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*Missouri Association of County
Developmental Disabilities Services*
www.macdds.org

Our Mission:

MACDDS is dedicated to the promotion of county initiatives in developmental disability services.

Meeting Minutes

Wednesday, April 27, 2011

Capitol Plaza Hotel, Jefferson City, MO

1:00 – 2:00 PM **Call to Order:** Jake Jacobs, President

Introductions/General Announcements/Celebrations of Success

- Jake Jacobs reported that they had their annual dinner and the Governor and his wife were scheduled to attend. Due to flooding the Governor was unable to attend, but his wife did attend.
- Mary Sullivan Thomas celebrated her 25th anniversary with her Board.
- Julia Kaufman was appointed Executive Director of Callaway County on April 7, 2011.
- Joe Davis announced that Howell County is now providing TCM and is very grateful for the support of MACDDS and the DDD for support during the process.
- Ron Kruse announced that Franklin County proposed a tax increase which failed, but they are going to keep trying.
- Brenda Rocoberto reported that there was a fire in which several individuals were killed and there were many individuals with developmental disabilities living in the home in foster care.
- Bill Knittig announced they are filing 18 PFH slots by the first week in May.
- Lynn Wells announced that the US Department of Labor audited their organization and informed them that Service Coordinator positions are not exempt positions.
- Ann Graff announced that they have moved 27 people from the Habilitation center into the community and they believe they will meet their goal of 33.
- Peg Capo announced that they are having their 5 year anniversary for TCM in May and are celebrating in June.

Meeting Minutes
Wednesday, April 27, 2011
Capitol Plaza Hotel, Jefferson City, MO
(Continued)

1. Minutes from February meeting. Alecia Archer made a motion to approve the minutes as presented, Jim Casey seconded. The motion was approved unanimously.
2. Finance/Treasurer Report – March 2011 Financials (A. Graff). Ann Graff announced there are two RPO applications to be considered. Jim Casey made a motion to approve Community Living, Inc.'s application. Peg Capo seconded. Mary Sullivan Thomas made a motion to deny the application from Residential Psychiatric Services as an agency which did not meet the conditions of the MACDDS bylaws for RPO membership. Jim Casey seconded. The motion passed unanimously. Charlie Washburn made a motion to approve the financial report as presented, Alecia Archer seconded the motion. The motion was approved unanimously.

3. **Agency Liaison Reports:**

MARF (B. Barnes), No report.

Coalition (A. Graff), The Coalition met last month and had a long discussion as to the role of the Coalition. Bernie would like to meet with the Executive Committee's from MARF and MACDDS to determine the direction and see if those two Executive Committees could be the Coalition. Marcus Whitlock commented that this is very close to what has occurred historically. The Coalition members have expressed that they do not feel very effective. Ron Kruse commented that Coalition has been effective at establishing legislative priorities for the groups and that focus may be worthwhile if the meeting with the Division is not as necessary any longer. Peg Capo stated that she believes the suggestion of moving to quarterly meetings is preferable than the current schedule where the Coalition has a conference call every other month and then meets with Bernie Simons, Director, DDD on the remaining months. The MACDDS Executive Committee will discuss the organization's involvement with the Coalition.

Voc Rehab (M. Cook & Rebecca Largent), Les Wagner reported that VR has new computer Case Management systems. Discussion was held about employment in Missouri and some proposed legislation to change VR guidelines. Roger announced that DDD hosted a group which is trying to work with businesses regarding employment using set asides and commitments from businesses to hire individuals with disabilities.

Supported Employment (W. Hays), Wendy reported that the supported employment agreement has been sent out for providers to review. APSE had Doreen Rizzo train on micro-enterprise.

MO Planning Council (Susan Pritchard-Green), No report.

Sheltered Workshops (A. Graff), Ann reported that the Sheltered Workshop budget has passed both House and Senate with a very small increase over last year. There will be a shortfall again this year.

Congress on Disability (C. Snow), Marcus Whitlock attended the last meeting and they are working on their legislative day. MACDDS will need a new representative since Chuck has retired. Marcus will continue until a permanent replacement is found.

Meeting Minutes
Wednesday, April 27, 2011
Capitol Plaza Hotel, Jefferson City, MO
(Continued)

Mental Health Commission (*Deb Miller*). Bellefontaine continues renovations and will demolish vacant buildings in 2012. The Commission discussed healthcare exchange. Jake Jacobs noted that he has met with the Attorneys with the Department of Justice regarding what the role of SB40s is in the State.

4. **Committee Reports:**

Executive (*J. Jacobs*); No report.

Public Awareness (*D. Miller*); Working on strategies to get new members in MACDDS. Putting together a packet of information and a survey for non-MACDDS SB40 Boards.

Education & Training (*J. Casey*); Jim Casey reported that the employment workshop for mid-year training will be the second day of the MACDDS meeting in May. Jim distributed the tentative schedule for the MACDDS conference which will be October 13 and 14. Most of the session times are filled. The Committee decided not to have a dance and no alcohol will be served.

Governmental Affairs (*P. Capo/M. Sullivan-Thomas*); Conference committee has been named and members are encouraged to contact them. HB 106 is not going anywhere, but watching to be sure it doesn't get tagged onto another bill. First Steps and ECSE funding remained flat. Governor proposed \$8M for the Partnership for Hope.

Regulations/Standards/Policy (*J. Tilman*); No report.

Finance (*A. Graff*); No report.

Quality Assurance/Enhancement (*R Kruse*); No report.

College of Direct Support (*R. Garlich*), Roger reported that Johnson County will be a training site at the end of June and that St. Louis county is looking at becoming one also.

First Steps (*R. Kruse*); No report.

Respite Coalition (*J. Casey*). Jim Casey reported that they are not going to be able to get any federal funding this year. They did pass their bylaws. Jim will share the amended Bylaws with the membership as soon as they are available. April 19 was declared to be respite day. The Governor must declare an agency in the state as the official designee in order to get any federal support.

2:00 – 2:15 PM Break

2:15- 3:00 PASS and the Ticket to Work Basics- Diana Beckley

Ms. Beckley discussed the Plan to Achieve Self-Support for Social Security Benefits. She stated that Missouri has only about 60 plans active right now and that this is a low number. Ms. Beckley described how the PASS plan helps an individual use their funds for work related expenses and those funds then do not count as a resource to the individual which means they do not lose those dollars from their benefits. The PASS plans are self-funded and self-directed. The PASS is under the SSI (Title 16) program, but those who receive SSDI (Title 2) may also be eligible. If an individual qualifies for SSI they usually will be eligible for Medicaid. PASS plans can allow an individual to be eligible for both SSI and SSDI. PASS is used to purchase services and items to reach an employment goal. Person must

meet SSI eligibility in every way other than income and resources in order to have a PASS plan. Tim McEvoy is the person who approves all PASS plans in the State of Missouri. Anyone who has both SSI

Meeting Minutes
Wednesday, April 27, 2011
Capitol Plaza Hotel, Jefferson City, MO
(Continued)

and SSDI is a good potential candidate for a PASS. Have to be eligible for SSI. Have to have a vocational goal or be working to solidify a vocational goal (career exploration, career evaluation, etc.). PASS plans are very flexible until the contract is signed and then they become very rigid. Candidates who have no money to set aside, such as those who only receive SSI, are not eligible for PASS. Ms. Beckley discussed the Ticket to Work Program. She distributed several handouts with detailed information regarding these work incentive programs.

3:15 – 4:00 PM Downsizing of State Facilities and People Coming into the Community –
Ceil Callahan, Director of Advocacy, Missouri Protection and Advocacy Services
Dolores Sparks, Missouri Planning Council for Developmental Disabilities

Ms. Callahan discussed the Olmstead Decision which was a Supreme Court Decision regarding Title 2 of the ADA. The Court found that segregating individuals with disabilities is discriminatory and that States must make reasonable accommodations in the community when appropriate. This mandated that every state must have an effective working plan on how people can move from the institutions into the community. Missouri passed House Bill 111 which put into law Missouriian's with disabilities right to live in the community. Traditional role of Mo Protection and Advocacy is to protect the rights of individuals with disabilities and ensure they are free from abuse or neglect. Mo P & A and the Missouri Planning Council have partnered to ensure the safety of individuals moving from the habilitation centers into the communities. They have chosen Higginsville and Nevada as model communities. Their goal is to get the community itself to monitor the safety of individuals with disabilities in the community.

Ms. Sparks discussed the process of educating the community about accepting and valuing people with disabilities. The Council wants to use citizen advocates to work to connect individuals with their community. They will be hiring citizen advocacy coordinators in both the model communities. The role of citizen advocate requires a long-term commitment.

1. **Workgroup Reports:**

TCM (K. Butler); No report.

QE (M. Sullivan-Thomas); Meeting held and the Atlanta Plan was submitted. Next meeting to be scheduled.

SIS (A. Purdome) No report.

Ann Graff reported that there have been several changes proposed by the ISL workgroup and would like this to be reviewed by the membership.

2. **Waiver Cap Information Report:** Jake Jacobs

Jake presented results of the survey he did. Fifteen responses were received. Larger Counties had larger costs. Most responses indicated that the cap was too low.

4:00 PM – 5:00 PM General Discussion:

- Provider Choice Statements along with Self-Directed Supports. The new form offers self-directed supports to all individuals. Some individuals, though rare, have family members who are known to

Meeting Minutes
Wednesday, April 27, 2011
Capitol Plaza Hotel, Jefferson City, MO
(Continued)

abuse or take advantage of the individual and it may be detrimental for the individual if the family members are offered the ability to use self-directed supports.

- Revisit Board Application Form—Les presented a revised form which can be used by County Commissioners or others to recruit and vet Board Members. The form will be posted on the MACDDS website.
- Discussion on varying opinions for publication of annual financial statements. Discussion indicated that it may be a requirement for third class counties to publish in paper. Most members provide the financial statements to the County Auditor and/or publish an annual report. If a member is unsure they should contact the State Auditor’s office.
- CMS Proposed HCBS Waiver Rules—Jennifer Wooldridge shared concerns regarding the proposed changes which would limit the ability to use waiver services in a HUD facility. Max discussed the fact that some communities (for example if affordable housing is limited) are in a position to have to balance cost-efficiency and purely non-segregated facilities. Members are asked to review the document and comment if appropriate.
- Adding Dental to the CSW and Com Waiver – Waiver Renewals. Roger Garlich stated that the renewal is complete. He also discussed that major procedures are covered by State Plan Medicaid through an exception process. Dental Insurance.com is a website with available resources for dental. Janice and Cindy stated that the exceptions can only be made if the person would have a life threatening condition resulting from the lack of dental care.
- Discussion ensued about the TCM contract and Ron Kruse will Chair a workgroup to look at the contract before it comes up for renewal again. Members include Roger Garlich, Alecia Nissen, and Brenda Rocoberto.

Mr. Jacobs adjourned the meeting at 5:17 p.m.

Meeting Minutes
Thursday, April 28, 2011
Capitol Plaza Hotel, Jefferson City, MO

9:00 AM - 9:30 AM

Call to Order – Jake Jacobs, President
Introductions/General Announcements/Celebrations of Success

9:30 AM – 10:15 AM

General Overview of Missouri Ethics Commission Requirements –
Betsy Byers, Director of Business Services

Juanita Mummert began the discussion and provided a booklet regarding the personal financial disclosure requirement as well as a copy of the PowerPoint slides from her presentation. The Missouri Ethics Commission Website is regularly updated and should contain current information. News and Information is where bulletins can be found. They send out a quarterly newsletter via email to anyone who subscribes. There is an archive section for news. It is now possible for Personal Financial Disclosures to be filed online. If a political subdivision has an operating budget of over \$1 M, then it is required to comply with the Personal Financial Disclosure guidelines. An entity can adopt a resolution, an example of which can be found on the Mo Ethics Commission website, and then individual Board Members who have not had a business transaction of \$500 or more are not required to file, only the Chief Operating Officer and the Chief Financial Officer are required to complete the disclosure forms. Electronic filing can be saved. Ms. Mummert discussed conflict of interest and areas which would apply to SB40 Boards. Nepotism is of concern since Boards are required to have members who are related to a person with a developmental disability. Ms. Mummert discussed purchasing policies as they apply to political subdivisions. If a Board Member (or other public official) is participating in a bid process, they can only be awarded the bid if they have the lowest bid even if Board policy dictates best and least.

10:15 AM – 11:15 AM

Updates and Open Discussion
Bernie Simons, Director, DDD

Mr. Simons began discussion by thanking the membership for working on all the different work-groups with the Division (QE, ISL, etc.). Caseload Growth fund recommendations with the House and Senate are different and will be worked out in Conference. Mr. Simons discussed Host Homes and that with the waiver renewal DDD can have up to four persons in an ISL. Currently Host Homes are being done through an ISL budget process which is inconsistent with the other States doing this. Mr. Simons would like to see a flat rate with wrap-around services available when needed. Should be exempt with regard to IRS. Mr. Simons stated that the preferred model will be through agencies rather than individual for Host Homes. Agencies will have the infrastructure to support the Host Homes whereas individuals would have a much more difficult time performing all the necessary functions. Mr. Simons addressed concerns with State monitoring/oversight and said that he views their role as being technical assistance when needed. Mr. Simons asked for feedback regarding whether or not guidelines being established by DDD rather than Directives is a more preferable means of addressing issues. Mr. Wagner stated that he believes this is very beneficial and a much better way for the Division to do business. Mr. Wagner also indicated his support of the Division's move away from sanctioning the use of restraint on individuals.

- Dental Services—Mr. Simons agreed that this is a need that the Division needs to move forward on. Mr. Casey indicated that in Cole County dentists did not like to accept Medicaid because they are the most like to no-show for appointments. Cole County was able to work with local dentists to address the concerns. Mr. Simons also indicated that another

concern was that Medicaid will not pay for preventive dental services. Robin Rust said through Partnership for

Meeting Minutes
Thursday, April 28, 2011
Capitol Plaza Hotel, Jefferson City, MO
(Continued)

Hope we can bill usual and customary through OHCDs rather than Medicaid rates. She will clarify any questions that arise with regard to dental. Dentists do not have to register with Medicaid. They just have to be licensed. Janice Tillman remarked that perhaps getting dental services into the Comprehensive Waiver would be a way to address many needs since the need is higher for those in residential care than for those who live with their parents. Mr. Wagner inquired about OHCDs contract updates to allow for dental services. Ms. Rust will check on the status to be sure that all the new Partnership Services are added to OHCDs contracts. Dental rates do not have to be uniform, but should be the usual and customary charge for each dentist.

- Discussion about waiver cap—Mr. Jacobs provided Mr. Simons with the information obtained from the membership regarding the cap on the Community Support Waiver. Mr. Simons indicated that the interpretation of the waiver can be for long-term exceptions rather than short-term. Mr. Wagner supported Mr. Simons suggestion that the cap be increased to \$26,000 then the exception process be interpreted to include long-term situations. Ms. Rust indicated that in the pending modification to the waivers the cap is \$10,000 for adaptive equipment and home modification.
- Mr. Jacobs asked for clarification as to the availability of waiver slots. Jeff Grosvenor indicated that there are very few slots remaining for this fiscal year, so the DDD is trying not to give out slots unless they are going to be used this fiscal year rather than tying up slots that won't be used right away. Mr. Simons described how the slot process works. Slots cannot be used by more than one individual in a fiscal year. So, while a slot may not be being used it may not be able to be filled because someone had used it during the fiscal year. He stated it is more of a timing issue, than truly a lack of slots.
- Update on TCM Rate Setting. Mr. Grosvenor is waiting on one county to get information to him, then he would like to get the financial people together to discuss the information.
- Discussion about differences in waivers available for counties with versus without a County Board—Deb Wohlers described that they have been providing TCM in two other counties and have no funds to provide match for the Partnership for Hope waiver, but counties which have no county Board are receiving the match. Wendy Hays indicated that she also provides TCM in other counties which are being unintentionally penalized because an SB40 is doing their TCM. Mr. Simons will get the data and get back to the membership.
- Review of new waiver rules proposed in the Federal Register—Max Lytle discussed his concern that non-integrated settings such as HUD apartments might be excluded from having waiver services provided. Mr. Simons said he has seen the proposed rule and that CMS began this in an effort to define community. The last register is not final. He does not think DDD's interpretation would be HUD housing, but would be habilitation centers.
- Mr. Jacobs informed Vicki McCarrell that some counties are experiencing delays in getting Partnership waiver slots assigned. She asked to be contacted individually with areas having problems and she will intervene.

- Mr. Jacobs informed DDD that MAC has formed a small committee to begin updating TCM Contract for next year
- Mr. Grosvenor said TCM reconciliations for last fiscal year should have been received.

Meeting Minutes
Thursday, April 28, 2011
Capitol Plaza Hotel, Jefferson City, MO
(Continued)

- Mr. Grosvenor will contact those Boards which have restored rates due to rate cuts if the budget request from the Division is zeroed out.
- Mr. Jacobs thanked the Division for the excellent communication and cooperation over the past few months.

11:15 AM – Noon

New Guidance for Functional Needs Support Services

Mike Pickerel, Planner for Emergency Human Services Section, Missouri State Emergency Management Agency (SEMA)

Mr. Pickerel discussed the impact of the American’s with Disabilities Act and shelters. SEMA is working to ensure that shelters are accessible and are not segregated. There are no longer “special needs” shelters for people with disabilities. The general population shelters are designed to support all individuals except those who have acute medical needs. Mr. Pickerel suggested weather radios are ideal for ensuring that individuals know the conditions and what to do. Sirens are meant to warn those who are outdoors, not inside. Preplanning is critical. Finding hospital beds and oversized cots during a disaster is not efficient or effective. County emergency management can use a registry to help with the planning process. A registry does not mean you will be rescued, just means planning has occurred. Citizens with disabilities need to be educated about realistic expectations. The federal Department of Health website contains the information on “ready in 3.” Churches and faith-based organizations are key players in disaster planning. Print materials on getting a plan together are available through the Department of Health. Plans should be frequently modified, dynamic not static. Most buildings built after 1992 will be ADA compliant. Los Angeles County and City are currently being sued for not being accessible. Kansas City just settled a case. You can’t afford not to be accessible. SEMA will have a train the trainer seminar coming up and they would like to have community-based organizations such as SB40s attend. Sara Williams can help counties establish a registry like what was done in Audrain County and St. Louis City. If you take a class 50 or more miles from home, SEMA will pay your mileage. See the SEMA website for more details.

Mr. Jacobs adjourned the meeting at 12:12 p.m.