

Les Wagner, President
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Missouri Association of County
Developmental Disabilities Services
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MINUTES
Wednesday, January 25, 2012
Capitol Plaza Hotel, Lincoln Room - Jefferson City, MO

1:00 – 1:15 PM Call to Order: Les Wagner, President
Introductions/General Announcements/Celebrations of Success

Charlie Washburn announced they have over 100 individuals receiving local case management in Clay County. Mary Sullivan-Thomas announced that she brought all the promotional materials for DD awareness month in March. Peg Capo stated that she has also put together a media package to use with municipalities and school districts which she has put on the table to share. Mary stated that the PDF files for the print materials will be on the MACDDS website and if individual Board's want to print their own materials they can replace the MACDDS logo with their own, but the other logos must stay. Jim Casey stated that the new microphone system has arrived and will be available for use at the next MACDDS meeting. He also stated that his Board approved continuing in MACDDS despite some consternation with the increased due structure. Jake Jacobs said the search process has begun for the MACDDS Executive Director and two resumes have been received so far. He stated that interviews are going to be scheduled on March 2. Les Wagner thanked Jake Jacobs for his past year's service as President and presented him with a plaque to commemorate his service.

1:15 -- 2:00 PM Business Meeting – Les Wagner, President

1. Minutes from December 2011 meeting
Jan Jones announced that there had been some corrections to the minutes based on member feedback. Dan Cole moved to accept minutes as corrected. Ron Kruse Second.
2. Finance/Treasurer Report – December 2011 Financials (A. Graff/L. Smith)
Charlie Washburn made a motion to approve. Alicia Archer seconded. Motion passed unanimously.
3. **Agency Liaison Reports:**
MARF (B. Barnes), MARF met last week and held a legislative reception the night of the state of the State Address.
Voc Rehab (M. Cook & R. Largent), No report.

Supported Employment (*W. Hays*), APSE professional development day will be April 10. Supported Employment Leadership Network met this month and the National team will be in Missouri in March. Missouri got a transition grant which has resulted in a new Director position which will look at nine communities. Will likely not be operational for over six months. Jake discussed the complications with Missouri's Medicaid system and the possibility of MACDDS apply for a grant for bringing in some experts to discuss ways to streamline the system.

MO Planning Council (*B. Blackwell*), Brent thanked Susan Pritchard-Green for her service. He discussed the peer to peer mentoring program which will be held in February in Columbia. SB449 has been moved onto the floor.

Sheltered Workshops (*A. Graff*), Ann stated that CHS has begun the program which employs 21 individuals with DD on Whiteman Air Force Base. They are prevailing wage jobs with benefits. Workshops are looking at about a 4 week shortfall, but this is just a projection. DESE and DNR put out a recycling grant for \$300,000.00. Four workshops have been selected, but the names have not yet been released.

Congress on Disability (*M. Whitlock*), Marcus stated the Congress met in January and Dan Cole attended too. The support of SB449 and HB1077 regarding the plan to place people from state run institutions to community settings is the legislative priority of the Congress.

Mental Health Commission (*D. Miller*) Deb was not able to attend the meeting due to weather. She stated that she is unable to attend in February and asked if anyone could cover. John Scherer said he would attend.

Roger Garlich stated there is a group, The Missouri Business Alliance, working to increase opportunities for employment for people with developmental disabilities since Missouri is 47th in the nation.

4. **Committee Reports:**

Executive (*L. Wagner*) no meeting, no report. Les asked the membership to review the committee roster and ensure they are signed up for the committees on which they wish to serve and also to review to see if the committees are still appropriate or if any needed to be added or dissolved.

Public Awareness (*D. Miller*); Mary brought the promotional materials for the membership and thanked the Planning Council and People First for their collaboration.

Education & Training (*J. Casey*); No report.

Governmental Affairs (*P. Capo/M. Sullivan-Thomas*); First call last week discussed Governor's recommendations for the budget. The Supreme Court threw out the decision on redistricting for the Senate so there is confusion in that regard. DMH FTE cuts have been recommended, but are to be through attrition. Roger Garlich stated the additional money for fully funding TCM match may be found in the Governor's recommendation to increase the Partnership for Hope funding by \$2.2M. Peg Capo stated she was concerned that TCM and PFH are tied together when the needs do not always match. Tim Crews agreed that this is a concern. Ron Kruse noted that if the funds are used for waivers other than PFH there are different criteria and scrutiny for which the Boards do not have control and which may not align with the Board priorities and decision-making. Jim Casey discussed concerns with rate equity being disregarded when County Boards provide funds to increase provider rates to be able to support the individuals.

Regulations/Standards/Policy (*J. Tilman*); no report. Mary did state that she will be making some new postings on the website.

Finance (*L. Smith*); No report.

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

College of Direct Support (*R. Garlich*); No report.

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Jake, Peg, and Les were asked to visit the Governor's Mansion and attend a dinner as recognition for their efforts toward the PFH.

Respite Coalition (*J. Casey*). Missouri Lifespan respite coalition will be meeting at the Governor's Office Building on April 11.

5. **Workgroup Reports:**

TCM (*K. Butler*); Nancy Nicolas from DMH spoke to the TCM group about the importance of data entry in CIMOR. Data entry in CIMOR is a billable TCM activity. Several discrepancies around the state were discussed including MOCABI, Vineland, and who is responsible for redetermination of eligibility at age 5, 18 and 22. The group discussed the issue of Exempt vs. Non-Exempt for service coordinator positions. The TCM group would like MACDDS to ask DMH to bypass the need to review and sign plans approved by Board TCM UR Committees. Robyn Peyton continued the report and indicated that the group expressed frustration with getting paperwork back from the Regional Offices in a timely manner. Robyn said it is understood that some regions have intense volume so it is not necessarily a reflection on the people in the role. The group would like MACDDS to propose that lower cost items could be carved out so they did not require DMH Director signatures. Lynn Smith indicated that the issue in her region is getting things entered into CIMOR. Charlie indicated this is a huge problem in Clay County. Ron Kruse stated that he brought up the issue over a year ago and it was not accepted by DMH. Les stated Boone County had an agreement, but DMH never followed through with giving the proper access to CIMOR. Now Boone County is working on a program with Therap. It is their hope that they will ultimately be able to batch data transfer to CIMOR. The TCM group asks that MACDDS moves forward the idea of changing the way URC is done. Roger discussed that the Division is working to become more customer service oriented and friendly to the providers. Regional surveys are planned and Roger asked that these be completed for the aforementioned purpose. Mary Sullivan-Thomas stated that in the past MACDDS used to have meetings with the Regional Office Directors and it was very helpful. Ann said she would work on getting the RO Directors, Vicki, and Bernie on a future MACDDS agenda. A long discussion was held about the best means to the end of solving regional issues and creating unanimity state-wide in processes and procedures.

SIS (*A. Purdome*)

2:00 – 2:15 PM **Break**

2:15 – 3:00 PM **Representative Jeff Grisamore - Report on Legislative session and issues related to individuals with disabilities.**

Mr. Grisamore arrived at the meeting after hearing the beginning of the DMH testimony before the appropriations committee. Last year a new committee was formed regarding disability and Rep. Grisamore Chaired the Committee. He stated that about half of the House of Representatives are new within the last year. He believes that services for People with disabilities should receive the first portions of the budget. Rep. Grisamore stated that Disability related legislation is in the works and a top priority for many of the Legislators. Although he is beginning his sixth year, he feels he has much to do and if he is elected again, they will be his last three years due to term limits. He feels a sense of urgency to get as many freshmen legislators as possible on board with our priorities. He stated that the disability committee may not be continued. He asks that advocates and families write Representative Tilley and Speaker Jones to express appreciation for the creation of the Disability Services Committee and the hope that the committee will be reappointed and even become a permanent standing committee in the House of Representatives. Mr. Grisamore is willing to go all over the State

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and meet with groups to continue the Committee. Rep. Grisamore stated that along with the efforts of the Governor, the Autism insurance mandate was done. He stated that the Partnership for Hope is another positive result for people with disabilities. He would like to see more state and local partnerships. He will file a House Bill today which will result in a bipartisan bill which will benefit individuals with autism who need ABA. This will give provisional ability to practice ABA prior to completely fulfilling the licensing requirements, while working under a licensed professional. This is designed to help with the statewide shortage of ABA providers in Missouri. He is also looking at a number of employment opportunities for individuals with DD. Talking about codifying the PFH to help get more people off the waiting list. Mr. Grisamore discussed the disadvantage in MO since there is no preference for Workshops or Supported Employment. Wants to catalyze growth. Federal match for VR is a 4 to 1 match and more GR is needed to draw down those funds. TBI waiver is short \$300K just to stay neutral. Angie Bass is his analyst who is in his office. Researching DSM redefinitions of autism and how that may have the potential to exclude some children currently supported under the current definitions. Rep. Grisamore stated that he reviewed the MACDDS legislative platform prior to the meeting and he commented that he is supportive. He also discussed concerns about what will happen with the Habilitation Center. He hopes to increase the Lopez Waiver, but is concerned funds may not be available. He has an analyst working on a constitutional amendment which would prioritize disability services through a ballot initiative and would protect budgeted funds during times of cuts and would require equivalent increases in budgets during years when funds are increasing.

3:00– 4:00 PM Russ Jones, Attorney at Law, Lathrop & Gage; and Chair of its Tax-Exempt Organizations Practice Group. Presentation on Legal Issues related to SB40 Boards

Mr. Jones introduced his partner Jamey who discussed several pertinent issues. Permitted investments for SB40s. The type of investments SB40s can make are determined by statute. Cannot invest in corporate stocks due to the Constitution. The MO Attorney General has also determined that a political subdivision cannot invest in mutual funds either. SB40s cannot invest in partnerships either. All grants must have something received in return. SB40s should not invest in Bonds issued by Missouri or local school districts due to ambiguity in the statute. The State of Missouri must have a written investment policy and a written investment policy. Private Foundations do have some restrictions in investment vehicles also. Jamey also discussed conflicts of interest as per MO statutes. Provides issues with respect for overall governance of organization. Recommends that all organizations have a conflict of interest policy. KC Star has been running stories about Executives in KC Charities who had embezzled from the Company and it would have been prevented by a conflict of interest policy. There are both misdemeanor and felony penalties regarding conflict of interest. Nepotism is also prohibited. Policies should include procedures for discovery, process for decision-making, etc. Les asked about concerns with a County Board paying copays. Russ stated that this was an area which may need further research to get a clear answer. Sovereign Tort immunity and its application to SB40s. SB40s cannot be sued with the exception of injuries resulting from the negligent act of a employee operating a motor vehicle, dangerous conditions with a foreseeable risk occurring on SB40 property, insurance coverages can also cause the waiver of Sovereign Immunity. Any contracts with service providers should indemnify the SB40. SB40s should be provided proof of insurance from funded providers. SB40s may have zoning immunity and can be exempted from zoning rules. Statutory Authority of SB40 Boards have basically three lines of analysis. Language of the statute itself. Most often cited is 205.968.1 regarding authority. This section is very poorly written. Can be narrowly or broadly interpreted. See attachment 6 in handout for the bottom line. There is strong support in the statute for a broad interpretation of the board's authority. Russ stated that only one case against an SB40 has made it to the level of an Appellate Court. This was a lawsuit brought against the Clay County Board by a local Sheltered Workshop.

4:00 – 5.00 PM Ray McCarty, President Associated Industries of Missouri – Update on Missouri Business Alliance Objectives and proposed State Use Legislation

Ray is working to increase employment opportunity for people with DD. Employers are not able to find enough workers with a strong work ethic. Ray discussed how the strong work ethic associated with people who have

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disabilities will positively impact the employers bottom line. MO has a bidding preference for people with disabilities, but Ray's group is working on better legislation (State Use Legislation) to create greater opportunities through the Office of Administration by developing a list of contracts which must be filled by an organization which has a specified number of people with disabilities. 3% of the total of goods and services which are purchased by the state. This is about \$23M worth of goods and services. 10 point bidding preference for bidders who have 10% of their work force who meet their definition of having a disability. The plan includes asking the Governor to issue an Executive Order to allow State Agencies to employ individuals with disabilities and circumvent the Merit System, but still require the individual to be qualified for the position.

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MINUTES
Thursday, January 26, 2012
Capitol Plaza Hotel, Lincoln Room - Jefferson City, MO

9:00 – 9:15 AM Call to Order – Les Wagner, President

9:15 – 9:30 AM Roger Garlich – Update on Achievements of 2011 and planning for 2012

Roger addressed this in conversation earlier in the meeting.

9:30—10:00 AM General Discussion -Issues; Task List; develop questions for Bernie

Discussion Items:

TCM hourly status concerns/questions A. Archer

Alecia asked what other regions are doing. The consensus of the group is that they are classifying service-coordinators as non-exempt, using a time keeping system, limiting overtime and comp-time to the period. Travel time is non-compensatory. The driving staff taking other employees is compensatory. A long discussion was held about the processes involved. The group agreed to share information and Mary will post it on the website.

Group Home Development Guidelines J. Casey

Jim asked what the word “guideline” from the Division means. Bernie stated that language is very important and the guidelines mean to represent an effort to build upon trust and develop further partnership. Continuing in the efforts to stop the old procedure of sending out “directives” which are dictatorial versus guidelines which allow for a more cooperative process.

Discussion was held about the group home directive that addressed breaking new ground for developing group homes.

Spend-down – What is legal and ethical L. Smith

TCM Transition in Clay County –C. Washburn

MACDDS Legal Opinion – J. Jones

10:00 AM – 10:15 AM Break

10:15 AM – 11:15 AM DDD Updates and Open Discussion – Bernie Simons, Director, Division of Developmental Disabilities

Bernie discussed that there are 4000 people on the in-home waiting list for services. 1700 of those are children who have parent’s income which disqualifies them for Medicaid and 300 are people who will not apply for Medicaid. In effect this makes the waiting list 2000. About 166 people remain in hab centers. Northwest will close by Dec 15 this year. These individuals will be moved to community placement or other existing hab centers if necessary. This will create a savings of approximately \$903,000. Most of the savings is in operations and will be reflected in facilities management. There will be 8 FTE lost and Bernie hopes that layoffs will not be necessary. The Division intends to keep the staff with the individuals they serve, though the place they work will be changing. This is a relief to families who were concerned about losing the individuals who knew their family members and how to care for them.

MOHealthnet says there is zero growth in the population this year. No caseload growth has been included in the budget. DMH projects 2.9% growth so they developed a line item utilization increase. It is approximately \$7.9M in GR. It isn’t mandatory so the legislature will need to be educated regarding what this means. This line item would

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allow TCM match to be fully funded and SB40 funds to be redirected into PFH waitlist reductions. Ron Kruse asked if the funds could be used for non-medicaid services and children. Bernie said that as long as PFH has been taken care of, then other needs can be met. This also provides for increasing the number of Lopez waiver slots by 150. Jeff stated that the line item from federal appropriation has an “E” which is what allows the flexibility to grow programs such as the partnership for hope. Eliminating that flexibility would mean PFH could not have occurred. Bernie is working with the Missouri Center for Excellence in Kansas City on a grant proposal to evaluate the economic impact from the PFH. This should provide the necessary research to provide more than anecdotal evidence of success. Mary asked about the definitions of day hab, personal assistance, etc., which she and Ann had worked on and the receipt of a manual, but no indication of what was changed in the manual. Vicki stated that the amendment has been submitted but not approved, so a manual was released to help with understanding, but it is not official due to the wait for the approval from CMS. Discussion was held about the confusion which results due to the amendments being effective as of July, but formal decisions not being reached until later in the year. Jeff discussed that it is difficult to maneuver and it is similar to a grace period. Discussion was held about the billing for the various matches being paid by Board’s and the Division. Billing is now all done through central office rather than the individual ROs. Jeff would prefer that we do billing monthly. Lynn asked about waiver slots and individuals. Bernie referred Lynn to Vicki for some specifics on individual concerns. Discussion was held about what to do when families do not pay the spenddown. Jeff said the Division does a pay-in process which is where the Division sends in part of the benefits at the beginning of the month to ensure the spenddown gets paid. Vicki discussed a document addressing TCM changes which shall now be done on the 1st and the 15th. Les asked about a conversation at MARF regarding rate restructuring and looking for representatives from MACDDS. There is a CSR which gives Bernie authority to go back and look at State Rates. He is proposing trying to keep those providers at the highest rates held harmless, but bringing up by each individual gradually increasing their provider’s rates to reach the desired rates. The intent is to use the SIS and have levels of support from Level 1 to Level 7. Would like to have it done by August. Jim asked if the monies provided by County Boards to supplement rates would be considered when addressing the issue. There are at least two issues because some Boards pay the match as a way to increase match and others pay agencies a direct rate increase which does not draw in any federal funds.

11:15 AM -- Noon Division Priorities for the Next 5 Years – Michelle “Sheli” Reynolds, Director of Individual Advocacy and Family Support, UMKC Institute for Human Development

Sheli works with People First and has a brother with developmental disabilities. She focuses on families. 4.2 Million people with DD in the US and only 25% of those are part of the State DD systems. Sheli provided handouts to the membership and discussed the importance of family support, which can sometimes get lost amidst concerns with residential placement and in home supports provided by the Division. Families are not concerned with who meets their needs, just getting the needs met. Sheli is working on a research based way to engage stakeholders and families to develop the support families need. Sheli’s role is to help engage stakeholders to change the culture within the Division. Families need the service system so they must work together. There is an 800 number on the back of the folder distributed by Sheli and MACDDS members can call and request them, then add local information as well.

Mr. Wagner Adjourned the meeting at 12:16