

**IDAHO COUNCIL ON DEVELOPMENTAL DISABILITIES**

**2010 SUMMER MEETING**

**Thursday, July 29, 2010, 8:30 am – 7:30 p.m.**

**Friday, July 30, 2010, 8:30 am – 12:00 p.m.**

**Cambria Suites – 2970 West Elder Street, Boise, ID 83705**

**MINUTES**

**THURSDAY, July 29**

**Call to Order**

- Introduction & Welcome of New Members

Alonzo Statham called the meeting to order at 8:43 a.m.

Council members present: Shiloh Blackburn, Toni Belknap-Brinegar, Dona Butler, David Dekker, Jane Donnellan, Jo Lynn Garrison, Ike Gayfield, Kristyn Herbert, Joe Raiden, Chris Lynch, Debra Parsons, Mitch Scoggins, Joni Sullivan, Paul Tierney, Bettina Briscoe, TeRonda Robinson, Denise Wetzel

Council members absent: James Steed, Lisa Robbe, Julie Fodor

Guests: Acena Dekker, Taylor Fouser, Mary Arndt, Pamela Blackburn, Trina Balanoff

Staff present: Marilyn Sword, Amanda Holloway, Tracy Warren, Ron Enright, Christine Pisani, Shane Carlton

Introductions were made. Sign-in/out sheets were distributed.

**Explanation & Member Selection of Committees**

Marilyn gave an overview of three committees and their responsibilities:

- **Governance Committee** - review and revise the bylaws. Review conference funding requests. Lead responsibility for Executive Director evaluation and hiring.
- **Membership Committee** - Council attendance issues, new member recruitment and orientation, nominations of officers; recommendations for Council training.
- **Public Policy Committee** – review public policy issues; draft position statements; develop legislative slate; can be very time intensive and requires quick response by members, particularly during the legislative session. Recommendations from the public policy

	<p>committee come to the full council for discussion and approval.</p> <p>Discuss committee selection form and Council members picked first and second choice for committee they would serve on for one year.</p> <p><b>Public Policy:</b> James Steed, Ike Gayfield, Debra Parsons, Joe Raiden, Julie Fodor, Paul Tierney, Shiloh Blackburn, Jim Baugh (staff: Ron, Christine)</p> <p><b>Governance:</b> Dona Butler, Chris Lynch, Joni Sullivan, Dave Dekker, Alonzo Statham, Lisa Robbe, Jacque Hyatt (staff: Marilyn, Amanda)</p> <p><b>Membership:</b> Mitch Scoggins, Jane Donnellan, Denise Wetzel, Jo Lynn Garrison, Kristyn Herbert, Bettina Briscoe, Toni Belknap-Brinegar, TeRonda Robinson (staff: Tracy, Shane)</p>
<b>Chair's Report</b>	<p>Alonzo discussed going to YLF and meeting Mark Zupan. He wishes that the event would have been available when he was transition age.</p> <p>Alonzo's house was foreclosed on and is living in a trailer. He may be moving to Washington to start a new business. He will be here for the Self-advocacy Conference and Determined to Vote.</p>
<b>Meet in Committees</b> (See separate committee minutes for details)	<p>Council Committees met from 9:30 a.m. to 11:30 a.m.</p> <ul style="list-style-type: none"> <li>- Governance</li> <li>- Membership</li> <li>- Public Policy</li> </ul>
<b>Full Council Reconvenes</b> <b>Announcements</b> <b>Approval of Agenda</b>	<p>Full Council reconvened at 1:05 pm.</p>
<b>Approval of minutes from April 2010 meeting</b> <b>→</b>	<p>Amended April 30, 2010 minutes to reflect that Mitch Scoggins was not in attendance.</p> <p><b>Mitch moved to accept minutes as amended and Debra seconded. Approved unanimously.</b></p>
<b>Financial Report</b> <b>→</b>	<p>Amanda presented the Council's Financial Position Report. <b>Joni made a motion to approve and Dave seconded. Motioned passed unanimously.</b></p>

<p><b>Report on Partners in Policymaking</b></p>	<p>Christine presented on the 2010 Partners in Policymaking program. A final report was distributed that reflected the 2007 recommendations from Partner graduates that were implemented for the 2010 class. People and organizations to be recognized for their contributions this past year include Corinne Johnson, Irene Lunsford, Center on Disabilities and Human Development, Melanie Scott, of Scott Community Care Mel Leviton of Disability Rights Idaho, Liz Ricciardi for consistent support throughout sessions, and the Coeur d’Alene based group Parents Reaching out to Parents.</p> <p>The presentation included highlights of the program as well as areas for improvement should the Council choose to fund future Partners in Policymaking classes.</p>
<p><b>Report on Youth Leadership Forum (YLF)</b></p>	<p>Tracy gave a PowerPoint presentation on YLF. Handouts were distributed.</p> <p>22 delegates were chosen to attend the 2010 forum. Delegates attended presentations and participated in activities to learn about: disability history and culture, principles of leadership, self-advocacy, career and educational options, independent living and community resources. Delegates participated in activities such as small group discussions, wheelchair sports, job mentor luncheon, tour of the Idaho Legislature, visit to the Governor’s Office and Policymaker Panel and Luncheon. Delegates and staff enjoyed a concert by “Workin’ on Fire”, a local rock band whose members are high school students. The forum ended with a celebration luncheon where the delegates received certificates of completion and recognition from staff for their accomplishments during the week.</p>
<p><b>Update on Children Service Redesign</b></p>	<p>Ike Gayfield presented information on the redesign of children’s services which also has an impact on services to adults with developmental disabilities. This effort is a joint project between Family and Community Services and Medicaid. Currently children have access to two DD services, developmental therapy and intensive behavioral intervention (IBI). The proposed changes would offer a different set of services that would include both</p>

intervention therapies and supports. Handouts were distributed, including a diagram of the process for determining eligibility and providing services and supports under this redesign. Children who are eligible (as determined by an independent assessor) would qualify for one of three different packages of services, depending on their level of need:

1. All children with developmental disabilities could receive occupational therapy, physical therapy, speech-language therapy, service coordination, respite care, habilitative supports, and family education (these are children who are currently receiving state plan services)
2. Children who meet institutional level of care (LOC) criteria would also receive, in addition to the services in number 1 above, intervention, therapeutic consultation, interdisciplinary training, and crisis intervention. (these are children who are currently receiving waiver services)
3. Children who are 3-6 years of age and who have autism or maladaptive behavior and who meet institutional level of care would be eligible for the same services as number 2 but the therapy would be time limited and more intensive (these are the children who are currently receiving intensive behavioral intervention)

Families with children who qualify for levels 1 or 2 can choose to direct their child's services (family directed option similar to self-direction). That is not an option for the children in level 3.

Council members had the following questions and concerns:

- The institutional level of care requirement may no longer be a good measure of a child's needs. In the 1970's, it meant that if a child did not get a certain set of services, they would not be able to live at home but would have to be put in an institution. Services have now progressed to the point where all children, with the right supports and services, can live in the community. This means that there

may be children who would qualify for the first level of services but who also might need crisis services or therapies. Early Periodic Screening Diagnosis and Treatment (EPSDT) requires the state to provide the services that the child needs; the services cannot be limited to what is in the state's Medicaid plan. This may not be possible with the way the redesign has divided up the services or may require the family to go through a special additional process.

- Children receiving services through the Infant Toddler program may be eligible for some of the services in this redesign but it is unclear what the connection is between the two programs.
- Currently children with developmental disabilities who get services at school will no longer be able to do so with this redesign since these will be waiver services not state plan services. Schools cannot bill for waiver services.
- The rules currently refer families who would like to direct their child's services to the self-directed rules for adults. These might not apply to families/children. For example, under self-direction, a parent cannot be a support broker for the person, but under family direction, the family might want to serve that role. Families would have to have a service coordinator or support broker even though they might be doing much of that work. They could not be paid as the support broker.
- The independent assessment function will be done by a separate entity – not the provider and not the Department. The independent assessor for children may not be the same as the independent assessor for adults. That decision is not made. The assessor would go to the family to do the assessment. The specific assessment tool is still not determined.
- Right now, cost is maintained by limiting the amount of services children can get. Under redesign, the child would have an individual budget

with flexibility in how it could be used (for example cut some services down to a minimum to allow more of another service).

- The age range for the 3<sup>rd</sup> level may be too narrow. Many children with autism are not diagnosed until they are 4 ½ which would mean they would only get the intensive services they need for 1 ½ years. Council members felt that an age range of 2-8 was more appropriate.
- Personal care services (PCS) would not be included in this group of services and would not be included in the child's individual budget.

This redesign would use a Medicaid 1915(i) waiver to provide these services. This is a way of structuring services that complies with federal Medicaid requirements. It allows states to provide services to children/adults with developmental disabilities who would currently not be eligible for waiver services (institutional level of care). This will allow supportive services such as respite, supported employment and day care to be included.

Ike reviewed the time frame for the changes to the adult service system to match what is happening with the children's redesign.

- August – September: stakeholder meetings
- October: rules drafted
- November: state plan amendments submitted to Centers for Medicare and Medicaid Services (CMS)
- December – February: negotiated rule making
- July: implementation of the changes through temporary/proposed rules

This will mean that the state will operate under two separate, parallel sets of rules during a 12-month transition period.

Council members offered comments to be added to the information on this issue that was compiled by staff and distributed at the meeting:

- Do not necessarily require institutional level of care

	<p>for some children who may need therapeutic interventions or crisis services; EPSDT is a safety net to ensure they get these services but can be a cumbersome and lengthy process</p> <ul style="list-style-type: none"> <li>• Concern about expanding from these levels as it may increase entitlement to services to people for whom the service may not be medically necessary.</li> <li>• It is unknown what the provider requirements and reimbursement will be, so is it realistic to expect that this can be put into place in this time frame? Will we have enough qualified people and enough money to pay them?</li> <li>• Because the system is not fully designed, it makes it difficult to comment on rules</li> <li>• This system should be integrated with the Infant Toddler Program</li> <li>• The age range for the level 3/autism waiver services should be expanded from 3-6 to 2-8.</li> </ul>
<p><b>Explanation &amp; Member Selection of Work Teams</b></p>	<p>Alonzo discussed the work teams and their areas of involvement. A selection form was distributed and members chose a first and second choice. For the next year, the members will serve on the following work groups:</p> <p><b><i>Community Living:</i></b> James Steed, Mitch Scoggins, Lisa Robbe, Denise Wetzel, Dona Butler, Jane Donnellan, Jim Baugh</p> <p><b><i>Education/Participant Directed Services:</i></b> Jo Lynn Garrison, Jacque Hyatt, Debra Parsons, TeRonda Robinson, Paul Tierney, Julie Fodor, Chris Lynch, Ike Gayfield</p> <p><b><i>Self Advocacy &amp; Self Determination:</i></b> Toni Belknap-Brinegar, Alonzo Statham, Joe Raiden, Shiloh Blackburn, Dave Dekker, Kristyn Herbert, Bettina Briscoe, Joni Sullivan</p>
<p><b>Meet in Work Teams</b></p>	<p>Council Work Teams met from 4:15 p.m. to 5:30 p.m.</p> <ul style="list-style-type: none"> <li>- Community Living</li> <li>- Education/Participant Directed Services</li> <li>- Self Advocacy &amp; Self Determination</li> </ul>
<p><b>Council Dinner</b></p>	<p>Amanda and Shiloh led the group in a team building activity during dinner.</p>

FRIDAY, July 30

<p><b>Full Council</b></p> <p><b>Call to Order</b></p> <p><b>Announcements</b></p>	<p>Full council reconvened at 8:41 a.m.</p> <p>Council members present: Jim Baugh, Shiloh Blackburn, Toni Belknap-Brinegar, Dona Butler, David Dekker, Jane Donnellan, Jo Lynn Garrison, Ike Gayfield, Kristyn Herbert, Jacque Hyatt, Joe Raiden, Debra Parsons, Mitch Scoggins, Joni Sullivan, Paul Tierney, Bettina Briscoe, Denise Wetzel</p> <p>Council members absent: James Steed, Lisa Robbe, Julie Fodor, TeRonda Robinson, Chris Lynch</p> <p>Guests: Acena Dekker, Taylor Fouser, Mary Arndt, Pamela Blackburn</p> <p>Staff present: Marilyn Sword, Amanda Holloway, Tracy Warren, Ron Enright, Christine Pisani, Shane Carlton</p>
<p>Governance Committee Report</p> <p><i>Includes recommendations for changes in Policies &amp; Procedures and By-Laws</i></p> <p><b>→</b></p>	<p>The committee nominated Lisa to be the Committee Chair. If Lisa does not want to be Chair Dona has agreed to take the position.</p> <p>The Committee reviewed two conference funding applications approved; balance in fund of \$2,500.</p> <p>No recommendation regarding the use of Facebook for outreach purposes; staff will do further research.</p> <p>Recommended that Council meet in person for fall meeting and move dates to November 3-5; explore possibility of holding meetings at the Joe R. Williams Building conference rooms, either for the fall meeting or the winter, 2011 meeting.</p> <p>Performance evaluations for Executive Director; distribute paper copies; electronic copies with instructions will be sent. Alonzo will send out the email today. They will need to be returned by September 15<sup>th</sup>.</p> <p>Proposed changes to the policies and procedures were sent out to all Council members in late June as required for 30 days advanced notice. They were presented at this meeting for final approval.</p> <p><b>Joni moved to accept changes to the policies and procedures as amended by the Governance Committee after correction of a grammatical error to Policy 105. Debra seconded the motion. Motion</b></p>

<p>→</p>	<p><b>passed unanimously.</b></p> <p>An amendment to Article IV, Section 2 of the Council By-Laws was also presented. The first sentence was clarified to now read: <i>Members shall be appointed to three-year terms by the Governor.</i></p> <p>Added the following text: <i>With the exception of State Agency Representatives and DD Network Agency Representatives (Disability Rights Idaho and Center on Disability and Human Development), members can only serve three (3) full three-year terms.</i></p> <p><b>Mitch moved to approve the changes to the by-laws. Dave seconded the motion. Changes were approved unanimously.</b></p>
<p><b>Consumer Leadership Caucus Report</b></p>	<p>Shiloh reported that the CLC met Wednesday. They decided to go back and review a packet on guardianship put together by DRI for self-advocates. The caucus made some comments and some changes that they would like to see and added a few terms to the definitions. The planned discussion on natural supports was postponed until the next meeting. Ron distributed a packet of information and requested input by August 6.</p>
<p><b>Membership Committee Report</b></p>	<p>TeRonda was elected chair; in her absence, Toni provided the report. The committee reviewed the feedback from new member orientation. One-on-one orientation would be good for new members coming in mid-term. The orientation needs to be a full day due to the amount of information. Discussed changing application deadline for accepting applications from April 1<sup>st</sup> to March 1<sup>st</sup>. Discussed member attendance issues. The five-year plan was discussed and whether or not all members should get training on public forums (How to hold one, what to do, etc.) in order to gather the best information from across the state on what people think the Council should be working on for the next five years.</p>
<p><b>Public Policy Committee Report</b></p>	<p>Debra was elected the committee chair and provided the committee report. They discussed rules to be presented to the Board of Education in Pocatello on August 11-12 regarding the use of restraints, seclusion and aversive techniques. The committee reviewed a position paper from the National Council on this</p>

<p>→</p>	<p>subject and thought there might be some things that could be recommended to them for changes in their wording (although we may not be able to impact these). The committee felt that there could be misunderstanding about the rules and that each school may interpret, apply and enforce them differently. The committee spent considerable time discussing redesign of children’s Medicaid services. They will watch communications coming from Medicaid over the coming months and will need to vote on the committee’s recommendations in the fall.</p> <p><b>A motion was made by Dave, seconded by Jim, to accept all committee reports. Motion passed unanimously.</b></p>
<p><b>Review/Approve 2011 Work Plan</b></p>	<p>No comments were received during public comment period on the work plan.</p> <p>Review of plan summaries and changes.</p> <p>1-1-A. The State Department of Education will release draft rules on use or restraints and seclusion for public comment. If the rules are approved by the 2011 Idaho Legislature, all school districts will be required to follow the rules as policy. The Council may not be involved in development of training for staff so the training component for this objective is being removed.</p> <p>1-3. The Council cannot insure that any Idaho school district will implement training on inclusive education best practices, so the implementation of best practices at school district level is being removed from this performance target.</p> <p>1-3-A. The Council will work with the State Department of Education to apply inclusion study recommendations to Idaho school districts.</p> <p>2-1-A. Language simplified to combine two strategic initiatives. Two Council activities will continue to provide career exploration opportunities for high school and transition age students; the employment/mentoring activities of the 2011 Youth Leadership Forum and statewide collaboration with the Department of Labor and other entities for the 2011 National Disability Mentoring Day project. Also,</p>

the Council has been a member of the Interagency Council on Secondary Transition and will continue in the collaborative effort.

2-1-B. Activities changed based on Council workgroup discussions and follow-up with newly formed workgroup on graduation requirements information. Person-centered planning fits with grant activities and used as a planning effort for students to lead their own meetings.

3-1-C. Initially this performance target was aimed at urging the Idaho Legislature and/or the Division of Vocational Rehabilitation to provide more funding for the integrated employment. The economic downturn has prevented this. Now this initiative will focus on expanding the number of Disability Day programs, supporting the continued growth and expansion of the Business Leadership Network and exploring the opportunity to collaborate with integrated employment services providers to enhance and expand Idaho programs.

4-1-A. The Council is no longer involved in training on participant directed services, but will continue to inform parents, self-advocates and others.

4-2-A. Transition planning has been completed and efforts are underway by the Department of Health and Welfare to carry out the plan over the next 3 years.

5-1-A. The Family Support Policy Council was disbanded when federal grant funds ended. The Frequently Asked Questions and other information will be included on the Idaho HELP website so we aren't duplicating efforts.

5-2-A. The Council served on an advisory committee for a pilot of the College of Direct Support online training for direct care staff. After 2 years, the pilot was dropped last year.

6-1, 6-1-A, 6-1-B. With completion of a final survey of county plans and written comments given to the Bureau of Homeland Security, work on this endeavor will end.

6-1. With implementation of the self directed waiver option, the bus tour video information has become

somewhat outdated. Passage by the Idaho Legislature of the respectful language bill successfully concluded work to change disrespectful statute language for many of Idaho's laws. The Disability History Month information sharing collaborative has disbanded by the lead agency.

6-2. Changes reflect new directions to be undertaken for providing Council information. Due to reduced state general funding, the Council will no longer print and mail a newsletter. Instead, an electronic newsletter will be produced and emailed along with posting on the Council's website. The Legislative edition of the newsletter will become a pamphlet with an added insert that updates the names of the 105 elected legislators. Council positions, policy statements will be publicized in addition to Council activities with an emphasis on electronic communication.

7-1-A. This new outcome will help the Council meet its requirements to provide matching funds in order to receive federal funding. Council members' time for developing, updating and monitoring our 5 year strategic plan and annual work plan will now be included in our plan. This will not only generate additional "in-kind contributions" but will reduce our match requirement since plan/project activities, conducted by the Council (not contracted out) do not require a match.

8-1-A. Due to negative economic conditions, opportunities to develop integrated housing have been significantly reduced. Instead, the Council will review any new initiative undertaken and provide support to those that provide people with disabilities opportunities to reside with people without disabilities.

9-1-A. A Partners in Policymaking class will not be offered in 2011. The Council will take the lead in developing and providing informative materials about alternatives to guardianship.

10-1-A. The Council will continue to help strengthen the SALN statewide organizational structure to help them operate independently of the Council. The Council will not focus efforts on developing chapters in each of the 7 Health and Welfare regions.

<p>→</p>	<p>10-1-B. New efforts for SALN are now outlined in 10-1-A above.</p> <p>10-1-B. (new) Registrations are now being accepted for “Self –Advocacy, it’s all about we:, the first Idaho self –advocacy conference.</p> <p>10-2-A. The Office of the Secretary of State has approved a contract for the Council and Disability Rights Idaho to conduct Determined to Vote training.</p> <p>11-1-A. Dependent on funding from a grant, the Council has agreed to work with a newly identified partner group to develop a curriculum for training people with disabilities about abuse recognition and prevention.</p> <p><b>Denise moved to approve the 2011 work plan; Shiloh seconded. Motion approved unanimously.</b></p>
<p><b>New Five-Year Plan Discussion</b></p> <ul style="list-style-type: none"> <li>- <i>Review Survey</i></li> <li>- <i>Review Timelines</i></li> <li>- <i>Overview of Outreach</i></li> <li>- <i>Scheduling of Public Forums</i></li> </ul>	<p>Ron passed out five copies of the “Input for Five Year Strategic Plan Questionnaire” to each of the Council members to gather their input as to what should be included in the Council’s Five Year Plan Survey. Ron asked for input by August 15<sup>th</sup>.</p> <p>Council members are asked to help identify groups that may be meeting that we can use as focus groups to gather input into our plan. They are also being asked to help put together community forums to inform the public about the Council and gather plan input. Council staff will put together the information for the forums and work with Council members to schedule them.</p>
<p><b>Election of Council Vice-Chair &amp; Consumer Rep</b></p> <p>→</p>	<p>Vice-Chair Candidates: James, Toni and Jo Lynn. Toni and Jo Lynn were nominated but declined. <b>James was reelected by unanimous vote.</b></p> <p>Consumer Rep Candidates: Shiloh and Dave were nominated. <b>Shiloh was reelected Consumer Rep.</b></p>
<p><b>Finalize dates and venue for fall 2010 meeting</b></p> <p><b>Set Meeting Dates for 2011</b></p>	<p>Fall meeting will be in person. November 3-5, 2010</p> <p>Jan 26<sup>th</sup> – 28<sup>th</sup>, Jan 19<sup>th</sup> – 21<sup>st</sup></p> <p>April 27<sup>th</sup> – 29<sup>th</sup>, April 20<sup>th</sup> – 22<sup>nd</sup></p> <p>July 27<sup>th</sup> – 29<sup>th</sup>, July 20<sup>th</sup> – 22<sup>nd</sup></p> <p>October 26<sup>th</sup> – 28<sup>th</sup>, October 19<sup>th</sup> – 21<sup>st</sup></p>

<b>New Agenda Items</b>	Medicaid Transportation Brokerage Presentation on Aging and Disability Resource Centers (ADRC) Discuss legislative slate Presentation on Self-Advocacy Conference Report on town hall meetings Report on the housing workshop Report on DMD Comments on rules on seclusion/restraint in schools.
<b>Meeting evaluation and adjourn</b>	Meeting adjourned at 11:42 am