Idaho Council on Developmental Disabilities
FALL QUARTERLY BOARD MEETING
JRW Building, 700 W. State Street, Suite 119
October 27-28, 2016

AGENDA AT A GLANCE

Thursday, October 27, 2016

9:00	**Council Photo at Capitol on First Floor**
9:45	**Welcome, Introductions and Agenda Review,** Debra Parsons, Council Chair
10:00	**Results of National Core Indicator Data Family Survey,** Tim Voz, Projects Manager, Family and Community Services
11:00	**Break**
11:15	**Policy Presentations**, Christine Pisani, Council Staff
11:20	**ABLE Accounts Technical Assistance Position & Legislation,** Christine Pisani, Council Staff
12:15	**Agency Updates** (5 minutes) (Lunch Provided)
1:15	**Therapeutic Stabilization Center,** Cameron Gilliland, Deputy Director Family and Community Services (FACS), Jamie Newton, SWITC Administrator, and Tim Voz, Projects Manager, FACS
2:15	**Walk and Talk,** Toni Brinegar**,** Council Staff
3:00	**Close the Gap,** Jim Baugh, Disability Rights Idaho
3:30	**Conflict of Interest,** Tracy Warren, Council Staff
4:00	**Council Self-Assessment & Stakeholder Survey,** Tracy Warren, Council staff
4:30	**Adjourn**

Friday, October 28, 2016

9:00	**Welcome, Rebekah Forster, Council Vice-Chair**
10:00	**Consent Agenda** a. Minutes from July 2016 meeting b. Chair Report c. Director Report
10:15	**Financial Report and 2017 Budget,** Jean Weber, Council staff
10:45	**Break**
11:00	**Project Highlights,** All Staff
12:15	**Proposed Sign Language Licensure Legislation,** Jim Baugh, Disability Rights Idaho; **ICDD Research Analyst Position**, Christine Pisani, Council Staff (Lunch Provided)
1:15	**Housing Trust**, Christine Pisani, Council Staff
2:15	**Break**
2:30	**Council Prioritizes Legisaltive Issues,** Christine Pisani, Council staff
3:00	**Council Member Homework,** Toni Belknap-Brinegar, Council staff
3:30	**Council Meeting Evaluation, Korynne Donehey, Council Member**
3:45	**Adjourn – Next Council Meeting January 28-29, 2016**

***Items in green require a vote.**

The mission of the Idaho Council on Developmental Disabilities is to promote the capacity of people with developmental disabilities and their families to determine, access, and direct the services or supports they need to live the lives they choose, and to build the communities' ability to support their choices.

National Core Indicator Statewide Family Survey Results

Background Information:

The Council, The Center on Disabilities and Human Development, and Idaho Parents Unlimited each co-sponsored the National Core Indicator Family Data survey with Family and Community Services at IDHW. The Division of Family and Community Services sent the survey to families statewide to all families who access developmental disability services for their children. As of June 23, IDHW had received 1000 total surveys and 34 of those surveys were submitted by Spanish speaking families.

Indicators are standard measures used across states to assess the outcomes of services provided to individuals and families. Indicators address key areas of concern including employment, rights, service planning, community inclusion, choice, health and safety.

The benefits to Idaho of enrolling as an NCI state include:

- Outcome measures creating performance benchmarks
- Provider cost information gathered by an independent party
- Creates a collaborative focus of effort with service providers and
- Assists with some CMS waiver reporting
- The survey questions also align with the evaluation of the HCBS rules once implemented
- Data informed decisions support the best, most effective, most efficient programs

Recommended Action:

Listen, discuss, and ask questions.

Notes:

Legislative Action Recommendations: Setting Priorities for the 2017 Legislative Session

Background Information:

Council members will receive further information about possible issues for the Council to work on during the 2017 legislative session. The full Council will discuss all issues and prioritize them to create legislative action recommendations. Presentations will be made about the following topics by individuals well informed on the policy issues.

Issues:

1. Proposed state general fund request to fund an ABLE Technical Assistance/Emergency Planning Position at the State Independent Living Council (SILC)
   Staff Recommendation: Lend Support. The SILC is the lead agency.

2. Proposed legislation that protects individuals with disabilities from becoming ineligible for any state program due to savings within an ABLE account.
   Staff Recommendation: Lead the way. Senator Grant Burgoyne, District 16 is the sponsor.

3. Proposed legislation for sign language licensure for interpreters.
   Staff Recommendation: Lend Support. The Council for the Deaf and Hard of Hearing is the lead agency.

4. Close the Gap
   Staff Recommendation: Lend Support. "Close the Gap" is the lead organization. Await the interim committee's potential recommendation.

5. Proposed legislation for a therapeutic stabilization center.
   No Staff Recommendation at this time as staff awaits direction from the Council.

6. Housing Trust
   No Staff recommendation at this time as staff awaits direction from the Council.

7. Proposed state general fund request for on-going funding for a research analyst position at the Council.
   Staff Recommendation. Lead the way.

How the Council Sets Priorities for Legislative Issues

The Council has three levels of involvement in legislative issues.

Priority One -- Leading the Way:

ICDD will actively promote, oppose, influence, and advocate for programs and policies that impact people with developmental disabilities and their families. ICDD will take a leadership role on these activities, and will use these ways to do so:

- Educating Policymakers
- Grassroots advocacy
- Working with others
- Media
- Other activities, as needed
    - Past example: Criminal History Background Checks for Guardians and Conservators Legislation – the Council drafted legislation to require prospective guardians to undergo a criminal history background check. We worked with legislative services to create the bill and a sponsor Legislator to carry the legislation. Staff created plain language fact sheets and promoted the issue with stakeholders, associations, and partners. Staff and Council members met with legislators about the issue and then staff testified in support of the bill during hearings (the bill passed and became law).

Priority Two -- Lending Support:

ICDD will work closely with people with developmental disabilities, parents, disability partners, coalitions, and others to promote legislation that is helpful -- and will work against harmful legislation to -- individuals with developmental disabilities and their families. ICDD may choose to lead on some issues, or may follow the lead of others, but in general will use these ways to do so:

- Active Coalition Participation (i.e., serving on committees, signing on to coalition efforts, forwarding coalition information)
- Watch Legislation
- Communicating with Council Members
- Communicating with Policymakers
- Communicating through social media and web-site
- Action Alerts

- Past Example: American Sign Language Interpreter Licensing – Council members heard a presentation from the Council for the Deaf and Hard of Hearing (the sponsor) about their legislation. Staff drafted plain language versions of fact sheets and informed Council members who met with legislators about the issue. Staff prepared testimony to present in support of the bill during germane committee hearings.

Priority Three -- Keeping Track:

ICDD will closely watch legislation and have a voice on issues of interest to the disability community. ICDD will watch legislation, answer questions to the Council, and provide clear information and recommendations.

- Past Example: Futile Care Legislation – in 2013 the Idaho Medical Association introduced legislation to change the definition of "futile care" in Idaho code. The ICDD Public Policy Committee was informed about the issue and recommended monitoring the legislation. Staff tracked the bill's status during the session and informed members and stakeholders through ICDD legislative updates.

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ABLE Policy to Protect Individuals from Becoming Ineligible for State Programs due to ABLE Account Savings

Background Information:

Senator Grant Burgoyne, District 16, is sponsoring legislation to include language that protects individuals with disabilities from becoming ineligible for any state program due to savings within an ABLE account.

For more information please see attached white paper.

Recommended Action:

Listen, discuss, ask questions and share information with others in your home communities.

Notes:

ABLE/Emergency Planning Statewide Technical Assistance Position at the SILC

Background Information:

A stakeholder committee met over the past year to discuss the pros and cons of developing a program in Idaho. It was determined that the cost of hosting an Idaho based ABLE Account program would be a challenge due to the upfront and continued costs to sustain the program, the required record keeping and reporting required under the law, and the cost in fees to participating members. It is important to note that Idaho citizens are able to participate in ABLE programs residing in other states and that the cost associated would likely be lower than participating in an Idaho program due to our lower population.

Council staff felt strongly that in order for Idaho's citizens to effectively access ABLE accounts in other states, many would benefit from information and assistance from someone who is both knowledgeable regarding the ABLE Act as well as familiar with the wide range of challenges facing Idaho citizens, some of whom may be in remote locations lacking internet and cell service.

This position would act as a point-source for information and assistance for Idaho citizens to understand ABLE accounts and help them to compare accounts provided in other states. The goals of the position include:

1) The Idaho disability community will become financially literate.

2) The Disability community will receive technical assistance, training and information. The position will allow for phone and face-to-face training by a person with current information about the ABLE Act and available accounts who is also familiar with Idaho.

3) Idaho will have an on-line presence linked to the National Resource Center. This dedicated position will maintain a web presence to provide plain language information, up to date financial literacy information, and be up to date on any changes that may take place with the ABLE Act itself. In addition, the ABLE National Resource Center will be reflective of what is happening in Idaho, and allow for the exchange of information between the ABLE National Resource

Center and Idaho, and for Idaho specific information to be reflected accurately.

The position has been approved by the stakeholder committee and work was done earlier this summer to inform the Governor's office about the purpose of this position. The proposed position was not a fit for the DD Council, so staff looked to the State Independent Living Council (SILC). ICDD and the SILC worked with the Governor's budget office to submit a request for the SILC to have an ongoing increase in General Funds within their 2018 budget to provide sustainable funding for a current full-time positon. The position will combine activities to provide technical assistance and training related to ABLE accounts/financial literacy and emergency preparedness (half-time for each project). The goals of the position are to provide research, development, training and technical assistance in two specific areas:

1) the provision of technical assistance related to the ABLE Act; and
2) the provision of technical assistance related to Emergency Preparedness.

Emergency Preparedness

Idahoans face growing concerns related to emergency planning, management and recovery, particularly in the case of wildfires and the ensuing flooding that occurs after a fire. This position will develop and deliver plain language materials and training to help people with disabilities prepare for an emergency situation; work with agencies that serve people with disabilities; and provide information and technical assistance to local governments, preparedness and disaster managers and teams to optimize resources for the community. Within the context of Emergency Preparedness, this position serves as a bridge between various groups, fostering understanding and preparation before disaster strikes.

Recommended Action.

Listen, discuss, and ask questions.

Notes:

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C. L. "Butch" Otter
Governor

Debra Parsons
Chair

Christine Pisani
Executive Director

Request to Set Up an In-State Technical Assistance Specialist for ABLE Act Account Assistance

EXECUTIVE SUMMARY

The Federal ABLE Act makes it possible for persons receiving various disability benefits to set aside savings in amounts greater than $2,000 for specifically defined purposes. Several states have passed legislation to set up these accounts. Anyone who is eligible to access this program can use the program in another state. Because of the costs involved in having an in-state program, it is not suggested at this time that Idaho develop its own program, but that Idaho citizens use one of the programs already established in other states. However, in order to best serve Idaho citizens, we are proposing that a new position be established to act as a point-source for information and assistance for Idaho citizens to set up and use these ABLE Act accounts.

NEW POSITION PROPOSAL

We are respectfully requesting a new half-time position be established in the Idaho State Independent Living Council to act as a point-source for information and assistance for Idaho citizens to set up and use ABLE Act accounts. ABLE accounts would be accessed through ABLE account programs established by other states, not by Idaho. Due to the complex nature of the requirements of using these accounts, it would be extremely helpful to Idaho citizens to have someone available in Idaho who can help navigate the process.

The annual cost for this position is not expected to exceed $45,916, which includes salary, benefits, and OE for a .5 FTE. There would be initial start-up costs involved with this position including providing training, initial webpage setup, and maintenance. Travel is an expectation of this position. Travel responsibilities would include conducting face-to-face trainings in at least three parts of the state annually. In addition this position would attend and provide a presence at Idaho conferences where families and individuals with disabilities were the target audience. The Idaho State Independent Living Council (SILC) is requesting an ongoing increase in General Funds within our SFY2018 budget to provide sustainable funding for a current full-time positon. The position will combine activities to provide technical assistance and training related to ABLE accounts/financial literacy and emergency preparedness (.5 FTP for each project).

GOALS OF THE POSITION

- **The Idaho disability community will become financially literate.** We recognize through our work in Idaho with people with disabilities and the experience of other states that educating people with disabilities about financial literacy will go beyond just setting up an ABLE account, but will also empower our citizens to make their own decisions, be self-reliant, and develop strategies to establish savings that may offset some of the need for benefits.

- **The Disability community will receive technical assistance, training and information.** The positon will allow for phone and face-to-face training by a person with current information about the ABLE Act who is also familiar with Idaho. Best practice dictates that face-to-face education be conducted statewide to accommodate the unique needs of this population, including sign language interpretation, support to understand complex ideas, information provided in Braille, accessible spaces, and large print to name a few.
- **Idaho will have an on-line presence linked to the National Resource Center.** This dedicated position will maintain a state web presence to provide plain language information, up-to-date financial literacy information, and be up to date on any changes that may take place with the ABLE Act itself. In addition, the ABLE National Resource Center http://ablenrc.org/wil will be reflective of what is happening in Idaho, and allow for the exchange of information between the ABLE National Resource Center and Idaho, and for Idaho specific information to be reflected accurately.

BACKGROUND SUMMARY

- Prior to the passage of the Federal ABLE Act in 2014, persons receiving various disability benefits were restricted from having savings accounts greater than $2,000 without endangering their benefits.
- The ABLE Act provides the ability to set aside savings for specific purposes in amounts up to $14,000 per year, with a maximum balance of $100,000.
- ABLE Act programs are specifically set up and monitored for appropriate usage.
- A stakeholder group met to discuss the pros and cons of developing a program in Idaho, and it was determined that the cost of hosting an ABLE Act program in Idaho would be a challenge due to the upfront and continued costs to sustain the program as well as the record keeping and reporting required under the law. It is important to note that Idaho citizens are able to participate in ABLE programs residing in other states and that the cost associated would likely be lower than participating in an Idaho program due to our lower population.
- In order for Idaho's citizens to effectively access the ABLE Act program, many will likely need information and assistance from someone who is both knowledgeable regarding the ABLE Act as well as familiar with the wide range of challenges facing Idaho citizens, some of whom may be in remote locations lacking internet service.
- It is expected that this position would provide advice and technical assistance regarding the various ABLE account programs nationwide, ABLE accounts versus the establishment of a Special Needs Trust, training and educational materials to address financial literacy, and maintenance of an Idaho ABLE account technical assistance web page.

ADDITIONAL INFORMATION

Many states have enacted legislation for an ABLE account program. The Idaho stakeholders determined that start-up and maintenance costs to establish an ABLE account program in Idaho would require significant state funding, oversight, and strict ongoing reporting requirements. Due to costs involved to maintain an Idaho-based program, a substantial fee would need to be assessed to the ABLE account

beneficiary, and would likely exceed the benefit of participation in most cases. Since any eligible resident in any state may enroll in another state's ABLE account program, it is not recommended at this time that Idaho develop its own program.

Financial literacy and education is a critical component to provide to disability beneficiaries, that they may gain the knowledge, skills and support required to make effective financial decisions. Individuals with disabilities have the right to make their own choices for creating a meaningful life; and it is important that account beneficiaries have the information and tools to manage their accounts. Although Idaho residents using ABLE accounts from another state have an option of accessing the ABLE National Resource Center in Washington D.C., Idaho citizens with disabilities and parents of children with disabilities feel it is necessary to have someone in the State of Idaho available to provide assistance. It is important to Idaho participants that the information be provided in plain language by someone who is familiar with Idaho's unique demographics.

During the process of setting up this technical assistance position, further research will be conducted to ensure that ABLE account resources are disregarded from determining eligibility for any state-funded programs and benefits. The federal law disregards resources with any federally funded program or benefit, but it may not protect a qualified beneficiary from the potential of becoming ineligible for state-funded programs as a result of ABLE account savings. It will also be necessary to determine if an Idaho state tax deduction for contributions to another state's ABLE account should be considered for the purpose of providing an additional incentive to open an ABLE account and maximize contributions for the intended beneficiary.

Background of the ABLE Act

The Stephen Beck Jr. Achieving a Better Life Experience (ABLE Act) was signed into law in December 2014. https://www.govtrack.us/congress/bills/113/hr647/text.

The passage of this legislation creates a pathway toward independence and economic self-sufficiency for people with disabilities. ABLE accounts offer people with disabilities both short and long term financial saving opportunities. It also provides the ability for friends and family to contribute resources to ABLE accounts on behalf of individuals with disabilities. The ABLE Act provides individuals with disabilities the same types of flexible savings tools that all other Americans have through college savings accounts, health savings accounts, and individual retirement accounts. Before passage of the ABLE Act, people who were Social Security Supplemental Income (SSI) beneficiaries could have no more than $2,000 in assets, which includes education and retirement savings accounts, in order to maintain eligibility for critical public benefits such as SSI, Medicaid, and the Supplemental Nutrition Assistance Program.

The importance of the ABLE Act

Reports indicate that adults with disabilities continue to struggle to make ends meet and lack information and knowledge about financial opportunities and the consequences of certain financial decisions (National Disability Institute, 2014, 2015). In 2013, more than 12 million Social Security Disability Insurance (SSDI) and SSI beneficiaries received monthly benefits, which is often their only source of income. Medicaid eligibility for individuals with disabilities relies on disability criteria set for by the Social Security Administration. As of 2012, of the 1,138,121people with intellectual and developmental disabilities, an estimated 680,610 received Home and Community Based services paid for through

Medicaid (Larson et al., 2014). For many people who receive Social Security and Medicaid benefits, the asset limit of $2,000 creates a disincentive to work and save for short and long term financial needs, and perpetuates a cycle of poverty.

Working-age adults with disabilities and families who have children with disabilities experience additional costs related to healthcare, assistive technology, education, housing, transportation, personal support and employment. The ABLE act creates the ability for families and individuals to establish tax exempt savings accounts in the amount of $14,000 annually, up to a $100,000 maximum balance. Savings from ABLE accounts may be used to fund qualified disability expenses which include a variety of essential expenses such as medical and dental care, prevention and wellness, education, financial management, administrative services, community-based supports, funeral and burial expenses, employment training, assistive technology, housing and transportation.

State ABLE Accounts

Once the ABLE act was enacted, states immediately began working to pass legislation to implement ABLE accounts. To date, at least 34 states have passed laws to authorize the establishment of ABLE programs. Ohio was the first state to announce availability of ABLE accounts to qualifying beneficiaries nationwide, and additional 17 other states are expected to have programs available as well. However, since the passage of the legislation there have been additional federal guidance and legislation for states to consider and plan for. Three substantial elements have been introduced into the ABLE account discussions:

1) In November of 2015 the Treasury Department provided guidance to states for the administration of ABLE accounts. That being said the guidelines have not been fully finalized and continue to be vetted by several stakeholder groups. https://www.federalregister.gov/articles/2015/06/22/2015-15280/guidance-under-section-529a-qualified-able-programs

2) In December 2015 the passage of the Protecting Americans from Tax Hikes Act eliminated the residency requirement as originally mandated in the ABLE Act. This means that eligible individuals with disabilities may choose to select opening and ABLE account that best fits their needs from available state programs across the country.

3) In December 2015 Advance Notification Regarding Reporting by State ABLE Programs was published in the Federal Register 80 FR 77404 which provided rules from the Social Security Administration regarding state requirements for monthly ABLE data reporting. The requirements state the information must be reported from the state itself and not a third party record keeper the state might employ.

Additional Proposed ABLE Amendments

In March of 2016 the six lead sponsors of the original ABLE Act introduced three bills in both the U.S. Senate and the House of Representatives to increase the age of onset for eligibility from age 26 to age 46 for the ABLE Act and to make other improvements to the ABLE program:

- **The ABLE Age Adjustment Act** (S. 2704, H.R. 4813) will raise the age limit for eligibility for ABLE accounts to age 46. Currently, only individuals with a severe disability prior to the age of 26 are eligible to open an ABLE account. Many disabling diseases and conditions can occur later in life. Increasing the age limit for ABLE accounts will allow more individuals to save for disability related expenses in ABLE accounts. Sponsors: Senator Casey and Rep. Van Hollen.

- **The ABLE Financial Planning Act** (S. 2703, H.R. 4794) would allow families to rollover savings in a 529 college savings plan into an ABLE account. Many families save for a child's college education by opening a 529 account, sometimes before their child is even born, only to learn later that their child has a severe disability. They face taxes on their withdrawals for anything other than college expenses. The ABLE Financial Planning Act would allow them to rollover the funds in their 529 account into an ABLE account for their disabled child. Sponsors: Senator Casey and Rep. Crenshaw.

- **The ABLE to Work Act** (S. 2702, H.R. 4795) would allow individuals and their families to save more money in an ABLE account if the beneficiary works and earns income. It is intended to encourage work and self-sufficiency. Specifically, an ABLE beneficiary who earns income from a job could save up to the Federal Poverty Level, which is currently at $11,770. The bill will also allow ABLE beneficiaries to qualify for the existing Saver's Credit when they put savings in. Sponsors: Senator Burr and Rep. Crenshaw.

Idaho Stakeholders

Ms. Shiloh Blackburn, Idaho Council on Developmental Disabilities, IDeal - Idaho College Savings Program, DisAbility Rights Idaho, Center on Disabilities and Human Development at the University of Idaho, Idaho Parents Unlimited, Idaho State Independent Living Council, Living Independence Network Corporation, Living Independence For Everyone, Disability Action Center Northwest, Idaho Department of Health and Welfare, Senator Grant Burgoyne, Representative Caroline Nilsson Troy, C.K. Quade Law, PLLC, The Idaho Governor's office

References

Achieving a Better Life Experience Act of 2014 or the ''ABLE Act of 2014,'' Pub. L. No. 113-295, 26 USC §529A (2014).

Larson, S.A., Hallas-Muchow, L., Aiken, F., Hewitt, A., Pettingell, S., Anderson, L.L., . . .Kardell, Y. (2014). In-home and residential long-term supports and services for persons with intellectual or developmental disabilities: Status and trends through 2012. Minneapolis, MN: University of Minnesota, Research and Training Center on Community Living, Institute on Community Integration.

Agency Reports

Background Information:

Representatives from agencies will have an opportunity to present upcoming events or issues specially related to their area of expertise or agency.

Recommended Action:

Listen, discuss, ask questions and share information with others in your home communities.

Notes:

Therapeutic Stabilization Center

Background Information:

The Idaho Department of Health & Welfare (IDHW) released a Request for Proposals seeking architectural designs for two distinct residential facility types that include three 12-bed co-located residential facilities for people with developmental disabilities licensed as Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF-ID) and, one four (4)-bed co-located secure residential facility either attached or freestanding. The location of the three 12-beds and co-located four bed secure facility shall be an appropriate site in the Treasure Valley. All 36 ICF-ID beds must meet federal and state regulatory ICF/ID requirements and the four (4)-bed secure facility shall be co-located and must meet separate licensing requirements. An architectural firm has been identified and is working with IDHW to create facility designs.

Many of the individuals in the facility(s) will have high intensity behavioral disorders including self-harm, property destruction, and physical aggression that require intensive supervision. Nampa City Council hosted a hearing for the sale of the land which passed out of City Council, but has been stalled at Planning and Zoning in Nampa. The sale of the land awaits an additional hearing at Nampa City Council. Members of the Joint Finance and Appropriation Committee toured SWITC with the additional information of the land sale IDHW is pursuing a therapeutic stabilization and transition center for people with ID/DD. The land where SWITC is located will be sold and construction of a new therapeutic stabilization center will be built with funds from the sale of property. The estimated value of the 615 total acres is approximately $125 million sold whole, with 4.7 million still owed on bonds.

An update on these plans will be made to the Council from the Division of Family and Community Services within IDHW.

Recommended Action:

Listen, discuss, and ask questions.

Notes:

Statement of Purpose

RS

With the deinstitutionalization of clients and the falling census at the Southwest Idaho Treatment Center (SWITC) the mission of the institution has changed from an Intermediate Care Facility to a stabilization facility that should have levels of secure and less secure placement according to client needs. This legislation will allow for a wing of a facility to have secured features protecting more vulnerable clients and the community. Idaho courts have expressed the need for a short term placement option for individuals with developmental disabilities who pose a threat to the community during the pendency of their criminal cases.

Fiscal Impact

A section of the current facility will be given secure features as existing funding allows. Any future facility would include a secure wing and the funding estimate for the secure wing will be reflected in the plans for the facility.

PROPOSED LEGISLATION.
2016
SECURED TREATMENT FACILITY ACT.

66-1401. SHORT TITLE. This chapter shall be known as the Secure Treatment Facility act.

66-1402. AUTHORITY.

(1) The Department of Health and Welfare shall have the power to establish, operate and maintain a secure treatment facility for persons with an intellectual or developmental disability who pose a substantial threat to the safety risk to others. These individuals may also have co-occurring mental illness requiring diagnostic services and treatment in a secure facility. The facility shall be identifiably separate from other programs managed by the Department of Health and Welfare for persons with an intellectual or developmental disability. The provisions of this chapter shall be liberally construed to accomplish these purposes.

(2) The director of the Department of Health and Welfare or his designee shall have authority to make rules for the governance of this facility and program consistent with this act.

(3) The final decision regarding the admission or discharge of participants to the facility shall rest with the director or his designee.

66-1403. DEFINITIONS. As used in this chapter:

(1) “Administrator” means the administrator of the secure treatment facility.

(2) “Adult” means an individual eighteen (18) years of age or older.

(3) “Candidate” means an individual who is being considered for admission into the secured treatment facility.

(4) “Department” means the Idaho Department of Health and Welfare.

(5) “Director” means the director of the Idaho Department of Health and Welfare.

(6) “Developmental Disability” means a developmental disability as defined in Title 66, chapter 4, Idaho Code or an intellectual disability as defined in Title 73, chapter 1, Idaho Code.

(7) “Facility” means the facility to be operated by the Idaho Department of Health and Welfare to fulfill the purposes of this act. That facility shall include features which at a minimum include:

(a) A locked, fenced and enclosed grounds accessible only to patients, staff, and authorized individuals;

(b) Locked residential units;

(c) Bedroom and building exit alarms;

(d) Monitoring cameras in all common areas;

(e) Modified interiors to reduce risk of suicide;

(f) Restricted access to items which could be used as weapons.

(8) "Participant” means the individual subject to placement in a secured facility under the provisions of this chapter.

(9) “Substantial threat to the safety of others” means that a candidate presents a substantial risk of physical harm to other persons as manifested by evidence of violent behavior or evidence that others are placed in reasonable fear of violent behavior and serious physical harm to them .

66-1404. CRITERIA FOR PARTICIPATION. Participants admitted to the facility must meet all of the following criteria:

(1) Has a developmental disability as determined by the Department of Health and Welfare;

(2) Be an adult;

(3) Meet one of the following grounds ;

(a) The candidate is being criminally adjudicated and is undergoing evaluation for competency to stand trial in conformance with Title 18, Chapter 2, Idaho Code.

(b) The candidate is being criminally adjudicated and is committed to the Department for treatment of restoration of competency in conformance with Title 18, Chapter 2, Idaho Code.

(c) The candidate is civilly committed to the custody of the Department in conformance with Title 66, chapter 4, Idaho Code.

(4) A court has found that the candidate presents a substantial threat to the safety of others if not evaluated or treated in a secured facility, and has ordered that the candidate may be confined to a secured treatment facility. Such a judicial finding and order constitutes a continuing authorization for the director or his designee to admit a candidate to the facility.

66-1405. ADMISSION AND DISCHARGE.

(1) ADMISSION. Admission shall be determined by the director or his designee. In considering whether a candidate should be admitted to the facility, the director or his designee may consider any relevant factor including the following:

(a) Whether less restrictive alternatives including services provided in community residential facilities or other community settings which would offer an opportunity for improvement of the condition have been judged to be inappropriate.

(b) Whether admission of the candidate would cause overcrowding of the facility.

(c) Whether the facility is unable to provide appropriate care or treatment for the candidate.

(2) TRANSPORTATION. Upon admission the participant shall be transported to the secured treatment facility in conformance with Title 18, chapter 2, or Title 66, chapter 4, Idaho Code.

(3) REDISPOSITION AND NOTICE.

(a) After admission to the facility the director or his designee may redisposition the participant to a less restrictive facility. If the participant was committed to the Department under Title 18, notice of change of disposition shall be filed with the committing court. If the participant was committed to the Department under Title 66, notice of change in disposition shall be given in accordance with 66-406, Idaho Code.

(b) If the director or his designee has dispositioned a candidate to a less restrictive facility and later admits the candidate to the secure treatment facility the participant may appeal the admission to the committing court within thirty (30) days of notice of the change in disposition. The court shall consider whether the participant continues to present a substantial threat to the safety of others if not evaluated or

treated in a secured facility, and whether its order that the candidate may be confined to a secured treatment facility continues to be appropriate.

(4) DISCHARGE. If the participant no longer meets the program criteria as stated in this chapter, the director or his designee shall discharge the participant from the facility. The director or his designee may discharge the participant from the commitment as allowed by law, or redisposition the participant to a less restrictive setting. If the participant is discharged from a commitment, notice shall be given as allowed by law authorizing the commitment.

66-1406. RIGHTS OF PARTICIPANTS.

(1) All participants shall be accorded those civil rights provided by Title 66, chapter 4, Idaho Code, with the exception of:

(a) Those aspects which are limited by the court;

(b) Those which are limited by the treatment plan developed in accordance with 66-413, Idaho Code;

(c) The use of mechanical restraints during the transportation to or from any facility. Such use will need not be recorded in the respondent's treatment file.

(2) The participants shall be entitled to be diagnosed, cared for, and treated in a manner consistent with their legal rights in a manner no more restrictive than for their protection and the protection of society, for a period no longer than reasonably necessary for diagnosis, care, treatment and protection.

66-1407. TREATMENT.

(1) The Director or his designee shall have the power to develop appropriate standards and rules for treatment of participants. It shall be the responsibility of the director or his designee to implement those standards.

(2) The relative risks and benefits of specific modes of treatment contained in such plans shall be explained to the extent allowed by law to each participant or his spouse, guardian, adult next of kin or friend.

(3) Treatment may be given over the objections of a participant or his spouse, guardian, adult next of kin or friend when allowable under applicable law.

(4) If treatment is given over an objection a statement explaining the reasons for doing so shall be entered into the respondent's treatment record. A copy of that statement shall also be sent to the court which committed the respondent

Close the Gap

Background Information:

More than 78,000 Idahoans do not qualify for Medicaid, but make too little to afford coverage through the Health Care Exchange. An interim workgroup was tasked with finding a solution to the coverage gap titled, "Healthcare Alternative for Citizens Below 100% of Poverty Level *(a family of two adults and two children whose annual income fell below $24,036 is at 100% of poverty level).

***Data Source:** Population Reference Bureau, analysis of data from the U.S. Census Bureau, Census 2000 Supplementary Survey, 2001 Supplementary Survey, 2002 through 2015 American Community Survey.

Members of the workgroup include:

Sen. Marv Hagedorn, Co-chair	Rep. Tom Loertscher, Co-chair
Sen. Patti Anne Lodge	Rep. Fred Wood
Sen. Steve Thayn	Rep. Judy Boyle
Sen. Jim Guthrie	Rep. John Vander Woude
Sen. Maryanne Jordan	Rep. Sue Chew

The legislative interim workgroup hosted a day-long meeting on September 28th that included public testimony. Jim Baugh, Executive Director of Disability Rights Idaho testified on behalf of the members of the Consortium for Idahoans with Disabilities (testimony attached). The workgroup has not made a recommendation to date.

The committee met July 20, August 11 and 29th, September 28th and will meet October 24th. To review meeting minutes, presentations and handouts: **http://legislature.idaho.gov/sessioninfo/2016/interim/citizenshealth.htm**

Recommended Action:

Listen, discuss, and ask questions.

Notes:

Idaho Council on Developmental Disabilities

Disability Rights Idaho

State Independent Living Council

U of I Center on Disabilities and Human Development

Community Partnerships of Idaho

Living Independence Center Inc. (LINC)

Council for Deaf and Hard of Hearing

Epilepsy Foundation of Idaho

S.L. Start

Idaho Parents Unlimited

Living Independently for Everyone (LIFE)

Idaho Self Advocate Leadership Network

Commission for Blind and Visually Impaired

M S Society

Vocational Rehabilitation

Consumer Direct

Disability Action Center Northwest

CONSORTIUM FOR IDAHOANS WITH DISABILITIES

Idaho Medicaid Expansion / Reform:
Promoting Independence for People with Disabilities

Medicaid Expansion / Reform is a proposal for major changes in Idaho's health care financing system for people who cannot afford the cost of health care, including mental health care. There are five components to Idaho Medicaid Expansion / Reform:

1. **Accept the federal Medicaid Coverage Option**
2. **Add Medicaid incentives to increase consumer responsibility**
3. **Eliminate the County Indigent Health Care Programs**
4. **Eliminate the State Catastrophic Care Fund**
5. **Shift Cost of state funded Community Mental Health Care to Medicaid.**

Others have documented how these changes will save Idaho money, how it will ensure access to health care for low income working families in Idaho, and how it can change our publicly funded health care from costly emergency room and hospital care to less costly preventive and supportive community care, https://gov.idaho.gov/priorities/MedicaidExpansion.html . This paper addresses the benefits of Idaho Medicaid Expansion for Idahoans with disabilities who have no health care coverage.

Contrary to popular belief, not all people with disabilities and low incomes are eligible for Medicaid. Thousands of Idahoans with disabilities and chronic illnesses have income below 138% of the Federal Poverty Level but do not currently qualify for Medicaid, or any other affordable, coverage.

Idaho's mental health care system is broken. Idaho Medicaid Expansion is the best option for vastly improving our system without significant state general fund expenditures.

75,000 Idahoans experienced a serious mental illness in the last year. Of those people, just under 50,000 have a **persistent and recurring serious mental illness** which significantly impairs their ability to function in society. About 26,000 of these Idahoans receive treatment through the Department of Health and Welfare for these illnesses each year. Only about half of them are currently covered by Medicaid. Medicaid covered patients receive preventive and supportive services from private providers in the community as well as crisis assistance when needed. The remaining 12,000 to 13,000 Idahoans receive services from Department of Health and Welfare, funded entirely by Idaho general fund appropriations (See also, http://closethegapidaho.org/wp-content/uploads/Chart-Book.pdf at p.15) These services are currently limited to people in serious crisis who pose a risk to themselves or others, and people receiving services through the state mental health courts. This system does not have the resources to provide rehabilitative services, or community supports to prevent relapses and crises. People with severe and persistent mental illness need these services to move toward recovery rehabilitation and independence. Medicaid Expansion / Reform would use federal funds to provide the full range of Medicaid mental health services for this

population. The federal funds would cover over 90% of the treatment costs for three years tapering to 90% by the year 2020. This would save Idaho money while providing for a desperately needed shift from crisis management to maintenance, prevention, rehabilitation and community supports. In short, Medicaid expansion would allow Idaho to radically improve our inadequate mental health system using federal funds.

People with recent disabilities receiving Social Security Disability benefits often have no medical coverage. When people first experience disability from an accident or an illness which prevents them from working, they can obtain Social Security Disability Benefits. Depending on the length of employment and the amount he or she has paid into the system these benefits often exceed the income level currently set for Idaho Medicaid. They will not be eligible for Medicare for two full years. Since they have lost their job due to disability they usually have no source of medical insurance coverage. A recent analysis of a random sample of county indigent program claims conducted by Dr. Douglas Dammrose, revealed that 42% of the claimants are in this category, http://www.healthandwelfare.idaho.gov/Portals/0/Medical/MoreInformation/08-14-2014%20Medicaid%20Expansion-Idaho%20Doug%20Dammrose.pdf . It is not possible to use this small sample to estimate the number of people in the waiting period who are in the gap, but it suggests that they number in the thousands statewide. Getting adequate medical care during the first two years after onset of disability can be crucial to future health, rehabilitation and recovery. Medicaid expansion would provide federally funded medical coverage for this two-year gap. Access to appropriate medical care during this interval is an essential part of rehabilitation and a return to independence and self-sufficiency for many people.

People with disabilities due to chronic health problems need Medicaid coverage to avoid deterioration and possible institutionalization.
People with chronic health problems and disabilities are more likely to have lower incomes because of the limitations of their condition. Many people in households below 138% of the federal poverty level are in great need of preventive and ongoing medical care. These people in particular will benefit from Medicaid expansion by getting early and ongoing care, instead of waiting until their condition requires acute or emergency care. The state and counties benefit from the lower costs of care as well. Unlike most private insurance, Medicaid covers the cost of long term care. Long term care includes both institutional care in facilities like nursing homes and personal assistance services. Personal Assistance services are supports which help a person with a disability to perform daily tasks such as bathing, dressing, eating, and cooking when their disabilities make it impossible for them to do so without help. Medicaid community based services can delay or prevent the need for placement in long term care or nursing homes. This helps people to maintain their independence, and significantly lowers the cost of their care.

Health coverage for parents strengthens the health of families whose children have disabilities or special health care needs.
Parents' health affects children's health and well-being. The Institute of Medicine has reported that a parent's poor physical or mental health contributes to a family environment that may impair the health or well-being of a child. Uninsured parents who don't get care may be unable to work. Coverage for parents has a big impact on children.

The Consortium for Idahoans with Disabilities (CID) strongly supports Idaho Medicaid Expansion because by filling in the gaps in coverage and making medical and mental health care available, we can greatly increase the opportunities for people with disabilities to achieve and maintain their independence, maximize opportunities for rehabilitation and recovery, and greatly improve Idaho's mental health system using the federal funding available to Idaho.

James R. Baugh, Executive Director
DisAbility Rights Idaho, (208)336-5353, jbaugh@disabilityrightsidaho.org

Member Conflict of Interest Annual Disclosure Statement

Background Information:

The Idaho State Council on Developmental Disabilities is comprised of representatives of agencies, service providers, people with developmental disabilities, family members, and interested persons from all areas of Idaho. Council members may be involved with more than one board, organization, association, or business that is part of the developmental disability service community. There may be times when this organization is, or would like to be, involved with Council activities and projects through a contract or other agreement. Because this may lead to real or potential conflicts of interest, the Council establishes a policy to give direction to the Council members to prevent conflict of interests.

Purpose

Every year each Council member must complete and sign a Conflict of Interest statement that publicly discloses any organizational membership, employment, or other relationship that may receive a financial gain because of their membership on the Council. Conflict of interest will be discussed during the meeting.

What do we do with the information?

We are required to keep this information in each member's file. If any issue came up around a possible conflict of interest we would be able to refer to this document.

Recommended Action:

Get a printed form from Tracy Warren when you get to the fall meeting on October 27. Complete the Conflict of Interest form, sign it, and give it to Tracy. If your situation changes at any time during the year, please let us know so that we can have you update your disclosure statement.

Notes:

Explanation of Council Policy No. 113

CONFLICT OF INTEREST

The Idaho State Council on Developmental Disabilities is comprised of representatives of agencies, service providers, people with developmental disabilities, family members, and interested persons from all areas of Idaho. Because the disability community in Idaho is relatively small, Council members may be involved with more than one board, organization, association, or business that is part of the developmental disability service community. There may be times when this organization is, or would like to be, involved with Council activities and projects through a contract or other agreement. Because this may lead to real or potential conflicts of interest, the Council establishes a policy to give direction to the Council members to prevent conflict of interests.

Any conflict of interest by a Council member is not allowed. A **conflict of interest** occurs when an action or decision by a Council member allows the Council member or a person from the member's household or a business the Council member or a member of their household is involved with, to get a financial benefit from the Council. A **financial benefit** can be from payment for services, payment of travel costs (that are not part of Council member responsibilities), purchase of goods or equipment kept by the member/family/business, and other things.

However, it is <u>not</u> considered a conflict of interest or remote interest when the financial benefit arises out of the following:

1. Member is involved with a business or occupation or affiliation required by law to be a member of the Council (example: Disability Rights Idaho, Center on Disability and Human Development); *or*
2. A member's official action that would affect a class (group) that includes the member or someone from their household or business (example: Council member who is a person with a developmental disability can vote on a Council policy agenda that includes work to increase employment services for people with developmental disabilities.)

Remote Interest

It may be determined that the Council member has a **remote interest** in a contract if

a) the member is an unpaid officer of a nonprofit corporation that contracts with the Council, *or*

b) the member is an employee or agent of such corporation and he or she is paid wages or salary from the corporation, *or*

c) the member is a landlord to, or rents space from, an organization that contracts with the Council (example: Council member owns a building that rents space to ABC organization that is getting money from the Council. If ABC loses the contract, the landlord may not get rent payments).

If a member has a remote interest in a contract, even though it is not a direct conflict of interest, the member must not participate in the discussion or vote on the issue and must declare their remote interest. It is the policy of the Council that any Council member who has a remote interest, conflict of interest, or a conflict of interest for which an exception applies, must not influence or attempt to influence any other Council member to vote to award the contract in question.

Some members will have expertise and knowledge that should be considered in the overall planning and discussion of Council business. Council members can be involved in these activities except as outlined in 2.b (on next page):

1. Each year, Council members shall disclose in writing a statement of their affiliations and of all conflicts of interest, including those which are uncertain or potential. Such statement must list any association with individuals or organizations-that might benefit from activities and decisions of the Council. This includes any contracts with the Council that the Council member or member of the person's household has an association. They must also list any upcoming grants or contracts they might bid on.

2. If a Council member, or a member of the Council member's household, or a business with which the Council member or member of the person's household is associated, anticipates applying for a contract, the Council member shall:
   a. Disclose in writing to the Chair their interest in bidding for a specific contract and this shall be recorded in the minutes; and
   b. Abstain (remove themselves) from the development and approval of bid details/specifications, review of submitted bid proposals, or the awarding and monitoring of a contract; and
   c. Participate in a competitive bid process, alongside other applicants, that is based on the quality and ability of the proposal to meet the bid specifications (requirements) and be low bid based upon the scope of the proposed activities; and
   d. Abstain (remove themselves) from voting on the award of the contract. If the review team recommends that a contract be awarded, the full Council must make the final decision to award the contract.

Each Council member must tell the Chair about instances where it is unclear whether a conflict of interest or a remote interest exists and if it was properly reported. In such cases, the Chair will direct the Executive Director to review the potential conflict with the Office of the Attorney General to determine (a) whether a conflict exists, and (b) if so, what to do about it.

NEPOTISM: No Council member or their spouse, sibling, parent or child may be employed by an organization or entity that gets Council funds if that member, spouse, sibling, parent, or child is paid for services or activities because of getting Council funds.

Council Member Disclosure Statement
Possible Conflict of Interest (example form)

(We will provide a printed form for you to complete and sign at the meeting.)

The purpose of this Conflict of Interest Statement is for you to declare that you do not have a conflict between your private interests and your responsibilities as a member of the Idaho Council on Developmental Disabilities. A conflict of interest arises when an action or decision by a Council member creates a financial benefit to that Council member or person from that member's household or to a business that the member or someone from their family is associated.

This statement will protect you, the signer and the Council from adverse criticism because of a business dealing or relationship where a possible known or unknown conflict of interest exists.

The following questions should show conflicts so that we can plan a resolution that may avoid any embarrassing situations.

Having received and read the Conflict of Interest policy my answers to the following questions are as follows:

1) I represent that I (check one)

   (___) DO *or* (___) DO NOT

   own or hold any form of ownership interest in a company or other business which does business with or has a grant from the Idaho Council on Developmental Disabilities.

2) I further represent that I (check one)

   (___) HAVE *or* (___) HAVE NOT

   accepted any payments, gifts, or entertainment from anyone that either does business with or reasonably could anticipate doing business with the Idaho Council on Developmental Disabilities.

3) I further represent that I (including any member of my family) (check one)

   (___) DO *or* (___) DO NOT

   have a relationship with any persons or firms which: (A) do business directly or indirectly with the Idaho Council on Developmental Disabilities or (B) may benefit from activities and decisions of the Council.

4) Please disclose on the back of this page all organizations in which you serve in a board or directorship position.

If you answer "I do" or "I have" to any of the above numbered questions, please explain in full on the reverse side of this page by referencing that number.

It is understood that my answers include relationships which I have directly or which might benefit me directly. For example, if my husband or wife is employed by a business with interests in Council activities, I will be expected to reveal that fact in my answer.

My signature below is an acknowledgment that, in my opinion, no conflict of interest exists between myself and the Idaho Council on Developmental Disabilities except as I have indicated on this disclosure form. I have also reported any organizations or associations with which I am involved which may create a conflict of interest in the future.

I certify that the information given is true, to the best of my knowledge and belief, and that I will promptly report any future change in my situation which might produce conflict of interest.

_____

Name (please print)

_____

Street Address City Zip

_____

Signature/Stamp Date

Organizations and Associations

Organization	My Role/Title

Explanation of Possible Conflicts:

Annual Council Self-Assessment

Background Information:

A Council self-assessment allows Council members to evaluate the Council efforts for a period of time. It also helps us understand how Members see their experience and work on the Council over the past year.

What do we do with the information?

Information gained from our annual Council evaluation will help the Council improve how it operates. It will also help us plan and develop effective training and education for members.

Why do this type of activity?

A survey with questions related to Council operations is a way for members to share how they feel things are going in an anonymous way. It gives members time to think about each question and share honestly about how they feel things are going.

Purpose

The purpose of the Council self-assessment is to measure if we are operating in a way that helps members participate fully and meet their responsibilities to make sure the Council is working towards the goals on its work plan.

The evaluation form and questions on the following pages will be explained during the Council meeting conference call on October 24th. Members will turn in their completed evaluation forms at the fall meeting.

Recommended Action:

Participate in a group discussion about the evaluation questions on the Council conference call October 24th. **Please read each item on the assessment form and put an "X" under your choice of ranking score (1 = Low to 5 = High).** Complete your evaluation and turn in to Tracy Warren at the fall Council meeting.

Notes:

This page is intentionally blank.

Council Evaluation

Rankings go from 1 = Low/Disagree up to 5 = High/Agree. **Please put an "X" in the box under a ranking number for each item.**

Council Activity

	LOW 1	2	3	4	HIGH 5	
1. The Council operates under a set of policies, procedures, and guidelines that all members know about and understand.						1
2. Council meetings are well attended, with near full turnout at each meeting.						2
3. Council members receive meeting agendas and supporting materials with enough time for review before each meeting.						3
4. Each Council meeting includes time to learn about the organization's activities.						4
5. Council meetings are long enough to accomplish the Council's work.						5
6. Council members fully and positively participate in discussions.						6
7. The Council gets regular updates about the budget and makes sure the organization is accountable for funds.						7
8. The Council understands and is supportive of the strategic planning process of the Council						8
9. The Council understands the yearly federal reporting responsibility and has access to the annual program performance report (PPR).						9
10. The Council reviews and evaluates the performance of the Executive Director each year and members understand the process.						10
11. The Council chair does a good job of leading the organization and facilitating Council meetings.						11

Council Evaluation

Rankings go from 1 = Low/Disagree up to 5 = High/Agree. **Please put an "X" in the box under a ranking number for each item.**

	LOW 1	2	3	4	HIGH 5	
Mission and Purpose						
12. The Council's mission and vision statement are well understood and supported by the Council.						12
13. The Council exercises its role in making sure the organization supports and upholds the mission and vision statements, core values, principles and other policies.						13
14. The Council regularly reviews the organization's performance in carrying out the mission (quarterly progress reports).						14
Governance						
15. The Council reviews its own performance and measures its own effectiveness (self-assessment).						15
16. The Council is actively involved in the Council member development process and activities.						16
17. The policy governance model works well to address the Council's areas of operation.						17
18. All committees discuss and make decisions about meaningful issues.						18
19. The Council is the right size to effectively govern the organization.						19

Council Evaluation

Rankings go from 1 = Low/Disagree up to 5 = High/Agree. **Please put an "X" in the box under a ranking number for each item.**

	LOW 1	2	3	4	HIGH 5	
Council Membership						
20. Council members are nominated and appointed following a process and criteria for recommendations that is clearly understood.						20
21. Newly appointed Council members get enough information and training about their role and what is expected of them.						21
22. The Council has a range of talents, experience, and knowledge to accomplish its role.						22
23. The Council uses members' talents and skills effectively.						23
24. The Council makeup has a full range of experience, skills, ethnicity, gender, disability, and age group.						24
Administration and Staff Support						
25. The Council structure provides enough contact with staff.						25
26. Communication is strong and clear between the Council and staff.						26
27. Staff support before, during, and after Council meetings is effective.						27
28. Information provided by staff is adequate to ensure effective Council decision-making.						28

Council Evaluation

Rankings go from 1 = Low/Disagree up to 5 = High/Agree. **Please put an "X" in the box under a ranking number for each item.**

Please right any additional comments about the work and effectiveness of our Council below.
If you ranked any item "LOW" (#1 or #2) please tell us why and include the item number.

Please type here…

Consent Agenda

Background Information:

The Consent Agenda contains items that require a vote by the Members. If there are items on the Consent Agenda a Member wishes to discuss before that vote a Member may make a motion to move the item to the Business Agenda.

Recommended Action:

Review and approve the Consent Agenda.

Notes:

IDAHO COUNCIL ON DEVELOPMENTAL DISABILITIES
SUMMER QUARTERLY BOARD MEETING
DRAFT MEETING MINUTES

Wednesday, July 20, 2016

5:30-7:30 **Welcome New Council Members - Smokey Mountain Pizza**
415 East Parkcenter Blvd, Boise (optional event)

Thursday, July 21, 2016

Members Present:
Alan Aamodt
Jim Baugh
Ian Bott
Rebekah Forster-Casey
Dave Dekker
Korynne Donehey
Raul Enriquez
Julie Fodor
Holly Giglio
Jacob Head
Debra Parsons
Emily Petersen
Jessica Rachels
Kelby Selders
Kendrick Lester (for Charlie Silva)
Carly Saxe
James Steed
Jacquie Watson

Members Absent:
Julie Fodor (later)
Jenn Halliday (resigned)
Joe Raiden
TeRonda Robinson
Colleen Sisk

Staff Present:
Toni Belknap-Brinegar
Laurie Lowe
Suzie Hanks
Christine Pisani
Tracy Warren
Jean Weber

Guests:
Cortland Rammel
Chris Baglio
Art Evans (guest)
Michael Case
Representative Sue Chew, District 17
Robin Greenfield
Richelle Tierney
Nick Stallings

Council Meeting: The Meeting was called to order at 9:09 am by Debra Parsons, Council Chair.

Announcement: Election of Council Chair. Nominations need to be to Tracy Warren by noon today. Term for existing Vice Chair is expiring. Current Vice-Chair is eligible for re-nomination. Nominations may be made by any member for Vice Chair.

Consent Agenda: Move to approve consent agenda with correction of spelling of Jacquie Watson by Jacquie Watson, seconded by Alan Aamodt. Motion carried.

Financial Report: Jean Weber, Council staff presented the Council quarterly financial report. **Move to approve James Steed, seconded, Dave Dekker. Motion carried.**

Approve Draft Five Year Plan: Five Year Plan presented by Tracy Warren. Questions were asked for clarification of some activities. Some changes to specific wording were suggested. **Ian Bott moved to accept the plan. Died for lack of second.**

Dave Dekker mentioned the public comment showed concern about the plan. Staff replied that if the Council decides that the public comment should impact the plan, then the council may move to postpone the vote to approve the plan. Over 500 people viewed the plan, and only 14 people made any comment. Most of the comments were only questions, not comments. The matter will be taken up again during lunch.

2016 Idaho Partners in Policymaking Final Report: Toni Brinegar, Council staff presented the final report. Several Partners graduates who are now on the Council commented on the benefits of the program.

Presentation on HCBS Study Results: Robin Greenfield, Ph.D. Associate Director, Center on Disabilities and Human Development, Richelle Tierney, CAC Coordinator, and Nick Stallings, Assistive Technology Specialist presented the findings of the study.

Discussion of Five Year Plan Draft (continued): Ian Bott moved to accept the five year plan with wording changes as discussed during the presentation, Carly Saxe seconded. One abstention. Motion carried.

K.W. vs. Armstrong Class Action Update: James Pietrowski, Attorney, presented an update on the class action lawsuit. A handout was also provided by Richard Eppink, Legal Director, American Civil Liberties Union Idaho (ACLU).

Vice-Council Chair Election: Debra Parsons, Council Chair announced the vice-chair nominees: Rebekah Forster-Casey and Joe Raiden. **Majority vote for Rebekah Forster-Casey.**

Liberty Health Care Presentation: Chris Baglio, Interim Executive Director for Liberty Health Care presented the implementation plan and services Liberty Health Care will provide as the new Medicaid assessor for children and adult developmental disability services.

Set Council Meeting Dates: For Calendar year 2017 meetings on Jan 26-27, Apr 27-28, July 27-28 with new member orientation on July 26, and October 26-27. **Rebekah Forster Casey moved, Ian Bott seconded. Motion carried.**

Administration on Community Living, Partnerships in Employment Systems Change grant opportunity: Tracy Warren presented the grant opportunity the Council is currently pursuing. The Council anticipates learning about this grant funding by August 15, 2016.

Meeting in Recess until Friday at 9:00 am.

Friday, July 22, 2016

Council Meeting: The Meeting was called to order at 9:00 am by Debra Parsons, Council Chair.

Announcement: Christine Pisani discussed the format for the day and purpose to provide the day of training. Christine Pisani discussed what was expected from the homework assignment.

Cultural Competence Training: Presentation by Representative Melissa Wintrow, District 18 and Sonya Rosario, Executive Director, Idaho Women of Color Alliance introduced the guest assisting with the presentations.

The ICDD Mission Statement was reviewed, and why inclusiveness is important in meeting our goals was discussed.

Presentation, Sticks and Bones "BUT" Words will Never Hurt Me

Presentation, The Invisible Knapsack

Presentation, The "S" (squaw) Word (Movie)

Discussion followed on what this means to us and how it fits into our daily lives.

Meeting adjourn motion, Dave Dekker, seconded by Rebekah Forster-Casey. Carried. Meeting adjourned at 4:30 pm.

Idaho Council on Developmental Disabilities

Council Executive Director Report

Summary of Council Director Activity
July through September
October 16, 2016

- **July 4-8, 2016**
  Meeting with Bruce Anderson and Oregon DD Council Staff for 5 year planning
- **July 11-15, 2016**
  DD Council Meeting Prep
  ABLE TA Position Legislation
  K.W. vs. Armstrong Class Action Lawsuit
  Meeting with Senator Martin, Rep. Wintrow, a transportation provider, and DDA provider over concerns with pending non-emergency Medicaid transportation contract
  5 Year Plan reporting
  Website Updates
- **July 18-22, 2016**
  Pre-Council staff meeting
  CID Board Planning Meeting
  ABLE TA Position Legislation
  Summer quarterly Council meeting
  5 Year Plan reporting
- **July 25-29, 2016**
  Collaborative Workgroup Steering Committee Meeting Prep
  Collaborative Workgroup Steering Committee
  Community Care Advisory Council meeting
  ABLE TA Position Legislation
  Housing Trust
  VEYO contract issues
  5 Year Plan reporting
- **August 1-5, 2016**
  VEYO contract issues
  5 Year Plan reporting
  Vacation

- **August 8-12**
  VEYO contract issues
  5 Year Plan reporting
  Vacation
- **August 15-19, 2016**
  Collaborative Workgroup Steering Committee Meeting Prep
  Collaborative Workgroup Steering Committee
  Post Council Staff meeting
  5 Year Plan reporting
  Website Updates
- **August 22-26, 2016**
  5 Year Plan reporting
  CID Strategic Planning prep
  CID Strategic Planning meeting
  CDHD-Community Advisory Committee Strategic Planning Meeting
  Housing Trust Call for TA
- **August 29 – September 2, 2016**
  Housing Trust
  Support self-advocate to present on ABLE TA
  Meeting with Senator Martin, Rep. Wintrow, and CID members RE: VEYO contract
  Collaborative Workgroup prep
  Website Updates
- **September 5-9, 2016**
  Meeting with Rep. Wintrow; Jared Tetro, Legislative Budget Analyst; Matt Wimmer, Medicaid; Sara Stith, Medicaid; Cathy Libby, Medicaid; Members of CID regarding concerns with the Non-Emergency Medicaid transportation contract
  WA State DD Council call for Western State Conference planning
  Collaborative Workgroup prep
  Collaborative Workgroup meeting
  Collaborative Workgroup Steering Committee
- **September 12-30, 2016**
  Medical Leave

Financial Report Fourth Quarter – Federal Fiscal Year 2017

Background Information:

A financial statement reflecting our fund balance and the amount spent to date in this Fiscal Year will be presented at the Council meeting. The Council operates on a federal Fiscal Year (Oct. 1- Sept. 30). The Council is responsible for overseeing and approving the budget.

Recommended Action:

Review and approve the financial report that will be distributed at the meeting.

Notes:

4th Quarter Progress Report

Background Information:

The Council has a number of objectives and activities in the current annual plan. Some are part of large projects and some are ongoing smaller efforts. This is an opportunity to share the highlights of progress on our plan goals during quarter four of this year – July 1st through September 30th.

Recommended Action:

Listen to the updates and ask questions or provide comments if you have them. Council members who are involved with any of this work are encouraged to offer their insights.

Notes:

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1.1 Inclusive Education-Teacher Certification

Objective Goal **Develop a** comprehensive plan **that describes how we will change teacher certification in the coming years.**

Progress

Inclusive Education Task Force

- No activity this quarter

Outcomes/Work Products:

- Draft strategic plan presented to group, but no final plan was completed

Attention Areas/Challenges

- Plan moved closer to objective to have more Idaho teachers feel comfortable educating all students in the regular classroom
- Difficult to have all Task Force members agree on strategies to move teacher certification in this direction

Resources – What Helped to Make It Happen/What is Needed

- Staff time to meet with stakeholders
- Connections to right people
- Funds to bring people together to build strategy and final plan

Schedule: Project is complete and objective partially achieved.

1.2 Inclusive Education-Technical Assistance and Awareness

Objective Goal **Begin to develop a** plan for professional development and technical assistance **to help schools implement evidence-based inclusion practices.**

Progress

Universal Design for Learning Symposium

- UDL Symposium committee met and finalized plans for September 10th symposium
- Council agreement with Joy Zabala for Keynote/presentation
- Announcements sent to principals and teachers
- Registration platform developed by staff and 190 registrations received
- Meeting with Teach for America leadership

Outcomes/Work Products:

- UDL Symposium held on same day in 5 locations: Boise, Pocatello, Rexburg, Lewiston, and Coeur d'Alene. Keynote speaker in person at BSU and her presentation was shared with other locations via video teleconferencing
- 117 teachers, administrators, school staff attended symposium

Attention Areas/Challenges

- School districts have limited resources for professional development

Resources – What Helped to Make It Happen/What is Needed

- Staff time to meet with stakeholders to begin plan development
- Funds to bring people together to identify doable strategies

Schedule: Project is complete and objective partially achieved.

1.3 Employment First Initiative and Employment Training

Objective Goal Create more opportunities for people with developmental disabilities to have jobs in the community **by working with partners on a statewide employment first project that includes educating communities, training staff, and writing at least one state policy** to improve services

Progress

Employment First Consortium

- Two meetings with Consortium stakeholders
- Group reviewed Provider Qualifications Report with recommendations and made final edits
- Developed and submitted strategic plan for final year of the Employment Learning Community grant
- Developed and submitted a proposal for ACL Partnerships in Employment Systems Change grant. Was not funded.

Medicaid Employment Services

- Recommendations for proposed provider qualifications for new Medicaid employment services shared with employment provider associations
- Provider Qualifications Report with recommendations finalized and submitted to Medicaid administration
- Developing components of legislation/report on new employment services

Other Activities

- Meeting with Vocational Rehabilitation and community rehabilitation providers about IDVR report to the Joint Finance and Appropriations Committee on Extended Employment Services program provider rates

- Updated Take Your Legislator to Work materials and distributed statewide
- Met with Dept. of Education and Dept. of Labor to plan for upcoming secondary transition activities/projects

Outcomes/Work Products:

- IEFC members involved in policy discussions
- Provider Qualifications Report with Recommendations
- Leveraging resources from partners for future ICDD projects

Attention Areas/Challenges

- Timeline for projects to meet budget restrictions

Resources – What Helped to Make It Happen/What is Needed

- Staff time to coordinate IEFC meetings/communication and develop materials
- Good relationships with stakeholders/partners
- Funds to bring people together and develop products

Schedule: Objective achieved. Portions of project will continue into next year related to secondary transition goal in new 5-year plan.

1.4 Disability Mentoring Day

Objective Goal Work with others to support Disability Mentoring Day in at least 3 communities each year to help youth find out about jobs in their communities.

Progress

- Announcement about grants for fall 2016 events sent
- Five applications received and grants awarded
- Idaho Division of Vocational Rehabilitation funds leveraged for grants

Attention Areas/Challenges

Review possible future for Idaho DMD events:

- Collaboration with national and state WIOA partners
- Provide information to local teams

Increase Connection to Employers:

- Follow-up with local businesses
- Engage in discussion of job development and hiring
- Share resources (Able to Work website, and others)

Resources – What Helped to Make It Happen/What is Needed

- Council funds for grant awards

- Partnership with Idaho Division of Vocational Rehabilitation
- Local planning team partners

Schedule: Project is complete for past 5 years and objective achieved.
Career Mentoring Day grants will continue under secondary transition goal.

1.5 Direct Support Staff Training

Objective Goal Increase the quality of support staff by providing or supporting training that builds the skills and knowledge of up to 200 direct support staff each year.

Progress

Employment Support Professionals – Training and Qualifications

- Discussions with community service providers about qualifications for employment staff
- Defined skills and competencies for staff providing proposed employment services

Direct Support Professionals – Training

- Council funds obligated to support two sessions on person-centered practices by Jeff Garrison-Tate at the October Human Partnerships Conference

Outcomes/Work Products:

- About 45 people attended person-centered practices sessions

Attention Areas/Challenges

- Increase connection to direct support staff with agencies around the state, seek service provider buy-in to increase qualifications and training
- Long-term evaluation of training outcomes

Resources – What Helped to Make It Happen/What is Needed

- Council funds to support training
- Connection to Workforce Innovation and Opportunity Act (WIOA) partners and local stakeholders

Schedule: Project is complete and objective achieved.

1.6 DD Services System Change

Objective Goal Work with partners on service system changes to improve access to individualized developmental disability services in Idaho communities.

Progress

Collaborative Workgroup on Adult DD Services (CWG)

- CWG Steering Cmte meetings - work focused on PCP
- Full CWG met in September
- Three CWG workgroups proposed to continue work on issues related to new Council objectives

Outcomes:

- CWG planning and development of strategies for PCP
- Person Centered Planning Recommendation drafted

Attention Areas/Challenges

- Continued commitment of CWG members
- Review/identify value of continued work of the CWG on future Council goals and objectives

Resources – What Helps to Make It Happen

- Council funds to support facilitation contract (for CWG meetings)
- Staff time to help coordinate CWG communication, research information, and develop materials
- Good relationships with stakeholders/partners
- Staff committed to specific work related to CWG work products

Schedule: Objective was achieved. CWG will continue into next 5-years specific to new ICDD objectives and systems change issues.

2.1 Self Advocacy Organization

Objective Goal Provide money each year to support one statewide self-advocacy organization led by people with disabilities

Progress

Idaho Self Advocate Leadership Network - Contract

- Contract was partially funded earlier in the year
- Contract was canceled, no work this quarter

Outcomes/Work Products:

Attention Areas/Challenges

- Reviewed and determined new strategies to increase self-advocacy

Resources – What Helps to Make It Happen/What is Needed

Schedule: Project is complete and objective was achieved each year the Council provided funds to Idaho SALN.

2.2 Statewide Self Advocacy Conference

COMPLETED: Objective was achieved in year two of the strategic plan.

2.3 Self Advocacy Training Support

Objective Goal Support self-advocate leaders each year to provide and/or receive leadership development training

Progress

- No activity this quarter

Outcomes/Work Products:

- There have been no requests by people with disabilities to attend or present at a conference over the past quarter

Attention Areas/Challenges

- Sharing information about available leadership training and opportunities for self-advocates to present on leadership topics at various venues

Resources – What Helps to Make It Happen

- Council funds dedicated to conference funds
- Council member and Staff time to review applications and make arrangements as needed
- Support from other agencies/organizations

Schedule: Project is complete and objective achieved.

2.4 Leadership Development for Families

Objective Goal Provide or support at least one (1) leadership development program for parents and family members of people with developmental disabilities

Progress

Partners in Policymaking – Follow-up

- Final report completed by staff
- PIP graduate attended Community Dinner
- Two PIP graduates continue to be educated about progress towards the ABLE Act legislation in Idaho

Parent Conference Funding

- No funding requests were received this quarter

Outcomes/Work Products:

- PIP final report

Attention Areas/Challenges

- Follow-up with PIP participants

Resources – What Helps to Make It Happen/What is Needed

- Council budget dedicated to conference funds
- Council budget dedicated to supporting PIP program
- Council staff time to plan for and conduct program

Schedule: Project is complete and objective achieved. Partnership in Policymaking program will continue into next 5-year plan.

2.5 Community Development

Objective Goal Create and support a grassroots, diverse coalition to build capacity through community development in at least one (1) community

Progress

Community Development Activities

- 10 listening sessions held
- Community Connector, Griselda Camacho outreach to Spanish-speaking families
- Collaborative training with Disability Rights Idaho on Abuse, Neglect and Exploitation was provided in Spanish in Nampa. 22 people attended.
- Caldwell Youth Forum – September training

- Canyon County HUB meeting at Hispanic Cultural Center

Outcomes:

- Learning about other groups working on community objectives
- Connections to more local organizations and community members
- Increased awareness for Caldwell community groups
- Building relationships for possible future collaboration

Attention Areas/Challenges

- Identifying committed partners and individuals for coalition

Resources – What Helps to Make It Happen/What is Needed

- Staff time to be "on the ground" talking with community members
- Funding to support Community Connector work
- Referrals and connections to possible future partners

Schedule: Project is complete and objective has been partially achieved. Community Connector work will continue under new Council goals.

2.6 Council Member Leadership

Objective Goal Ensure that Council members get the support and training they need to fulfill their responsibilities under the law, are provided easy-to-understand information, and participate in Council self-assessment each year.

Progress

Council Member Leadership

- At the summer meeting Council members approved the ICDD 2017-2021 strategic plan and annual work plans for FY2017 and FY2018
- Members learned about progress towards goals and provided feedback on project outcomes to date.
- Members heard a presentation from Liberty Healthcare and provided feedback
- Five new members received member orientation training.

Outcomes:

- Member understanding of key facts and current data in Idaho
- New Council members educated

Attention Areas/Challenges

- Members continue to be informed and supported to provide input on plan activities and progress

Resources – What Helped to Make It Happen/What is Needed

- Members represent the Council in their local community
- Members engaged in meeting discussions
- Staff time develop materials and provide support to members

Schedule: Project is complete and objective achieved.

3.1 Inclusion and Awareness

Objective Goal Promote inclusion by including people with disabilities in at least two non-disability community programs, organizations, activities, or media campaigns each year.

Progress

Awareness Activities

- Community Development project outreach in Caldwell community

Outcomes:

- Increased awareness of inclusion for Caldwell community groups and citizens

Attention Areas/Challenges

- Measuring awareness, knowledge of principles of inclusion
- Identifying "non-disability" media campaigns
- Being aware of opportunities for individuals to be involved in non-disability organizations, programs

Resources – What Helps to Make It Happen/What is Needed

- Information about non-disability organizations and programs
- Sharing opportunities for involvement with individuals with DD

Schedule: Objective partially achieved.

3.2 Access to Information

Objective Goal Provide easy-to-understand information about Idaho's developmental disability service systems through printed materials, social media, and a Council website

Progress

Council Website Updates, Electronic Newsletter, and Facebook Activity

- ICDD 2017-2021 strategic plan posted and distributed
- Website updated frequently, average 100 visitors per day
- 930 people are listed as liking our Facebook page – a growth of 25, daily average of 358 people saw something in their newsfeed related to our page
- Announcements about specific issues and one-page updates were sent through Constant Contact email to about 937 people, average 32% open rate (300 people open email)

Outcomes:

- Facebook and Website postings
- Public awareness of Council projects and activities

Attention Areas/Challenges

- Measuring public awareness through Facebook activity
- Updating Frequently Asked Questions area of website
- Increase outreach to new people

Resources – What Helped to Make It Happen/What is Needed

- Staff time to create materials, reports
- Staff time to update website, post to Facebook page
- Staff time needed to develop and expand webpages and links to resources

Schedule: Project is complete and objective achieved.

4.1 Policy Involvement

Objective Goal Keep the Council involved in work on policy issues by participating in meetings of the Consortium of Idahoans with Disabilities and other groups

Progress

Meetings, and Policy Discussions

- Presented HCBS study final report to Self-Direction Quality Assurance Committee, Community Care Council and the CWG
- Meetings with stakeholders on new guidance for people living in Certified Family Homes and self-directing their services
- Meetings and discussions with stakeholders about policy issues:
    - Therapeutic Stabilization Center
    - Medicaid Managed Behavioral Health program through Optum
    - ABLE Accounts
    - K.W. vs. Armstrong Class Action Lawsuit
    - Medicaid Transportation – VEYO contract
    - National Core Indicator data
- Monthly Consortium for Idahoans with Disabilities (CID) meetings
- Children's Services Cmtes, Secondary Transition Council, Community Care Advisory Council, Self-Direction Quality Assurance

Outcomes:

- Policymakers and other stakeholders aware of Council position on policy issues

Attention Areas/Challenges

- Development of plain language information for members and public
- Staff time for effective follow-up from meetings attended

Resources – What Helped to Make It Happen/What is Needed

- Staff time to attend meetings, develop materials
- Collaboration with CID members and DD Network partners

Schedule: Project is complete and objective achieved.

4.2 Legislative Advocacy Training

Objective Goal Work with partners to support annual Disability Advocacy Day activities and legislative training for individuals with DD, family members, and guardians.

Progress

Legislative Advocacy Training

- No progress to report this quarter

Attention Areas/Challenges

- Future opportunities for disability advocacy trainings

Resources – What Helped to Make It Happen/What is Needed

- Staff time to coordinate planning meetings, activities, draft materials, print materials and distribute to stakeholders

Schedule: Project is complete and objective achieved.

4.3 Council Policy Agenda

Objective Goal Support Council members to identify emerging issues and develop a yearly policy agenda by providing easy-to-understand information

Progress

Policy Agenda – Issues Addressed

- Staff attended meetings with policymakers and stakeholders about ICDD Policy agenda items including: Therapeutic Stabilization Center, Medicaid Managed Behavioral Health Optum contract, and ABLE Accounts

Outcomes: Stakeholders collaboration on Council policy agenda issues

Attention Areas/Challenges

- Council members and staff to monitor policy issues

Resources – What Helped to Make It Happen/What is Needed

- Staff time to bring stakeholders together, draft recommendations from groups, legislation, or other policy, and educate policymakers
- Timely interaction with Council members to move forward with Council positions on emerging issues
- Communication with partner organizations
- Accurate information on issues

Schedule: Project is complete and objective achieved.

4.4 Legislative Advocacy by Members

Objective Goal Support Council members to develop relationships with legislators and other policymakers

Progress

Meetings with Policymakers

- No progress to report this quarter

Outcomes:

- Policymakers informed about the Council and its position on policy issues

Council Attention Areas/Challenges

- Getting to know newly elected legislators
- Communicating about the Council, its positions, and policy agenda

Resources – What Helped to Make It Happen/What is Needed

- Accurate information to share
- Council member time to connect with legislators and schedule meetings

Schedule: Project is complete and objective achieved.

Sign Language Interpreters Licensure

Background Information: This information came directly from the Council for the Deaf and Hard of Hearing

STATEMENT OF PURPOSE

The purpose of this legislation is to create a licensing system and licensing requirements for sign language interpreters working in Idaho, and to hold people accountable for their work. At least 13% of the general population has variety types of hearing loss, which affects 203,785 Idaho citizens. Out of that total, 2.42% of the population with hearing loss (34,486) experience severe to profound hearing loss. They are unable to readily understand speech due to the extent of their hearing loss, but instead rely on a visual mode of communication. These deaf people are at a distinct disadvantage with incomplete, incorrect, and unethically-delivered information, often by the hands of non-qualified interpreters. A professional and qualified interpreter is required to facilitate the communication and information, ensuring that it is fully accessible and understandable by the customers and the service providers. It is a quality control measure to ensure that deaf and hearing consumers receive appropriate interpreting services, which may reduce general threats to the health and safety of deaf people statewide. Licensing professional interpreters also minimize the liability of hiring entities in providing services to deaf consumers. It also ensures equal access to education, employment, and health care for deaf children and adults.

Recognizing that by using sign language interpreters can profoundly affect the lives of people of the state of Idaho, it is the purpose of this act to set standards of qualification for those who engage in the practice of sign language interpreting and protect the public from unprofessional conduct in the practice of sign language interpreting.

NEED FOR THE BILL

Idahoans do not have access to critical conversations about their own wellbeing without access to quality interpreting. They often feel like spectators in their own lives, as opposed to active participants. They are often physically but not linguistically present in their healthcare, legal matters, employment, education, and in other settings. This licensure ensures that Idahoans who are Deaf will now have some assurance that the interpreters they interact with in the future will be qualified. It provides assurance to businesses and agencies that the services they

provide are quality services, thereby reducing costs by reducing the need for repeated appointments.

DOES NOT DEFINE OR EXPAND WHEN/WHERE INTERPRETERS ARE NEEDED

This bill does not define nor expand the scope of when or where an interpreter is needed. Under the Americans with Disabilities Act, many businesses and government agencies are required to provide a qualified interpreter (emphasis added). Unfortunately, most entities have had no way to ensure they are meeting this requirement. This legislation provides a way for businesses, agencies, and entities hiring interpreters to ensure they are paying for and receiving a quality service.

PERSONAL STORIES SHARED IN TESTIMONY

In testimony before the House Health and Welfare committee, more than 10 citizens shared stories of numerous medical or legal appointments that were unnecessary, simply because they could not understand the (unqualified) interpreter who was provided, nor could the provider understand them through the interpreter. The expense of providing interpreters is reduced when information is conveyed accurately the first time.

- Example: Recidivism rates and state corrections expenses reduce dramatically when probationers understand the rules of their probation the first time.
- Example: Healthcare can be provided in one visit rather than during several appointments, often at state expense. And the physical consequences can be significant for misdiagnosed or under-diagnosed conditions due to shoddy interpreting.

NOT INTENDED TO PENALIZE THE WELL-INTENDED, THE INCIDENTAL

This legislation is not intended to penalize people or agencies trying to do the right thing. It does not cover direct communication, e.g. a server who knows sign language communicating with patrons at the restaurant. It also does not cover incidental communication, including asking a sales person about the difference between models of an appliance, registering to vote, or paying a fine at a county clerk's window. Incidental interpreting will be outlined in the rule-making process. Misdemeanors are intended for those knowingly and willfully putting up a shingle without a license.

RURAL IDAHO: ENCOURAGED TO USE VIDEO REMOTE INTERPRETING (VRI)
For rural Idaho, in the absence of a live, qualified interpreter for a time-sensitive appointment, quality interpreting can still be provided through various technologies, and steps are actively being taken to make this more widely available. Historically, remote services have often been underutilized, as local, unqualified people are often selected without the doctor/entity fully knowing if the interpreter is qualified or not. There is no fiscal impact to using VRI, as the expense for VRI would substitute for the expense for the (unqualified) interpreter. VRI is generally less expensive than in-person interpreting. This is true even if you account for the "lower cost" of an unqualified interpreter because of the difference in the minimum charge. Entities may well notice a reduction in costs when employing this technology.

RELATIONSHIP WITH THE ADA
This legislation complements the ADA; it does not add to or heighten its scope of practice. The ADA uses terminology such as “qualified interpreter,” but leaves it up to the states to define “qualified.”

INTERPRETERS and DEAF COMMUNITY INPUT
Through numerous town hall meetings across the state, the drafters sought the will of Idahoans on licensure. The Deaf community and working interpreters themselves have overwhelmingly responded that licensure is necessary.

DOES NOT INCREASE THE BURDEN
Again, this bill does not increase the burden of providing interpreters to schools, businesses, health care providers or other agencies. Rather, it provides a mechanism for them to ensure they are receiving the quality of service they believe they are receiving.

CHANGES FROM THE ORIGINAL BILL
In light of the Governor’s veto of H.B. 152 in May 2015, the message from the Governor urged us to work with different agencies to negotiate out the differences. We were able to come up with solutions. Below are the major changes/additions that are being incorporated into the current bill and are agreeable among the agencies. Note: Below does not include the minor language edits to reduce ambiguity.

BOARD STRUCTURE

- Old: stand-alone board. New: merge with Hearing and Speech Services Board to realize financial savings for licensees and to share similar resources.

EXEMPTION

- Language has been added that there is an exemption for judicial branch since they will be required to comply with Idaho Courts Administrative Rules 52 (ICAR) which administers the use of qualified interpreters.

- Language has been added to clarify that there is an exemption for inconsequential interpreting to clarify that a person who interprets in an inconsequential situation such as a restaurant, department store, etc. will not be required to obtain a license.

Previous Legislative Action

Title 33, Chapter 13: Educational Interpreter Act (Enacted 7-1-06)
http://legislature.idaho.gov/idstat/Title33/T33CH13.htm

In 2006, the Educational Interpreter Act was enacted, and took effective in 2009. This law establishes a minimum standard for interpreters working in K-12 settings. House Bill 152 has been crafted to support those standards.

SCR 102: ASL as a Foreign Language (Adopted 2-20-07)
http://legislature.idaho.gov/legislation/2007/SCR102.html

In 2007, through two concurrent resolutions, the legislature first recognized ASL "as a separate and complete language with its own unique grammar and syntax."

SCR 103: Deaf/HH Child's Bill of Rights (Adopted 2-20-07)
http://legislature.idaho.gov/legislation/2007/SCR103.html

Further, in a second concurrent resolution, this body recognized "children who are deaf or hard of hearing benefit from qualified teachers, interpreters and resource personnel who communicate effectively with each child in that child's method of communication."

Recommended Action.

Listen, discuss, and ask questions.

Notes:

ICDD Research Analyst Position

Background Information:

The two Council Program Specialists and Director are required to collect and evaluate data as an ongoing task with all project work. The Council has in the past hired student interns to help with some of the project related data collection. With new 5 year plan guidance from the Administration on Intellectual and Developmental Disabilities, the Council will be required to conduct pre- and post-project evaluations, as well as doing long-term follow up to assess outcomes resulting from Council work. This effort can no longer be sustained by existing staffing.

All projects within our new Five-Year plan will require baseline information before projects are implemented and outcome data related to project results. An example of a Council project that requires pre-survey work and ongoing data collection is the Idaho Partners in Policymaking program. Participants complete a pre-survey before attending the first session of Partners. Graduates are surveyed six months post-graduation, and annually every year afterward to track outcomes as a result of the program. Collection of this data is a mix of written surveys, phone interviews, and face-to-face interviews.

Recommended Action:

The Council on Developmental Disabilities is requesting $58,200 in state general funds for Personnel Costs for one (1) new FTE to support data gathering and evaluation plus $9,000 additional Operating Expense to support one time set up and $5,000 on-going for the increased travel. These funds will be a total request of $74,200 state general funds. This is a request for funds-only as sufficient FTE authority currently exists.

The Council is recommending the request of one (1) new FTE to support data collection and evaluation.

Funding for 1 existing unfunded FTE
Title: Research Analyst
Pay Grade J, Target Salary @ 80% of policy, $36,600~ $21,600 benefits
Full Time, Benefit Eligible, Permanent
Date of Hire: July 1, 2017

Recommended Action:

Listen and ask questions if you have them.

Notes:

Housing Trust

Background Information:

In Idaho, there is limited availability of accessible, affordable housing. Currently, there is a three to five year waiting list for Section 8 housing vouchers, depending on where people live in Idaho. Boise City/Ada County Housing Authority is currently not accepting new applications for Section 8. They instituted a pre-application lottery. Those not selected in the lottery must re-apply once the closed list is re-opened.

The Section 8 Housing Program is sponsored by the federal government and provides financial assistance to low-income families, people with disabilities or elderly citizens who cannot afford to pay rent. Because this program is administered by Public Housing Agencies, tenants who receive vouchers will only pay 30 percent of their income for rent and the rest will be paid by the PHA via the vouchers. Every community has a waiting list, which is usually very long, and to be eligible for a voucher, the family must earn less than 50 percent of the median income of its area of residence.

In addition, there is one Public Housing Project exclusively for persons with disabilities with 12 one bedroom units in Payette. It is unknown how long the waitlist is. While the Section 8 housing waitlists in rural Idaho are shorter than those in urban areas, people with disabilities often are not free to seek housing in these rural settings because of lack of housing that is accessible, lack of medical services within the community, lack of paid support personnel and lack of transportation. Therefore, people with disabilities who could live in the community are restricted to facilities or settings that provide support using Medicaid dollars.

The Idaho Department of Health & Welfare (IDHW) is pursuing the construction of a therapeutic stabilization and transition center for people with intellectual/ developmental disabilities (I/DD). The land where Southwest Idaho Treatment Center (SWITC) is located is intended to be sold and construction of a new therapeutic stabilization center will be built with funds from the sale of property. The estimated value of the 615 total acres is approximately $125 million sold whole, with $4.7 million still owed on bonds.

The Council proposes the State set up a statewide housing trust to be funded from some of the money from the sale of the land. The trust would be used to

subsidize the first, last, and monthly rent of people with I/DD during the waiting period for Section 8 vouchers. The Council presented the idea to Consortium for Idahoans with Disabilities (CID) members at the annual CID strategic planning meeting and has been meeting with IDHW staff to share the concept.

The Executive Director of the State Independent Living Council is in support of the housing trust if it is available to people with any disability in Idaho.

Recommended Action:

Discuss the proposal and vote on position.

Legislative Action Recommendations: Setting Priorities for the 2017 Legislative Session

Background Information:

Council members will receive further information about possible issues for the Council to work on during the 2017 legislative session. The full Council will discuss all issues and prioritize them to create legislative action recommendations. Presentations will be made about the following topics by individuals well informed on the policy issues.

Issues:

1. Proposed state general fund request to fund an ABLE Technical Assistance/Emergency Planning Position at the State Independent Living Council (SILC)
   Staff Recommendation: Lend Support. The SILC is the lead agency.

2. Proposed legislation that protects individuals with disabilities from becoming ineligible for any state program due to savings within an ABLE account.
   Staff Recommendation: Lead the way. Senator Grant Burgoyne, District 16 is the sponsor.

3. Proposed legislation for sign language licensure for interpreters.
   Staff Recommendation: Lend Support. The Council for the Deaf and Hard of Hearing is the lead agency.

4. Close the Gap
   Staff Recommendation: Lend Support. "Close the Gap" is the lead organization. Await the interim committee's potential recommendation.

5. Proposed legislation for a therapeutic stabilization center.
   No Staff Recommendation at this time as staff awaits direction from the Council.

6. Housing Trust
   No Staff recommendation at this time as staff awaits direction from the Council.

7. Proposed state general fund request for on-going funding for a research analyst position at the Council.
   Staff Recommendation. Lead the way.

How the Council Sets Priorities for Legislative Issues

The Council has three levels of involvement in legislative issues.

Priority One -- Leading the Way:

ICDD will actively promote, oppose, influence, and advocate for programs and policies that impact people with developmental disabilities and their families. ICDD will take a leadership role on these activities, and will use these ways to do so:

- Educating Policymakers
- Grassroots advocacy
- Working with others
- Media
- Other activities, as needed
    - Past example: Criminal History Background Checks for Guardians and Conservators Legislation – the Council drafted legislation to require prospective guardians to undergo a criminal history background check. We worked with legislative services to create the bill and a sponsor Legislator to carry the legislation. Staff created plain language fact sheets and promoted the issue with stakeholders, associations, and partners. Staff and Council members met with legislators about the issue and then staff testified in support of the bill during hearings (the bill passed and became law).

Priority Two -- Lending Support:

ICDD will work closely with people with developmental disabilities, parents, disability partners, coalitions, and others to promote legislation that is helpful -- and will work against harmful legislation to -- individuals with developmental disabilities and their families. ICDD may choose to lead on some issues, or may follow the lead of others, but in general will use these ways to do so:

- Active Coalition Participation (i.e., serving on committees, signing on to coalition efforts, forwarding coalition information)
- Watch Legislation
- Communicating with Council Members
- Communicating with Policymakers
- Communicating through social media and web-site
- Action Alerts

- Past Example: American Sign Language Interpreter Licensing – Council members heard a presentation from the Council for the Deaf and Hard of Hearing (the sponsor) about their legislation. Staff drafted plain language versions of fact sheets and informed Council members who met with legislators about the issue. Staff prepared testimony to present in support of the bill during germane committee hearings.

Priority Three -- Keeping Track:

ICDD will closely watch legislation and have a voice on issues of interest to the disability community. ICDD will watch legislation, answer questions to the Council, and provide clear information and recommendations.

- Past Example: Futile Care Legislation – in 2013 the Idaho Medical Association introduced legislation to change the definition of "futile care" in Idaho code. The ICDD Public Policy Committee was informed about the issue and recommended monitoring the legislation. Staff tracked the bill's status during the session and informed members and stakeholders through ICDD legislative updates.

Legislative Homework

Background Information:

The Idaho State Council on Developmental Disabilities works on systems change activities which includes educating elected officials about current and future legislation.

Purpose

Every year each Council members are encouraged to make appointments with the elected officials in their legislative district and carry out face-to-face visits during the January Council meeting. To prepare Council members for these visits, materials are presented in the October Council meeting to help everyone feel at ease during these visits.

What do we do with the information?

It is important to be prepared, understand the material being presented and be professional when meeting with elected officials as a Council representative. In order to be prepared, completing the homework and practicing your elevator speech is encouraged.

Recommended Action:

Follow along as assignments are presented and ask questions.

Notes: