

**LOUISIANA DEVELOPMENTAL DISABILITIES COUNCIL
JANUARY 22, 2015
MEETING SUMMARY**

8:30 A.M.

Holiday Inn South
Baton Rouge, LA

MEMBERS PRESENT

Sam Beech
Bonnie Buckelew
Donnica Conway
Brenda Cosse'
Vickie Davis
April Dunn
Michelle Hurst
Terry McFillen
Margaret McGarity, GOEA
Paula Moreau
Stephanie Patrick, AC
Delery Rice
Ellis Roussel, GODA
Stuart Simon
Donna Spears
Mark Thomas, OCDD
Patsy White
Phil Wilson, LSU-HDC
Jamie Wong, LDOE

STAFF PRESENT

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

MEMBERS ABSENT

Sue Berry, OPH
Kristopher Hebert
Raymond Jasper
Mark Martin, LRS
Lou Ann Owen, BHSF
Erin Smith

GUESTS PRESENT

Wesley Cagle, SCLHSA
Cindy Deshotel, guest of Donna Spears
Rebecca Ellis, Northshore FHF
Liz Gary, Partners in Policymaking
Coordinator
Lynsey Hebert, Transcriptionist
Tara LeBlanc, OAAS
Alice McFillen, guest of Terry McFillen
Ashley McReynolds, Region 2
LaCAN/LaTEACH Leader
Scott Meche, CAHSD
Terri Mohren, OPH/CSHS
Mary Norris, BHSF
Kelly Serrett, Arc of Louisiana
James Sprinkle, FHF at the Crossroads
Rhiannon Traigle, Bayou Land FHF
Mauricia Walters, FHF of Acadiana
Ken York, LRS
Betty Ware, guest of April Dunn
Nekia Whitaker, parent from Region 8

SUMMARY OF OCTOBER MEETING

Sam Beech called the meeting to order at 8:30 and requested a motion to accept the summary of the October Council meeting.

MOTION PASSED. Motion to accept the summary of the October Council meeting made by Paula Moreau, second by Patsy White, passed without objection.

CHAIRPERSON'S REPORT – Sam Beech

Ms. Beech participated in the Region seven Legislative Roundtable and her first State Interagency Coordinating Council meeting.

Ms. Beech, Sandee Winchell and Michelle Hurst met with Department of Health Hospitals (DHH) Secretary Kathy Kliebert and Mark Thomas on January 15th and discussed the following:

- Funding for pediatric day health services to be made available to cover the added cost of serving children with complex needs in inclusive settings. Secretary Kliebert agreed it would be more cost effective and indicated plans to discuss how to accomplish this with the Department of Education.
- The Council requested a letter be sent from Medicaid to Waiver waiting list participants regarding availability of services through the Medicaid State Plan such as Personal Care Services. Secretary Kliebert indicated sending a letter could not be done due to massive midyear and next fiscal year budget cuts.
- Mr. Thomas provided an update on the Fair Labor Standards Act in regards to overtime pay for home care workers. DHH will send a notice to providers and support coordinators regarding the ruling by a federal district judge that vacated almost the entire home care rule.
- Ms. Beech asked if DHH would mail postcards to waiver recipients informing them of Disability Rights Day at the Capitol if the Council would pay for the postcards and the postage.

EXECUTIVE COMMITTEE RECOMMENDATIONS – Sam Beech

MOTION PASSED. Motion by the Executive Committee to accept the recommended change of the Council's Mission Statement to read "The Council's mission is to lead and promote advocacy, capacity building, and systemic change to improve the quality of life for individuals with developmental disabilities and their families." Passed without objection.

MOTION PASSED. Motion by the Executive Committee to accept the recommended minor, non-substantive changes to the three position papers on Community Supports, Employment and Health Care and no changes to the three position papers on Inclusion, Inclusive Education, and Self-Determination. Passed without objection.

MOTION PASSED. Motion by the Executive Committee to accept the recommendation to omit Quality Assurance as an area of emphasis covered during Council afternoon discussion of areas of emphasis due to it being included in the areas of Early Intervention, Education, Employment, Community Supports and Childcare. Passed without objection.

MOTION PASSED. Motion by the Executive Committee to accept the recommendation for the Council's Legislative Advocacy agenda to add restoration of budget cuts to home- and community-based services if such cuts are realized. Passed without objection.

MOTION PASSED. Motion by the Executive Committee to accept the recommendation to give authority to Ms. Winchell or Mr. Fleming, in her absence, to take or change a position as long as it is in line with the Council's values on policy issues requiring immediate action, precluding the possibility for the Executive Committee to meet. Passed without objection.

EXECUTIVE DIRECTOR'S REPORT – Sandee Winchell

Ms. Winchell welcomed new members April Dunn and Stuart Simon and thanked veteran members who participated in Orientation. She reminded everyone the Council is still recruiting self-advocates from Region 1.

Three events on Managed Long-Term Supports and Services (MLTSS) were announced. One is a forum in Baton Rouge on February 12th hosted by the National Council on Disability and the others are two meetings of the MLTSS Advisory Council on February 5th and March 5th.

Ms. Winchell encouraged Council members to participate in the two Public Forums to be held in collaboration with Council partner agencies, the Advocacy Center and the Human Development Center, to gather input on the Council's new Five Year Plan.

Ms. Winchell encouraged everyone to be very active this year in the Council's advocacy efforts so Louisiana's elected officials will understand the importance of making developmental disability services a priority.

Ms. Winchell reported the stipend fund has \$3,000 available for Council members to attend workshops and training events to build their advocacy leadership knowledge and skills.

BUDGET REPORT – Shawn Fleming

Mr. Fleming shared the Council expenditures through December 2014.

COMMITTEE REPORTS

ACT 378 SUB-COMMITTEE – Terry McFillen

MOTION. The Committee recommended writing a letter to the Capital Area Human Service District (CAHSD) requesting additional information on the parent liaison being paid with Act 378 funds.

SUBSTITUTE MOTION (passed). Motion to form an ad hoc committee to make recommendations regarding allowable costs and policy development for the Act 378 funds and programs made by Stephanie Patrick, second by Michelle Hurst, passed without objection.

HEALTH/EDUCATION/EMPLOYMENT (H/E/E) COMMITTEE– Patsy White

MOTION PASSED. Motion by the H/E/E Committee for the Planning Ad Hoc Committee to consider changing Objective 7.3.2 of the Five Year Plan for FFY 2016 to include advocacy for an increase of funding for Early Childhood programs. Passed without objection.

MOTION PASSED. Motion by the H/E/E Committee for the Council to endorse the expansion of LAA1 eligibility criteria with concerns expressed related to using 2.3 standard deviations below the mean of cognitive functioning and to request data from the Louisiana Department of Education (LDOE) on participation rates of children on LAA 1 so the DD Council can make further recommendations in a timely manner. Passed without objection.

MOTION PASSED. Motion by the H/E/E Committee that the Council advocate for the High Cost Fund to be increased to cover 100 percent of the requests made in 2014-2015 for students with educational needs costing in excess of three times the average amount in the Minimum Foundation Formula. Passed without objection.

MOTION PASSED. Motion to write a letter to the LDOE requesting the Council's input be sought on relevant issues going to the Board of Elementary and Secondary Education (BESE) made by Bonnie Buckelew, second by Stuart Simon, passed without objection.

The Committee received information and/or progress on the following:

- Implementation of the alternative pathway to promotion and graduation (Act 833)
- Transition to comply with the new Centers for Medicare and Medicaid Services (CMS) rule on home- and community-based services settings.
- An overview of the provisions in the Workforce Innovation and Opportunities Act.

**SELF DETERMINATION/COMMUNITY INCLUSION/HOUSING (SD/CI/H)
COMMITTEE– Michelle Hurst**

MOTION PASSED. Motion by the SD/CI/H Committee to accept the following recommended desired outcomes in Community Supports to guide Council discussion at the April Council meeting. Passed without objection:

- Individuals with developmental disabilities and their families receive individualized, appropriate, and quality supports and services as needed to be fully-participating members of their community.
- Direct support workers are adequately trained and supervised to meet individual needs and are appropriately compensated resulting in a qualified and stable workforce.
- Individuals with developmental disabilities have control over their supports and services, their goals and daily activities.
- Community providers will have access to adequate training, technical assistance and financial incentives to serve people with challenging needs in their own homes.
- Individuals with developmental disabilities and their families have access to effective, community-based, comprehensive crisis prevention and intervention to reduce out-of-home placements.
- Institutional placements of people with developmental disabilities in Louisiana will be reduced.

MOTION PASSED. Motion by the SD/CI/H Committee to accept the two following activities for possible inclusion in the FFY 2016 Plan. Passed without objection:

- Organize a media campaign, possibly through the use of billboards, public service announcements, network with the American Association on Intellectual Disabilities and Louisiana Workforce Commission, to recognize the value of direct support workers and increase interest in the profession.
- Develop a tiered certification program for direct service workers to receive and be recognized for completing additional training.

MEMBERSHIP COMMITTEE – Brenda Cosse

MOTION PASSED. Motion by the Membership Committee to submit Nekia Whitaker's name to the Governor to replace Kay Marcel. Passed without objection.

MOTION PASSED. Motion by the Membership Committee to allow the Membership Committee to select a nominee from the greater New Orleans area and submit the name directly to the Governor prior to the April Council meeting. Passed without objection.

COUNCIL MEMBER REPORTS

DEPARTMENT OF EDUCATION (LDOE) – Jamie Wong

Ms. Wong reported the LDOE has provided direct guidance for IEP teams on how to implement the graduation and promotion components of Act 833, and examples of how to look at individual performance criteria and plan for post-secondary success. The LDOE is now looking at how to integrate Act 833 into IEP team practices on a regular basis.

OFFICE FOR CITIZENS WITH DEVELOPMENTAL DISABILITIES (OCDD) – Mark Thomas

Mr. Thomas reported the offers to date for the New Opportunities Waiver are 738, the linkages are 371, and certifications are 204. For the Children's Choice Waiver, the offers are 588, linkages 282, and certifications 159. Offers for Supports Waiver remain at 885, linkages are 171, and certifications are 149.

CMS requires a transition plan for states to describe how they will comply with the new Home and Community Based Services Settings Rule. This plan is due on March 17th and stakeholder input is required. OCDD made several changes in the Supports Waiver renewal application to begin to move the state in the direction of compliance: the number of years that individuals can be in prevocational services will be time-limited; every individual must go through career planning and have an employment goal; and every person must be considered for community based, integrated, competitive, and gainful employment. In addition, fifty slots in the Supports Waiver will be dedicated as transition slots for youth transitioning from school so they can utilize supported employment.

The following input was provided to Mr. Thomas by Council members and guests for OCDD's transition plan:

- If a determination is made that an individual cannot be gainfully employed immediately, this decision needs to be proactively revisited with the expectation that the person will not stay in a segregated or less desirable setting for a long period of time. There needs to be accountability for the provider agency to demonstrate what they've done that's moving the person toward community participation.
- Day programs raise the most concern. Individuals are not really employed, they simply go there and are not paid anything. There is a concern that when people move out of prevocational they'll move into a day program.
- Some individuals are happy with their current settings and there is a concern that those options will no longer be available.
- The CMS guidelines should be communicated to school districts and ultimately to teachers so that their expectations for students with disabilities post high school can begin to change.

OFFICE OF AGING AND ADULT SERVICES (OAAS) – Tara LeBlanc

Ms. LeBlanc reported the next MLTSS Advisory Group meetings are February 5th and March 5th.

BUREAU OF HEALTH SERVICES FINANCING (BHSF) – Mary Norris for Lou Ann Owen

Ms. Norris reported that BHSF will roll the Behavioral Health Partnership into the five Bayou Health Managed Care plans. This will include the Coordinated System of Care.

The Magellan contract was up for renewal and a decision was made to keep Magellan on until December 1, 2015. At that time all Behavioral Health services will be provided through the five managed care plans under Bayou Health. BHSF is developing a website for people to ask questions and to provide input to the BHSF.

HUMAN DEVELOPMENT CENTER (HDC) –Phil Wilson

Dr. Wilson shared:

- HDC and Families Helping Families are collaborating on a training and technical assistance project on the implementation of Act 833. Dr. Alan Coulter is leading the initiative.
- The US Department of Education, Office of Special Education Programs has funded a Deaf-Blind Technical Assistance Grant to the HDC.
- DHH has asked HDC to help build capacity around Autism Spectrum Disorder diagnosis due to funds being available for Board Certified Behavior Analyst Services in our state, but a qualifying medical diagnosis is required for children to be eligible for the service.
- HDC has a grant from the US Department of Education to work with Delgado Community College to support some high school age youth in transition to take courses at Delgado that lead to employment. HDC is proposing an expansion of this program to place students in internships in hospital settings.
- HDC received an Early Head Start Relationship grant for families in poverty, many of whom have children with disabilities or are at risk of disability.
- HDC is reopening their Early Learning Center around March.

ADVOCACY CENTER (AC) – Stephanie Patrick

Ms. Patrick highlighted two issues in the report: The AC has been working with Medicaid to improve the notices sent to people when their services are denied or not authorized in the full amount requested; and, how Medicaid staff calculate income eligibility for the waivers. The AC has filed two lawsuits related to appropriate accommodations for people with disabilities.

Ms. Patrick also provided information about the AC's Transition Flyer and their Education Manual and had copies of both available.

OFFICE OF PUBLIC HEALTH (OPH) – Terri Mohren for Sue Berry

Ms. Mohren highlighted the following areas in the report: the expansion of opportunities for parents and staff at the Children's Special Health Services Family Resource Center at Children's Hospital; the care coordination project; the possible expansion or a pilot of care coordination implementation by Bayou Health plans; the Title V Needs Assessment; and, the Early Hearing Detection and Intervention Program.

LOUISIANA REHABILITATION SERVICES – Ken York for Mark Martin

Mr. York reported:

- LRS met all of its federal performance indicators.
- LRS is currently serving order of selection groups one, two, and three. Only groups four and five are on the waiting list.
- LRS has been partnering with the Disability Employment Initiative Grant and the Office of Workforce Development to put on job and resource fairs. LRS and One Stop staff will also be participating in training designed to overcome attitudinal barriers.
- The Workforce Innovation and Opportunities Act (WIOA) requires a unified state plan for all the mandated partners and extends employment services for 18 months, up to 24 months or even longer if there is justification. It changes LRS' federal performance measures and requires at least 15% of funds be spent on specific pre-employment transition services. It also mandates a timeframe of 90 days for development of an individualized employment plan.

GOVERNOR'S OFFICE OF DISABILITY AFFAIRS – Ellis Roussel

Mr. Roussel stated the Statewide Independent Living Council (SILC) is currently seeking advocates and individuals with a disability and representatives from a private business to serve on the council.

GOVERNOR'S OFFICE OF ELDERLY AFFAIRS – Margaret McGarity

Ms. McGarity reported GOEA is working with OAAS regarding a no wrong door planning grant. GOEA will be getting input from stakeholders and the Council through a series of meetings around the state.

AFTER LUNCH PRESENTATION

Discussion of Collaborative Efforts to Achieve Desired Outcomes in Education

The Council reviewed information previously provided by the agency representatives related to improving educational outcomes for students with disabilities. Council members discussed gaps and barriers in the system and developed activities to address the gaps and achieve the desired outcomes.

The Recommendations and Collaborative Action Plan resulting from the discussion are attached. (Attachment I)

UNFINISHED BUSINESS

None to be discussed.

NEW BUSINESS

None to be discussed.

PUBLIC COMMENT

None.

ANNOUNCEMENTS

The next Council meeting is April 15th – 16th. This is the Planning meeting.

ADJOURNMENT

MOTION PASSED. Motion to adjourn the meeting made by Patsy White, second by Stuart Simon, passed without objection.

DD Council's Education Recommendations and Collaborative Action Plan January 22, 2015

Needs

- More coordination is needed between schools/LA Rehabilitation Services (LRS)
- Additional school work and training opportunities should be available and tailored to individual needs.
- LRS needs increased staff capacity to participate in transition planning

Action Steps

- Avis Brown with LRS will speak to the Health/Education/Employment Committee regarding the LRS/Local Education Agency (LEA) partnerships she is promoting and how the Council can assist in promoting these partnerships. (April 15, 2015)
- LRS will send information on the LRS/LEA partnerships to the La. Department of Education (LDOE) for inclusion in the LDOE newsletter that all LEAs receive. (March 1, 2015)
- The Human Development Center will follow-up with LRS to revisit LEAs in Southeast LA that have expressed interest in forming partnerships. (April 1, 2015)

Needs

- Parents need more information regarding services available through LRS, their rights related to transition, and characteristics of a good transition plan.

Action Steps

- The Office for Citizens with Developmental Disabilities (OCDD) will direct Support Coordinators to inform parents of their children's rights regarding transition at age 16. (April 15, 2015)
- The LDOE will provide information to parents regarding Transition Planning & LRS services through its electronic newsletter and other means (July 15, 2015)
- The DD Council and Human Development Center will collect examples of "good" transition plans and share what a good plan should include. (July 15, 2015)
- Jamie Wong will send DD Council resources for effective transition planning. (Completed)

Needs

- Collaboration between school officials and outside therapists is needed.
- Schools should fully utilize Medicaid as a funding source.
- Schools need the financial resources to fully provide needed services.

Action Steps

- The Council will ask the LA Association of Special Education Administrators to collect policies/procedures from all LEAs related to allowing or restricting therapists from outside agencies to provide services in school and ask LEAs if there are any barriers to collaborating with outside therapists or accessing Medicaid. (Request by Council completed)

Needs

- Awareness of strategies/practices and skills to implement inclusive education and values based-training are needed for school leadership.

Action Steps

- The Council will contact La. Association of Principals to arrange/encourage values-based training on inclusive practices to principals. (Completed)

Needs

- Services for children at the LA Special Education Center (LSEC) need to be provided by their LEA so placement at this residential facility will not be needed.

Action Steps

- OCDD will provide Council with profile of LSEC residents. (February 27, 2015)
- The Council will inform Dept. of Health and Hospitals Secretary Kathy Kliebert of recent marketing/recruiting efforts by LSEC. (March 15, 2015)
- Human Development Center will provide Council with information regarding which other states' Medicaid agencies sent a bill for services to the Local Education Agency from where the child originated. (April 1, 2015)