

Jake Jacobs, President  
Developmental Disability Services  
Of Jackson County - EITAS  
8511 Hillcrest  
Kansas City, MO 64138  
816-363-2000; fax 816-363-1755  
[jjacobs@eitas.org](mailto:jjacobs@eitas.org)



Les Wagner, President Elect  
Boone County, [executivedirector@bcfr.org](mailto:executivedirector@bcfr.org)  
Jan Jones, Secretary  
Greene County, [jan@abilitiesfirst.net](mailto:jan@abilitiesfirst.net)  
Ann Graff, Treasurer  
Pettis & Saline Counties, [agraff@chs-mo.org](mailto:agraff@chs-mo.org)  
Deb Miller, Member-at-Large  
Howard County, [dmiller@endlessoptions.org](mailto:dmiller@endlessoptions.org)  
Jennifer Wooldridge, Past President  
Jefferson County, [jgwooldridge@jcdsrb.org](mailto:jgwooldridge@jcdsrb.org)

*Missouri Association of County  
Developmental Disabilities Services  
[www.macdds.org](http://www.macdds.org)*

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**Our Mission:**

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

**Meeting Minutes**

**Thursday, July 28, 2011**

**Lodge of Four Seasons, Lake Ozark, MO**

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

Introductions/General Announcements/Celebrations of Success

- Doris Boeckman shared that CAB is now certified as a WBE which gives preferences for certain government contracts. Jordan Valley received a grant in Springfield to provide a mobile dental service in their region.
- Alecia Archer reported that the HOPE project for Jasper County residents affected by the tornado is going very well.
- Deb Miller reported that Endless Options celebrated its 29<sup>th</sup> year of operating.
- Jim Casey reported that Cole County Residential services received a \$200,000.00 grant from the Missouri Foundation for Health for basic support.
- Jennifer Wooldridge reported that they had an Olympian go to the world games in Greece and came back with two bronze medals for Bocce ball.
  1. Minutes from June meeting. Betsy Barnes made a motion to approve the minutes as presented, Alicia Archer seconded. The motion was approved unanimously.
  2. Finance/Treasurer Report – June 2011 Financials (A. Graff). Charles Washburn, made a motion to approve the financial report as presented, Marcus Whitlock seconded the motion. The motion was approved unanimously.
    - a. Ann asked the group for any questions regarding the policy changes the finance committee had presented to the membership for approval. Betsy Barnes made a motion to approve the updated policy, Max Lytle seconded. The motion was approved unanimously

**Meeting Minutes**  
**Thursday, July 28, 2011**  
**Lodge of Four Seasons, Lake Ozark, MO**  
**(Continued)**

3. **Agency Liaison Reports:**

*MARF (B. Barnes)*, Betsy reported that there are several issues which were addressed at MARF, but that they are all on the agenda to be discussed at tomorrow's meeting.

*Coalition (A. Graff)*, Ann reported that the Coalition is going to disband. MARF is proposing an Innovative Services Group and they would like to see if MACDDS would like to have representatives on that group. Ann stated that Bernie Simons has suggested that there be a conference scheduled to bring in national speakers for innovative ideas in supports for people with DD. Successful outcomes for persons with autism who participated in the pilot were increased by 25%.

*Voc Rehab (M. Cook & Rebecca Largent)*, Rebecca stated that VR CRP group did not meet. They are trying to make Supported Employment less prescriptive. DESE has budgeted funds for Project Search and will be releasing an RFP soon. A Pilot project with parents, schools and autism experts has been implemented in Springfield and Joplin working with Alternative Opportunities to improve opportunities for persons with autism.

*Supported Employment (W. Hays)*, No report.

*MO Planning Council (Susan Pritchard-Green)*, Alicia Archer stated that the Planning Council is partnering with the Jasper County Board to assist in getting individuals back to work after the tornado.

*Sheltered Workshops (A. Graff)*, No report.

*Congress on Disability (M. Whitlock)*, Marcus stated the Congress met in July. He has a renewal packet for the membership to consider. Marcus described the current participants and stated that there are no dues to be a member of the Congress. The group meets every three months and is often meeting by conference call. Marcus asked if any other MACDDS member wishes to represent MACDDS. The group discussed the purpose of the group and whether or not MACDDS should continue to participate. After some discussion it was determined that Marcus would continue to represent MACDDS on the Congress as they go through their strategic planning and then the membership will determine if it makes sense for MACDDS to continue to be a member. Tim Crews volunteered to represent MACDDS if the membership chooses to continue participation and Dan Cole agreed to serve as the alternate representative for MACDDS.

*Mental Health Commission (Deb Miller)*. Deb attended and participated in the Commission's annual planning meeting.

4. **Committee Reports:**

*Executive (J. Jacobs)*; Jake reported that the Committee met this morning and discussed the grant proposal which was not funded by MFFH. The Division will be changing methodology for match funding for TCM and will be basing funds on individuals served rather than number of case managers. The committee has requested additional information from DMH/DDD to clarify how the 1% contribution from TCM providers could be used to fund a fulltime executive director for MACDDS. Jake reported that Jeff Grosvenor from DMH has been asked to present information regarding the 1% fee for TCM providers which could be used to increase MACDDS revenue and

provide the opportunity to hire a full-time executive director. Jake reported that the MFFH grant application was not awarded to MACDDS.

**Meeting Minutes**  
**Thursday, July 28, 2011**  
**Lodge of Four Seasons, Lake Ozark, MO**  
**(Continued)**

Ann Graff stated that she had an application from Rolling Hills Creative Living in Gentry County to be an RPO member. After some discussion, Betsy Barnes made a motion to approve the application. Nancy Hayes seconded. The motion was unanimously approved.

**Public Awareness (D. Miller);** Deb stated they have a draft brochure to recruit new MACDDS members. She reminded the membership that annual surveys are due and some counties have not yet submitted their information. In ten years MACDDS has increased its membership by over 30%.

**Education & Training (J. Casey);** Jim stated that the conference committee is still slightly ahead of schedule and most of the speakers have been secured for sessions. The committee requested that members send any vendor contacts for the conference to Doris. Jim requested feedback from the group regarding the difficulty the committee has getting speakers to come to the conference and not be paid and the possibility of changing things (possibly even increasing funds available to the committee) to ensure the committee can recruit speakers. Jim Casey made a motion to amend the budget so that the mid-year training and the conference budget be moved into the education and training category so that the funds can be moved as needed between the two line items, Alecia Archer seconded. The motion passed unanimously.

**Governmental Affairs (P. Capo/M. Sullivan-Thomas);** Peg requested that anyone who is interested join the committee.

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

**Finance (A. Graff);** Discussed in another section.

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

**College of Direct Support (R. Garlich),** Roger stated that the College ready to roll out the employment work plan and ticket to work holders. The Division will pay back 90% to the providers who find jobs for people. An announcement will be coming from the Division soon. A benefit calculator for people receiving SSI, Medicaid, etc. will also be forthcoming. Roger will also send out information regarding some basic dental plans that are very low cost and could be used on the left side of budget for persons in ISLs.

**Respite Coalition (J. Casey).** No report.

1. **Workgroup Reports:**

**TCM (K. Butler);** Anita Contreras reported that there was a conference call from Creative Software Solutions and a list of requested reports will be coming to SB40s to determine if there are funds available to create the reports. The group discussed issues surrounding SB40's ability to do intake. Some TCM providers are having difficulty getting records and choice forms from the Regional Offices. TCM providers are reporting that Regional Offices are not sharing records that are specifically in the TCM contract as records to be shared. Susan Steinbeck stated that her Regional Office would not send an intake packet until a service coordinator had been assigned. Susan cannot accept a referral prior to getting the intake packet to insure the individual is eligible for County Board services. The idea that the County Board must assign a service coordinator prior to receiving an intake packet and determining if the referral can be accepted is contradictory to

information in the current TCM contract and to what is occurring in other parts of the state. Ron Kruse is developing a checklist to help address eligibility questions on individuals who are being

**Meeting Minutes**  
**Thursday, July 28, 2011**  
**Lodge of Four Seasons, Lake Ozark, MO**  
**(Continued)**

referred to his agency as eligible by the Regional Office, but who do not meet the eligibility for County Board services.

*QE (J. Richards)*; No report.

*SIS (A. Purdome)* No report.

**2:00 – 2:15 PM      Break**

**2:15 – 3:45 PM      Legislative Update and Strategy for Upcoming Session – Bill Gamble and Sarah Topp**  
Gamble & Schlemeier Governmental Consultants

Bill reported that it is highly likely a special session will be held next week. Three hours have been allotted for discussions. He stated that not everyone on the Senate is on Board. The discussion is around meeting right after Labor Day. Issues on the table are the tax credit bill, job retention proposals, local control for the St. Louis police board, a tax amnesty. Sarah stated Missouri has an increase in revenue based on collecting delinquent matches. The low to moderate housing income tax credit is possibly going to be capped. This program is highly utilized by people with developmental disabilities. Changes to the Neighborhood assistance program which has been occasionally used by some county boards and it may be facing a sunset. DMH received \$35M to use for caseload growth. The Partnership for Hope also called attention to needs and did so in a positive light. A bill was passed which disallows disability as being the sole consideration with regard to child custody decisions. All statutory references to “mental retardation” shall be changed to say intellectual disability. Parking shall be labeled accessible parking rather than handicapped. HB106 which would have set in statute the amount of reserve funds any SB40 could have and then would roll back the levy amount, did not pass. Bill stated that the lack of stimulus monies will result in \$460M having to be backfilled in the state budget. Easily 60% of the state budget is federal funds. The debt ceiling issue impacts state budgets. The federal cuts will roll down to state budgets and creates significant uncertainty for states. The floods and the Joplin Tornado disasters will also further budget difficulties. Missouri has a \$500M rainy day fund and they have been using those funds. The fund has to be repaid and there is both inflow and outpour with the fund. To use any more funds from the rainy day fund would require legislative action, which Bill believes is unlikely. The legislature did make an exception for the Governor to use the funds for disaster relief for Joplin and the flood areas.

**Legislative Priorities for 2012:**

Mary Sullivan-Thomas asked for discussion regarding the documents which were prepared by the legislative committee, and which she had emailed to the membership. Mr. Wagner suggested that increasing slots for the Lopez Waiver be added to the legislative priorities. It is believed that the Lopez Waiver is a demonstration waiver and as long as it is in that category, it cannot be expanded.

Jennifer Wooldridge made a motion to accept the legislative priorities including the proposed addition of the Lopez Waiver. Charlie Washburn seconded the motion. The motion passed unanimously.

Alecia Archer made a motion to accept the message box with the addition of the language regarding the waivers. Dan Cole seconded. The motion passed unanimously.

**Meeting Minutes**  
**Thursday, July 28, 2011**  
**Lodge of Four Seasons, Lake Ozark, MO**  
**(Continued)**

**3:45 – 5:00 PM**    **General Discussion** - Issues; Task List; develop questions for Bernie

- Missouri Medicaid Audits (Ron Kruse, Franklin County)

Ron reported that the new Medicaid Office sent ten auditors to his agency to review agency files. There was no information provided to the agency beforehand indicating they were coming. There was no feedback during the audit. The auditors came in and began electronically scanning files. They took the information and did not indicate when Ron would receive any feedback from the information obtained. It is perceived that the auditors are looking for ways to recover funds. It is also said that they will be hiring recovery auditors who will receive a percentage of any funds they recover. Jane Kruse reported that there is \$500,000.00 in the state budget to pay recovery auditors. She believes this process is a result of federal legislation and stated that several other agencies have requested delays in the implementation. Kay Greene Stated that this is coming out of the accountable care act. This is a methodology for paying for healthcare reform. There is an RFP out right now, which has been delayed several times, to contract for the audit service. In the RFP the contractor is not allowed to go out and request the records the same day. They are required to provide ample notice and opportunity to gather the information. The RFP is under social services and Kay will provide the information to the membership to view the RFP on the OA website. 13CSR70-3.030 Paragraph 3 is the regulation which specifies what must be in the record (date of birth, middle initial, etc.). They are called recovery audit contractors (RACs).

- Expanding Partnership For Hope/New Options (Les Wagner, Boone County)

There is hope to expand this program in the near future and the details are being worked on now.

- Special Olympics Statewide Training Center (Michelle Darden, St. Louis City)

Jennifer Wooldridge reported that she received a call from a Special Olympics employee wanting to solicit funds in this regard from their SB40 Board.

- TCM Contract for 2012 (Jake Jacobs, Jackson County)

The new contract will include five new pages which address HIPAA and the contract should be out within the next couple of weeks.

Mary Sullivan Thomas announced the new MACDDS website is now running.

Mr. Jacobs adjourned the meeting at 5:05 p.m.

**Meeting Minutes**  
**Friday, July 29, 2011**  
**Lodge of Four Seasons, Lake Ozark, MO**

**9:00 – 9:15 AM**                      **Call to Order** – Jake Jacobs, President

**9:15 – 10:00 AM**                      **Sheltered Workshops and Innovative Programs** - Fulvio Franzi, Director  
Sheltered Workshops, Office of Special Education, Department of Elementary  
and Secondary Education

Fulvio provided data for the Sheltered Workshops. He stated for FY12 there was \$24M to Sheltered Workshops. There was immediately a Governor's withhold which reduced it to \$23M. The shortfall will be about 7 weeks for FY2012. This doesn't take into account any catastrophic events. FY11 had a shortfall of approximately one month. Weather can have a significant negative impact since the DESE funds are paid on per diem. \$95 for a 30 hour work week, however the appropriation is only \$90 for a 30 hour work week. Fulvio is going to recommend full funding. 93 workshops last year. At this time there is 91 due to mergers—Springfield and Bolivar, and two workshops in Jackson County merged. 7105 employed at workshops in Missouri. One half percent decrease since FY11 data. FTE increased by 4%. More people working at least 30 hours per week. Waiting lists have been increasing and currently there are 1075 people on waiting lists for jobs at sheltered workshops in Missouri. Fulvio believes this is related to the economy and lack of available jobs to be done by the Workshops. In FY10 the average hourly wage was \$2.70. Preliminary data for FY11 indicates an average hourly wage of \$2.83. Brent Blackwell asked about a question he received from a parent about the effect of Federal Healthcare reform and loss of Medicaid for workers earning more than \$500 per month. There was no indication that anyone else had heard this. Roger Garlich indicated that there is a benefit calculator available. Ron Kruse indicated he believed that anyone working 30 hours or more must be provided health insurance. Fulvio indicated that there is also a stipulation regarding the number of employees a workshop has also is a factor. He indicated that full medical benefits would have to be paid to employees working 30 hours or more at a workshop which employs more than 50 people. Max Lytle requested Fulvio pass on any information he receives in this regard to Mary Sullivan Thomas so she could distribute it to the membership. Fulvio agreed. Fulvio discussed the inception of workshops and the circumstances of the times which were not favorable to individuals with disabilities working in the community. He discussed the changes of philosophy and ideology which has significantly shifted since the inception of the workshops. He discussed the efforts on behalf of workshops to move forward with their employment models and appropriate employment models. He discussed a very successful model in St. Charles which has a collaboration between state and local governments and the school systems. The model looks at what is appropriate for the individual. It is established not as a service, but as a business. Fulvio discussed the collaborative models operating in Springfield and Bolivar and in Jackson County. Fulvio discussed the need for employment opportunities to move outside the four walls of the workshops when “bench work” moved overseas. Missouri uses an industrial/habilitative model. Other states use a rehabilitation/medical model. Missouri's model has the outcome of employment. The Rehabilitation model has rehabilitation as an end. Montana is the only other state which has an industrial/habilitative model. Fulvio discussed the grant opportunities being pursued to help workshops with recycling programs. They have \$300,000.00 from DNR and will be taking grant applications beginning October 3. Max Lytle asked about statutory limitations about the kind of

employment opportunities it can provide. Statutes and regulations will not allow the same 501c3 to provide sheltered and supported employment. Fulvio stated that workshops have to ensure that they

**Meeting Minutes**  
**Friday, July 29, 2011**  
**Lodge of Four Seasons, Lake Ozark, MO**  
**(Continued)**

do not “double-dip.” Peg Capo discussed the importance of recognizing the individual’s need for employment and not getting trapped in bureaucratic structures. She asked that we work together at the legislative level if necessary in order to make appropriate employment opportunities happen for individuals. Fulvio mentioned HR 602-604 proposed legislation which could have an impact on changing the structures of employment facilities. Fulvio believes what the economy will do will guide whether the workshops expand or not. He also believes that Supported and Competitive employment programs could take people of the waitlists of the Sheltered workshops. He also addressed the question as to why schools always direct people to the sheltered workshops. He stated that less than 3% of students with IEP’s are referred to the Sheltered Workshops. Fulvio was asked about the Sheltered Workshop Director’s and their County Boards. He stated that there is a wide spectrum across the state varying from extremely cooperative to litigious. Fulvio was asked if Sheltered Workshop funds could be used to match federal funds. He stated that the statutory requirements are specifically for per diem and they cannot be used for any other purpose. Fulvio was asked to address the movement to eliminate the subminimum wage. He stated that it is an economic and financial method to pay commensurate wages. Without this mechanism which accounts for productivity, then the workshops would have to hire only people with higher productivity levels. The Workshops as a business would be financially unable to continue if they kept their current workforce and eliminated subminimum wage. The cost would be \$42 to \$53 million dollars statewide.

**10:00 – 11:00 AM**

**Missouri Medicaid Audit and Compliance** – Kristen Edwards, CPC  
Deputy Director

Kristen stated that they used to be called the Program Integrity Section. In 2010 the Governor sent in a review team to determine how things were being reviewed and if there was duplication of effort across state agencies. The review team found there were duplicative efforts and they combined. They are required to review every provider every 16 months. They scan the information rather than doing any review on site. They expect to get results of the review to the provider within 3 months. They always send out letters explaining their findings. Jane Kruse asked about the RFP currently open. They are looking for contractors to help them ultimately do the recoveries. The contractors will be paid a percentage of what they find. The Program Integrity Section must clear any of the findings by a contractor. The contractors will not be paid until post appeal. The middle initial documentation is a myth. They are only looking for reasonable information such as name and Medicaid number. If possible the Compliance section will first provide education rather than sanction. They will ask for corrective action plans if issues are identified. Jake asked if we have opportunity to meet with the audit team in person for review before we have to pay recoupment. They stated that there will be questions and answered during the review as well as any they are reviewing the information. There is 45 days right to appeal which also allows an opportunity to clarify. The auditors can make changes to their findings if additional information is provided.

They have ongoing feedback during the review and they will be communicating throughout the review process. Typically they go back no more than 3 years, but they can go back 5. If they recoup

monies it is only the federal portion. If you are an OHCDS you must check the providers thoroughly. Federal funds cannot be paid to anyone on the OIG (Office of Inspector General) exclusion list. If

**Meeting Minutes**  
**Friday, July 29, 2011**  
**Lodge of Four Seasons, Lake Ozark, MO**  
**(Continued)**

they find you are using them as a provider they will recoup those funds and you are the provider of record. DMH should provide the information to any SB40 acting as and OHCDS as to what should be done in the screening process. Jeff Grosvenor will send information to MACDDS in this regard. It is suggested that any OHCDS does at least a quarterly check to ensure the provider has remained in good standing beyond the initial check done. Regulation addressing electronic documentation is still in the development phase. They will currently accept electronic or paper documentation. They accept electronic signatures. The policy is to let the agency know the day before, but they do not have to provide any notice. CMS likes the reviews to be done by DCN, but their agency is trying to do more provider reviews. They are still working on the best way to balance the needs of the reviews from the perspective of CMS and the State. There are seven State Employees currently available to do the provider reviews. The issue of consumer electronic signatures is still undefined and a regulation is being developed.

**11:00 – 11:15 AM**                      **Break**

**11:15 AM - Noon**                      **Updates and Open Discussion** – Bernie Simons

Bernie stated that the Division's budget recommendations is on a video link available on the web. Budget for 2013 is not looking good due to the end of federal stimulus funds. He anticipates no increased funds other than caseload growth. New TCM rate is \$96 (\$8.05 per five minute unit). Effective date is likely to be August 1, but that is not yet confirmed. Bernie is looking at changing the focus of Regional Office to individuals rather than providers. DMH has applied for a grant to help with collaboration and employment efforts. Bernie discussed opportunities available for individuals in host homes. Looking to build stronger family support networks one on one linkages with families. Jeff Grosvenor will be sending out TCM contracts and each SB40 will need to fill in the counties and TCM allocation individually. Original signatures need to be sent to DMH and scanned back to SB40 Boards. Discussion was held about the needs of individuals receiving case management, but no paid services and the increased level of support they require due to not receiving any paid supports. Jane Kruse discussed the need for provider agreements for OCHDS providers and what kind of agreements are needed for the subcontracted providers. Jeff Grosvenor will work with Robin Rust to develop a unified contract that can be used for OHCDS entities to subcontract with providers (ie dentists). Jane questioned the subjective nature of some of the audit requirements and the need to revise the regulations to coincide with the method of implementation the auditors use. Currently 925 people enrolled in Partnership for Hope. 970 slots available and they are expected to be filled by the end of this month. Caseload growth monies will be used for 10, 11, or 12's on the wait list. Discussion was held about the possible use of a 1% fee from TCM providers to pay for an Executive Director for MACDDS to coordinate statewide training, etc. Discussion was held about the need to improve communications between SB40 Boards and Regional Offices in certain areas of the state. Logging that is not entered within 72 hours of the time the activity was done, then it is not acceptable billing procedure. It may be acceptable if written documentation can be produced by the



individual case manager at a later time, but the written note would have to exactly match what was entered in the electronic system at the later date. The 72 hour rule is in the code of state regulations. It does not say business days, it is 72 hours period. The membership discussed the 1% TCM fee to be used to hire an Executive Director. It was determined that the Executive Committee will put together more specific information such as a budget and job description to be presented to the membership next month.

Les Wagner made a motion that a letter from MACDDS be sent to the Department of Transportation indicating the group's high level of satisfaction with the work performed by Chris Brundin, Transit Specialist for MODot. She is having to reapply for her job due to restructuring at MODot and it is the consensus of the group that her services to member counties are very valuable. Jim Casey seconded and the motion passed unanimously.

Discussion was held about meeting locations for next year. Doris will work on the locations with the Executive Committee.

Mr. Jacobs adjourned the meeting at 12:30.