

LOUISIANA DEVELOPMENTAL DISABILITIES COUNCIL
October 19, 2017
MEETING SUMMARY

Embassy Suites
Baton Rouge, LA

8:30 A.M.

MEMBERS PRESENT

Patti Barovechio, OPH/CSHS
Hilary Bordelon
Randall Brown Jr.
Sharon Buchert, GOEA
Dee Budgewater, BHSF
Carmen Cetnar
Donnica Conway
Alan Coulter, HDC
Jill Demeritt
April Dunn
Jill Eglé
Jill Hano
Michelle Hurst
Roslyn Hymel
Mark Martin, LRS
Paula Moreau
Steven Nguyen
Robert Paddy
Bambi Polotzola, GODA
Stuart Simon
Tara Smith
Mary Tarver
Mark Thomas, OCDD
Jamie Wong, LDOE

STAFF PRESENT

Brenton Andrus
Rodney Anthony
Shawn Fleming
Kourtney Gaines
De'Van Stephenson
Derek White
Sandee Winchell

MEMBERS ABSENT

Tara LeBlanc, OAAS

GUESTS PRESENT

Michael Billings
Herman Bigner, OCDD
Donna Breaux, Caregiver Homes
Lilian DeJean
Tiffany Dickerson, OCDD
Tamela Edwards
Julie Folse
Liz Gary
Lynsey Hebert, Transcriptionist
Ashley Jefferson, OBH
Ashley McReynolds, LaCAN
Angela Montgomery, LRS
Susan Meyers, Advocacy Center
Tanya Murphy, OCDD
Jim Sprinkle, FHF Crossroads
Allison Vuljoin, OAAS

April Dunn called the meeting to order at 8:30 a.m.

SUMMARY OF JULY MEETING

MOTION PASSED. Motion to accept the summary of the July 2017 Council meeting made by Stuart Simon, seconded by Sharon Buchert, passed without objection.

CHAIRPERSON'S REPORT – April Dunn

Ms. Dunn welcomed all current and pending Council members, guests and staff.

Ms. Dunn reported Susan Meyers was appointed to the Act 378 Sub-committee and Susan Meyers, Jill Hano and Patti Barovechio were appointed to the Self-Determination/Community Inclusion Committee.

The Executive Committee met on August 2nd and decided to delay sending a letter to BESE regarding the LA Department of Education's family support contracts and stakeholder input until after the August BESE meeting and to solicit feedback from the Families Helping Families Directors regarding the specific content of the letter. The full Council was informed of this decision the same day.

The Council's Executive Committee met yesterday, October 18th, 2017 and made several recommendations for Council consideration.

The Committee considered the LaCAN Leaders' and FHF Directors' recommendations for the Council's agenda and other issues that had been discussed by the leaders.

ORIGINAL MOTION offered by the Executive Committee. For the Council's 2018 Legislative Advocacy Agenda to include the following:

- Funding for mixed waiver slots for all people on the waiting list in the emergent and urgent categories of need
- Funding for an enhanced rate to serve people with complex behavioral and/or medical needs
- Funding to implement TEFRA - a state plan option that would provide Medicaid to children with developmental disabilities who are not eligible due to their parents' income
- Special Education Advisory Panel (SEAP) appointed by Governor and moved to Governor's Office
- LDOE behavioral support requirements
 - have school climate and student social-emotional-behavioral health as one of its top five goals,
 - establish and maintain a leadership team focused on effective, research-based behavioral practices,
 - have a plan with clear, measureable, specific, actionable outcomes and data to measure progress toward those outcomes,
 - provide a description of how decisions regarding resources and activities related to behavior are data-driven,
 - provide a budget plan to support needed activities,

- conduct recruitment and training of personnel within LDOE to ensure adequate knowledge and skills to support statewide initiatives across the range of behavioral interventions and supports, and
- identify sites to serve as demonstration sites of best practices.

Motion to Amend (#1) Passed. Motion by Bambi Polotzola, second by Hilary Bordelon, to amend the Legislative agenda item related to having Special Education Advisory Panel (SEAP) members appointed by the Governor and move to the Governor's Office to include a requirement that selection of SEAP membership be made by stakeholder organizations. Motion to amend passed without objection.

(Procedural) Motion Passed. Motion to call the question (and have a vote on this amendment) made by Alan Coulter, seconded by Stuart Simon, passed without objection.

Motion to Amend (#2) Failed. Motion by Alan Coulter, second by Stuart Simon, to amend the Executive Committee motion by deleting the sub-bullet under the LDOE Behavior Plan regarding recruitment and training of personnel within LDOE failed by a vote of 13 nays to 5 yeas, with 4 abstentions.

Motion to Amend (#3) Passed. Motion by Stuart Simon, second by Jill Eglé, to defer final decision on the agenda item related to moving SEAP to the Governor's Office and the sub-bullet under the LDOE Behavior Plan regarding recruitment and training of personnel within LDOE until additional data are considered regarding those two items.

AMENDED MOTION PASSED (Language of Motion as Amended). For the Council's 2018 Legislative Advocacy Agenda to include the following:

- Funding for mixed waiver slots for all people on the waiting list in the emergent and urgent categories of need
- Funding for an enhanced rate to serve people with complex behavioral and/or medical needs
- Funding to implement TEFRA - a state plan option that would provide Medicaid to children with developmental disabilities who are not eligible due to their parents' income
- LDOE behavioral support requirements
 - have school climate and student social-emotional-behavioral health as one of its top five goals,
 - establish and maintain a leadership team focused on effective, research-based behavioral practices,
 - have a plan with clear, measureable, specific, actionable outcomes and data to measure progress toward those outcomes,
 - provide a description of how decisions regarding resources and activities related to behavior are data-driven,
 - provide a budget plan to support needed activities, and
 - identify sites to serve as demonstration sites of best practices.

With deferring decisions about consideration of the following items in the 2018 Legislative Agenda until data are collected on:

- Special Education Advisory Panel (SEAP) appointed by Governor and moved to Governor's Office, with requirement that selection of SEAP panel membership is to be made by stakeholder organizations.

And, the following bullet under the LDOE behavior plan advocacy item:

- conduct recruitment and training of personnel within LDOE to ensure adequate knowledge and skills to support statewide initiatives across the range of behavioral interventions and supports.

passed without objection.

MOTION Passed as Amended. The Executive Committee's motion to adopt the following amendments to the FFY18 Plan:

Reduce the amount of funding for LaCAN (Activity 1.2.3) from \$245,000 to \$225,000 and add three activities as follows:

Activity 1.4.3 Provide financial support for training to build the capacity of people with disabilities and family members of people with disabilities to serve on Families Helping Families Resource Center Boards and the Board of People First of Louisiana. **Approximate Cost: \$8,000**

Activity 5.1.4 Provide funding to build the capacity of employment providers through training and a demonstration project in customized employment for individuals with significant disabilities. **Approximate Cost: \$38,000**

Activity 2.2.4 Provide funding to states and/or U.S. territories to assist individuals with developmental disabilities and their families to remain in their own homes and communities in the aftermath of the 2017 hurricanes.
Approximate Cost: ~~\$19,000~~ \$15,000.

Motion to Amend Passed: Motion by Tara Smith, second by Robert Paddy, to amend the motion by reducing amount of funding for Activity 2.2.4 related to hurricane relief by \$4,000, from \$19,000 to \$15,000.

And, add:

Activity 3.1.3 Provide financial support for training modules to increase the capacity of family support organizations and local school systems in facilitating family and student involvement in Individual Education Plan (IEP) meetings to be available in an online web-based format.
Approximate cost: \$4,000.

passed without objection with two abstentions.

Amended motion to adopt Executive Committee's recommended changes to the FFY18 Council plan passed without objection, with two abstentions.

MOTION PASSED. The Executive Committee's recommendation for the Membership Committee to be granted authority to select candidates to be submitted directly to the Governor for appointment to the Council to replace Delery Rice and Bonnie Buckelew passed without objection.

EXECUTIVE DIRECTOR'S REPORT – Sandee Winchell

Ms. Winchell welcomed the pending members and thanked all the veteran Council members for their participation in the orientation. Ms. Winchell reported her submittal of comments to the federal Administration on Intellectual and Developmental Disabilities related to opposition to zero funding for DD Councils in the President's budget and a proposal to merge DD Councils with Independent Living Centers and the Traumatic Brain Injury Advisory Councils. Indications are that the changes proposed by President Trump to DD Councils will not come to fruition.

Ms. Winchell indicated staff would develop Fact Sheets for each of the Advocacy Agenda items and encouraged Council members to participate in Legislative visits, Round Tables and other advocacy activities with their LaCAN leaders.

BUDGET REPORT – Shawn Fleming

Mr. Fleming shared the budget report with expenditures from July through September and indicated budget amounts in some categories will change.

COMMITTEE REPORTS

MEMBERSHIP COMMITTEE – Paula Moreau

The Membership Committee comprised of Paula Moreau, April Dunn and Mary Tarver considered applications to fill two positions. The Committee selected Lillian DeJean, a self-advocate from Lafayette and Mike Billings, a parent from Baton Rouge for Governor Edwards' consideration to serve on the Council. If appointed, these members will replace Paula Moreau and Stuart Simon.

SELF DETERMINATION/COMMUNITY INCLUSION COMMITTEE – Randall Brown

The Committee discussed how only nineteen (of twenty eight) applicants for the FY18 Partners in Policymaking class seem to meet the developmental disability requirement. In July 2016 the Council voted to require a minimum of 20 participants to hold a Partners in Policymaking class.

ORIGINAL MOTION offered by the Committee. For the Council to fund and support regional workshops in lieu of a traditional Partners in Policymaking class since less than 20 eligible applications were received for the 2018 class.

SUBSTITUTE MOTION PASSED AS AMENDED. Robert Paddy offered a substitute motion, Stuart Simon seconded, to hold the FY18 Partners in Policymaking class with 19 eligible applicants.

Motion to Amend Substitute Motion Passed. Motion by Stuart Simon to amend the Substitute Motion, Bambi Polotzola seconded, to consider

the other applicants who are eligible as participants in the FY18 Partners in Policymaking class.

(Procedural) Motion Passed. Motion to call the question (and have a vote on this amendment) made by Hilary Bordelon, seconded by Alan Coulter, passed without objection.

Motion to Amend Substitute Motion **passed without objection and no abstentions.**

Substitute motion as amended (to hold FY18 Partners class with 19 eligible applicants and consider other applicants who are eligible), **passed without objection with no abstentions.**

MOTION PASSED. Motion by Hilary Bordelon, second by Stuart Simon, to form an Ad Hoc Committee to discuss issues with the Partners in Policymaking Application process, review how the application is set up, questions on the application and evidence of disability **passed without objection and no abstentions.**

MOTION PASSED. The Self-Determination and Community-Inclusion Committee recommendation for the Council to submit public comment in support of the proposed waiver amendments and rule revisions for the current developmental disability waivers as published in the September 2017 issue of the Louisiana Register, **passed without objection with one abstention.**

The committee also received information on and discussed critical incident reporting.

EDUCATION AND EMPLOYMENT COMMITTEE – Robert Paddy

The Committee made a number of decisions but did not have any recommendations for full Council consideration. The Committee considered issues related to implementation of diploma pathways and requested the La. Department of Education (LDOE) provide data on students enrolled in applied level course work. The Committee also requested the LDOE report back on the implementation of Act 833 at the January or April meeting.

The Committee discussed reports of issues related to students needing materials in alternate formats not receiving all their instructional materials for months after the start of school. The Committee requested LDOE provide information related to the process and procedures for getting alternate format materials to students who need them and the extent of the problems with students who need materials in alternate formats not receiving their materials in a timely manner.

The Committee also discussed advocating for LDOE to increase focus and capacity to address special education. Jamie Wong indicated LDOE cut positions due to budget reductions. Suggestions were made regarding an LDOE organizational chart and dedicated personnel to specific issues; however, no formal recommendation was decided upon.

The Committee received updates on implementation of the Workforce Innovation and Opportunity Act (WIOA) and discussed opportunities and efforts related to increasing certified Employment Support Professionals (ESPs). October is National Disability Employment Awareness Month (NDEAM) and the Council has been pushing out information on social media related to benefits planning services and other employment related information and research.

ACT 378 SUB-COMMITTEE – Bambi Polotzola

Committee members were made aware the Northeast Delta Human Service Authority does not have any funds committed to the Consumer Care Resource program, which is through the Office of Behavioral Health, this year.

MOTION PASSED as Amended. The Act 378 Subcommittee recommendation for the Council to write a letter to Northeast Delta Human Services Authority expressing concern that services are not being provided equitably across the state by not funding the Consumer Care Resources program in their region.

Motion to Amend Passed. Motion by Mark Martin to amend the motion, Tara Smith seconded, to include in the letter a request for NEDHSA to describe how they will serve individuals who would have received services through this discontinued program, passed without objection, no abstentions.

Amended motion passed without objection, no abstentions.

MOTION PASSED as Amended. The Act 378 Subcommittee recommendation to send the following recommended changes to the Flexible Family Fund program to OCDD to address concerns identified by the Workgroup:

- Include mild and moderate intellectual disability with a behavioral intervention plan or health plan as qualifying exceptionalities (Currently mild and moderate intellectual disability are not considered a qualifying exceptionality);
- All exceptionalities as defined by the Louisiana Department of Education's Bulletin 1508 should be identified through LDOE's evaluation process **OR** by a licensed health professional (Currently a licensed health professional may identify an exceptionality for Autism only);
- All references in the program manual and supporting documents implying a child must be part of an approved educational setting or that parental participation with LDOE is required to be eligible for the program will be removed (Original intent of the program was to help maintain children in their homes regardless of educational status);
- Increase contact attempts with caregiver to three prior to program termination (Currently two attempts are required);
- LGEs SHALL grant caregivers an extension to submit initial/annual determination paperwork should documentation of an extenuating circumstances be provided (Currently LGEs MAY grant an extension).
- Program payments to be paid through the Individual Agreement until the time for appeal has passed or appeal process is complete (Currently payments are terminated);

- Initial applications may be submitted to the LGE in person, by email, or via traditional mail (Currently applications are only accepted by mail);
- Income verification will not be required as part of the initial application or annual review until a slot is offered (Currently income verification is required for individuals on the waiting list).

Motion to Amend. Motion by Alan Coulter, second by Bambi Polotzola, to amend the second bullet by clarifying a Licensed Health Professional use assessment criteria according to Bulletin 1508 passed without objection, with no abstentions.

Motion as amended passed with no objections and no abstentions.

MOTION PASSED. Motion by Michelle Hurst, seconded by Alan Coulter, for the Council to write a letter to the Office of Behavioral Health with a copy to La. Department of Health, Deputy Secretary Michelle Alletto regarding the ability of a District and Authority to discontinue the Consumer Care Resource (CCR) program passed without objection, with two abstentions.

COUNCIL AGENCY REPORTS

GOVERNOR'S OFFICE OF ELDERLY AFFAIRS (GOEA) – Sharon Buchert

Ms. Buchert reminded everyone it is open enrollment for Medicare Part D and offered anyone needing support to contact GOEA at www.LouisianaAnswer.com or 877-340-9100. She also highlighted how SeniorRx assisted seniors and people with disabilities save over two million dollars through accessing free or low-cost prescriptions.

LOUISIANA REHABILITATION SERVICES (LRS) – Mark Martin

LRS removed 1,007 people from the waiting list on July 3rd, another 1,019 on August 31st, then an additional 605 on October 16th. Mr. Martin discussed the impact of a fifty percent staff reduction to LRS since 2010, from 326 to 174 staff, causing problems with actually serving people. Mr. Martin shared progress with placements at national retail chains and announced job fairs occurring across the state.

GOVERNOR'S OFFICE OF DISABILITY AFFAIRS (GODA) – Bambi Polotzola

Ms. Polotzola shared activities related to Disability Employment Awareness month, including collaboration with the Workforce Commission, Families Helping Families and other agencies in hosting roundtables across the state, some in conjunction with the job fairs. The plan is to use input from the round tables to bring forward ideas for directions to advance work opportunities for people with disabilities in Louisiana. Governor Edwards' Youtube channel will host a panel focused on employment of people with disabilities.

Ms. Polotzola recognized recipients of the Governor's Office Leadership in Disability Awards: Ashley McReynolds will receive the Distinguished Merit Award, Lillian DeJean will receive the Youth of the Year Award, and Mark Thomas will receive the Public Servant of the Year Award.

ADVOCACY CENTER (AC) – Susan Meyers

Ms. Meyers highlighted Advocacy Center activities around emergency management with Jeanne Abadie recently being appointed to FEMA's National Advisory Board to represent disability interests and work around accessible disaster housing. Ms. Meyers highlighted Advocacy Center work on commenting in response to the U.S. Department of Justice considering reducing regulations related to the Americans with Disabilities Act. The Advocacy Center is interested in expanding their Housing Assistance Plus Program to other areas of the state.

Two legal cases were highlighted. One was made regarding a court decision to continue the Chisholm settlement agreement due to low reimbursement rates for Applied Behavior Analysis providers creating long wait lists in some areas due to reduced availability of these services. Another case was successful with providing the Advocacy Center access to the David Wade Correctional Center to investigate reports of abuse and neglect of prisoners with mental health and developmental disabilities.

The Advocacy Center is also conducting a statewide interdiction study to review processes and determine whether courts are following procedures required by law to have someone interdicted.

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

Ms. Vuljoin referred people to the report for counts of people served in each program and on the waiting list. A request was made for future OAAS report to include additional information such as the date of the person being served, the application date being served from each waiver waiting list and the type of disabilities represented on the waiting list.

OFFICE OF PUBLIC HEALTH (OPH) – Patti Barovechio

Dr. Barovechio highlighted the rich data contained in the Early Childhood Risk and Reach in Louisiana report and two other resources, the <https://partnersforfamilyhealth.org/> and the www.ldh.la.gov/developmentalscreening webpages. OPH hosted a successful resource information workshop in September.

The Louisiana birth defects monitoring network is upgrading its data systems by incorporating Zika surveillance and integrating with hearing, speech and vision detection program data.

An OPH program supported 86 families with transportation assistance to medical appointments and another program distributed over 5,000 lead poisoning prevention materials statewide.

BUREAU OF HEALTH SERVICES FINANCING (BHSF) – Dee Budgewater

Ms. Budgewater stated the Permanent Supportive Housing program currently provides services to 4,356 individuals with over 6,300 individuals served in the program to date.

Other programs highlighted included the 300 individuals who transitioned from institutions through the Money Follows the Person program this year and LDH piloting the Electronic Visit Verification (EVV).

Ms. Budgewater indicated changes will result from the discussion during the Council Committee meeting regarding confusion over critical incident reporting regulations. She has already met with her staff to make regulatory language related to critical incident reporting more clear.

Ms. Budgewater shared how Applied Behavior Analysis (ABA) therapy will be carved into managed care effective February 1st, 2018.

HUMAN DEVELOPMENT CENTER (HDC) – Alan Coulter

Dr. Coulter called attention to a program at HDC focused on teaching nutrition and healthy preparation of meals for individuals with intellectual disabilities and their families. To date 32 individuals have completed four six week courses.

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

Mr. Thomas responded to questions related to the Electronic Visit Verification (EVV) pilot with 274 providers coming on board already and the final set of providers coming on early next year. EVV is expected to eliminate much paper work. Most importantly, Mr. Thomas and his staff have been working to ensure any changes being made add value and improve care to the individual.

Mr. Thomas elaborated on changes to the Request for Services Registry Initiative in which OCDD will have screened everyone on the waiver waiting list, over 15,000 people, so they can move to a tiered waiver system. Mr. Thomas offered Council members the opportunity to make comments on these changes as the final day for comments is October 26th. OCDD is communicating the intended changes with stakeholders throughout the state but has reserved rolling out a formal communication plan until the changes to Louisiana's waivers are approved by the federal government.

UNFINISHED BUSINESS

Dr. Coulter requested additional information regarding a prior resolution of the Council with regard to the Minimum Foundation Program in equity in funding. Mr. Fleming explained that the Council had voted to study and consider whether to include a differentiated funding formula for the MFP as part of the Legislative Advocacy Agenda. Council staff have studied the MFP and consideration for including pursuing equitable funding for schools was considered by the LaCAN leaders and Families Helping Families Center Directors at the LaCAN Kickoff. The decision was this issue was not nearly as high of a priority as behavior and stakeholder input, so it was not recommended as an advocacy agenda item.

NEW BUSINESS

None.

PUBLIC COMMENT

None.

ANNOUNCEMENTS

Next Council meeting will be January 17-18 at the Embassy Suites, Baton Rouge.
The Council conference on Customized Employment will be November 9th, 2017 in Baton Rouge.

ADJOURNMENT OF BUSINESS MEETING

MOTION PASSED. A motion to adjourn made by Robert Paddy, seconded by Steven Nguyen, passed without objection.