



**Idaho Council on Developmental Disabilities  
SPECIAL INTERIM COUNCIL MEETING  
Zoom Video Conference 10am-11am  
November 1, 2019 APPROVED Meeting Minutes**

**Friday – November 1, 2019**

Council Members:		
Art Evans - absent	Emily Petersen	Deedra Hunt
Carly Saxe	La Donna Tuinstra - absent	Adrienne Seamans
Charlie Silva	Ian Bott	Michael Sandvig
Claudia Suastegui	Jacob Head	Nanna Hanchett - absent
Colleen Sisk - absent	Jacqueline Watson	Natali Pellens
Dina Flores-Brewer	James Steed, CHAIR	Valerie Hurst
Alan Hansen	Julie Fodor	Danielle Reff (DR), VICE CHAIR
Staff Members:		
Christine Pisani	Melissa Morales	Tracy Warren
Laurie Lowe	Marieke Edwards	Trisha Hammond
Guests:		
Lydia Dawson, IACP 208-340-1615	Anjie Knickrehm 208-880-9959	503-724-5558

**Welcome:** Christine Pisani, Council Director - Review of Agenda

**ACTION: Approve Agenda**

- DR moved to accept the agenda as presented.
- Mike Sandvig seconded.
- Motion Passed.

Council member roll call - 16 members present at start of meeting.

**Review of KW Information Presented**

Provided summary of information presented at meeting on October 29<sup>th</sup>.

Reviewed member questions from October 29 meeting.

Reason for taking so long to complete budget model and new service changes. The Idaho Department of Health and Welfare (Department) is working on five services to be considered along with the new budget model:

- Improving the PCP process
- Increased flexibility in non-medical transportation

- Unbundling Residential Habilitation (ResHab) services so there is more choice and flexibility in services, individual can choose more than one service provider to support them in the supported living model
- A new habilitation service for support in the community. Currently an individual must show they are learning a new skill to justify the service in the community. This would allow for just getting support to do what you want to do.
- A new service to allow for career exploration for employment

Why so long?

Example: must determine details about a new service provider type – the Person-Centered Planning Facilitator. Everything developed through Community NOW (CNOW) workgroups is proposed and reviewed by an Advocate Advisory Committee (individuals with developmental disabilities and family members) and the full CNOW stakeholder membership.

In order to change or create new services, the Department takes stakeholder input then writes service definitions, requirements, reimbursement rates, etc. Must make changes to state rules and the developmental disability (DD) waiver which must be reviewed by the Center for Medicare and Medicaid Services (CMS). Both of these things take several months.

### **Questions:**

**Q:** James Petroski (plaintiff attorney) said that what the Department was doing is unconstitutional, what was that?

**A:** He was referring to the budget assessment/determination process the Department had been using. It was not transparent (so people could understand how the budget has been determined) and the court found that it violated individuals' constitutional rights.

**Q:** James P. said the Department had not completed the budget tool fast enough?

**A:** The budget model is being developed under an IDHW contract with Human Services Research Institute (HSRI). They have completed some work at this point. The Department came to CNOW and said we can work together to work on the budget model and improved services, or we can just work on the new budget model. CNOW agreed that having improved services people really want would be good. Even without waiting to develop the new services, HSRI said that at least unbundling the ResHab rate must happen before the budget model can be completed.

New service descriptions under development – Christine read the drafted service definitions from the Department.

## Council Discussion

Clarification on what has been asked of the Council: Christine said that we have been asked to write a letter describing the Council's concerns with the motion and requirement to complete the resource allocation model (budget tool) in 120 days. Main concern is that there would not be enough time for the voice of people with disabilities and family stakeholders to be heard in the process.

Comment that the development of the new/improved services would impact all people using the DD program. Concern is that there are 5,000 adults in Idaho on the DD Waiver and we should have input from more of them as they are considered part of the class of the lawsuit. Another concern is that we would lose the work completed so far under CNOW. After stepping out to focus on the resource allocation model, the Department may not have the ability to come back to continue the work under CNOW.

Would like to the Council to speak to what is in the best interest of the people with developmental disabilities and the service system they use rather than taking sides with attorneys. Think about how this impacts people with developmental disabilities and the services they use.

Discussion to clarify question: Are we writing and letting them know if we are in support of what the lawyers are doing or are we in support of the Department taking the time needed? Comment that it feels like everything takes so long to accomplish with the Department in almost every facet. It would be good for them to try to work on things more quickly. We understand the process needed to create policy with the legislature and the time it takes, but in the long run, we are concerned for the families and individuals receiving services and how long it will take to get those services. We are trying to make the services better through collaboration in CNOW. But what does that mean for people who have been waiting for services (budget tool?). Are we writing about all of our concerns?

The Council has been asked to write a letter of our concerns to send to the court. An additional option is for the Council to take no action.

### Questions:

**Q:** How would it be possible to do a community service that is just for support under traditional services when everything is put into the staff and training etc?

**A:** It would be a new service created with funds allocated to cover reimbursement rates determined, and the description sent to CMS, etc. Then rules developed at the legislature.

Q: Is it possible the legislature would not provide the funding?

A: There is no guarantee that the legislature would approve funds for the new services.

Q: Where would our letter of concern go?

A: To the judge.

Christine, offered three main concerns to include in the letter that she has heard mentioned:

- Not having the opportunity for the voice of input of PwDD and families with 120 days for completion of the resource allocation model.
- There are 5,000 people on the DD Waiver and would like to get more input than just from the 14 plaintiffs.
- The Department may not have the resources to focus on service development if the motion is upheld, and even if they do, don't know if they would have the ability to expend resources and time to revise the model to incorporate the new services after they are developed.

Comment that 120 days is too short, but three years may be too long. Could we propose a compromise that something in the middle would be appropriate?

- Do you mean the services and the budget tool in a shortened timeframe?
- Yes, shorter timeframe but not 120 days.

Concern regarding supported living: If the judge holds up the injunction, concern there be enough time to advocate on what should happen with supported living with the Department. Response - HSRI has said to do the unbundling of Res Hab (supported living) services allowing more choice in providers.

It seems the primary issue is that the resource allocation model is not flexible enough to allow for new/different services as they go. The Department says they need to have the services determined before the model is done and this may mean that the tool would not be flexible in the future. Response: The resource allocation model has to be built on the services and reimbursement rates that are being offered at the time the tool is developed. Every time new services come up, they would have to be added into the calculations for the model. At this time, the Department could build the model the current services offered plus the unbundled ResHab services.

Concern that the Resource Allocation Tool is being built so that is fixed on current rates and services and not flexible enough to be able to add services and modify rates in the future. I understand that every time there is a change in money they do have to go

through the process. The Department has rules they must follow and they have a system that requires a process that takes times to add or make changes to services.

Everyone is a little less confused than last meeting but each of us still has questions.

Christine proposed that she draft a letter of concern and members meet again to discuss the letter. The letter needs to be completed and provided to the court by November 18<sup>th</sup> or members can also choose not to take action. Community NOW members will have an opportunity to weigh in on this issue on November 12<sup>th</sup>.

Can we meet again after the CNOW meets to hear what their input was?

### **ACTION: Draft Letter from Council**

- Emily Petersen moved that Christine draft a letter of concern for review by Council members.
- Danielle Reff “DR” seconded the motion.

Discussion: meet again after the CNOW meeting on November 12<sup>th</sup> to hear their input before drafting a letter for Council review.

- Roll call vote was taken. Jacquie Watson and Charlie Silva abstained, all other members present voted yes.

### **ACTION: Adjourn Meeting**

- Danelle Reff “DR” moved to adjourn the meeting.
- Ian Bott seconded.
- Motion passed.

Meeting adjourned at 11:09 am