

Executive Director's Report
April 15 – 16, 2015 Council Meeting

Budget

- The budget report with expenditures through February 2015 is included in the packet.

Membership Update

- Nekia Whitaker's name was submitted to the Governor for his consideration and Delery Rice and Sue Berry were both submitted for reappointment.
- The Membership Committee met on March 4th and selected Craig Blackburn, a self-advocate from Metairie. His name was submitted to the Governor for consideration to fill an immediate vacancy.

DD Network Public Forums

Together with the Advocacy Center and the Human Development Center, the Council hosted two public forums – one in Baton Rouge and one in Shreveport – to gather input for our five-year plan. A total of 23 people attended the forums and provided information on the gaps/barriers in the service systems for people with developmental disabilities and suggestions regarding how the DD Network can address these gaps/barriers.

National Council on Disability (NCD) Forum on Managed Care for People with Disabilities

- The NCD brought in people with experience in managed care to share NCD's recommendations for a quality Managed Long Term Supports and Services (MLTSS) for people with disabilities and what can be learned from other states' experiences.
- The Council participated in the planning of the forum and also on a panel presentation.
- A follow-up meeting with the Executive Director of the Kansas Protection and Advocacy Agency will be held in April to learn more details about the Kansas MLTSS experience.

Ad Hoc Committees

Two ad hoc committees met this quarter:

- An **Act 378 Ad Hoc Committee** met to make recommendations regarding allowable costs with Act 378 funds and collaborative actions to ensure equitable service provision and access to Act 378 programs statewide. These were shared with the Local Governing Entity (LGE) Executive Directors and their feedback was solicited. The Act 378 Sub-Committee will make recommendations to the full Council at the April meeting.
- The **Planning Ad Hoc Committee** met to develop recommendations for Federal Fiscal Year (FFY) 2016 plan activities. These will be considered by the full Council at the April meeting.

Advocacy Activities and Provision of Information

- Nine Regional Legislative Round Tables were held across the state with a total of 352 participants and 45 legislators or legislative assistants participating. Council staff attended all of these events and presented the information on the State-of-the-State in individual and family supports and education.
- Two "yellow shirt days" were held at the Capitol with 57 LaCAN members in attendance to communicate the importance of funding individual and family supports for people with developmental disabilities. Our LaCAN members were publicly recognized by legislators during the committee meetings.
- Advocated/discussed the following issues in the Council's quarterly meeting with Department of Health and Hospitals (DHH) Secretary Kliebert (verbally reported at the January Council meeting):

- Funding for Pediatric Day Health Care services should be made available to cover the added cost of serving children with complex needs in inclusive child care settings;
- Medicaid should send a letter to Waiver Waiting List participants regarding availability of services through the Medicaid State Plan such as personal care services;
- Update on the overtime rule in Fair Labor Standards Act;
- Outreach for Disability Rights Day.
- Fact sheets were developed and/or revised to reflect the need for restoration of budget cuts announced in the Governor's proposed FY16 budget on the following issues:
 - Funding to fill vacant "frozen" waiver slots;
 - Funding to restore cuts to Families Helping Families.
- Continued to advocate during the OCDD System Transformation Core Group meeting for people who are not Medicaid eligible due to income to gain access to the new MLTSS System and for residents of private ICFs/DD to have a mechanism to move into their own home with supports.
- Continued to express the importance of independent support coordination to be available and for supports and services that allow people to live in their own homes with whom they choose be maintained in the new MLTSS system at the MLTSS Advisory Council meetings.
- Provided information through LaDDC News on the mid-year and FY16 budget cuts, National DD Awareness Month, Personal Care Services (and More) for children and adults with disabilities receiving Medicaid, donations to the NOW Fund on tax returns, DD Network Public Forums, the first high school graduate as a result of Act 833, and the solicitation of concept proposals for the Council's new five-year plan.
- Conducted two webinars on Promotion/Diploma Alternative Pathways (Act 833) to collect input and feedback prior to the Act 833 Leadership Steering Committee meeting.
- Provided information on Act 833 at four Families Helping Families Education Conferences and the Louisiana Special Education Administrators Winter Conference.
- Provided input to legislator regarding potential impact of education savings accounts proposals, proposed language changes to laws related to charter school funding, and Act 833.
- Provided support to LaTEACH members testifying to the Joint Legislative Education Committee related to implementation of Act 833.
- Advocated with the Board of Elementary and Secondary Education (BESE) for an additional \$10 million to cover the full cost of requests for students with the highest cost needs in the current school year to be added to the High Cost Fund for students exceeding three times the average amount provided in the Minimum Foundation Program (MFP).
- Provided input and feedback to the LSU-Human Development Center training on IEP training modules.
- Made the following recommendations at the Early Childhood Care and Education Advisory Council:
 - That childcare resource and referral agencies and providers receive training on evidence-based practices to support children with disabilities in inclusive settings.
 - That providers are made aware of available disability-related trainings to use toward their required annual professional development (i.e., resources that include a list of trainings to support all children with and without disabilities).
 - That children with disabilities are taken into consideration on the front end during implementation of all new early childhood policies and development of the new birth to five curriculum.

Collaborative Efforts

OCDD System Transformation Core Work Group

The group made the following recommendations to OCDD to guide the design and implementation of the new MLTSS system:

- To propose an institutional diversion program to CMS (federal Medicaid agency) that would allow people with DD who are not Medicaid-eligible, but who meet the institutional level of care, to have their income disregarded so they could receive waiver services without having to actually enter an institution;
- To use a prioritization tool based on urgency of need to prioritize people with DD needing to move to a higher level of waiver supports and for those entering the system for the first time. A manual will be developed for using this assessment tool and everyone on the planning team will have to sign in agreement. Any disagreement would be bumped up for higher review.
- To explore options to provide minimal supports to families before they reach an urgent or emergent need category in order to avoid the need for more intensive supports at a later date.
- To develop timelines for entry into and movement within the system so immediate needs can actually be met in a timely manner.

Managed Long Term Supports and Services (MLTSS) Advisory Committee

- The release of the Request for Proposals (RFP) for the population served by the Office of Aging and Adult Services has been delayed. There are reports the nursing home industry is attempting to be carved out of the RFP and has plans to use the legislative process to achieve this. The RFP went from DHH to the Division of Administration with the nursing homes included and that remains the department's intent. It is not known if DHH will abandon MLTSS for this population if the nursing homes are successful in their attempt to be carved out. DHH said any proposed changes to the core components of the RFP would be taken back to the Advisory Committee.
- OCDD has proposed limiting the RFP for the population served by OCDD to the five current Bayou Health Managed Care Organizations.
- Four levels of support are being planned for the new DD MLTSS system:
 - Foundational Package – includes acute/primary care, behavioral health, crisis services, support coordination, housing supports, Medicaid state plan services
 - Waiver – all of the above plus access to typical waiver services, new/altered services that include telecare, home delivered meals, respite, shared living, shared living conversion
 - Waiver Plus – all of the above plus access to specialized shared living and specialized host home
 - Facility (ICF/DD)

Act 833 Leadership Steering Committee

The committee took the following action:

- To ask the LA Department of Education (LDOE) to send a request to the U. S. DOE for clarification of its position as to whether Act 833 is perceived to be in violation of federal laws.
- To not support the LDOE's new interpretation of Act 833 as expressed in the statement, "Individual performance criteria developed by IEP teams may be incorporated when awarding Carnegie credits provided the criteria preserves the same knowledge, skills, and levels of achievement expected for all students."
- To create a small workgroup of leaders including outside attorneys to review differences in interpretation between federal law and Act 833 to provide clarity in guidance documents. BESE subsequently directed the LDOE to convene a meeting to provide clarification.
 - This meeting was held on March 24th and included Representative Schroder, the LDOE, a few advocates, and representatives from the six major state education associations. Superintendent John White committed to: 1) re-issue guidance documents with edited language; 2) hold a face-to-face meeting with special education directors to discuss implementation of Act 833; 3) revise the Louisiana Access Guide and host it on the LDOE website; and 4) share with Local Education Agencies (LEAs) that in the event of

any federal action related to implementation of Act 833 the LDOE will lead any action to indemnify the state and school districts.

LDOE Special Education Consult Stakeholder Group

- Provided input to LDOE on targets for State Performance Plan Indicators
- Provided feedback to LDOE related to exit outcomes and accountability for students on LAA-1.

Early Childhood Advisory Council

- All programs working with children five years of age and younger, including EarlySteps, will be included on a team to provide support to teachers and track children's progress in the new unified early childhood system.
- Louisiana was awarded a Preschool Expansion Grant of \$32 Million over four years to expand high-quality preschool programs in high-need communities. Over 10,500 children are expected to benefit.
- BESE/LDOE will host seven Roundtables across the state this spring to hear from providers and stakeholders. Sign up for the Early Childhood newsletter on the LDOE Early Childhood website to receive information about the roundtables, training and webinars.
- A cross-agency taskforce developed a structure for curriculum with stackable courses to earn certifications and degrees for birth to kindergarten credentials. A Letter of Intent will go to the Board of Regents (BOR) and then LDOE to create a statewide curriculum. The [Birth to Kindergarten Pathway](#) information is on the BOR website.

Louisiana Rehabilitation Council (LRC)

- LSU has completed a new cost-benefit analysis on Louisiana's Vocational Rehabilitation (VR) program. The report will be released prior to the start of the legislative session.
- In order to assure appropriate assessment of individual employment support needs, the LRC plans to review and consider revising portions of the LA Rehabilitation Services (LRS) Manual, including:
 - "Functional Capacity Areas, Examples of Functional Capacity Areas, and Examples of Significant Functional Limitation – Chart" and;
 - The process, including the documents and forms, that LRS uses in determining disability, significant disability and prioritization.

Money Follows the Person (MFP) Stakeholder Group

- The MFP Demonstration federal grant will end December 2018. DHH will continue to transition individuals out of institutions post-MFP Demonstration utilizing Medicaid MLTSS and State General Fund Programs.
- After the MFP Program has ended, the services offered in the program will be eliminated due to lack of use, retained within the department/Local Governing Entities, or become the responsibility of the Managed Care Organizations selected for MLTSS.

OCDD Mortality Review Committee

- Of the 20 cases reviewed this quarter, the committee noted three in which Health Standards had determined allegations of neglect were unsubstantiated and requested additional information on four cases.

Meetings Attended Since December 19, 2014

Act 833 Leadership Steering Committee – January 7

Visit to/meeting with Jefferson Parish Human Services Authority – January 8

Membership Committee - January 9

National Council on Disability (NCD) Conference Call re: MLTSS Forum – January 9

Region VII Legislative Roundtable in Bossier City – January 13
Meeting with Sec. Kliebert, Mark Thomas, Sam Beech, Michelle Hurst – January 15
NACDD Member Services Committee Conference Call – January 15
Council meeting and orientation – January 20 – 22
Presentation at Partners in Policymaking re: DD Council – January 23
Region VIII Legislative Roundtable in Monroe - January 27
Region VI Legislative Roundtable in Alexandria – January 28
Region IX Legislative Roundtable in Hammond – January 29
OCDD System Transformation Core Group – January 30
Managed Long Term Supports & Services Advisory Committee – February 5
Act 833 Leadership Steering Committee – February 5
Planning Ad Hoc Committee – February 10
Panel presenter at NCD Forum on MLTSS – February 12
Conference calls with regional advocacy leaders – February 13
Baton Rouge DD Network Public Forum – February 19
Joint Legislative Committee on the Budget re: mid-year budget cuts – February 20
Conference call with Rocky Nichols, Disability Rights Center of Kansas re: MLTSS – February 23
Interview with new contract budget analyst – February 25
OCDD System Transformation Core Group – February 26
Capital Area Human Services District Regional Advisory Committee re: Act 378 – March 3
Membership Committee – March 4
Managed Long Term Supports & Services Advisory Committee – March 5
Shreveport DD Network Public Forum – March 10
Act 378 Ad Hoc Committee – March 12
Legislative Advocacy Collaborative – March 12
Human Services Interagency Council re: Act 378 – March 19
Presentation at Partners in Policymaking re: Act 378, legislative issues – March 20
House Appropriations Committee re: DHH's budget – March 25
OCDD System Transformation Core Group – March 26