



IDAHO COUNCIL ON
DEVELOPMENTAL
DISABILITIES

2022 Legislative Report





About

The Council advocates with and on behalf of Idahoans with intellectual and developmental disabilities and family members by listening to their concerns and working to help them improve their lives by building service systems and natural supports that enable them to live lives of independence, responsibility, meaning, and contribution.



Mission

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 and/or support they need to live the lives they choose, and to build the communities ability to support their choices.



Vision

All Idahoans participate as equal members of society, empowered to reach their full potential as responsible and contributing citizens of their communities.



DD Council Legislative Session ReCap

The legislative session was busy, with the disability community having many opportunities to weigh in on voting rights, the Medicaid budget proposals, affordable housing, rental assistance, and the direct care workforce shortage, just to name a few top issues. Many positive things came out of this year's session that will help individuals, families, and service providers. The Medicaid budget passed that included rate increases for Developmental Disability and Supported Living Agencies. The Down Syndrome Diagnosis Information Act was passed and signed into law. Several bills passed that will assist Certified Family Homes. The Council worked to help draft the Endangered and Missing Persons Act which passed, and the Joint Legislative Oversight Committee approved a study on the Direct Care Workforce Crisis that the Council proposed.

Council staff monitored and tracked over 80 bills, provided testimony in support of 10 bills, opposed two, and worked collaboratively to support a housing trust and much needed rental assistance.



DR, Advocate
Council Vice-Chair

Nick Wyatt
Advocate



Mike MacGuffie
Voc Rehab

Mike Sandvig
Parent



Jen Johnson
Provider/Parent

This year an **ad hoc policy committee** was created to assist and advise Council staff during the legislative session. The committee met every other week to discuss proposed legislation and review the status of Council priority bills. Thank you for your important service on this committee.



Legislative Priorities

Priority 1 - 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 in these activities.

Priority 2 - 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.

Priority 3 - 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.

DD Council Legislative Priorities

The Council sets its legislative priorities during the Fall Quarterly meeting. This year Council Members heard issues that included changes to Southwest Idaho Treatment Center, Extended Employment Services, the Adult DD Service Array, and proposals for Idaho Down Syndrome Diagnosis Information Act, and the Idaho Kids Covered campaign. Guest presenters provided information on proposed legislation for the Council to prioritize and work on.

Priority 2 - Lending Support

- ✓ Removal of ICF/IID - Southwest Idaho Treatment Center (SWITC)
- ✓ Extended Employment Services
- ✓ Down Syndrome Diagnosis Information Act

Priority 3 - Keeping Track

- ✓ Appropriations - Medicaid
- ✓ SWITC - Clarify managing and operating authority



DD Council Lending Support



LAW



APPROVED



HELD



FAILED

Priority Two - Lending Support



The Council provided **testimony in support** of Senate Bill 1257 removing Intermediate Care Facility for Individuals with Intellectual Disabilities licensure language from the statute for the Southwest Idaho Treatment Center (SWITC). The removal will help SWITC move forward with its crisis system improvement plan by being able to provide other services outside of the certification. This bill was signed into law on March 18, 2022.



The Council supported and **testified in support** of the original Extended Employment Services (EES) bill (Senate Bill 1329) brought by the State Board of Education and the Division of Vocational Rehabilitation. The bill proposed transferring the program to the Department of Health and Welfare and included the voice of individuals and families on what they would like the services to look like. During the session, another bill was introduced by providers (Senate Bill 1356) and the Council provided **opposing testimony**. Both bills were held in the Senate Health and Welfare committee. Council Staff worked with the sponsors of both bills to reach a compromise on a new bill for the Extended Employment Services program. Senate Bill 1399 - Extended Employment Services passed and was signed into law.



DD Council Lending Support



Senate Bill 1270 - Down Syndrome Diagnosis Information Act requires the Department of Health and Welfare to develop up-to-date, evidence-based information about Down syndrome to be reviewed by medical experts and the Idaho Down Syndrome Council. It will be required to be given to parents at the time of diagnosis by their health care practitioners.

Council staff worked with the Idaho Down Syndrome Council (IDSC) before the session to provide training on the legislative process. During the session, staff attended meetings with the Down Syndrome Council and legislators, provided **testimony supporting** the bill in the House and Senate Committee hearings, and attended the signing.

On World Down Syndrome Day, March 21st, the Governor held a signing ceremony and signed the bill into law.



Top L: Rochelle Larsen- IDSC, Christine Pisani - ICDD, Mary Murray, IDSC

Top R: Individuals and family members of IDSC, with Governor Little at the signing ceremony.



Bottom: Individuals and family members of IDSC, with Senator Fred Martin (center).



DD Council - Keeping Track

DD Council Provided Testimony in Support



Council provided **testimony in support** of Senate Bill 1259. This bill allows someone who is the homeowner of a Certified Family Home (CFH) to apply for property tax relief through the Property Tax Circuit Breaker by not including the CFH payments as income. This makes it consistent with federal rules. To be eligible for the Circuit Breaker you must own your home, be over the age of 65, and earn less than \$32,230 a year. This bill was passed and signed into law.



L to R: Christine Pisani, Senator Abby Lee, Tai Simpson - Idaho Coalition Against Sexual and Domestic Violence



Senate Bill 1378 Endangered and Missing Person Alert (EMPA) creates a system in Idaho, like the Amber Alert, designed to locate any endangered or missing person regardless of age. Implementing this EMPA system will allow Idaho to communicate with all the surrounding states who currently utilize it to further expand and enhance the ability to notify the public about missing persons. When **testifying in support** Council staff shared that the presence of disability greatly increases the risk of violent victimization. Increasingly, the Council is learning that people with intellectual disabilities are being trafficked in Idaho at higher rates than most would expect. This statewide alert system would be a helpful tool in assisting in the expediency of identifying an endangered person. This bill was passed and signed into law.



DD Council - Keeping Track

DD Council Provided Testimony in Support



House Concurrent Resolution 29 - Adverse Childhood Experiences (ACEs) encourages state officers, agencies, and employees to promote interventions and practices to identify and treat child and adult survivors of severe emotional trauma and other adverse childhood experiences using interventions proven to help and develop resiliency in these survivors. The Council provided **testimony in support** of this resolution as children with disabilities are more likely to experience ACEs compare to their peers, adverse community environments, and the need for trauma-informed care for the service system. This resolution was adopted by the legislature.



House Bill 617 would have provided renters with significant protections on how the landlord charges fees, background checks, and compares or discriminates against renters. The Council provided **testimony supporting** this bill as it would help level the playing field for the disability community. This bill was initially passed out of the Judiciary Committee but was held on the House reading calendar before being sent back to the committee.



House Bill 624 would have extended the required notice time from 30 to 60 days when a landlord was increasing rent or not renewing a lease. The Council provided **testimony in support** as this bill would provide additional time for people with disabilities to find affordable and accessible housing. The bill did not pass out of the House Judiciary committee.



House Bill 730 made changes to HB 617 that provided significant renter protections. This bill also included provisions around collecting and retaining application fees. The Council provided **testimony in support** of requiring landlords to fairly consider rental applications on a first-come, first-serve basis, be transparent with considerations for the background check process, and collect application fees for only the applications being considered. This legislation would have given many members of the disability community the ability to compete for desperately needed housing. The bill **failed** on the House Floor (28-38-4).



DD Council - Keeping Track

DD Council Supported Sign on Letter



The Council signed on to a **letter of support** along with 20 other organizations supporting House Bill 742, the appropriation bill for the Idaho Division of Financial Management. This bill contained critical funding for emergency rental assistance that would help Idaho families that are experiencing housing and financial hardship. The appropriation bill passed both chambers and was **signed into law** on March 23, 2022.

DD Council Provided Testimony in Opposition



House Bill 547 would limit who could deliver or collect a ballot for individuals. The Council **opposed** this bill and testified that it would impede the ability of people with disabilities to vote in Idaho and referred to the Voting Rights Act and Americans with Disabilities Act that provides protections to people with disabilities. This vote passed the House (53-15-2) but was **held** in the Senate State Affairs committee.

Full written Council testimony included in Appendix A.
Copy of sign on letter for HB742 included in Appendix B.



Bills of Interest

Council Staff monitor and track many bills throughout the session. The list below contains the bill number, brief description, floor votes (Aye-Nay-Absent), or committee it was held in.

You can find more information about the bills at the [Idaho Legislature Bill Center website \(https://legislature.idaho.gov/sessioninfo/2022/legislation/\)](https://legislature.idaho.gov/sessioninfo/2022/legislation/).

House Bills

H481 – Circuit Breaker Eligibility Expansion - H 48-16-6; S 35-0-0

H483 – Conversion Therapy, prohibition - HELD in H&W CMTE

H601 – Assisted Living, in-person visits - H 49-17-4 HELD in S H&W CMTE

H629 – Admin hearings, contested cases - H 41-25-4; S 31-3-1

H701 – Creation of a Workforce Housing Fund - H 37-31-2; S 26-9-0

H760 – Telehealth, behavioral health - H 67-0-3; S 14th

H777 – Medicaid Budget that included rate increases for Developmental Disability Agencies, Supported Living, and Personal Care Providers - H 43-27-0; S 30-4-1

H780 – Psychologists, service extenders - H 47-20-3; S 28-7-0

Senate Bills

S1240 – Racially Restrictive Language in Housing Covenants - S 32-0-3; H 68-0-2

S1258 – State Hospital authority – S 34-0-1; H 69-0-1

S1286 - Psychologists, service extenders - S 25-7-3; H 30-34-6 H FAILED

S1326 – Licensing & Cert Transfer – HELD in H&W CMTE

S1350 – Medical Hospital Assessments – S 24-11-0; H46-20-4

S1375 – Voter Identification HELD in State Affairs

S1376 – Absentee ballot return - HELD in State Affairs

S1384 – Budgets with ARPA dollars & investments in behavioral health S 31-4-0; 45-22-3

S1401 – DD Council Budget - S 27-7-1; H 38-31-1

S1427 – EES appropriations transfer - S 35-0-0; H 68-0-2

S1428 – Workforce Housing Fund - \$50 Million Trailer Bill - S 34-0-1; H 35-34-1



Session Highlights

Office of Performance Evaluation (OPE) Medicaid Rate Report

The release of the Medicaid Rate Study will help guide the legislature and the Department of Health and Welfare. The report provides four recommendations to the Department and Idaho Legislature:

- Division administration should assess its most urgent needs and present a budget request during the 2023 legislative session.
- The Legislature should consider what it wants to control and what it wants to delegate to the Division of Medicaid accordingly. The Legislature could consider options such as additional reporting or establishing an oversight committee.
- The Division of Medicaid should operationalize its measures of access, quality, economy, and efficiency based on Idaho's priorities and embed these measures in the rate-setting process.
- The Division's rate reviews should be regular, public, and incorporate stakeholder input.

2023 OPE Study

The Idaho Council on Developmental Disabilities worked on a proposal with Senator Stennett and Senator Harris to examine the barriers to hiring, training, and retaining direct care staff in Medicaid's Home and Community Based Services. The study will investigate how the Department of Health & Welfare evaluates staffing levels, the training provided to direct care workers, pay and incentives, and other policies that impact this vital workforce.

The study requests recommendations that assist Idaho in creating a sustainable direct care workforce and for proposed policies with long- and short-term strategies to ensure an adequate workforce is in place.

The report and recommendations from the study will be presented during the 2023 legislative session.

Copy of OPE proposal included in Appendix C.



L to R: Christine Pisani, DD Council Executive Director, with Senator Michelle Stennett.



Session in Pictures

Fred Riggers Disability Awareness Day



Top L: Miguel Juarez, DD Council Staff with Kathryn Durrant from DRI.

Top R: Fred Riggers Day Award Recipients - L to R, Rep. Fred Wood, Angela Lindig, Melva Heinrich, Senator Melissa Wintrow, Courtney Lynch.



Bottom: Members of CID with Governor Little signing Fred Riggers Disability Awareness Day Proclamation.

At the Capitol

Top L: Richelle Tierney testifying during a hearing.



Top R: Ian Bott, Council Member, and Senator Wintrow.



Bottom L: Christine Pisani testifying during a hearing



Bottom R: Members of the Idaho Down Syndrome Council with Richelle Tierney DD Council Staff.





2022 Idaho Legislative Session by the Numbers



596
BILLS FILED



338
LAWS ENACTED



SIX
BILLS VETOED



40
RESOLUTIONS ADOPTED

DD Council Activity

"I am grateful for the leadership of many individuals with disabilities and families involved in this year's legislative session. The voice of the Disability community is important and necessary to create an Idaho that is inclusive, accessible, and provides opportunities for all of its' citizens to thrive!" - Christine Pisani, Executive Director

MEETINGS WITH LEGISLATORS

47
STAFF

25
COUNCIL MEMBERS

80+
TRACKED BILLS

- Monitored and tracked over 80 bills
- Testified in support of ten bills and opposed two
- Worked with the Idaho Down Syndrome Council to pass the Down Syndrome Diagnosis Information Act
- Drafted study proposal for the Direct Care Workforce Crisis in Home and Community Based Services
- Partnered with the Alzheimer's Association to draft the Endangered and Missing Persons Act

1
STUDY PROPOSAL

10 **2**
PROVIDED TESTIMONY

1
SIGN ON LETTER



ICDD

APPENDICES



ICDD

APPENDIX A

DD COUNCIL TESTIMONY



March 3, 2022

Chairman Fred Wood
House Health & Welfare Committee
Statehouse
Boise, ID 83720

Dear Chairman Wood and Members of the Committee:

The Council on Developmental Disabilities is authorized by federal and state law to monitor service systems and policies and to advocate for improved services that enable Idahoans with intellectual and developmental disabilities to live meaningful lives, included in their home communities.

The Council Supports Senate Bill 1257 for the following reasons:

In 2019, The Department of Health & Welfare developed a Strategic Plan to proactively address priority areas of improvement and a formal quality improvement process. The work the Department has done to do address the Council's areas of concern has been substantial.

In the 2020 Legislative Report from the Office of Performance Evaluation it was recommended that the Department develop a long-term vision for Idaho's system of crisis care and its role as **provider of last resort** for those with intellectual disabilities.

The Department has been intentional in their work on solutions to collaborate with individuals with intellectual and developmental disabilities, families, and disability advocates. Amending the existing law to remove the description of Southwest Idaho Treatment Center as an intermediate care facility for people with Intellectual Disabilities is an important step in the transition plan for Southwest Idaho Treatment Center in realizing its' goal to being a short-term stabilization and treatment center for individuals with intellectual and developmental disabilities who are in crisis.

The work the Department is doing to provide a comprehensive short-term stabilization and treatment center is spot on. For all of this great work the Department is doing to become an exemplary model of a short-term stabilization and treatment center, individuals also must be able to rely on a community-based service system that is equally responsive to the needs of this population who experiences a co-occurring mental health diagnosis in the range of 40 to 55 percent. Research has indicated that individuals with Intellectual and DD

exhibit high rates of psychiatric co-morbidity that are three to four times greater than the general population.

Individuals who have both mental illness and IDD are served by both the developmental disability and mental health service delivery systems. The Council is ready to work in collaboration with the Department to address the many issues that present barriers to individuals receiving the needed support in their home communities which perpetuates the need for SWITC. The barriers as the Council sees them include:

- A lack of well-trained staff who support individuals in their everyday lives
- A lack of appropriate clinical assessment and treatment
- A lack of psychiatrists who understand the unique pharmacological needs of individuals with intellectual disabilities who also have a co-occurring mental health diagnosis; and
- A lack of collaboration in the service delivery systems

The Council enthusiastically supports the direction that SWITC is moving by amending existing law to remove the intermediate care facility licensure description for people with IDD from SWITC. This will afford SWITC the opportunity to serve individuals in most need of their treatment model in a way that will better serve the unique needs of this specific population. This is tremendous step forward in the transformation of our state service system to acknowledge and meet the needs of people who experience both an intellectual disability and a mental health diagnosis.

Thank you for considering the Council's comments.



Christine Pisani
Executive Director
Idaho Council on Developmental Disabilities



March 2, 2022

Chairman Fred Martin
Senate Health and Welfare Committee
Statehouse, Boise, ID 83720

Dear Chairman Martin and Members of the Committee:

The Council on Developmental Disabilities is authorized by federal and state law to monitor service systems and policies and to advocate for improved services that enable Idahoans with developmental disabilities to live meaningful lives, included in their home communities. The Council is comprised of 23 volunteers appointed by the Governor, the majority of whom are adults with intellectual and developmental disabilities and family members.

The Council supports Senate Bill 1329.

Administering the Extended Employment Services (EES) program within the Bureau of Developmental Disability Services at the Division of Medicaid is the very best fit for this program. The Bureau's administration of the Community Based Supported Employment program through the DD Waiver will add efficiencies as many of the individuals served on the Developmental Disability waiver are also served in the EES program. The Bureau is also familiar with the EES providers as they provide additional services under the Developmental Disability Waiver such as developmental therapy.

The proposed legislation reflects the priorities vocalized statewide by individuals with disabilities and families during the 13 statewide listening sessions and the negotiated rulemaking process hosted by the Division of Vocational Rehabilitation. Accountability to service recipients was the highest priority for individuals with disabilities and families as reflected in S1329. When

the Idaho Division of Vocational Rehabilitation drafted this legislation, they did so with the service recipient in mind. By providing the level of detail around the measures of accountability in this bill, individuals and families know what to expect from the service provider. This is not federal oversight or over-regulation; this is the accountability that families and individuals asked for with this program

I would like to highlight a few examples from the statute that provide accountability to the individuals served in this program and to the taxpayers who pay for this program in its entirety.

In section 56-1703 line 31 - The department will annually review and evaluate a participant's service level needs, encourage the exercise of informed choice, and address any specific concerns. **This is an example of the type of quality assurance needed to ensure individuals are truly driving their employment goals.**

In section 56-1704, subsection 5 (g) line 41 - Increasing the participant's understanding of various career pathways and expectations of general community employers. These activities will include a component in the greater community, away from the provider-owned facility, where the participant can observe various competitive integrated jobs, based on the participant's interests. **This affords the individual to gain awareness of other employment options that would afford them a position in the community paid minimum wage or better and alongside community members.**

Continuing in section 56-1704, subsection 10 (a) on line 41 - The participant and provider will develop the participant's individual program using the program template. The individual program plan will include a brief summary of the participant's involvement. This was important to the DD Council and the Council included this issue in our public comments during negotiated rulemaking this past summer. The DD Council Comment on this issue was:

"If the Individualized Program Plan is to be person-centered the customer must participate in a way that is individualized to the customer. The Individualized Program Plan documentation should include a summary about how the individual participated and/or was included in a meaningful way in the process." Also in section 56-1704, subsection 10 (e) on line 1 reads: An individual program plan must use person-centered principles and people first language and **detail**

vocational goals, corresponding meaningful measurable objectives, and the participant's desired employment outcomes. A participant's individual program plan goals will be discussed, modified, revised, and updated yearly, based on data from the participant's progress reports to help the participant achieve employment goals. **Progress reports provide accountability to the individual receiving the service by requiring written documentation about how the individual is progressing toward their individualized employment goal, as well as accountability for the public funds used to support the program.**

Also in section 56-1704, subsection 10 (g) on line 15 reads: The participant and provider will review progress toward vocational goals and next steps necessary to meet vocational goals. The participant will sign the progress report to acknowledge review of the report. The provider will submit a semi-annual progress report for each participant to the program for each six (6) months period, starting with the individual program plan start date. Progress reports are due no later than one (1) month after the reporting period. The provider will submit an annual progress report for the twelve (12) months after the individual program plan start date, due no later than one (1) month after the end of the term date. Failure to submit a progress report in a timely manner will subject the provider to administrative review and corrective action. **This additional quality assurance is necessary so that people do not languish in a service that is not meeting their individualized employment goals.**

This legislation provides accountability for the state dollars that fund this program. The legislation reflects the broad stakeholder input where the entire disability community had the opportunity to weigh in on this program. It reflects the vocal priority of individuals with disabilities and families who wanted to see transparent accountability for this program. It provides community employment programs that give Idahoans with disabilities the opportunity to explore vocational options and supports people with disabilities who need long-term support to work.

Sincerely,



Christine Pisani
Executive Director



March 2, 2022

Chairman Fred Martin
Senate Health and Welfare Committee
Statehouse, Boise, ID 83720

Dear Chairman Martin and Members of the Committee:

The Council on Developmental Disabilities is authorized by federal and state law to monitor service systems and policies and to advocate for improved services that enable Idahoans with developmental disabilities to live meaningful lives, included in their home communities. The Council is comprised of 23 volunteers appointed by the Governor, the majority of whom are adults with intellectual and developmental disabilities and family members.

The Council opposes Senate Bill 1356 for the following reasons:

Senate Bill 1356 has only afforded 10 of the 24 service providers that administer the Extended Employment Services program to provide input into shaping this legislation. The Disability community has not been given an opportunity to weigh in on the drafting of this legislation.

The original S1330 passed in 2020 is the legislation that Senator Cook used to draft S1356. The original S1330 included language that the “Program services be provided when eligible individuals do not have access to comparable services or have fully utilized comparable services for which they are eligible.” This language has been omitted from S1356 and will significantly inflate the budget.

With the elimination of this language, it will make the Extended Employment Services budget the payer of first resort for the community supported employment portion of this program, instead of Medicaid's waiver program for those that are eligible. If this is the case, there will be a waiting list for this service and a future request for more money from the legislature to run the program.

Also, in S1330 language was included that stated that stated, "Separate and apart from and delivered subsequent to vocational rehabilitation services as defined in 29 U.S.C. 705 (40) provided by the division." This language has also been omitted from S1356 making it possible for the EES provider to be the referral source, the employer, the entity responsible for writing the individualized plan, and determining the type and frequency of service delivered. This gives the provider complete control over services they financially benefit from.

Furthermore, the Statement of Purpose states "Employment needs of people with disabilities are best served through a full array of services." This appears to change the intent of Extended Employment Services program from being a long-term employment support to something the Vocational Rehabilitation program already provides. Based on all of this, the fiscal note in Senator Cook's bill is not accurate.

Lastly, all accountability measures to the individual service recipient that had been vocalized over the past two years as a high priority for individuals with disabilities and families have been omitted from this legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Christine Pisani".

Christine Pisani
Executive Director
Idaho Council on Developmental Disabilities



March 21, 2022

Chairman Fred Wood
House Health and Welfare Committee
Statehouse, Boise, ID 83720

Dear Chairman Wood and Members of the Committee:

The Council on Developmental Disabilities is authorized by federal and state law to monitor service systems and policies and to advocate for improved services that enable Idahoans with developmental disabilities to live meaningful lives, included in their home communities. The Council is comprised of 23 volunteers appointed by the Governor, the majority of whom are adults with intellectual and developmental disabilities and family members.

The Council supports Senate Bill 1399.

Senate Bill 1399 is the result of compromise that included ACCESS providers, the State Board of Education, and the DD Council. This is the best attempt to reach most of the concerns of each party. Much of the accountability measures the Council felt strongly about in Senate Bill 1329 have been removed, but we have been assured that they will receive support to be included through the rulemaking process.

We look forward to a continued collaborative process.

Sincerely,

Christine Pisani
Executive Director



March 8, 2022

Chairman Fred Wood
House Health and Welfare Committee
Statehouse, Boise, ID 83720

Dear Chairman Wood and Members of the Committee:

The Council on Developmental Disabilities is authorized by federal and state law to monitor service systems and policies and to advocate for improved services that enable Idahoans with developmental disabilities to live meaningful lives, included in their home communities. The Council is comprised of 23 volunteers appointed by the Governor, the majority of whom are adults with intellectual and developmental disabilities and family members.

The Council supports Senate Bill 1270.

The Idaho Down Syndrome Council sought input and support from the larger disability community in Idaho to create this important legislation. “Nothing About Us, Without Us” is a slogan people with disabilities have been using for years to reinforce the idea that any public policy created that impacts the lives of people with disabilities should be informed by people with disabilities themselves. Public policy should not be decided without the full inclusion and direct participation of those affected by that policy. People with lived experience must have input in creating policy that impacts their lives. The Down Syndrome Council has done an exemplary job of including people with disabilities and families impacted by this legislation.

The Council often hears from families that they wished they would have had more information at the time of diagnosis. Having accurate information at the time of diagnosis will provide families with evidence-based, best practice information and resources to make better-informed decisions. Also, by providing a direct connection to the Down Syndrome Council, you will be connecting new parents to parents who have some experience navigating services and supports, not to mention a listening ear. This legislation provides a tool for physicians to assist the family during their diagnosis.

The Council is pleased with the messaging the Down Syndrome Council has created to promote accurate and realistic information about children and adults with Down Syndrome. Promoting a more positive image of the lives of children and adults with Down Syndrome will help ensure that people with disabilities are seen as the valuable contributing citizens of Idaho that they are.

Sincerely,

A handwritten signature in cursive script, appearing to read "Christine Pisani".

Christine Pisani
Executive Director
Idaho Council on Developmental Disabilities



March 22, 2022

Representative Harris, Chairman
House Revenue & Taxation Committee
Statehouse
Boise, ID 83720

Dear Chairman Harris and Members of the Committee:

The Council on Developmental Disabilities is authorized by federal and state law to monitor service systems and policies and to advocate for improved services that enable Idahoans with intellectual and developmental disabilities to live meaningful lives, included in their home communities.

The Council Supports Senate Bill 1259 for the following reasons:

Certified Family Homes are a residential option for seniors and people with disabilities that requires meeting specific criteria to be certified that is set and overseen by the Division of Licensing and Certification through the Department of Health & Welfare.

Certified Family Homes provide a homelike alternative designed to allow up to four individuals who may be elderly, have a mental health diagnosis, or have an intellectual or developmental disability. Certified family homes provide a home to those unable to currently live alone, and whose support needs can be met by the care provider to delay the need for more expensive institutional care. There are currently, 2,532 Certified Family Homes statewide serving 3,000 residents. Of those 3,000 resident 2,384 individuals are people with intellectual and developmental disabilities.

I currently serve as the Vice-Chair of the Community Care Advisory Council. The Community Care Advisory Council is in Idaho Statute passed in the Idaho Legislature in 2005. The Council is comprised of 20 members who are either appointed by the organizations and/or agencies represented on the Council. The Council is a forum for stakeholders invested in Assisted Living Facilities and

Certified Family Homes. An important role of this Council is to:

- To make policy recommendations regarding the coordination of licensing and enforcement standards in residential care/assisted living facilities and certified family homes as well as provision of services to residents in those settings.

The Community Care Advisory Council discussed this proposed legislation in our October 2021 and January 2022 meetings. In January the Council unanimously endorsed this proposed legislation and urges the Idaho Legislature to pass this bill.

With the rising cost of housing this property tax relief is critical to this essential set of care providers. This will go a long way to help Certified Family Homes continue to keep their homes and provide the necessary support to individual with disabilities and seniors.

The Idaho Council on Developmental Disabilities and the Community Care Advisory Council support this proposed legislation.

Thank you for considering my comments.

A handwritten signature in cursive script that reads "Christine Pisani".

Christine Pisani
Executive Director



March 21, 2022

Greg Chaney, Chairman
House Judiciary & Rules Committee
Statehouse, Boise, ID 83720

Dear Chairman Crane and Members of the Committee:

The Council on Developmental Disabilities is authorized by federal and state law to monitor service systems and policies and to advocate for improved services that enable Idahoans with developmental disabilities to live meaningful lives, included in their home communities. The Council is comprised of 23 volunteers appointed by the Governor, the majority of whom are adults with intellectual and developmental disabilities and family members.

The Council is proud to have provide input into this important proposed legislation and we support Senate Bill 1378 for the following reasons:

According to the National Crime Information Center, 14% of adults who went missing nationwide in 2020 were identified as having a physical or intellectual disability. This is 25,057 people out of a total number of 177,316.¹ The presence of disability greatly increases the risk of violent victimization. Increasingly, the Council is learning that people with intellectual disabilities are being trafficked in Idaho at higher rates than most would expect.

People with disabilities are more likely to experience human trafficking than their peers. Traffickers deliberately target victims they think they will be able to isolate and control. The vulnerabilities of people with disabilities vary depending on the

¹ Federal Bureau of Investigation (FBI), 2021. 2020 National Crime Information Center (NCIC) Missing Person and Unidentified Person Statistics

disability, however research indicates structural oppression such as lack of living wage employment, inaccessibility to healthcare, and poverty are associated with trafficking risk among the general population. Because those with a disability are more likely to experience these factors, the risk of trafficking is heightened.

Individuals with emotional or intellectual disabilities are targeted by traffickers because their disability is related to experiences with bullying, isolation, or being made by others to feel inferior or different. Traffickers take advantage of the vulnerabilities resulting from these experiences by offering friendship. The combination of structural oppression and societal devaluing of people with disabilities increases the vulnerability to both labor and sex trafficking.

People with disabilities are deliberately targeted for sex and labor trafficking and exploited for financial gain. People with disabilities are trafficked in all parts of the United States – rural areas, reservations, suburbs and urban areas.

This statewide alert system would be a helpful tool in assisting in the expediency of identifying an endangered person.

Our sincere gratitude to Senator Abby Lee and Representative Ryan Kerby for their sponsorship of the legislation.

Sincerely,

A handwritten signature in cursive script that reads "Christine Pisani".

Christine Pisani
Executive Director
Idaho Council on Developmental Disabilities



February 10, 2022

Senator Martin, Chairman
Senate Health & Welfare Committee
Statehouse
Boise, ID 83720

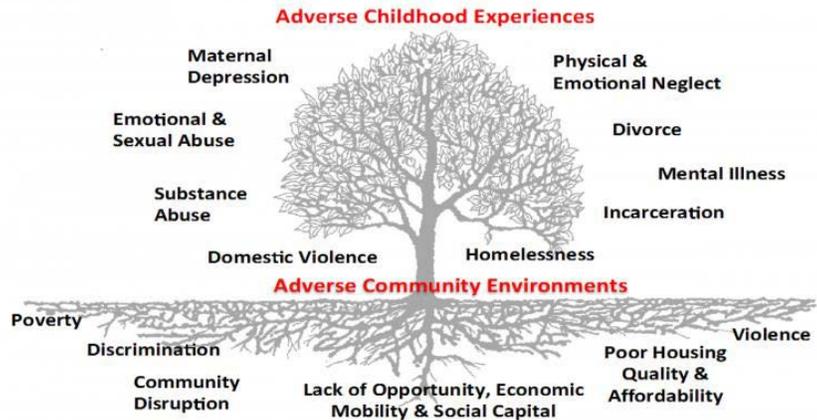
Dear Chairman Martin and Members of the Committee:

The Council on Developmental Disabilities is authorized by federal and state law to monitor service systems and policies and to advocate for improved services that enable Idahoans with intellectual and developmental disabilities to live meaningful lives, included in their home communities.

The Council Supports House Concurrent Resolution 29 for the following reasons:

- Children with Intellectual Disabilities are more likely to experience ACEs compared to children in the general population. **Research shows that having a disabling health condition, among which intellectual disability, was associated with 83% higher odds of the child experiencing 2 or more ACEs, and 73% higher odds of experiencing 3 or more ACE's at age 5.**
- When discussing trauma and adversity, it is important to understand that adverse experiences happen in the home and in the community. Community settings impact a child's exposure to adversity. Figure 1 provides a visual description of the relationship between adversity within the context of family and adversity within a community. When children grow up in environments with systemic inequities such as poor housing quality, lack of opportunity, or community disruption (the elements seen at the root of the tree in Figure 1), it intensifies the stresses felt at the individual-level by families and parents, potentially creating negative cycles of worsening conditions and outcomes (the experiences seen around the tree in Figure 1).

Figure 1



- As shown with the tree diagram above, different sets of circumstances influence exposure to adversity and trauma in childhood, with some children being at a distinct disadvantage beginning at birth. This is due to no fault of the child or their parents - simply being born in a certain zip code can affect their opportunities, even their life expectancy.¹
- “Children and Youth with Special Health Needs with an intellectual or developmental disability (IDD) experience trauma exposures at higher rates than their non-disabled peers. **Children and youth with IDD are specifically at increased risk for physical abuse, physical restraint, isolation, sexual abuse, and emotional neglect.**² Medical trauma is also more commonly experienced among this population as children may have chronic medical problems requiring multiple surgeries, hospitalizations, and invasive procedures. People with IDD are more likely to experience PTSD than those in the general population, with one estimate stating **as many as 90 percent of people with IDD have some level of traumatic stress.**”
- The Council identified the need for trauma informed care training through work we are doing with a large stakeholder community called Community NOW! This stakeholder collaborative is led by individuals with intellectual and developmental disabilities and family members. **Individuals with IDD and family members were clear in their request of us to create capacity for direct care workers to receive trauma-informed care training to better meets the needs of individuals with intellectual and developmental disabilities.**
- In this fiscal year a subcommittee will provide subject matter expertise to provide content for a web-based training focused on trauma informed care. This work is being done collaboratively

¹ Owens-Young, J. (2018). Being born in the wrong zip code can shorten your life. <http://theconversation.com/being-born-in-the-wrong-zip-code-can-shorten-your-life-104037>

² The National Child Traumatic Stress Network. Early Childhood Trauma. Retrieved from <https://www.nctsn.org/what-is-child-trauma/trauma-types/early-childhood-trauma>.

with Disability Rights Idaho and the Center on Disabilities & Human Development with funds received through a Living Well Grant funded through the Administration on Community Living.

- Through our recently adopted five-year plan, the Idaho Council on Developmental Disabilities is committed to addressing the needs of people with intellectual and developmental disabilities who experience a co-occurring mental health diagnosis. A specific objective with our work plan intends to: *“Work with partners to build capacity in mental health services and supports available to children and adults who experience the dual diagnosis of mental illness and intellectual or developmental disability.”*

For all of these reasons the Council lends its’ enthusiastic support of House Concurrent resolution 29.

Thank you for considering the Council on Developmental Disabilities comments.

A handwritten signature in cursive script that reads "Christine Pisani".

Christine Pisani
Executive Director



February 21, 2022

Chairman Greg Cheney
House Judiciary, Rules & Administration Committee Statehouse
Boise, ID 83720

Dear Chairman Cheney and Members of the Committee:
The Council on Developmental Disabilities is authorized by federal and state law to monitor service systems and policies and to advocate for improved services that enable Idahoans with intellectual and developmental disabilities to live meaningful lives, included in their home communities.

The Council Supports House Bill 617 for the following reasons:

The protections afforded in House Bill 617 for renters will go a long way to leveling the playing field for the disability community. Many people with significant disabilities live on about \$894 a month between their Social Security Income of \$814 and the states allowance of \$58 from Aid to the Aged and Blind.

Requiring landlords to fairly consider rental applications on a first come, first- serve basis, be transparent with considerations for the background check process, and collect application fees for only the applications being considered, gives many members of the disability community the ability to compete for much needed housing. I applaud the intentions of this legislation; however, the legislation should also address the ability to enforce this practice when landlords do not comply.

Christine Pisani
Executive Director



March 3, 2022

Chairman Greg Chaney
House Judiciary, Rules & Administration Committee
Statehouse
Boise, ID 83720

Dear Chairman Chaney and Members of the Committee:

The Council on Developmental Disabilities is authorized by federal and state law to monitor service systems and policies and to advocate for improved services that enable Idahoans with intellectual and developmental disabilities to live meaningful lives, included in their home communities.

The Council Supports House Bill 624 for the following reasons:

Finding an affordable rental is difficult in the best of times. Finding an affordable, physically accessible rental is nearly impossible. With the shortage of housing and inflated monthly rental fees it has become almost impossible for people with disabilities to locate housing. Many people with disabilities live on an extremely limited income.

Requiring landlords to provide at least 60 days' notice should the landlord choose not to renew the lease or raise the rent, could provide people the necessary additional time for people to find adequate housing in this challenging market. People with disabilities often require additional time because of needing to find physically accessible housing, near public transportation, or within walking distance of a grocery store and other necessary services. People with disabilities also often require making arrangements with others to help relocate their personal items, as many people with disabilities do not drive. All of these things take additional time.

House Bill 624 provides a lifeline to Idaho renters at a time when so many families are really struggling.

Christine Pisani, Executive Director



March 3, 2022

Chairman Greg Chaney
House Judiciary, Rules & Administration Committee
Statehouse
Boise, ID 83720

Dear Chairman Chaney and Members of the Committee:

The Council on Developmental Disabilities is authorized by federal and state law to monitor service systems and policies and to advocate for improved services that enable Idahoans with intellectual and developmental disabilities to live meaningful lives, included in their home communities.

The Council Supports House Bill 730 for the following reasons:

The protections afforded in House Bill 730 for renters will go a long way to leveling the playing field for the disability community. Many people with significant disabilities live on about \$872 a month between their Social Security Income and an allowance from the Aid to the Aged and Blind.

Requiring landlords to fairly consider rental applications on a first come, first-serve basis, be transparent with considerations for the background check process, and collect application fees for only the applications being considered, gives many members of the disability community the ability to compete for desperately needed housing. I applaud Representative Ruchti's work to include the enforcement mechanism through the addition of Section 48-603G, subsection (4).

Christine Pisani, Executive Director



March 1, 2022

Dear Chairman Lodge:

The Council on Developmental Disabilities is authorized by federal and state law to monitor service systems and policies and to advocate for improved services that enable Idahoans with intellectual and developmental disabilities to live meaningful lives, included in their home communities.

The Council Opposes House Bill 547 for the following reasons:

Should this legislation pass, it would significantly impede the ability of people with disabilities to vote in Idaho. The Voting Rights Act of 1965 contains provisions relevant to the voting rights of people with disabilities. It requires election officials to allow a voter who has a disability to receive assistance from a person of the voter's choice (other than the voter's employer or its agent or an officer or agent of the voter's union). The Voting Rights Act prohibits conditioning the right to vote on a citizen's ability to read, write, attaining a certain level of education, or passing an interpretation "test."

The Americans with Disabilities Act (ADA) is a federal civil rights law that provides protections to people with disabilities. Title II of the ADA requires state and local governments ("public entities") to ensure that people with disabilities have a full and equal opportunity to vote. The ADA's provisions apply to all aspects of voting, including voter registration, site selection, and the casting of ballots, whether on Election Day or during an early voting process.

The ADA protects the right of people with disabilities to receive assistance from a person of their choice, and modifications may be needed to accommodate voters with disabilities which would include the mailing of their ballot.

The ADA requires election officials conducting any elections at the federal, state, or local level to provide communication with voters with disabilities that is as effective as that provided to others. To ensure that voters with disabilities can fully participate in the election process, officials must provide appropriate auxiliary aids and services at each stage of the process, from registering to vote to casting a ballot in determining the type of auxiliary aid and service to be provided, officials must give primary consideration to the request of the voter.

Examples of auxiliary aids and services for people who are blind or have low vision include a qualified reader (a person who can read effectively, accurately, and impartially using necessary specialized vocabulary); information in large print or Braille; accessible electronic information and information technology; and audio recording of printed information.

Public entities must ensure that they do not have policies, procedures, or practices in place that interfere with or prohibit persons with certain disabilities from registering to vote or voting based on their disability. For example, an election official cannot refuse to provide an absentee ballot or voter registration form to a person with a disability because the official knows the voter resides in a nursing home.

In addition, the ADA requires public entities to modify their voting policies, practices, and procedures when such modifications are necessary to avoid discrimination based on a voter's disability.

Most individuals with disabilities can vote completely independently. However, some individuals with disabilities require assistance with part or all the voting process. Almost anyone, including a friend, family member, care provider, or poll worker, can assist an individual with a disability as protected by the Voting Rights Act and the Americans with Disabilities Act.

If you are concerned about a person fraudulently voting in place of an individual, then make that the felony. Don't penalize the Disability community or seniors in their ability to vote.



Christine Pisani
Executive Director



ICDD

APPENDIX B

ORGANIZATION SIGN ON LETTER

March 9, 2022

Idaho House of Representatives
700 W. Jefferson Street
Boise, ID 83702

Members of the House of Representatives,

We, the undersigned organizations, respectfully urge you to approve House Bill 742, the appropriation bill for the Idaho Division of Financial Management. This budget contains critical funding that will ensure Idahoans across the state remain safely and stably housed through FY 2023, including \$38 million for emergency rental assistance and \$14.4 million in homeowner assistance allocated to the state of Idaho by the American Rescue Plan Act (ARPA).

The state of Idaho received the first round of emergency rental assistance (ERA1) in the Consolidated Appropriations Act of FY21 and a second round of emergency rental assistance (ERA2) in ARPA. The Idaho Housing and Finance Association has ensured that over 6,000 Idaho families remained safely and stably housed during the past year through the distribution of ERA1 funds. Homeowners at risk of housing displacement or loss of energy services will have access to financial assistance for the first time with the included homeowner assistance funding.

Renters and homeowners across Idaho continue to experience housing and financial hardship. This is due to wages not keeping pace with rapidly increasing housing costs compounded by a shortage of over 22,000 affordable and available homes for renters with modest incomes. At the end of 2021, approximately 271,000 Idaho households were struggling to cover usual household expenses and 21,000 Idaho renter households were not caught up on rent.

Although similar in many ways, ERA1 and ERA2 have important differences that necessitate legislative approval for both rounds of funding. By design, ERA2 is more capable of addressing the unique needs of Idaho renters during this time of rapidly increasing rents because:

- ERA2 will be available to Idahoans through September 2025 – three years after ERA1 expires in September 2022.
- ERA2 removes bureaucratic red tape and increases program effectiveness by expanding eligibility to renters experiencing financial hardship *during* the COVID-19 pandemic instead of limiting eligibility to renters who can prove their financial hardship is *due to* the COVID-19 pandemic.

Further, approval of HB 742 will improve the effectiveness and reach of ERA funds in Idaho while preventing funds from being reallocated to out-of-state programs. This is achieved by permitting the state to sub grant funds to local programs in Idaho when local funds are exhausted. This means Idaho's share of ERA funds will stay in our state to help Idaho families.

For these reasons, we urge you to support House Bill 742. Thank you for your consideration,

Kendra Knighten, Policy Associate
Idaho Asset Building Network



Christine Tiddens, Director
Idaho Voices for Children



Evie Scrivner, Chief Executive Officer
Community Action Partnerships of Idaho



Alejandra Cerna Rios, Director
Idaho Center for Fiscal Policy



Mel Leviton, Executive Director
Idaho State Independent Living Council



Karen Vauk, President and CEO
Idaho Foodbank



Amy Wuest, Community Resources Director
United Way of Southeastern Idaho



Christa Rowland, Director of Community Impact
United Way of Treasure Valley



Mark Tucker, Executive Director
United Way of North Idaho



Chris Wiersema, President & CEO
United Way of Idaho Falls & Bonneville County



Christine Pisani, Executive Director
Idaho Council on Developmental Disabilities



Sarah Van Cleve, Executive Director
Housing Alliance and Community Partnerships



Larry Riley, Executive Director
St. Vincent de Paul North Idaho



Gary E. Hanes, Managing Member
Gary E. Hanes & Associates, LLC



Zoe Ann Olson, Executive Director
Intermountain Fair Housing Council



Housing Justice For All

Anna Guida, Program Manager
Empower Idaho



Denise Caruzzi, President
Boise/Ada County Homeless Coalition



Lisa Young, Director
Idaho Chapter Sierra Club



Gayle Woods, Chair of Board of Conveners
Idaho Interfaith Roundtable Against Hunger



Kelly Miller, Executive Director
Idaho Coalition Against Sexual & Domestic Violence



Ali Rabe, Executive Director
Jesse Tree of Idaho





ICDD

APPENDIX C

OPE STUDY PROPOSAL

MICHELLE STENNETT
DISTRICT 26
BLAINE, CAMAS, GOODING &
LINCOLN COUNTIES

HOME ADDRESS
PO BOX 475
KETCHUM, IDAHO 83340
(208) 726-8106



OFFICE ADDRESS
STATE CAPITOL
P.O. BOX 83720
BOISE, IDAHO 83720-0081
(208) 332-1353
FAX (208) 334-2116
mstennett@senate.idaho.gov

Idaho State Senate

SENATOR MICHELLE STENNETT **MINORITY LEADER**

March 10, 2022

Requested study: A sustainable direct care workforce for home and community based service participants

Background:

Direct support workers are responsible for the hands-on care for aging adults and people with disabilities. Direct care workers work in a variety of Home and Community Based Service (HCBS) settings. They perform important tasks such as bathing, dressing, housekeeping, meal preparation, medication management, supporting people to learn skills to live and work in their communities, intensive medical care and assistance. This critical workforce provides essential support for seniors and people with disabilities.

The challenges direct care workers face are significant. They are highly underpaid, partly due to the Medicaid reimbursement rates, however there are additional factors that contribute to the long-standing shortage of direct care workers that has been taking place well before the pandemic. There is a deeply rooted undervaluing of the work, long hours, limited training, and often demanding nature of the work. There is a high turnover rate, with many people moving to jobs with fewer hours and benefits. The work they provide is essential. The pandemic has only heightened the urgency to develop strategies that attract new workers to the field and strengthen the direct care workforce.

The lack of staffing also impacts the family's ability to work and is causing a long-term strain on families. Families cannot find staff to help with their children with disabilities. Medically necessary needs go unmet. Many Idaho families, who have been the primary caregivers for their adult sons and daughters, are aging. They are unable to provide the type of support their family member needs.

Individuals with intellectual and developmental disabilities are faced with the reality of having to move from their homes. They are moving to assisted living facilities and nursing homes because there is no staff to provide this in-home support. Assisted living facilities and nursing homes are having the same struggle to hire and keep adequate staff to meet the needs of the residents. The inability to attract and keep needed direct care workers is everywhere. Twenty-seven (27) assisted living facilities have voluntarily surrendered their license, closed a building, or given notice to all Medicaid residents since July 2020. Inability to find adequate staff is the reason cited for the closures. Many assisted living facilities have been forced to limit admissions and even discharge residents because they do not have enough staff to provide the necessary care. Between 2020 and 2022 five (5) developmental disability service providers closed due to staffing issues and low attendance. During this time a total of eighty-one (81) Home and Community Based Service providers closed. Many of these providers were bought out by another agency and some voluntarily closed.

Magnitude of the Problem:

The average monthly number of members utilizing HCBS services in calendar year 2021 was 15,500, which also includes children receiving services. With this many participants served through the HCBS system, it is imperative that Idaho have a sustainable highly qualified direct care workforce able to meet the complex and essential needs to maintain people's ability to live and work in their home communities.

March 22, 2022

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Study Objectives:

- Work with the following HCBS provider types: Independent Living Centers, Assisted Living Centers, Residential Habilitation (Supported Living Agencies and Certified Family Homes), Developmental Disability Agencies, Self-Directed DD Waiver participants, and Community Rehabilitation Providers.
- At the provider level, identify what training is provided? Is it competency based? Is training and demonstrated competency tied to increased pay or benefits?
- How does the Department of Health & Welfare evaluate current direct care workforce staffing levels?
- What are the barriers for direct care staff to sustain long term employment in this service industry?
- What do other states have in place such as a task force to provide strategic planning to tackle the crisis in their HCBS direct care workforce?
- What infrastructure is in place to better understand the current supply and demand of direct care workers?
- Examine policies and procedures used to track data on direct care staffing, including workforce turnover rates, staffing statistics within HCBS settings?
- What training is currently provided to direct care workers in HCBS settings that prepare them to meet the varied complex health and behavioral needs of participants?

Potential Solutions:

- What have other states done to incentivize HCBS service providers to participate in additional competency-based training?
- How would the development of a professional career ladder with tiered reimbursement tied to demonstrated competencies post training assist in the creation of a highly qualified sustainable direct care workforce? What are other states' demonstrating with this model?
- Would the HCBS direct care workforce benefit from a direct care registry, increased training and support, the development of career ladders, and a statewide recruitment campaign?

Recommendation Requests:

- What recommendations can be learned to assist Idaho in creating a sustainable direct care workforce that is attractive for working long-term in these positions as a career?
- Develop recommendations for proposed legislation, policies, short and long-term strategies for the retention and recruitment of direct care staff to ensure an adequate workforce is in place to provide high quality, cost-effective healthcare.

Respectfully,

Michelle

Senator Michelle Stennett
Senate Minority Leader
(208) 332-1353

