Greenstein, K. Kliebert, J. Kenny, S. Beech, K. Marcel – July 19

Council Meeting – July 20-21

OCDD Emergency Waiver Work Group – July 22

OCDD Employment First Work Group – August 2

National Assn. of Councils on Developmental Disabilities Finance Comm. – August 11

Meeting w/ M. Thomas, B. Boyd, K. Marcel, J. Abadie re: Family Support Family

Forums – August 12

Meeting with K. Kliebert, J. Kenny, S. Beech re: NOW Trust Fund & Cash Subsidy – August 18

LaCAN Training and Technical Assistance for Leaders – August 29

Meeting with M. Martin re: DD Council – September 7

LaCAN State Leadership Team – September 7

OCDD Employment First Work Group – September 8

Staff Retreat – September 12

Home and Community Based Services Improvements Stakeholders Group – Sept. 20

DD Council Executive Directors' Meeting in Chicago – September 25-27