

**Idaho Council on Developmental Disabilities
Public Policy Committee
10:30 – 12:00 pm, April 26, 2012
Joe R. Williams Building, 700 W. State Street, First Floor**

Public Policy Committee Meeting Minutes

Committee Members: Denise Wetzel, Jim Baugh, Ritchy Cardwell, Jean Christensen, Kelly Hall, Jenniffer Halladay, Joe Raiden, and Paul Tierney

Staff: Christine Pisani, Amanda Holloway

Denise Wetzel called the meeting to order at 10:30 a.m.

Approval of Minutes

Kelly Hall moved to accept the minutes of the January 26, 2012 meeting as amended. Jim Baugh seconded. Motion passed.

Announcements

Christine shared that the Administration on Developmental Disabilities and the Administration on Aging have been combined into a new office called the Administration for Community Living. Jim said that the Commission on Aging is looking at how this will change Aging and Disability Resource Centers (ADRC). People on the Aged and Disabled (A&D) waiver are older and have a disability, this is the same population that could use the ADRC. As a society, we continue to view aging issues separate from disability issues. The attitudes and philosophies of the aging center are not the same as the mindset of serving people with disabilities. In the aging community there seems to be more acceptance of letting agencies decide who does in home care for seniors. There is a push at the federal level for Centers on Aging to look the disability service model, because it is more self-directed and focused on independent living. Using an independent living model is cheaper, more community based, and more self determined. Another big change at the federal level, is that the Administration on Developmental Disabilities (ADD) is now the Administration on Intellectual and Developmental Disabilities (AIDD). This change was to reflect current language and to align with other federal initiatives.

Review Outcomes of 2012 Legislative Session & Education Outreach Activities

Criminal History Background Checks

This is on page 7 of the packet. Christine reminded the Committee that it did not move forward because of issues the FBI had. Jim said the issue the FBI has is that the background checks we want to use are based on their fingerprint database. The FBI has very strict rules on who has access to that information. We were suggesting that in due process the information would be accessible to more people than the FBI was comfortable with. Rep. Burgoyne is optimistic that we will be able to move forward next year. We will probably continue with the same committee, as everyone on the committee was very dedicated to the effort.

Idaho Mobility Council

This legislation didn't go forward because it wasn't supported by some transportation providers and metropolitan planning organizations. They felt like it removed local control. There are two workgroups that are related to this. Proposed legislation would have combined the two workgroups and provided a clear purpose.

Restoration of Medicaid Services

House Bill 609 restored dental services to people on the A&D waiver or DD waiver, starting July 1st. Also starting July 1, people with dual diagnosis no longer have to choose between psycho-social rehabilitation (PSR) and developmental therapy. The legislation removed language that required Health & Welfare to use the tiered budget model for adults that are used in Children's Services Redesign. Other budget options may now be talked about for adults with developmental disabilities. There was a lot of work that went into this effort. We were able to get key people to agree with this and because of that we were able to get it to pass. Christine asked for Jim to clarify that it was funded before it passed. Jim said they did look at the funding aspect and decided how much they would give towards this effort. Because of that it was approved by JFAC before the bill received a hearing. The budget drove what services would be restored in the bill.

There is a collaborative work group meeting to talk about and plan for adult developmental disability services, including how budgets are set for people. Medicaid is a part of this group. Noll Garcia and Kristin Herbert are on the committee representing self-advocate issues.

Tobacco tax

The chair of the House Revenue and Taxation committee, Representative Dennis Lake, was supportive of this, however the committee was not and it never got on the agenda.

Tax Incentives for donations to Medicaid

Rep. Lacey and Mr. Gerhke did not move forward with this.

Update on Disability Advocacy Day

The turnover in the legislature next year will be high. This means we will need to educate newly elected legislators on disability issues. This year we interviewed people about their experiences and collaborated with Idaho Community Action Network to create a Medicaid Storybook that gave policy makers a review of personal experiences as a result of Medicaid cuts. Each legislator got a storybook. Christine also shared the book with congressional delegates in meetings with staffers. She isn't sure how effective it was or if legislators even looked at it. She doesn't know how to measure the effectiveness of using the storybook. Paul said that delivery is key, he spoke to someone that hadn't received it, so he hand delivered a copy. Then he followed up with them after a few days. Jean said that it seems to be more effective if there is a personal connection. Jim said it also helps for them to know that it is from one of their constituents. Jim doesn't think there was much of a return on it. Christine said that this was a huge amount of work and it was challenging because the disability community and ICAN have different ways of working on things.

Kelly suggested doing regional meet & greets with legislators. Reach new people before the session starts. Hand out the book that has already been done or do a nice visual presentation. Christine said that the Leadership Capacity Workgroup discussed hosting candidate forums. Denise suggested mailing the books to their home addresses in December. Ritchy said one of his legislators said he gets a lot of mail at home and he also doesn't look at it. Kelly said partnering with IPUL to have parents meet with their legislators. Jim said that he didn't believe that the storybook had much of an impact, mainly because leadership were the ones making the decisions. It may have raised some awareness. But for the enormous amount of work, time and money that went into it, he didn't feel like it was worth it. Kelly said maybe just target the areas where you know that people will be

returning. Jim said to get on the agenda for the germane committees as soon as possible. The House Health & Welfare Committee will be almost completely new next year. Getting some time on the agenda for the germane committees would be a good captive audience. Jim said during the campaign season, candidate only want to go to forums where they can campaign. Jim thought that the best time would be after they have made committee assignments. They will have a few committee meetings before taking up the rules to get on the agenda. Paul likes the forum idea. He has found many legislators don't want to talk about disability issues. He would like to put them in a position where they have to talk about it. It is not even on their radar. Christine thinks that it would give voters information about candidates. It would also give them contact with a constituent that would show up at the Capitol. They would already have that connection, some relationship building.

Disability Advocacy Day branched out to Twin Falls, Coeur d'Alene, and Idaho Falls. They also did two separate trainings for self-advocates, which resulted in seven new self-advocates coming to the Capitol and testifying and meeting one-on-one with their legislators. At the CID strategy meeting, they will discuss how they are going to do this for the next session.

Paul said we need a greater distribution list to get the information out to people. Jim said that we used to do candidate surveys. He thought the tools were somewhat useful. Jean asked if he was talking about surveys or questions for debate. Jim said that if you are an incumbent you have no incentive to debate. Paul said he is concerned about getting candidates to attend debates. He thought you could use surveys to gauge people coming in. Christine has learned it is more effective for candidates to have personal interaction with a person with a disability. Jim said that the most important and beneficial thing we did this year was having a lot of people testify at JFAC. The fact that JFAC held hearings two years in a row, implies that they will do it again. Jim explained that a germane committee is the subject committee, e.g. Health & Welfare.

Other Issues & Upcoming Legislative Issues

Background Checks for Guardians – will move forward. Committee will reconvene. The Committee feels that this is an issue we still need to work

on. Jim isn't sure that we can do what we want to do within the confines of the FBI, but it is certainly not time to give up.

Changes to Title 66 – the section of Idaho law covering DD services – Marilyn talked with a physician that has staff privileges at one or more nursing homes in the Pocatello area who is interested in making some changes to this part of the law. We aren't certain what she is proposing but she is involved with Right to Life groups. Jim thinks her concern is about the guardian's responsibility in end of life decisions. A lot of people in the medical arena do not support changes because it means that they would have to continue life saving measures even if they are uncomfortable.

Restoring additional Medicaid cuts from 2011

Jim said if the revenue is better we need to work on dental services. He also thought we need to look at podiatry. Kelly suggested vision. Jim said hearing. Kelly has some concern working with refugee families not being able to access vision services. Jean isn't sure what rules for MH or DD will be presented next year. The Public Policy Committee is supportive of working on these issues.

Sexual abuse and exploitation of vulnerable adults

Improvements were made in Senate Bill 1337, relating to the sexual exploitation of a child, and the bill passed. However, section 18-1505 B, Sexual Exploitation of a vulnerable adult, within the same act was not addressed. When Senator Bart Davis asked why improvements were not made within the same act to protect vulnerable adults, the representative for the Fraternal Order of Peace Officers, stated "it wasn't on their radar." Senator Davis stated he would like to see this act include improvements to the protections of vulnerable adults. Jim said in his opinion there are big differences between vulnerable adults (which is broadly defined in code) and children. They were thinking about applying the same language to vulnerable adults, but it is not necessarily appropriate for adults. The public policy committee supports working on this.

Anti-Bullying

Representative Christy Perry is interested in supporting this again next year. Representative Bob Nonini held this legislation in his committee last year. It passed in the Senate and was not given a hearing in the House. Jim said there were a number of legislators that don't see anything wrong with bullying, that it is a rite of passage. Jim said that he was relieved when it didn't pass because of all of the negotiated changes it wasn't very

clearly written. Jim said the bill does need work. Most of it clarified what schools were responsible for. Another concern was cost. Jim said that most of the opposition comes from it being too prescriptive. Schools want to be responsible for choosing what programs they want to implement. Christine said that there was a lot of response when we sent it out requesting support. Jim isn't sure how much support there is in the legislature. Jim liked it as a anti-suicide bill, not disability specific. The Public Policy Committee is in favor of working on this issue. Paul asked about seclusion & restraint. Jim said the proposed rules were dropped. Kelly said that the state is waiting for something to happen at the federal level before doing anything with these rules.

Mobility Council

Marilyn is going to continue to work on this and help get it passed. She currently sits on the Interagency Working Group on Public Transportation which is one of the groups that will be combined into the Idaho Mobility Council.

School Based Services

Kelly said that rules will be proposed this fall. Christine asked if there is something to respond to at this point. Jean said you would have to talk to Lauren Ertz. Kelly said she isn't sure about disseminating information that is still in progress.

Jim said that by May 12, comments are due about people that are dual eligible (people who get both Medicaid and Medicare). This would combine all of their services and be coordinated through a health insurance company. They would get paid on a per patient per month (PMPM) basis. Jim is concerned at the lack of flexibility in the plan. The problem is that insurance companies have no experience with Personal Care Services, Developmental Disability services, etc. Jim thinks this is a policy issue that the Council should comment on. Christine asked what Medicare covers for people with Developmental Disabilities. Kelly said it covers medical things – hospital stays, x-rays, prescriptions, etc. Jean said that several years ago they did something similar and it did not work so they pulled out of it. Jim said this would impact 1700 people in Idaho.

Adjourned

Meeting adjourned at 12:20 pm.