

LOUISIANA DEVELOPMENTAL DISABILITIES COUNCIL
April 21, 2016
MEETING SUMMARY

Holiday Inn South
Baton Rouge, LA

8:30 A.M.

MEMBERS PRESENT

Sue Berry, OPH/CSHS
Randall Brown Jr.
Bonnie Buckelew
April Dunn
Michelle Hurst
Raymond Jasper
Tara LeBlanc, OAAS
Mark Martin, LRS
Margaret McGarity, GOEA
Paula Moreau
Lou Ann Owen, BHSF
Robert Paddy
Stephanie Patrick, AC
Bambi Polotzola, GODA
Delery Rice
Stuart Simon
Tara Smith
Donna Spears
Mary Tarver
Mark Thomas, OCDD
Patsy White
Phil Wilson, HDC
Jamie Wong, LDOE

MEMBERS ABSENT

Craig Blackburn
Carmen Cetnar
Donnica Conway
Vickie Davis
Kristopher Hebert

GUESTS PRESENT

Carlos Amos
Susan Benoit Riehn, FHF-SWLA
Wesley Cagle, SCLHSA
Ashley Courville, Arc of Louisiana
Cindy Deshotel (Donna's DSW)
Rebecca Ellis, Northshore FHF
Julie Foster, OCDD
Liz Gary
Lynsey Hebert, Transcriptionist
Ashley McReynolds, LaCAN/LaTEACH
Leader Region 2
Scott Meche, Capital Area Human
Services District
Kelly Monroe, Arc of Louisiana
James Sprinkle, FHF at the Crossroads
Mauricia Walters, FHF of Acadiana

STAFF PRESENT

Brenton Andrus
Brandi J. Chatelain
Shawn Fleming
Kourtney Gaines
Robbie Gray
Derek White
Sandee Winchell

SUMMARY OF APRIL MEETING

Delery Rice called the meeting to order at 8:30 and recognized and welcomed Council members recently appointed by the Governor. New members include Randall Brown, Carmen Cetnar, Robert Paddy, Bambi Polotzola, and Tara Smith. Ms. Rice requested a motion to accept the summary of the January Council meeting.

MOTION PASSED. Motion to accept the summary of the January Council meeting made by Tara Smith, second by April Dunn, passed without objection.

CHAIRPERSON'S REPORT – Delery Rice

Ms. Rice announced the Committee Appointments of new members. Randall Brown, Carmen Cetnar, and Bambi Polotzola were appointed to the Self-Determination and Community Inclusion Committee. Mary Tarver, Robert Paddy, and Tara Smith were appointed to the Education and Employment Committee. Mary Tarver and Randall Brown were also appointed to the Act 378 subcommittee.

Donna Spears has submitted her resignation from the Council to be effective after the Council meeting today. Ms. Rice expressed appreciation and presented Ms. Spears a certificate for her participation and contributions to the Council during her two years of service. Ms. Spears' resignation left a vacancy on the Executive Committee. Randall Brown accepted Ms. Rice's appointment to serve on the Executive Committee as the Member-at-Large.

The Council had its first quarterly meeting with Dr. Rebekah Gee, the new Secretary of the Department of Health and Hospitals. Topics discussed included general information about the Council, the history of Act 378 and the challenges the Council has in the oversight of the Community and Family Support System, Managed Long-Term Supports and Services, and the high rate of institutionalization of people with developmental disabilities. Dr. Gee expressed support for people with developmental disabilities living in their own homes and communities.

Ms. Rice joined almost 50 LaCAN members in yellow and testified before the House Appropriations Committee on April 18th.

EXECUTIVE COMMITTEE

MOTION PASSED. The Executive Committee's recommendation for Council approval of the updated position papers on Community Supports, Employment, Self Determination, Inclusion, Education and Health passed without objection.

The Executive Committee made the following decisions in between Council meetings:

1. Council advocacy efforts shall prioritize the impact of proposed cuts to the Department of Health and Hospitals. Action will include but not be limited to activating the grassroots advocacy network and educating legislators.
2. Assigned priority levels to issues contained in pre-filed bills.
3. Determined a list of topics for the Council's first round table discussion held on yesterday [Wednesday] evening.
4. Selected the Northshore Families Helping Families as the fiscal agent for the Council's partnership with the Office for Citizens with Developmental Disabilities in training community providers and direct support workers in better meeting the needs of individuals with complex medical and behavioral needs.

MOTION PASSED AS AMENDED. The Executive Committee's recommendation limiting the Thursday afternoon session for Council input to state agencies to one hour and one emergent issue selected by the Executive Committee with suggestions from the full Council and providing agencies notice of any issue for discussion no later than two weeks prior to the Council meeting passed without objection. Abstention by Jamie Wong.

Amendment to Motion: To ensure agencies are provided notice of any issue for discussion no later than two weeks prior to the Council meeting made by Tara Smith, seconded by Stuart Simon, passed without objection.

MOTION PASSED. The Executive Committee's recommendation for the Council's position and level on the issue of the membership on District and Authority Boards, as presented in SB385, to remain at level 2 and clarify the DD Council position is to ensure voting positions on Boards by legislators do not interfere with adequate representation of people with developmental disabilities, passed without objection. Abstentions by Mark Thomas and Tara LeBlanc.

MOTION PASSED. The Executive Committee's recommendation to change the Council's position to "for" on calls for a Constitutional Convention, as addressed in SB393, HB375, and HB733, passed without objection.

The Executive Committee's evaluation of Sandee Winchell was very positive. Council member survey results were consistently positive also. Ms. Winchell informed the Committee she would in no way accept a raise considering the budget challenges of the state. Ms. Rice thanked and commended Ms. Winchell for the long hours and her passion and commitment to people with developmental disabilities.

Ms. Rice reported that the Committee also revised the Council member responsibilities. These will be sent to members prior to the July meeting.

EXECUTIVE DIRECTOR'S REPORT – Sandee Winchell

Members were reminded to complete their financial disclosure forms by May 15th and to contact staff if they needed any assistance.

Disability Rights Day at the Capitol was a huge success. Governor Edwards came out and addressed participants. This was the first time a sitting Governor participated in the Disability Rights Day and reflects his commitment to people with developmental disabilities.

Ms. Winchell highlighted major issues in the Legislature, particularly the state budget impact on services for people with developmental disabilities and education bills related to restraint and seclusion and reporting. Discussion of a number of issues being considered by the legislature ensued.

SPECIAL GUEST PRESENTATION

Dr. Rebekah Gee, Secretary of the Department of Health and Hospitals, expressed a commitment to ensure Louisiana improves the lives of everyone in the state, including people with disabilities. Dr. Gee expressed appreciation for and acknowledged challenges her staff face with increasing workloads due to reductions in DHH personnel. Dr. Gee shared some DHH priorities related to budget challenges facing the state; how they are advocating with LaCAN for increased funding and a commitment to only cut waiver services as a last resort.

BUDGET REPORT – Shawn Fleming

Mr. Fleming explained how some issues with the payment management system caused delays in making payments to contractors in March. These issues have been resolved and contractors were paid. Mr. Fleming offered descriptions of some budget categories.

COMMITTEE REPORTS

EDUCATION/EMPLOYMENT COMMITTEE – Bonnie Buckelew

Ms. Buckelew shared the following recommendations regarding the proposed budget and plan for the 2016 Individuals with Disabilities Education Act (IDEA) application.

MOTION PASSED. The Committee's recommendation for the Council to request LA Department of Education (LDOE) provide information on funding for early intervention including at least the IDEA Part 619 Budget at the next quarterly Council meeting passed without objection.

MOTION PASSED. The Committee's recommendation for the Council to request LDOE provide data on the number of times assessments were and were not available in alternate formats and language in contracts to vendors of assessments related to the provision of assessment materials in alternate formats/versions, delivery terms, and provisions for failure to deliver alternate formats/versions, passed without objection.

MOTION PASSED. The Committee's recommendation for the Council to request LDOE provide within the next seven days details on funding levels of each initiative contained in the overarching FFY15 and FFY16 IDEA budget proposal categories passed with a vote of sixteen for and two against with three abstentions. Abstentions by Paula Moreau, Lou Ann Owen, and Phil Wilson.

MOTION. The Committee recommended the Council request the Louisiana Department of Education 1) adjust funding levels by reducing \$1.6 million from the assessment category, 's', in the proposed FFY16 IDEA budget and increase the amount of funding for Positive Behavioral Intervention and Support (PBIS) initiative and the alternative pathway by \$800,000 each; and, 2) provide information whether the initiative planned for teacher preparation is intended to have a statewide impact and if not, any plan for scaling up the teacher preparation initiative to have a statewide impact.

Substitute Motion PASSED: Replace the original motion with:

The Council requests LDOE increase funding for categories 'k' (related to PBIS) and 'q' (related to alternate pathways to diplomas) in the proposed FFY16 IDEA budget application, and recommend any teacher preparation initiative have a statewide impact, motion made by Stephanie Patrick, second by Patsy White, passed without objection.

MOTION PASSED. The Committee's recommendation for the Council to support LDOE adding an item to the Supporting Documents section of the IEP in SER related to a Communication Plan for eligible students, passed without objection.

SELF DETERMINATION/COMMUNITY INCLUSION/ COMMITTEE – Michelle Hurst

MOTION PASSED AS AMENDED. The Committee's recommendation for the Council to form a task force to take an in-depth look at the current problems with the Community and Family Support System and to make recommendations to DHH Secretary, Dr. Rebekah Gee, and others for sustaining and improving this system, passed without objection.

Amendment to Motion: To include others as the Task Force deems necessary to receive recommendations, motion made by Bambi Polotzola, second by Tara Smith, passed without objection.

MOTION PASSED. The Committee's recommendation that another agency form a task force of stakeholders to look at the housing issue more closely passed without objection. Abstentions by Lou Ann Owen, Margaret McGarity, and Tara LeBlanc.

MOTION PASSED. The Committee's recommendation to accept Families Helping Families of Southwest Louisiana, Inc. as the fiscal agent for LaCAN passed without objection.

PLANNING AD HOC COMMITTEE – Michelle Hurst

MOTION PASSED AS AMENDED. The Committee's recommendation to adopt the Action Plan for FFY17 with the addition of \$20,000 to Activity 1.2.4 (Disability Rights Day) for costs related to RoundTables and other events to bring stakeholders together at state and regional events passed without objection.

Amendment to Motion: To approve the plan with an additional \$20,000 added to Activity 1.2.4 (Disability Rights Day) and cover costs related to RoundTables and other events to bring stakeholders together at state and regional events

related to advocacy, made by Phil Wilson, second by Robert Paddy, passed without objection.

ACT 378 SUB-COMMITTEE – Stephanie Patrick

MOTION PASSED. The Subcommittee’s recommendation for the Council to write a letter to DHH Secretary, Dr. Rebekah Gee, expressing grave concern about the 1099s issued to families receiving the Flexible Family Fund and asking that unless a written opinion is received from the IRS by April 30th, that DHH rescind and re-issue the 1099s showing no income passed without objection.

The Act 378 Committee also made two decisions. First, the Committee requested an update on the Office of Behavioral Health’s policy and procedural manual. Second, was a request for clarification from the Office of Adult and Aging Services on the Arc of Louisiana’s ability to move forward with expending Act 378 funds.

COUNCIL AGENCY REPORTS

ADVOCACY CENTER (AC) - STEPHANIE PATRICK

Ms. Patrick reviewed the AC’s legislative agenda.

The AC is concerned about access to nonemergency medical transportation and requested people with related situations to let her know.

LOUISIANA REHABILITATION SERVICES (LRS) – MARK MARTIN

Mr. Martin announced the new leadership in the Louisiana Workforce Commission.

Mr. Martin provided statistics regarding numbers of people served and the proposed twenty percent budget reduction for next year. He thanked the Council for advocating for adequate funding for LRS.

GOVERNOR’S OFFICE OF ELDERLY AFFAIRS (GOEA) – MARGARET MCGARITY

Ms. McGarity shared the Older Americans Act has finally been reauthorized with unanimous support in Congress and was signed by President Obama on April 19, 2016. The Older Americans Act funds critical services like meals, job training, senior centers, caregiver support, transportation, health promotion, and benefits enrollment.

DEPARTMENT OF EDUCATION (LDOE) – JAMIE WONG

Ms. Wong indicated the LDOE report shares an update on the state systemic improvement plan and trainings relative to alternative pathways to graduation.

BUREAU OF HEALTH SERVICES FINANCING (BHSF) – LOU ANN OWEN

Ms. Owen discussed plans in visiting Pediatric Day Healthcare Centers to look into re-evaluating and possibly tightening admissions criteria and placement decisions.

OFFICE OF AGING AND ADULT SERVICES (OAAS) – TARA LEBLANC

Ms. LeBlanc shared that the OAAS waiver slots are still frozen so the waiting list continues to grow longer. She thanked the Council and the Arc of Louisiana for coordinating public testimony for the SPAS program. Ms. LeBlanc provided an update on the status of awarding a contract for long term personal care services.

OFFICE FOR CITIZENS WITH DEVELOPMENTAL DISABILITIES (OCDD) – JULIE FOSTER

Ms. Foster shared information related to the path to employment form and a data collection form. These processes began in January so reports are not available yet. Ms. Foster reported on how OCDD has been providing a lot of technical assistance and self-assessments of providers related to the new Medicaid requirements for community-based employment.

HUMAN DEVELOPMENT CENTER (HDC) – PHIL WILSON

Dr. Wilson provided three updates. The HDC conference on Response to Intervention has over 300 registrants. On May 6th HDC will host a Connections Summit around technical assistance, services, and technology for individuals who have deaf-blindness. The HDC strategic plan is to increase direct service. He mentioned a few clinics such as the Autism Spectrum Disorders Interdisciplinary Clinic, an Assistive Technology Clinic, a Feeding and Swallowing Clinic, and a Trim Kids' Clinic.

GOVERNOR'S OFFICE OF DISABILITY AFFAIRS (GODA) – BAMBI POLOTZOLA

GODA has had several stakeholder briefings on issues within the Governor's office. The Governor's Advisory Council on Disabilities Affairs (GACDA) held two meetings with prospective members focusing on education, employment and accessibility. Ms. Polotzola requested recommendations of advocates and people with developmental disabilities for consideration on a number of boards and commissions, not just those specific for disability issues.

OFFICE OF PUBLIC HEALTH (OPH) – SUE BERRY

Dr. Berry shared changes to the administration in OPH and highlighted the developmental screening workgroup of the young child wellness collaborative and additions to the newborn screening panel.

COUNCIL INPUT ON PRIORITIES FOR THE GOVERNOR'S OFFICE OF DISABILITY AFFAIRS – BAMBI POLOTZOLA

Ms. Polotzola received information on priority areas related to people with disabilities. Discussion included suggestions for more attention to accessibility, emergency evacuation during disasters, and housing.

COUNCIL INPUT ON TITLE V BLOCK GRANT STATE ACTION PLAN – SUE BERRY

Dr. Berry presented a part of the Title V Block Grant five-year state action plan related to children with special healthcare needs, including children with developmental disabilities and chronic physical conditions. She reviewed each of the seven priority needs identified and collected input on priority need areas, objectives, strategies and performance measures.

UNFINISHED BUSINESS

There was discussion regarding Committee decisions and the need to improve understanding of issues by the full Council before a vote is taken.

MOTION PASSED. Council members will submit recommendations to Sandee related to getting information regarding Committee decisions to full Council. Sandee will determine how to best change practices for July and Executive Committee will consider changes for long-term, made by Stephanie Patrick second by Patsy White, passed without objection.

The Council discussed a motion passed earlier regarding information requested from the Louisiana Department of Education on the IDEA budget proposal.

MOTION (TO AMEND PREVIOUS MOTION) PASSED. Motion to amend the Education and Employment Committee's recommendation related to the La. Department of Education providing funding levels of IDEA budget proposal to read: The Council requests the La. Department of Education to provide within the next seven days detail on initiatives contained in the overarching FFY16 IDEA budget proposal categories, made by Tara Smith, seconded by Robert Paddy, passed without objection.

NEW BUSINESS

None.

PUBLIC COMMENT

Ashley McReynolds read a comment for Rebecca Ellis expressing appreciation to the Council for addressing the issue of the Flexible Family Fund as income.

ANNOUNCEMENTS

Next Council meeting is July 20th to 21st. Sandee Winchell asked members to complete the evaluation forms.

ADJOURNMENT OF BUSINESS MEETING

MOTION PASSED. Motion to adjourn by Robert Paddy, seconded by April Dunn, passed without objection.