



Wednesday, July 14, 2021

## MEMORANDUM

**TO:** Council Members

**FROM:** Christine Pisani, Executive Director

**RE: Materials for July 29-30, 2021 Council Meeting**

Attached is the Council meeting packet for the upcoming Council meeting. We will meet in person with the option to participate through Zoom. If you plan to join the meeting by Zoom **please register in advance by clicking on the link provided on the agenda in the Council packet.** After registering, you will receive a confirmation email with the information about joining the meeting. You will get **your own personal link** to join the meetings. **The same link will work for every day of the meeting.**

**Please review the entire packet before the meeting.** As you review the packet make notes about questions you may like to ask.

- Please be prepared to discuss the proposed upcoming dates for Council meetings listed in the packet.
- During this Council meeting we will elect a Council Vice-Chair. **If you are interested in running for this position please complete the attached nomination and form and send to Trisha Hammond by 5:00 pm Tuesday, July 27<sup>th</sup>.**
- **Please be prepared to participate in the discussion about culture. Please review the issue sheet in the Council packet on Cultural Identity. Bring one item to share that expresses the culture(s) you identify with.** Please contact the Council if you have questions about this.
- Member reports will take place on Friday with the following members reporting: **Marilu Moreno, Ian Bott, Natali Pellens, and Karren Streagle.** (Reports should be no longer than 5-8 minutes each).

If you have questions about any of the packet materials, please call the Council office at 208-334-2178 or 1-800-544-2433.

We are really looking forward to seeing you in person and on Zoom.



## DRAFT Summer Quarterly Council Meeting

Thursday July 29, 2021 from 9:00 am – 5:00 pm (MST)  
700 W. State St. first floor East and West Conference Rooms

Face masks are strongly encouraged and  
Social distancing will be enforced

Please register in advance for this meeting by clicking this link if you plan to attend virtually:

<https://us02web.zoom.us/meeting/register/tZAtcOCurDwpGtKk5VHodQVO7fxJRirXQzMZ>

- |          |  |
|----------|--|
| 9:00 am  | Welcome, Guest Introductions, Review Guest Protocol, and Agenda Review/Changes – Emily Petersen, Council Chair   |
| 9:20 am  | Review Ground Rules - Danielle “DR” Reff, Council Vice-Chair   |
| 9:25 am  | Member introductions – All Council Members   |
| 9:45 am  | Announcement of Vice-Chair Election – Emily Petersen, Council Chair  |
| 9:50 am  | <b>ACTION*: Consent Agenda</b> – Emily Petersen, Council Chair <ul style="list-style-type: none"><li>a. Draft Meeting Minutes: April 21-22, 2021</li><li>b. Executive Director Report</li><li>c. Chair Report</li><li>d. Vice-Chair Report</li></ul> |
| 10:00 am | <b>ACTION*: Proposed Council Meeting Dates</b> – Emily Petersen, Council Chair   |
| 10:10 am | <b>ACTION*: Financial Report</b> – Trisha Hammond, Financial Manager   |
| 10:30 am | Break  |
| 10:45 am | <b>ACTION*: 2022 &amp; 2023 Annual Work Plan &amp; 2022 Annual Budget</b> – Marieke Edwards, Research Analyst  |
| 11:45 am | Networking (Lunch Provided)  |
| 1:00 pm  | <b>ACTION*: Council Vice-Chair Election</b> – Emily Petersen, Council Chair  |
| 1:15 pm  | <b>ACTION*: Proposed Procedural Change to Chair Terms of Service</b> – Christine Pisani, Executive Director  |



IDAHO COUNCIL ON  
**DEVELOPMENTAL**  
**DISABILITIES**

Brad Little, Governor  
Emily Petersen, Chair  
Christine Pisani, Executive Director

- |         |   |
|---------|---|
| 1:45 pm | 2022 Legislative Agenda Items for the Adult DD Service System – Michael Case, Bureau Chief, Bureau of Developmental Disabilities Services |
| 2:30 pm | Break   |
| 2:45 pm | 2022 Legislative Agenda Items for the Adult DD Service System – Michael Case, Bureau Chief, Bureau of Developmental Disabilities Services |
| 3:15 pm | Cultural Item Share – Council Members & Staff   |
| 5:00 pm | End for the day   |



## DRAFT Summer Quarterly Council Meeting

Friday, July 30, 2021 from 9:00 am – 3:00 pm (MST)

Face masks are strongly encouraged and  
Social distancing will be enforced

- 9:00 am Welcome, Guest Introductions, Review Guest Protocol, and Agenda Review/Changes - Emily Petersen, Council Chair
- 9:10 am Review Ground Rules - Danielle “DR” Reff, Council Vice-Chair
- 9:15 am Announce Election Results for Vice-Chair - Emily Petersen, Chair
- 9:20 am Proposed Extended Employment Program Rules - Ryan Waddell, EES Program Manager, Idaho Division of Vocational Rehabilitation
- 10:30 am Break
- 10:45 am Third Quarter Report - All Council Staff
- 12:15 pm Networking (Lunch Provided) - Recognition of Matt Wimmer, Division of Medicaid, Idaho Department of Health & Welfare
- 1:15 pm Member Reports - Marilu Moreno, Ian Bott, Natali Pellens, and Karren Streagle
- 2:00 pm Member Recognition
- 3:00 pm Adjourn

**\*Items in teal are considered “ACTION ITEMS” that may require a decision or a vote by membership.**

This agenda is subject to change in accordance with the provisions of the Idaho Open Meeting Law. Items may be addressed in a different order than appears on this agenda. Individual items may be moved from one place on the agenda to another by the Council. Time frames designated on this agenda are approximate only. The Council will continue its business if an agenda item is resolved in less than the allotted time.

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 supports they need to live the lives they choose, and to build the community’s ability to support their choices.

# Meeting Ground Rules

- Find a quiet a space without background noise.
- Use the “speaker view” if it is too overwhelming to see all of the people in the video boxes
- Mute your microphone not speaking.
- When you speak, state your name each time. This helps others know who is speaking.
- Do not interrupt others when they are speaking.
- Use the raise hand function when possible to speak.
- Use Zoom’s chat feature to ask questions or make comments. We will have someone monitoring the chat during the entire meeting.

# Meeting Ground Rules

- Everyone participates
- Listen - seek to understand
- Be open to new ideas
- Be issues / solutions oriented
- Be honest and respectful
- Be prepared; do your homework
- No interruptions, side conversations, personal attacks
- Turn off cell phones; no texting (unless needed for meeting supports or understanding)
- Honor time limits
- Do not speak too long or too often



## Election of Council Vice-Chair

### Background Information:

Each summer, the Council elects a Vice-Chair for the coming year. This position is limited to members of the Council who are individuals with intellectual or developmental disabilities or family members. The responsibilities of this position and a nomination form are listed after this page.

### Recommended Action:

If you are interested in serving as Council Vice-Chair you may nominate yourself or have someone nominate you. If you know someone on the Council you would like to nominate you may nominate them. Please be sure to ask their permission first. If you are interested in running for Council Vice-Chair please prepare a 2-3 minute speech about why you would be a good candidate for this position and why you are interested in serving.

**Nominations to be considered before the election must be submitted to Trisha Hammond by close of business Wednesday, July 28, 2021.** The election will be held during the Council meeting on Thursday, July 29, 2021.

### Notes:





## Council Vice-Chair Responsibilities:

In the absence of the Chair, the Vice Chair shall preside and perform all duties assigned to the Chair's office. In addition, the Vice Chair shall perform all other duties as assigned by the full Council or Chair.

### Council Chair Responsibilities (for Vice-Chair if sitting in for the Chair):

Being the Chair of the Council is a significant responsibility and time commitment. The activities and responsibilities, unless otherwise delegated, of the Council Chair shall include, but not be limited to the following:

1. Preside at all Council meetings;
2. Present policy for consideration by the Council membership;
3. Develop agendas for Council meetings;
4. May be a delegate at National Association of Councils on Developmental Disabilities (NACDD) activities and assist in the information sharing and policy implementation of NACDD;
5. Serve as liaison to other organizations and government entities unless otherwise delegated directly by the Chair, or by full Council vote, whichever the Chair may choose;
6. With the Executive Director, initiate and maintain ongoing communication with Council membership between quarterly meetings;
7. Report to the full Council at each regular meeting on activities performed on behalf of the Council; and

All other duties as outlined by Council membership, by-laws and policy.

To meet the responsibilities listed above the Chair should be able to commit time and identify local support (as needed) to do many behind the scenes activities such as:

- Represent the Council at public meetings
- Address individual membership issues
- Review and write materials such as:
  - Council newsletter articles and Chair letter for annual report
  - Letters to other organizations from the Council
  - Help with the development and review of various reports
- Send out and compile all Council member input for annual Executive Director evaluation
- Meet regularly with the Council Executive Director (usually weekly) to discuss Council governance, preparation for Council meetings, and any current opportunities and responsibilities in representing the Council.



## Idaho Council on Developmental Disabilities

### VICE CHAIR NOMINATION FORM

The Vice-Chair position is limited to Council members who are individuals or family members.

#### Vice-Chair Duties:

Performs all duties of the Chair in the Chair's absence and may be assigned other responsibilities by the Chair or the Council.

If you are interested in serving as either Vice-Chair be prepared to nominate yourself or have someone nominate you. If you know of someone on the Council that you think would be good in this position, you may nominate them, but be sure to ask their permission first.

#### Vice-Chair Nomination Form:

**Council Member Name:**

**Nominated by:**

**Years of Service on the Council:**

**Offices held on the Council (if any):**

**Outside Involvement:**

**Other Activities:**

**Reason for Seeking Office:**

**Why do you think you would be a good Vice-Chair?**

*Attach additional information and/or speech, if desired.*



## Consent Agenda

### Background Information:

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

### Recommended Action:

Review and approve the Consent Agenda:

- Meeting Minutes
  - April 21-22, 2021
- Executive Director Report
- Chair Report
- Vice Chair Report

### Notes:

## **DRAFT Meeting Minutes**

# **SPRING QUARTERLY COUNCIL MEETING**

## **Wednesday, April 21, 2021 - Zoom video teleconference**

### **Council Members Present**

Ian Bott  
Lydia Dawson  
Art Evans  
Julie Fodor  
Jenna Garrett (at 2pm)  
Nanna Hanchett  
Valerie Hurst  
Sarah Lopez – until 1:50pm  
Marilu Moreno

Natali Pellens  
Emily Petersen  
Danielle Reff – DR  
Michael Sandvig  
Carly Saxe  
Adrienne Seamans  
Karren Streagle  
La Donna Tuinstra  
Edgar Zuniga

### **Members Absent**

Amy Cunningham  
Deedra Hunt

### **Staff Present**

Marieke Edwards  
Trisha Hammond  
Christine Pisani

Miguel Juarez  
Richelle Tierney  
Tracy Warren

### **Guests**

Kimberlee Hall, Human Resources  
McKayla Matlack, Development Workshop - service provider  
Hannah Liedkie, Opportunities Unlimited – service provider

**Minutes:****Welcome, Introductions, Ground Rules, and Perfection of Agenda**

Emily Petersen, Council Chair, called the meeting to order at 1:01pm. She welcomed Miguel Juarez, Program Specialist – new staff member at the Council. Miguel talked about the work he will be doing.

Introductions of guests. Emily described the guest guidelines for Council meetings.

**Review of Agenda:** Emily suggested a change to the meeting agenda to add Sarah Lopez to Member Appreciation activity.

**ACTION: Change to Meeting Agenda**

- Art Evans moved to make change to agenda to add Sarah Lopez to Member Appreciation Activity.
- Mike Sandvig seconded.
- Motion passed.

Emily noted that Gina Johnson had resigned from the Council this morning. Suggested change to agenda to add Gina Johnson to Member Appreciation activity.

**ACTION: Change to Meeting Agenda**

- DR moved to make change to agenda to add Gina Johnson to Member Appreciation Activity.
- Ian Bott seconded.
- Motion passed.

Meeting ground rules: DR reviewed the meeting ground rules.

**Closed Executive Session: Personnel Discussion****ACTION: Move to Closed Executive Session**

- DR moved to have all members move into a Closed Executive Session
- Karren Streagle seconded.
- Motion passed.

Council Members and Kimberlee Hall, Human Resources Representative, entered a breakout room to discuss personnel matters. Idaho Code Section 74-206.

## Personnel Discussion

Council Members joined the general meeting and discussed a salary raise for the Executive Director. Kimberlee Hall reported that the State Legislature approved a 4% increase in state employee compensation. The Department of Health and Welfare follows a specific pay schedule based on Performance Evaluation Rating. Emily Petersen, Council Chair, reported she met with the Council's representative from the Division of Financial Management related to the ICDD personnel budget and learned what the Council could afford for an increase in the Executive Director salary. Kimberlee shared the dollar amounts of hourly increase for a 4%, 5%, 6% increase. The Council may draft a letter to recommend a salary increase for the Executive Director at the amount determined. Early implementation can be requested to make a change to salary in May instead of waiting until regular July date.

### **ACTION: Increase Executive Director Salary**

- Mike Sandvig moved to adopt a 6% pay raise for the Executive Director.
- Ian Bott seconded.
- Motion passed.

## Consent Agenda

Emily Petersen asked if members had reviewed minutes. A suggestion was made to change the February 3, 2021 meeting minutes on page 7 that read "Marieke reminded of next steps which include that this plan will be posted for public comment," to read "Marieke reminded Members of next steps which include posting this plan for public comment,"

Emily Petersen spoke to her Chair report and DR spoke to her Vice-Chair report – both included in the meeting packet.

Christine Pisani explained that an Executive Director report was not included in the meeting packet.

### **ACTION: Approve Consent Agenda**

- Mike Sandvig moved to accept the consent agenda with changes to the February meeting minutes as presented.
- Marilu Moreno seconded.

- Motion passed.

## Financial Report

Trisha Hammond presented the financial report through March 2021. She explained she removed the regular slides that describe terms and description of different fiscal years because these will be presented during new member orientation each year. Staff provided an update on the status of current contracts and agreements soon to be established with contractors to do some of the work to help the Council meet its goals.

Christine Pisani reported on the contract with Boise State University to do research about how abuse and neglect reporting happens in Idaho, learn how different agencies and programs coordinate with an abuse complaint, and accountability to people with disabilities. These studies will result in three separate reports with data needed to help inform work on policy changes to develop a better reporting and monitoring system for abuse neglect reporting system and services in Idaho.

## ACTION: Financial Report

- DR moved to approve the financial report as presented.
- Edgar Zuniga seconded.
- Motion passed.

## Chair Election Announcement

Emily Petersen announced that the Chair election will happen this afternoon. Emily and DR have both expressed interest in the position. If anyone is interested in running for Council Chair they need to let Trisha Hammond know by 4:30pm today.

## Member Recruitment Update

Trisha Hammond provided an update on the Council's member recruitment process. New Member Orientation will be hosted on July 28. If any current Council members wish to participate in New Member Orientation, please contact Trisha.

## Public Comments for Draft 2022-2026 Plan

Marieke Edwards provided a brief review of how the draft plan was created. She shared the public comments received on the draft plan and members discussed each comment related to the drafted plan objectives, timeline, and capacity.

## Member Reports

Carly Saxe reported she has been working on the Advocacy Coalition in her position at the Center on Disabilities and Human Development. She was a Fellow for the Coalition and now is providing support for the coalition – their monthly calls, etc. Carly attended the Disability Policy Seminar on several topics. She talked to Congressman Simpson's staff about educational policy.

Edgar Zuniga reported he had a meeting with the Latino community and the Senoras in a conference for the Latino community. One topic was respectful language. Lawyers presented information and answered questions and radio stations were invited. Edgar participated in Community NOW! work. He also helped with interviewing candidates for the program specialist position at the Council.

Jenna Garrett reported she continues communication with legislators and city council members to develop relationships and establish a personal connection. She has been helping with a new organization - Enabling Explorers with Disability. They host monthly activities for kids with disabilities, siblings, and families. The good staffing and support provided helps kids to access sports and recreational activities. Jenna has been helping plan and organize activities and excursions. Jenna is also getting involved with a new children's habilitation services agency in Moscow and is serving on the parent committee. She is learning about special education and Individual Education Plans (IEPs) because her daughter will have her first IEP soon.

## Council Chair Election

Chair Candidates, Emily Petersen and DR each provided a speech about why they feel they would be a good Chair for the Council in the coming year.

Members will vote for Chair by responding to an email sent out from Trisha Hammond. Members were asked to vote by the end of the day. The elected person will be announced in the meeting tomorrow.

**Meeting was ended for this day at 4:46pm. Meeting will reconvene at 1:00pm on Thursday, April 22.**



## **Thursday, April 22, 2021 - Zoom video teleconference**

### **Council Members Present**

Ian Bott

Amy Cunningham

Lydia Dawson

Art Evans

Julie Fodor

Jenna Garrett

Nanna Hanchett

Valerie Hurst

Sarah Lopez

Marilu Moreno

Natali Pellens

Emily Petersen

Danielle Reff – DR

Michael Sandvig

Carly Saxe

Adrienne Seamans

Karren Streagle

La Donna Tuinstra

Edgar Zuniga

### **Members Absent**

Deedra Hunt

### **Staff Present**

Marieke Edwards

Trisha Hammond

Christine Pisani

Miguel Juarez

Richelle Tierney

Tracy Warren

### **Guests**

Jen Magelky-Seiler, Idaho Living Well Grant Coordinator - Center on Disabilities and Human Development, University of Idaho

McKayla Matlack, Development Workshop - service provider

Hannah Liedkie, Opportunities Unlimited – service provider

**Minutes:****Welcome, Ground Rules, and Perfection of Agenda**

Emily Petersen, Council Chair, began the meeting at 1:00pm. She read the guest guidelines and ground rules.

DR read the meeting ground rules.

**New Chair Announcement**

Christine Pisani announced the Council Chair elected by members for 2022 is Emily Petersen. Her Chairmanship will be sent to the Governor for appointment.

**Approve 2022-2026 Plan**

Marieke Edwards presented changes to Objective 3.4 in the draft strategic plan. Members voted to approve the revised plan as final to be submitted to the Administration on Community Living along with other required plan components before the deadline in August.

**ACTION: Approve 2022-2026 Strategic Plan**

- DR moved to approve the 2022-2026 plan as revised.
- Carly Saxe seconded.
- Mike Sandvig abstained.
- Motion passed.

**Member Report**

Council Member, Sarah Lopez, provided her member report. She talked about the Title V programs she manages. In 2020 the Department of Health and Welfare finished a needs assessment for the Children's with Special Healthcare Needs Program. She shared some of the priorities identified. One priority is to promote smooth transitions through the life course for children with special healthcare needs by improving transition to adulthood. The program is partnering with Idaho Parents Unlimited to increase family engagement and caregiver education and develop digital resources.

Another priority is access to medical specialists for children with special healthcare needs. The program currently funds pediatric specialist clinics around the state. Eligibility for this program is very specific.

Another priority is behavioral health support/services, especially for children with special healthcare needs. The ECHO Idaho – Pediatric Behavioral Health project starts next month. A flyer about Echo educational trainings was shared and more information is available on the University of Idaho [Project ECHO website](https://www.uidaho.edu/academics/wwami/echo) at <https://www.uidaho.edu/academics/wwami/echo>.

## Second Quarter Report

Council staff provided a summary report of progress towards goals during the last quarter January-March 2021. Highlights of key activities and events were shared.

Richelle Tierney, Policy Analyst, talked about: support provided to the statewide advocacy coalition and contract work started with LINC to provide training on technology, policy, and support for individuals and family members. She also mentioned key issues the Council provided input on during this legislative session.

Tracy Warren, Program Specialist, reported about: support for individuals and families to participate fully in Community NOW! meetings and activities; meetings with Medicaid and service providers about the new developmental disability service array; Person Centered Thinking Trainings; work on improving current system process to increase person-centered planning and practice; secondary transition virtual institute for educators; and support for the Self-Advocacy Training Workgroup to develop training on various topics for individuals with disabilities and other audiences.

Marieke Edwards, Research Analyst, reported on the survey conducted to find out how the COVID-19 pandemic has affected people with developmental disabilities and families and access to services. Paper surveys were mailed to adults on developmental disability Medicaid waiver and families with children in the children's disability services program. The Council has received 3,050 survey responses so far and more continue to trickle in. Staff and interns are working on data entry of the information received. Marieke shared that some of the responses to open questions on the survey spurred the Council to have an intern follow up to get more of their stories.

Miguel Juarez, Program Specialist, reported on work to host a vaccination clinic for Latino families. He and Christine worked with multiple agencies to make this happen on Sunday, April 25<sup>th</sup> in Weiser for the first dose. Future clinics may be planned for the Twin Falls area. Miguel is working on the next Partners in Policymaking program that will start this September.

Christine Pisani, Executive Director, said that Boise State has started their work on the abuse studies she discussed yesterday. She also reported that the Council sponsored 5 webinars on the Developmental Disability (DD) Service Changes with the DHW Medicaid administrators and DD Bureau staff as guests to present information about the changes and answer questions. Each of the five webinars provided information specific to one of the following audiences: Individuals with Complex Health Needs; Individual who use Self-Directed Services; Individuals who live in Certified Family Homes; Spanish Speaking Individuals and Families; and an open meeting for all individuals, family members, and service providers. The webinars were intended as a time for individuals and families to get more information about the service changes. Information from the webinars is posted [My Choice Matters website](https://mychoicematters.idaho.gov/MCMHome/WhatsNew/tabid/4153/Default.aspx) at <https://mychoicematters.idaho.gov/MCMHome/WhatsNew/tabid/4153/Default.aspx>

For the webinars, Richelle created animated videos that explain new processes. These videos will be posted on the [My Choice Matters website](https://mychoicematters.idaho.gov/MCMHome/WhatsNew/tabid/4153/Default.aspx) next week. Some questions were answered during the webinars and a Frequently Asked Questions document will be created from the questions that were posted in each session. This FAQ document will also be posted on the My Choice Matters website in the future.

### **Presentation – Direct Support Workforce Workgroup**

Jen Magelky-Seiler, Idaho Living Well Grant Coordinator and Richelle Tierney, Council Policy Analyst, presented information about Supporting the Direct Support Workforce in Idaho. Under the Living Well grant, a Direct Support Workforce workgroup – *bFair 2Direct Care* - has been meeting over the past 1 ½ years to develop recommendations about a career ladder and skills training for Direct Support Professionals (DSPs). The workgroup reviewed background research, discussed issues and challenges, and drafted six recommendations including core competencies for direct support providers. Richelle shared an overview of Community NOW and the workgroup. Jen reviewed the recommendations and talked about next steps for the project. She also shared that assistance is needed in the following areas:

- Initial provider wage increase and incentive-based increases aligned to training.
- Support for a state-level coordinator to oversee DSP training, and state-level coordinator to support self-advocates as trainers.
- Support for a statewide DSP learning management system and training warehouse.
- Changes to rule in support of implementation of the recommendations.

## Council Member Appreciation

Five Council members will be completing their terms and leaving the Council this July. Julie Fodor, Nanna Hanchett, Valerie Hurst, Gina Johnson, and Sarah Lopez were recognized for their service.

### Final Announcements:

Emily Petersen mentioned upcoming New Member Orientation on July 28<sup>th</sup> and a hybrid face-to-face and virtual Council meeting on July 29 and 30. An election for Council Vice Chair will be held at the next meeting. Council members who are interested in running for Vice-Chair should complete an application – sent soon through email.

### ACTION: Adjourn Meeting

- DR moved to adjourn the meeting.
- Mike Sandvig seconded.
- Motion passed. Meeting adjourned at 4:30pm

# Council Executive Director Report

## Summary of Council Director Activity

April 1 – June 30, 2021

### April 1-2, 2021

Planning for DD Council webinars on DD Service Array & Resource Allocation Model

All Staff Meeting

Meeting with the Down's Syndrome Council of Idaho about proposed legislation: Down's Syndrome Information Act

Meeting with Boise State University, Criminal Justice Division, about Studies to Evaluate the Status of Reporting Abuse, Neglect, Financial/Sexual Exploitation  
Planning Meeting with Idaho Living Well Grant Partners

Meeting with St. Alphonsus Hospital to Plan for Vaccine Sign Up for Weiser Pop Up Clinic

Presentation to Children's Developmental Disability Partnership on DD Council Work

Participate in Inclusive Vaccine Partnership Meeting

Meeting with Division of Medicaid and SILC – Mailing for Vaccine Clinic in Weiser

Planning Meeting for Partners in Spanish with Utah DD Council and Utah UCEDD

Outreach to presenters for Partners in Policymaking

Work on Weiser Pop-Up Clinic outreach

Prepare for DD Council Meeting

Work on Idaho Living Well Grant Activities

### April 5-9, 2021

Jury Duty

Participate in Inclusive Vaccine Partnership Meeting

Participate/present at Region 7 Domestic Violence Council Roundtable

Meeting with staff about Idaho Partners in Policymaking

Meeting with Idaho Voices for Children to pursue ARPA Funding for Children/adults with mental health issues

Planning meeting with Jen Magelky-Seiler for self-advocacy training for Partners in Policymaking  
Work on Idaho Living Well Grant Activities  
Outreach to presenters for Partners in Policymaking  
Prepare for DD Council Meeting  
Work on Weiser Pop-Up Clinic outreach  
Prepare for presentation to SILC Council Members on Community NOW!

#### April 12-16, 2021

Meeting with Matt Wimmer on DD Self-Direction for DD Waiver  
Host webinar on DD Service Array & Complex Health Needs  
Work on Weiser Pop-Up Clinic outreach  
Meet with the Coalition Against Sexual Assault and Domestic Violence and the NW ADA to plan presentation at the Domestic Violence Council Conference  
Meet with reporter about ARPA funding and Mental Health  
Host Webinar on DD Service Array and Serving People who Self-Direct on DD Waiver  
Outreach to presenters for Partners in Policymaking  
Meeting with Human Resources  
Meeting with workgroup on Twin Falls Pop Up Clinic  
Meeting with Human Resources  
Host Webinar on DD Service Array and Serving People in Certified Family Homes  
Attend NACDD Weekly Update Call  
All Staff Meeting  
Work on Idaho Living Well Grant Activities  
Participate on Self-Direction Quality Assurance Committee  
Bi-Weekly State Director Call with Governor Little  
Pre-Council Staff Meeting  
Present to State Independent Living Council on Community NOW!  
Participate in Quarterly Budget Review with the Department of Health & Welfare  
Prepare for DD Council Meeting  
Participate in weekly Inclusive Vaccine Partnership Meeting  
Planning Meeting for Partners in Spanish with Utah DD Council and Utah UCEDD

Meet with Treasure Valley Down Syndrome to plan discuss the Down Syndrome Information Act (proposed legislation) and legislative training for the Down Syndrome Council

#### April 19-23, 2021

Receive Performance Evaluation  
Host Webinar on DD Service Array and Serving Spanish speaking families and individuals  
Host Webinar on DD Service Array open to general audience members  
Outreach to presenters for Partners in Policymaking  
Meeting with Boise State University, Criminal Justice Division, about Studies to Evaluate the Status of Reporting Abuse, Neglect, Financial/Sexual Exploitation  
Meeting with Senator Bair, JFAC Co-Chair, ARPA funding for training to families and service providers on mental health crisis situations  
Prepare for Community Care Advisory Council meeting  
Prepare for DD Council Meeting  
Participate in Spring Council meeting  
Work on Weiser Pop-Up Clinic outreach  
Attend presentation to Division of Medicaid leadership team on the Direct Support Workgroup Core Competencies and Training proposals  
Participate in weekly Inclusive Vaccine Partnership Meeting  
Meeting with Michigan DD Council Director to discuss Cultural Competency  
Meeting with Mission Analytics Evaluation Team for Living Well Grant  
Attend NACDD Weekly Update Call  
Work on Idaho Living Well Grant Activities  
Meeting with Council Member

#### April 25-30, 2021

Attend Weiser Pop Up Clinic at Community Council of Idaho Head Start Center  
Meeting with Council Member  
Post Council Staff Meeting  
Chair Community Care Advisory Council Meeting  
Work on Abuse Reporting Objective for Idaho Living Well Grant  
Meeting with Eastern Idaho Reporter on disability issues  
Meeting with Jen Pahlka, Author  
Outreach to presenters for Partners in Policymaking  
Support family member in Weiser to navigate services



Participate in NACDD 6000 Waiting Film  
Attend HCBS Coronavirus Workgroup  
Meeting with parent about concerns with mental health services for children with I/DD  
Meeting with Erik Kingston, Idaho Housing & Finance Association  
Meeting with DD Network and LINC staff to plan for Leadership Academy  
Meeting with Members of the Idaho Consortium for Idahoans with Disabilities  
Participate in weekly Inclusive Vaccine Partnership Meeting

### May 3-7, 2021

Staff Meeting  
Attend NACDD Weekly Update Call  
Support family member in Weiser to navigate services  
Bi-Weekly State Director Call with Governor Little  
Attend COVID-19 Human Resources Leadership Call  
Participate in Idaho Kids Covered Steering Committee meeting  
Attend Idaho Living Well Planning Meeting  
Attend NACDD Weekly Update Call  
Participate in weekly Inclusive Vaccine Partnership Meeting  
Outreach to presenters for Partners in Policymaking  
Work on Abuse Reporting Objective for Idaho Living Well Grant  
Review/Prepare Partners in Policymaking Applications  
Attended Consortium for Idahoans with Disabilities  
Attend Idaho Living Well Partners Planning Meeting  
Work on Idaho Living Well Grant Activities  
Meeting with Mel Leviton, SILC Director COVID Issues  
DD Network Coalition Meeting

### May 10-14, 2021

All Staff Meetings  
Meeting with Human Resources  
Work on Abuse Reporting Objective for Idaho Living Well Grant  
Distribute Partners in Policymaking Applications  
Five Year Plan Development – Work on Plan Goals with All Staff  
Meet with the Coalition Against Sexual Assault and Domestic Violence to plan their presentation for Partners in Policymaking  
Work on Idaho Living Well Grant Activities

Prepare presentation for Partners in Policymaking Recruitment  
Outreach to presenters for Partners in Policymaking  
Support family member in Weiser to navigate services  
Discussion with Steven Snow, Director Idaho Council for the Deaf & Hard of Hearing about participation in the Abuse Studies with Boise State University  
Attend Community NOW! Planning Meeting  
Attend Medicaid Transportation Advisory Committee  
Participate in weekly Inclusive Vaccine Partnership Meeting  
Attend Developmental Disabilities (Dual Diagnosis) Network Journal Editorial Board Meeting  
Meeting with Mel Leviton, SILC Director COVID Issues  
Attend NACDD Weekly Update Call  
Meeting with Court and Crisis Team and Federation of Families to Discuss Training for Service Providers for People with a Dual Diagnosis  
Participate in Department of Health & Welfare Training on Pre-Implementation Review DD Service Changes  
Prepare for DD Council Meeting July 29-30  
Prepare for Culturally Responsive Advisory Committee  
Attended National Association on DD Councils National Call  
Present at the Idaho Domestic Violence Council's Virtual Roundtable Event  
Meeting with Council Member

### May 17-21, 2021

Post Council staff Meeting  
Meeting with Human Resources  
Distribute Partners in Policymaking Applications  
Five Year Plan Development – Work on Plan Goals with All Staff  
Video Interview with Idaho Coalition Against Sexual Assault & Domestic Violence for Idaho Coordinated Task Force  
Participate in weekly Inclusive Vaccine Partnership Meeting  
Prepare for DD Council Meeting July 29-30  
Meeting with Disability Rights Idaho  
Meeting with Administrator Idaho Division of Vocational Rehabilitation  
Staff Meeting to Plan Partners for Spanish Speaking Participants  
Meet with the Coalition Against Sexual Assault and Domestic Violence and the NW ADA to plan presentation at the Domestic Violence Council Conference

Planning meeting with Jen Magelky-Seiler and Bryan Lyda Partners presentation Sexuality & Health Relationships  
Meeting with Idaho Kids Covered HCBS Funding  
Meeting with Gary Sandusky about with the Culturally Responsive Advisory Group  
Idaho Partners in Policymaking Facebook Live Event with Treasure Valley Down's Syndrome Support Group  
Meeting with Utah DD Council Director: Planning for Partners in COVID  
Attended National Diversity Inclusion and Cultural and Linguistic Competency Workgroup Meeting  
Attended National Association on DD Councils National Call  
Meeting with Boise State University, Criminal Justice Division, about Studies to Evaluate the Status of Reporting Abuse, Neglect, Financial/Sexual Exploitation  
Work on Idaho Living Well Grant Activities  
Attend Community NOW! Core Team Meeting  
DD Network Director Meeting  
Bi-weekly State Director Call with Governor Little  
Idaho Living Well Grant Evaluation Interview

#### May 24-28, 2021

Video Interview for Idaho Kids Covered Campaign  
Five Year Plan Development – Work on Plan Goals with All Staff  
Participate in weekly Inclusive Vaccine Partnership Meeting  
Meeting with Human Resources  
Prepare for DD Council Meeting July 29-30  
Distribute Partners in Policymaking Applications  
Attended National Association on DD Councils National Call  
Attend meeting with Division of Medicaid to provide comments on the My Choice Matters Website  
Attend the Elevate Idaho Families Coalition Meeting  
Prepare public comments on the Idaho Behavioral Health Task Force Recommendations (Please see attached comments submitted by the Idaho DD Council)  
Participate in the center on Disabilities and Human Development Community Advisory Committee meeting  
Participate in the National Association of Council's on Developmental Disabilities Diversity Inclusion Cultural & Linguistic Competence Workgroup

Attend Division of Medicaid HCBS Workgroup meeting  
State Director Call with Governor Little  
Work on Idaho Living Well Grant Activities  
Attend DD Network – Disability Action Network of Idaho planning meeting  
Council staff meeting with Alex Adams, Division Administrator, Division of Financial Management  
Planning meeting with Debra McClean to plan employment training for Partners in Policymaking  
Planning meeting with Jacque Hyatt to transition to adulthood training for Partners in Policymaking  
Plan Shoshone/Aberdeen Pop Up COVID-19 Vaccine Clinics  
Prepare for Culturally Responsive Advisory Group Pre-Meeting June 15<sup>th</sup>  
Attend the monthly Idaho Consortium for Idahoans with Disabilities meeting

#### May 31-June 4, 2021

Council Staff meeting  
Participate in weekly Inclusive Vaccine Partnership Meeting  
Attend Division of Medicaid HCBS Workgroup meeting  
Attend the Idaho Council on Domestic Violence conference sessions: Exploring & Rethinking the Relationship Between Offender Intervention & Victim Advocacy, Idaho Coordinated Response to Domestic Violence & Sexual Assault Practice Implications when Trauma is Indicated, From Surviving to Thriving, and Trauma Informed Principles through a Latinx Perspective  
Present at the Idaho Council on Domestic Violence conference  
Interview Partners graduate for Idaho Partners in Policymaking Facebook Live Event  
Distribute Partners in Policymaking Applications  
State Director Call with Governor Little  
Participate in Idaho Kids Covered Monthly Steering Committee meeting  
Participate in Idaho Living Well Partners Planning Meeting  
Planning Meeting for Partners in Spanish with Utah DD Council and Utah UCEDD  
Plan Shoshone/Aberdeen Pop Up COVID-19 Vaccine Clinics  
Prepare for Culturally Responsive Advisory Group Pre-Meeting June 15<sup>th</sup>  
Host Facebook Live Event with Partner Graduates for Recruiting Partners

## June 7-11, 2021

All Staff Meeting to create Fiscal Year 2023 Proposed budget to Council  
State Director Call with Governor Little  
Participate in weekly Inclusive Vaccine Partnership Meeting  
Prepare for Culturally Responsive Advisory Committee Meeting June 15<sup>th</sup>  
Plan Shoshone/Aberdeen/Caldwell Pop Up COVID-19 Vaccine Clinics  
Community NOW! Core Team Meeting  
Distribute Partners in Policymaking Applications  
Work on Idaho Living Well Grant Activities

## June 14-19, 2021

Participate in weekly Inclusive Vaccine Partnership Meeting  
Meeting with Council staff to Plan FY 2023 Living Well Grant Budget  
Meeting with New Hampshire Institute on Inclusion Medication  
Administration Training in Spanish  
Plan Shoshone/Aberdeen/Caldwell Pop Up COVID-19 Vaccine Clinics  
Meeting with the Idaho Coalition Against Sexual Assault and Domestic  
Violence on Office on Violence Against Women with Disabilities Grant  
Host meeting at Lakeview Park in Nampa for Culturally Responsive Advisory  
Group Pre-Meeting  
Attend Consortium for Idahoans with Disabilities Board Meeting  
Distribute Partners in Policymaking Applications  
Interview with Reporter: Northern Rockies News Service Idaho Kids Covered  
Campaign  
Discussion with the Department of Health & Welfare on Policy Exception  
Requests -Leadership Academy & Partners in Policymaking  
Meeting with Boise State University Criminal Justice Department for Idaho  
Living Well grant  
Participate in weekly Inclusive Vaccine Partnership Meeting  
Interview with Mission Analytics – Living Well Grant  
Staff Meeting on Outcomes and Evaluation of Council Work  
Work on Idaho Living Well Grant Activities  
Attend National Association on DD Councils National Call  
Attend Division of Medicaid HCBS Workgroup meeting  
Meeting with Idaho Coalition Against Domestic Violence & Sexual Assault –  
Lived Experience of Reporting Abuse from the Disability Perspective

Meeting with Boise State University, Criminal Justice Division, about Studies to Evaluate the Status of Reporting Abuse, Neglect, Financial/Sexual Exploitation  
Meeting DD Network Partners to Plan FY 2023 Living Well Grant Budget  
Prepare for Core Team Community NOW! Workgroup meeting to propose solutions for orientation to Community NOW!, Communication Plan, and Messaging plan  
Meeting with Individual state leader  
Bi-Weekly State Director Call with Governor Little  
Attend Shoshone Pop Up COVID-19 Vaccine Clinic

### June 21-25, 2021

Post Council Staff Meeting with Chair and Vice-Chair  
Human Resources Discussion Remote Telework Policy  
Participate in weekly Inclusive Vaccine Partnership Meeting  
Meet with Disability Rights Idaho  
Distribute Partners in Policymaking Applications  
Meeting with Heather Cunningham, ED Council on Domestic Violence  
Work on Idaho Living Well Grant Activities  
Plan Aberdeen/Caldwell Pop Up COVID-19 Vaccine Clinic  
Planning meeting with Allie Cannington for Housing training for Partners in Policymaking  
Prepare for July 29-30 Council Meeting  
Facilitate Core Team Community NOW! Workgroup meeting to propose solutions for orientation to Community NOW!, Communication Plan, and Messaging plan  
Attend LifeCourse Kickoff Event  
Attend Emerging Practices Diversity Inclusion and Cultural/Linguistic Competence meeting  
Participate in Idaho Grant Leadership Interview for Living Well Grant  
Attend DD Network – Disability Action Network of Idaho planning meeting  
Bi-Weekly State Director Call with Governor Little  
Attend Consortium for Idahoans with Disabilities monthly meeting  
Meet with Domestic Violence Council  
Meeting with Council member  
Attended National Association on DD Councils National Call  
Attend Community NOW! Stakeholder Meeting

Supported parent with abuse claim with the Department of Health & Welfare,  
Disability Rights Idaho, and Adult Protection  
Prepare for participation at Aberdeen and Caldwell Vaccine Clinic Events  
Meeting with State Independent Living Council – COVID Issues – Solutions

#### June 27-30, 2021

Attend Aberdeen Vaccine Clinic Idaho Community Council Head Start Location  
Attend Caldwell Drive-In Theater Vaccine Clinic Event  
Distribute Partners in Policymaking Applications  
Prepare for Council meeting July 29-30, 2021  
Attend Idaho Coordinated Response to Domestic Violence & Sexual Assault  
meeting  
Vacation



June 6, 2021

Idaho Behavioral Health Council  
P.O. Box 83720  
Boise, ID 83720

Members of the Idaho Behavioral Health Council,

Thank you for the opportunity to submit public comment in response to the Council's draft behavioral health strategic plan. The Idaho Council on Developmental Disabilities (ICDD) applauds the extensive work of the Idaho Behavioral Health Council. The ICDD respectfully submits this letter to urge you to include and prioritize the following recommendations in the Council's final report to the Governor:

**Recommendation #1:** *Adequately fund the full continuum of care for behavioral health based on the gaps identified in the rational and intention section. Research and implement with DHW, third party insurances, managed services contractors, private businesses and all other funding sources.*

**ICDD Recommendation:**

Continue to provide the health outcome data as a result of funding a Medicaid Expansion program. The ability for people with serious mental health issues to access preventative mental health treatment relies heavily on the continued funding of Medicaid Expansion in Idaho.

**ICDD Recommendation:**

If multiple contracts are a consideration, ICDD recommends that the contracts be parceled out between a contract for children's services and a contract for adult services. A child-focused contract could focus on adhering to EPSDT requirements and principles. A child-focused contract could also focus on services directly necessary for children and their family. The child-focus could provide an alternative to the institutional pipeline, i.e., SWITC, foster care, juvenile corrections, out of state children's residential programs, and



prison. A children's contract could include a long term-approach to wrap around service for those children who have been and continue to experience high rates of trauma. The contract could also provide for mobile crisis units for children and families. In conversations with Department staff it has been noted the service system is able and does identify children who experience frequent episodes of trauma including food insecurity, homelessness, physical and sexual abuse, and violent environments. If the contractor was able to provide wrap around services to the child and family this could potentially reduce the number of children ending up in institutional placements. A child-focused contract could focus on building individual and community resilience in suicide prevention programs, repeated ER visits, and 911 calls. Expertise within a child-focused contract could provide expertise with otherwise marginalized populations.

An adult-focused contract must be person centered and could focus on the creation of the ACT team model without having to commit a crime to be considered to be on the ACT Team. The high rate of return of individuals to the community crisis centers must have a connection to the adult focused contractor to ensure a continuum of care. The contractor must have a strong connection to wrap around services, specifically housing retention and sustained support.

Under EPSDT a fluid budget is available. An adult budget is concrete with set limits. If adult and child budgets are mixed together, and the children's budget explodes where will the contractor make their profit? It has been demonstrated that the individuals being served within the adult service system suffer the consequences. This separate contract could assist with budgeting.

If State Hospital South, State Hospital North, and the adolescent unit is moved to privatized care there should be a requirement that each have and maintain joint commission certification and apply trauma informed care.

If the state continues to run the facilities, then the managed mental health care contractor should be required to pay a significant portion of the individual's costs while in the hospital setting.

**Recommendation #2:** *Develop and implement a comprehensive workforce plan to increase and or certified behavioral health professionals across the full continuum of service throughout the lifespan in Idaho by December 21, 2021.*

People with a dual diagnosis, those who experience an intellectual or developmental disability and a mental health diagnosis are currently unserved in the current behavioral

health contract. It would serve the Department well to consider the whole person as opposed to viewing individuals with a developmental disability as people who frequently must choose between developmental disability services or mental health services. The divisions within the Department must come to an understanding in serving people with a developmental disability and not assume that every time there is a behavioral issue it is the developmental disability. The Department must ensure a continuum of care and view people as whole people. Department staff must come to an understanding that individuals who have an I/DD also may have a mental health diagnosis and should not be denied access to quality mental health service from qualified providers. Emphasis should be made on training and retaining mental health providers that use best practice in serving the mental health needs of people with a dual diagnosis.

The Idaho Council on Developmental Disabilities has invested over \$151,000 between 2017-2019 in an attempt to train mental health professionals on the best practice of service people with a dual diagnosis. The Council also hosted three separate trainings hosted in Coeur d'Alene, Pocatello and Boise featuring Dr. Julie Brown. Dr. Brown provided an intense three-day workshop in each location providing skills training on serving individuals with an intellectual disability and the use of dialectical behavior therapy. Our funding has also been used to train mental health professionals on trauma informed care approaches for people with a dual diagnosis.

It was always the DD Council's hope that this training responsibility would become that of the contractor. While the DD Council did receive financial support from the current contractor to allow some of the providers within the network to attend the training, the Council was disappointed that it was never picked up as the sole responsibility of the contractor.

There are similar concerns for the lack of attention afforded the mental health needs of people with TBI, people who are Deaf, or Blind. Service option should be expanded to serve specialized populations.

There is no system to access other than Medicaid. The Department used to have an adult mental health system that was not tied to Medicaid eligibility. There should be a safety net set up for children and adults who are not Medicaid eligible or other private insurance eligible to access mental health and substance use services.

### **ICDD Recommendation:**

Establish an Idaho state chapter of The National Association of Dually Diagnosed (NADD). The Mission of NADD is: to promote leadership in the expansion of knowledge, training,

policy, and advocacy for mental health practices that promote a quality life for individuals with dual diagnosis (IDD/MI) in their communities.

Sponsoring a NADD chapter in Idaho could provide an ongoing way to share best practice training to the wide range of professionals in need of training to best serve individuals who experience a dual diagnosis. This organization also provides training that ties to accreditation and certification for clinicians and direct support professionals.

### **ICDD Recommendation:**

Please review the 2017 Community NOW! Report and recommendations that specially highlight two recommendations from individuals with intellectual and developmental disabilities and family members. <https://icdd.idaho.gov/wp-content/uploads/2017/10/FINAL-Community-NOW-Report-2017.pdf>

1. Provide services that **appropriately support adults' overall health, including mental health and substance use.**

When Psychosocial Rehabilitation was cut from the options of services that could be approved for adults with a dual diagnosis, no service was offered to replace that intervention.

2. Provide services that **appropriately meet the needs of adults with dual diagnosis (mental health and I/DD).**

Additionally, Community NOW! has a specific workgroup addressing the core competencies of training needed by direct support workers (DSP) who support individuals with Intellectual and Developmental Disabilities (I/DD). It is a priority to individuals with I/DD and families that specific training on trauma informed care approaches be provided to DSP's.

A training priority for DSP's supported through Community NOW! is:

**The direct support worker supports the spiritual, emotional, and social wellbeing of the individual.** This is demonstrated by: A) Has knowledge of Trauma Informed Care and how to use it with the individuals they support.

A contractor/service provider should provide best practice training to mental health providers to elevate the current skill set and improve the provider ability to serve unserved populations in a quality manner.

The contractor/provider should access national resources such as the National Association of the Dually Diagnosed to assist in developing a skilled workforce to meet the complex needs of individuals with a dual diagnosis.

**Recommendation #3:** *Enhance individualized care coordination among different systems involved in patient and/or client care by March 31, 2022.*

**ICDD Recommendation:**

If the DHW is considering separate contracts to provide for specific unmet needs, a separate contract would allow for hiring staff to serve marginalized populations who lack English as a first language. This opportunity could allow for the intentional hiring of a “cultural broker,” a person from a specific community who identifies with the underserved culture to assist with the navigation of services. This would also assist with the delivery of a more culturally and linguistically competent service to the individual/family. This approach could better meet the needs of children and adults in a service system that may be foreign to some of its’ beneficiaries. Any contractor must provide a culturally and linguistically competent service delivery as well as a trauma informed approach.

**Recommendation #4:** *Implement mental health parity policies and reform provider reimbursement to broaden reimbursable care for mental health and substance use disorders and develop a plan to pay based on key performance indicators by June 30, 2022.*

- ***Value Based payments***

**ICDD Recommendation:**

Service should not be determined by a “recovery model.” Many mental health diagnosis’ require sustained treatment and support options to ensure continued well-being. The contractor should support the PEER recovery model. Transportation is an integral part of this. The current NEMT model must work in tandem with the provision of accessing quality mental health services.

**Recommendation #5:** *Verify the plan for continued reimbursement and technology improvements beyond the federal emergency act expiration order to maintain or improve the current level of service delivery via virtual care by October 1, 2021.*

- ***Increase infrastructure for telehealth, telepsychiatry, and teletherapy.***

Telehealth options should continue to be made available as well as smartphone applications that allow for 24-7 access to mental health or substance abuse treatment. For our rural and frontier areas, a phone line to serve multiple communities should be made available 24-7. Rural and frontier communities could have designated HUBS to serve a specific area. This cannot be the 211 number. Our rural and frontier providers should be allowed to bill for transportation to serve in our rural and frontier areas.

As a state we have learned from the Veyo and MTM contracts. It is essential that Idahoans have access to a majority of Idaho providers. The Idaho Suicide Prevention hotline appears to be an effective Idaho solution that uses both local resources and out of state overflow of call centers. The Department of Health & Welfare should research the factors for their effectiveness to include in a contract.

**Recommendation #6:** *Identify and implement a governance structure and methods for sharing critical data across public, private, and nonprofit entities to facilitate care coordination by June 30, 2024.*

#### **ICDD Recommendation:**

The ICDD applauds the data sharing between Children's Mental Health and Developmental Disability programs. ICDD would encourage the same sharing of data for the adult systems to rectify the silo that is currently present between the adult mental health and the adult developmental disability programs.

#### **ICDD Recommendation:**

ICDD would encourage the use of the following behavioral health quality metrics be included to develop value-based approaches for provider reimbursement under the IBHP.

The following data points could be collected:

- # of people who attempted to access services, but ended up going to county jail or prison
- # of people who attempted to access services and were civilly committed
- # of people who accessed services and lost their housing
- # of people who accessed services and lost their food assistance
- # of people who enter SWITC
- # of people who accessed services and lost subsidies
- # of people who accessed services after a crisis placement

# of people who were unsuccessful in accessing services and ended up in a crisis placement, civil commitment, county jail, state prison or died

**Recovery Recommendation #1:** *Increase availability of specified housing for people with behavioral health conditions by June 30, 2024. (Page 30)*

- ***Develop a strategic plan to fund affordable and supportive housing at the statewide level, including a funding mechanism for the Idaho Housing Trust Fund.***

### **ICDD Recommendation:**

There are no providers within our most rural and frontier counties in Idaho. We understand Medicaid is not in a position to pay for housing. However, the Department should require the contractor to have coordinators of care within rural and frontier communities who have an intentional focus on coordinating community support services and affordable and accessible housing options for individuals and families. It would be of great benefit to the citizens of Idaho for the Department of Health & Welfare to take a leadership role in convening a task force with the support of the Governor's office to identify solutions to our affordable and accessible housing crisis and Idaho's state provider shortage.

Housing and healthcare are essential in supporting positive mental health outcomes. ICDD urges the IBHC to include funding the Idaho Housing Trust Fund. The Housing Trust Fund was created by the Idaho Legislature in 1992, however it has yet to be funded. A Housing Trust would significantly assist individuals with disabilities and families to access affordable accessible housing throughout Idaho who live on significantly modest incomes.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pisani", with a small dot above the final "i".

Christine Pisani  
Idaho Council on Developmental Disabilities  
Executive Director

## Chair Report – April 1, 2021 through June 30, 2021

I want to thank you for the opportunity you have given me to serve as the chair for the DD Council for another year. I appreciate what each of you bring to the table and I look forward to learning alongside you this upcoming year. I am also excited to work with our new council members. Welcome!

Promoting change for better quality of care and supports is such a vital duty and we are lucky to be surrounded with great advocates, parents, and agency personnel on this Council. Throughout this quarter, there has been continuous correspondence with council staff and council members when needed. I have had a lot of opportunities for trainings and legislative work. The following dates will give you a more specific view of what I have been a part of my on-going council work.

### April 2021

Person-Centered Training – 4 Trainings

National Disability Policy Seminar

Virtual Meeting with Executive Director Christine Pisani and HR Kimberlee Hall

Virtual Hill Visit with Mike Simpson

Pre-Council Meeting with Executive Director Christine and Vice Chair DR

Directed ICDD Quarterly Council Meeting

Virtual Hill Visits

Meeting with HR Kimberlee Hall

### May 2021

Extended Employment Services Virtual Meeting – 2 Meetings

DD Council Orientation Video prep with Vice Chair DR

Disability Advocacy Network of Idaho phone surveys

DD Council Orientation Video prep with staff member Trisha Hammond and Vice Chair DR

Disability Advocacy Network of Idaho (DANI) phone surveys

Person-centered Training Drop-in meeting with Tracy Warren

Disability Advocacy Network of Idaho phone surveys

DANI Fellows Virtual Meeting

## June 2021

Extended Employment Services Virtual Meeting – 2 Meetings

Person-centered planning with Community Now

Phone calls with Trisha Hammond and DR.

Boise travel- full day orientation videos at Council office

DANI Fellows Meeting

Person-centered Training Drop-in meeting with Tracy Warren

Respectfully Submitted,

Emily Petersen



# Danielle “DR” Reff’s Idaho Council on Developmental Disabilities (ICDD) - Vice Chair Report

## April 2021

- 9hrs Person Centered Thinking training
- 4hrs Vocational Rehabilitation seminar
- 6hrs National Disability Policy Seminar (DPS)
- 30mins group discussion with Congressman Simpson’s staff
- 8.5hrs ICDD general meeting
- 1hr work with ICDD Chair Emily
- 6hrs State Rehabilitation Council (SRC)

## May 2021

- 1hr video conversation chat with Trisha and Emily to make orientation video

## June 2021

- 2hrs National DD Council series
- 2hrs Quality Assurance subcommittee
- 1hr State Rehabilitation Council membership committee
- 20-30mins Conversing with Emily over orientation videos
- 2.5hrs Creating orientation videos with Emily and Trisha
- 5hrs Community Now! Meetings



## 2021-2022 Quarterly Council Meeting Dates

### Background Information:

According to state law and Council by-law, the Council shall meet (in person, by conference call or video conferencing) at least once during each federal fiscal quarter. According to our current procedures, a yearly calendar of dates for the upcoming fiscal year shall be established by the fourth (4<sup>th</sup>) quarterly meeting. Please prepare by bringing scheduled dates of known meetings of other councils, committees, and groups, etc.

### Recommended Action:

Check your calendar to make sure you are able to attend the proposed meetings for 2021-2022. If you are aware of any schedule conflicts, please bring them up so we may determine if a meeting needs to be rescheduled.

The proposed meeting dates for 2021-2022 are:

- October 28-29, 2021
- January 27-28, 2022
- April 28-29, 2022
- July 28-29, 2022
- October 27-28, 2022

### Notes:



## Financial Report Third Quarter – Federal Fiscal Year 2021

### Background Information:

A financial statement reflecting our fund balance and the amount spent to date in this Fiscal Year will be presented at the Council meeting. The Council operates on a Federal Fiscal Year (October 1 - September 30). Council members are responsible for overseeing and approving the budget. Questions are encouraged.

### Recommended Action:

Review and approve the financial report presented at each meeting.

### Notes:

# Idaho Council on Developmental Disabilities

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Council Budget Update, July 29, 2021



IDAHO COUNCIL ON  
**DEVELOPMENTAL**  
**DISABILITIES**

# Our Income

June 2021



IDAHO COUNCIL ON  
DEVELOPMENTAL  
DISABILITIES

# Totals as of June 30, 2021 Federal Budget

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Budget	\$533,068
Spent	\$244,775
Left	\$288,293



# Totals as of June 30, 2021 SFY21 State Budget

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Budget	\$188,500
Holdback	\$9,425
Spent	\$173,600
Left	\$453



# Totals as of June 30, 2021 Living Well Grant

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Budget	\$110,014
Spent	\$37,682
Left	\$72,332





# Our Spending

June 2021



IDAHO COUNCIL ON  
DEVELOPMENTAL  
DISABILITIES

# Budgeted

# EXPENSES

Sub Grants: October 1, 2019- September 30, 2020

- LINC

- Total Contracted \$33,000
  - Paid \$3,750

- Life Course Ambassadors

- Total Contracted \$30,000
  - Paid \$0

- Boise State University

- Total Contracted \$25,500
  - Paid \$3,071.55

Budgeted

**EXPENSES**

Continued

Sub Grants: October 1, 2019- September 30, 2020

- Bracke & Associates

- Total Contracted \$43,290 + \$11,000
  - Paid \$43,290 + 11,000

- Support Development Associates LLC

- Total Contracted \$66,700
  - Paid \$10,164

- ~~Contracts in the works~~

- ~~Maria Mabbutt (translation of documents)~~  
~~\$30,000~~

Annual

**EXPENSES**

Salaries, mailings, rent, office equipment and supplies, etc.

Budgeted \$465,747

Spent \$205,265



Questions? Comments?  
Concerns?  
Thoughts?  
Suggestions?



IDAHO COUNCIL ON  
**DEVELOPMENTAL**  
**DISABILITIES**



## Fiscal Year 2022 and Fiscal Year 2023 Annual Work Plans and Fiscal Year 2022 Budget

### Background Information:

Each year Council staff develops a one-year work plan based on the goals and objectives in the Council's five-year strategic plan. The annual work plan guides the Council's activities for the coming federal fiscal year and includes project activities intended to help the Council meet its goals.

Council staff is required to submit the 2022 and 2023 Annual Work Plans to the Administration for Community Living. Drafts of the 2022 and 2023 plans will be presented, discussed, changed where needed, and potentially approved by Council Members. The 2023 plan will be updated and presented to the Council again before the start of Fiscal Year 2023.

The proposed budget for Fiscal Year 2022 will also be presented, and Council Members will be asked to approve this budget.

### Recommended Action:

Listen to the discussion. Ask questions. Suggest changes to the plans.

### Notes:



IDAHO COUNCIL ON  
**DEVELOPMENTAL**  
**DISABILITIES**

# 2022 Annual Work Plan

Year One of the Five-Year Plan

October 1, 2021 – September 30, 2022

# **Goal 1: Individuals with intellectual and developmental disabilities and family members inform and direct changes in service systems that improve the quality of services**

## **Objective 1.1: Support individuals with intellectual and developmental disabilities and family members to lead in defining developmental disability Home and Community-Based Services in collaborative meetings**

### **Objective 1.1 Activities in Year One**

- Support individuals with developmental disabilities and family members to participate in Community NOW! and other meetings about Home and Community-Based Services
- Ensure that all meeting materials are provided in an accessible and plain language format
- With partners and Community NOW! members, create onboarding training for new Community NOW! members
- Recruit new Community NOW! members and provide onboarding training

## **Objective 1.2: Support members of the Latino community to provide recommendations to improve access to service systems to meet the needs of Latino families and individuals with intellectual and developmental disabilities**

### **Objective 1.2 Activities in Year One**

- Ensure that all Community NOW! materials are provided in Spanish
- Host pre-meetings before each Community NOW! meeting to help Latino Community NOW! members prepare for the meetings



- Host post-meetings after each Community NOW! meeting for Latino Community NOW! members to check for understanding, discuss information provided, and collect recommendations
- Support Community NOW! members from the Latino community members to actively participate in meetings
- Conduct outreach in the Latino community to identify individuals with intellectual and developmental disabilities to become part of Community NOW!

### **Objective 1.3: Develop state quality indicators defined by individuals with intellectual and developmental disabilities and family members for Home and Community-Based Services**

#### **Objective 1.3 Activities in Year One**

- Develop informational materials in English and Spanish on: what is a developmental disability, how do you apply for Medicaid and Developmental Disability services, and what does a service coordinator or support broker do
- Review and compile quality indicators for Home and Community-Based Services that have been defined by Community NOW! members
- Discuss and gather input on quality indicators in committees that are part of Community NOW!
- Prepare for a Delphi study to be conducted in Year 3, that will aim to achieve consensus on state quality indicators defined by individuals with intellectual and developmental disabilities and family members

### **Objective 1.4: Advocate for changes in service systems to align with quality indicators identified by individuals with intellectual and developmental disabilities and family members**

#### **Objective 1.4 Activities in Year One**

- Continue to advocate for changes in service systems as recommended by Community NOW!

**Objective 1.5: Identify gaps in services and make recommendations based on best practices to inform policy resulting in improved access to reporting of abuse, neglect, and exploitation**

**Objective 1.5 Activities in Year One**

- Working with Living Well partners, facilitate ongoing Abuse and Neglect workgroups
- Contract with Boise State University's Criminal Justice Division to conduct a study on processes, procedures, and accountability to victims of abuse, neglect, and exploitation
- Participate in the leadership team to inform the work of the studies conducted by Boise State University's Criminal Justice Division
- Work with the Idaho Coalition Against Sexual Assault and Domestic Violence to inform the study on the lived experience of people with disabilities in reporting abuse, neglect, and exploitation
- Participate in the leadership team for the Department of Justice grant through the Idaho Coalition Against Sexual Assault and Domestic Violence

## **Goal 2: Build capacity in service systems so individuals with intellectual and developmental disabilities and family members have access to quality services**

### **Objective 2.1: 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**

#### **Objective 2.1 Activities in Year One**

- Participate in the planning committee for a conference on improving mental health services for children in May 2022
- Explore the possibility of establishing an Idaho chapter of the National Association for the Dually Diagnosed that will bring training on dual diagnosis to Idaho
- Conduct a research study with individuals with dual diagnosis, family members and mental health clinicians to identify barriers and training needs to mental health services for people with a dual diagnosis
- Monitor the work of the Idaho Behavioral Health Council and the implementation of the Council's recommendations to improve (access to) services for people with a dual diagnosis

### **Objective 2.2: Work with partners to establish a state-level person-centered community of practice**

#### **Objective 2.2 Activities in Year One**

- Facilitate Person Centered Planning Implementation Workgroup meetings
- Participate in National Center on Advancing Person-Centered Practices and Systems grant – Idaho team meetings

- Conduct Person Centered Thinking bootcamp trainings with provider agencies
- Conduct Person Centered Thinking trainings with individuals with intellectual and developmental disabilities and family members
- Provide Person Centered Planning training at the Idaho Transition Institute
- Support an Idaho Charting the LifeCourse Ambassadors training program

**Objective 2.3: Work with partners to ensure that direct support staff receive sustainable and accessible training taught by self-advocates, family members or professionals guided by evidence-based practices**

**Objective 2.3 Activities in Year One**

- Work with Living Well partners to participate in ongoing Direct Support Professionals workgroups

**Objective 2.4: Build capacity in service systems around cultural and linguistic competency by providing training and technical assistance to state agencies and service providers**

**Objective 2.4 Activities in Year One**

- Plan for training on cultural and linguistic competence for state agency staff and service providers

**Objective 2.5: In year 3 of the plan, identify needs and barriers to services in rural Idaho**

**Objective 2.5 Activities in Year One**

- Work on a plan and connect with partners to prepare assessment of the needs of rural Idaho

**Objective 2.6: In years 4 and 5, work with partners to ensure access to needed services and supports identified by rural Idahoans**

**Objective 2.6 Activities in Year One**

No activities planned this year.

## **Goal 3: Individuals with intellectual and developmental disabilities and family members have the knowledge and skills needed to access the services and supports they need to live meaningful lives in their communities**

**Objective 3.1: Work with partners to develop and provide training for people with disabilities, family members, and other stakeholders to understand what abuse, neglect, and exploitation look like, including how and where to report**

### **Objective 3.1 Activities in Year One**

- With Living Well partners and the Abuse and Neglect workgroup, develop training modules on: what is abuse and how to report it, healthy relationships, and human trafficking

**Objective 3.2: Work with partners to develop a sustainable self-advocate train-the-trainer model by September 2023 to conduct statewide training on self-advocacy in all life areas**

### **Objective 3.2 Activities in Year One**

- Facilitate and support the Self-Advocacy Training Implementation Workgroup
- Work with partners to design topical training modules that include video examples and plain language information
- Work with partners from the Latino community to design topical training modules that are culturally and linguistically responsive
- Work with partners to gather video footage from Idahoans with disabilities and family members
- Work with partners to post training modules in an accessible online platform

- Support Self-Advocate Training Coordinator to conduct train-the-trainer with self-advocate trainer candidates

**Objective 3.3: Support individuals with intellectual and developmental disabilities and family members from the Latino community to build awareness and provide education around disability and disability services in their community**

**Objective 3.3 Activities in Year One**

- Support Latino community members in the Twin Falls area to develop knowledge of developmental disabilities and services available
- Conduct outreach in the Latino community and share information about disabilities and disability services

**Objective 3.4: Work with partners to provide information and education to support individuals with intellectual and developmental disabilities and family members as they explore employment opportunities, set employment goals, and access the services and supports they need to achieve their goals**

**Objective 3.4 Activities in Year One**

- Support the Department of Health and Welfare to provide information about new services related to employment in an accessible, plain language format and in Spanish

**Objective 3.5: Provide information and education to youth and young adults with intellectual and developmental disabilities and their families on Supported Decision-Making so they have the knowledge and tools needed to successfully transition into adult life**

**Objective 3.5 Activities in Year One**

- Make Supported Decision-Making publications accessible and available in Spanish

## **Goal 4: People with intellectual and developmental disabilities and their families are heard and influence issues important to them**

**Objective 4.1: Develop leadership of individuals with intellectual and developmental disabilities and family members by hosting three classes of Idaho Partners in Policymaking, including one specifically designed for Latino community members**

### **Objective 4.1 Activities in Year One**

- Host the 2021-2022 class of Partners in Policymaking, supporting individuals with intellectual and developmental disabilities and family members to develop their leadership skills
- With the Utah Developmental Disabilities Council and the Utah Center for Persons with Disabilities, develop a Partners in Policymaking program targeted at Mexican Americans to be hosted in Year 3.

**Objective 4.2: Maintain a statewide, culturally diverse coalition of people with disabilities and families who are developing their leadership to advocate on policy issues at the local, state, and/or national level**

### **Objective 4.2 Activities in Year One**

- Host a Leadership Academy in October 2021, where members of the Disability Advocacy Network of Idaho learn about policy issues and develop their leadership skills
- Support individuals with developmental disabilities and family members in Fellowships that improve their leadership and community organizing skills
- Recruit new Fellows, working towards having 8 Fellows in different parts of the state by the end of Year 5



- Support Disability Advocacy Network of Idaho members to host community conversations that provide opportunities for individuals with developmental disabilities and family members to share their experiences with policymakers
- Provide educational opportunities on policy issues to members of the Disability Advocacy Network of Idaho members
- Plan for a Leadership Academy to be hosted in October 2022

### **Objective 4.3: Support individuals with intellectual and developmental disabilities and families to advocate on issues that affect their lives at the local, state, and/or national level**

#### **Objective 4.3 Activities in Year One**

- Create plain-language, accessible factsheets in English and Spanish about important legislative issues
- Support individuals with intellectual and developmental disabilities and family members to provide testimony or visit with legislators

### **Objective 4.4: During each year of the plan, monitor legislative and other emerging issues that affect the lives of people with intellectual and developmental disabilities and family members, inform them of these issues, and promote the Council's position on these issues**

#### **Objective 4.4 Activities in Year One**

- Track upcoming legislative issues and share information on these issues with individuals with intellectual and developmental disabilities and family members
- Provide testimony and inform legislators on issues that affect the lives of people with intellectual and developmental disabilities and family members
- If important issues emerge that affect the lives of people with intellectual and developmental disabilities and family members, provide information, resources and support, and advocate on their behalf



IDAHO COUNCIL ON  
**DEVELOPMENTAL**  
**DISABILITIES**

# 2023 Annual Work Plan

Year Two of the Five-Year Plan

October 1, 2022 – September 30, 2023

# **Goal 1: Individuals with intellectual and developmental disabilities and family members inform and direct changes in service systems that improve the quality of services**

## **Objective 1.1: Support individuals with intellectual and developmental disabilities and family members to lead in defining developmental disability Home and Community-Based Services in collaborative meetings**

### **Objective 1.1 Activities in Year Two**

- Support individuals with developmental disabilities and family members to participate in Community NOW! and other meetings about Home and Community-Based Services
- Ensure that all meeting materials are provided in an accessible and plain language format
- Recruit new Community NOW! members and provide onboarding training

## **Objective 1.2: Support members of the Latino community to provide recommendations to improve access to service systems to meet the needs of Latino families and individuals with intellectual and developmental disabilities**

### **Objective 1.2 Activities in Year Two**

- Ensure that all Community NOW! materials are provided in Spanish
- Host pre-meetings before each Community NOW! meeting to help Latino Community NOW! members prepare for the meetings
- Host post-meetings after each Community NOW! meeting for Latino Community NOW! members to check for understanding, discuss information provided, and collect recommendations

- Support Community NOW! members from the Latino community members to actively participate in meetings
- Conduct outreach in the Latino community to identify individuals with intellectual and developmental disabilities to become part of Community NOW!

### **Objective 1.3: Develop state quality indicators defined by individuals with intellectual and developmental disabilities and family members for Home and Community-Based Services**

#### **Objective 1.3 Activities in Year Two**

- Prepare for a Delphi study to be conducted in Year 3, that will aim to achieve consensus on state quality indicators defined by individuals with intellectual and developmental disabilities and family members
- Start recruiting individuals with intellectual and developmental disabilities and family members to become panelists in the Delphi study

### **Objective 1.4: Advocate for changes in service systems to align with quality indicators identified by individuals with intellectual and developmental disabilities and family members**

#### **Objective 1.4 Activities in Year Two**

- Continue to advocate for changes in service systems as recommended by Community NOW!

### **Objective 1.5: Identify gaps in services and make recommendations based on best practices to inform policy resulting in improved access to reporting of abuse, neglect, and exploitation**

#### **Objective 1.5 Activities in Year Two**

- Working with Living Well partners, facilitate ongoing Abuse and Neglect workgroups

- Contract with Boise State University's Criminal Justice Division to conduct a study on the incidence level of victimization involving individuals with disabilities
- Participate in the leadership team to inform the work of the studies conducted by Boise State University's Criminal Justice Division
- Work with the Idaho Coalition Against Sexual Assault and Domestic Violence to inform the study on the lived experience of people with disabilities in reporting abuse, neglect, and exploitation
- Participate in the leadership team for the Department of Justice grant through the Idaho Coalition Against Sexual Assault and Domestic Violence

## **Goal 2: Build capacity in service systems so individuals with intellectual and developmental disabilities and family members have access to quality services**

### **Objective 2.1: 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**

#### **Objective 2.1 Activities in Year Two**

- Work on establishing an Idaho chapter of the National Association for the Dually Diagnosed that will bring training on dual diagnosis to Idaho
- Based on results from the study conducted in Year 1, provide training to individuals with a dual diagnosis, family members, and mental health clinicians on topics that are identified as the greatest needs
- Monitor the work of the Idaho Behavioral Health Council and the implementation of the Council's recommendations to improve (access to) services for people with a dual diagnosis

### **Objective 2.2: Work with partners to establish a state-level person-centered community of practice**

#### **Objective 2.2 Activities in Year Two**

- Facilitate Person Centered Planning Implementation Workgroup meetings
- Participate in National Center on Advancing Person-Centered Practices and Systems grant – Idaho team meetings
- Conduct Person Centered Thinking bootcamp trainings with provider agencies
- Conduct Person Centered Thinking trainings with individuals with intellectual and developmental disabilities and family members

- Support an Idaho Charting the LifeCourse Ambassadors training program

**Objective 2.3: Work with partners to ensure that direct support staff receive sustainable and accessible training taught by self-advocates, family members or professionals guided by evidence-based practices**

**Objective 2.3 Activities in Year Two**

- Work with Living Well partners to participate in ongoing Direct Support Professionals workgroups

**Objective 2.4: Build capacity in service systems around cultural and linguistic competency by providing training and technical assistance to state agencies and service providers**

**Objective 2.4 Activities in Year Two**

- Provide training on cultural and linguistic competence for state agency staff and service providers

**Objective 2.5: In year 3 of the plan, identify needs and barriers to services in rural Idaho**

**Objective 2.5 Activities in Year Two**

- Work on a plan and connect with partners to prepare assessment of the needs of rural Idaho

**Objective 2.6: In years 4 and 5, work with partners to ensure access to needed services and supports identified by rural Idahoans**

**Objective 2.6 Activities in Year Two**

No activities planned this year.

## **Goal 3: Individuals with intellectual and developmental disabilities and family members have the knowledge and skills needed to access the services and supports they need to live meaningful lives in their communities**

**Objective 3.1: Work with partners to develop and provide training for people with disabilities, family members, and other stakeholders to understand what abuse, neglect, and exploitation look like, including how and where to report**

### **Objective 3.1 Activities in Year Two**

- With Living Well partners and the Abuse and Neglect workgroup, develop training modules on: what is abuse and how to report it, healthy relationships, and human trafficking

**Objective 3.2: Work with partners to develop a sustainable self-advocate train-the-trainer model by September 2023 to conduct statewide training on self-advocacy in all life areas**

### **Objective 3.2 Activities in Year Two**

- Facilitate and support the Self-Advocacy Training Implementation Workgroup
- Work with partners to design topical training modules that include video examples and plain language information
- Work with partners from the Latino community to design topical training modules that are culturally responsive
- Work with partners to gather video footage from Idahoans with disabilities and family members
- Work with partners to post training modules in an accessible online platform



- Support Self-Advocate Training Coordinator to conduct train-the-trainer with self-advocate trainer candidates

### **Objective 3.3: Support individuals with intellectual and developmental disabilities and family members from the Latino community to build awareness and provide education around disability and disability services in their community**

#### **Objective 3.3 Activities in Year Two**

- Provide training in Spanish on: what is a developmental disability, how do you apply for Medicaid and Developmental Disability services, and what are the services
- Support Latino community members in the Twin Falls area to develop knowledge of developmental disabilities and services available

### **Objective 3.4: Work with partners to provide information and education to support individuals with intellectual and developmental disabilities and family members as they explore employment opportunities, set employment goals, and access the services and supports they need to achieve their goals**

#### **Objective 3.4 Activities in Year Two**

- Support the Department of Health and Welfare to provide information about new services related to employment in an accessible, plain language format and in Spanish

### **Objective 3.5: Provide information and education to youth and young adults with intellectual and developmental disabilities and their families on Supported Decision-Making so they have the knowledge and tools needed to successfully transition into adult life**

#### **Objective 3.5 Activities in Year Two**

- Make Supported Decision-Making publications accessible and available in Spanish

## **Goal 4: People with intellectual and developmental disabilities and their families are heard and influence issues important to them**

**Objective 4.1: Develop leadership of individuals with intellectual and developmental disabilities and family members by hosting three classes of Idaho Partners in Policymaking, including one specifically designed for Latino community members**

### **Objective 4.1 Activities in Year Two**

- With the Utah Developmental Disabilities Council and the Utah Center for Persons with Disabilities, develop a Partners in Policymaking program targeted at Mexican Americans to be hosted in Year 3.

**Objective 4.2: Maintain a statewide, culturally diverse coalition of people with disabilities and families who are developing their leadership to advocate on policy issues at the local, state, and/or national level**

### **Objective 4.2 Activities in Year Two**

- Host a Leadership Academy in October 2022, where members of the Disability Advocacy Network of Idaho learn about policy issues and develop their leadership skills
- Support individuals with developmental disabilities and family members in Fellowships that improve their leadership and community organizing skills
- Recruit new Fellows, working towards having 8 Fellows in different parts of the state by the end of Year 5
- Support Disability Advocacy Network of Idaho members to host community conversations that provide opportunities for individuals with developmental disabilities and family members to share their experiences with policymakers

- Provide educational opportunities on policy issues to members of the Disability Advocacy Network of Idaho members

### **Objective 4.3: Support individuals with intellectual and developmental disabilities and families to advocate on issues that affect their lives at the local, state, and/or national level**

#### **Objective 4.3 Activities in Year Two**

- Create plain-language, accessible factsheets in English and Spanish about important legislative issues
- Support individuals with intellectual and developmental disabilities and family members to provide testimony or visit with legislators

### **Objective 4.4: During each year of the plan, monitor legislative and other emerging issues that affect the lives of people with intellectual and developmental disabilities and family members, inform them of these issues, and promote the Council's position on these issues**

#### **Objective 4.4 Activities in Year Two**

- Track upcoming legislative issues and share information on these issues with individuals with intellectual and developmental disabilities and family members
- Provide testimony and inform legislators on issues that affect the lives of people with intellectual and developmental disabilities and family members
- If important issues emerge that affect the lives of people with intellectual and developmental disabilities and family members, provide information, resources and support, and advocate on their behalf



## Proposed Procedural Change: Two-Year Council Chair Term

### Background Information:

The Executive Director proposes a procedural change to the current Chair Term from a one-year term of service to a two-year term of service. This policy change is proposed to assist the Council with continuity of leadership over a two-year time period. If the Council is concerned about an ineffective Chair remaining in the position for their full term, the Council by-laws could include the removal of an ineffective Chair.

If this proposed procedure is adopted by the Council, the Council may choose to have the policy go into effect at the upcoming Chairperson election which takes place in April 2022.

Please see attached Information and Technical Assistance provided by Information and Technical Assistance Center for Councils.

### Recommended Action:

Discuss the proposed procedural change. The Council will be asked to vote on this action item.

### Notes:



TO: Christine Pisani, Executive Director  
Idaho Council on Developmental Disabilities

FROM: Sheryl R. Matney, EdD, Director  
Information and Technical Assistance Center for Councils

DATE: October 5, 2020

RE: Chairperson Term Limits

Thank you for contacting us with this important question.

As you know, Council Chairpersons are either elected by the Council membership, or appointed by the Governor of a State/Territory. Within a “board” setting, the most common Chair structure is two consecutive one-year terms (Leading with Intent, 2017). However, the Council can determine what is best depending on how often the Council meets as well as ensuring that terms are staggered so an Executive Committee does not refresh all at once. The general rule of thumb for best practices for boards suggests that Council members should turn over no more than one-third of the Council seats annually. For Councils with Chairperson’s appointed by the Governor, the term limit for general Council membership applies. Board Source\* found the most common board member structure is two consecutive three-year terms.

While we respect a Councils decision on Chairperson terms, we recommend a Chair serve more than a one-year term for Councils that meet quarterly. This allows a Chairperson to provide leadership for more than four meetings. If the Council is concerned about an ineffective Chair remaining in the position for their full term, the Council by-laws could include the removal of an ineffective Chair.

Please let me know if you need additional information.

\*Board Source is formerly the National Center for Nonprofit Boards initially funded by the Kellogg foundation. They have been in existence for over 30 years and since 1994 have created a data rich report on nonprofit board governance across the United States. Their mission is to inspire and support excellence in nonprofit governance and board and staff leadership. Although many DD Councils are not operating as non-profit organizations, ITACC staff find the board information directly correlates to DD Council operations and receives approval from the Council funding source to use their information in training and technical assistance efforts.



## Proposed Adult DD Waiver Service Changes

### Background Information:

As a result of the KW vs. Armstrong lawsuit, the Adult Developmental Disability service system is required to adopt a new method for determining individualized budgets. This budget model must be understandable and fair to a broad range of support needs. In addition to this required change, the assessment for identifying support needs for individuals with intellectual and developmental disabilities has also changed from the previous Scales of Independent Behavior Revised (SIB-R). Three new services are being proposed as a result of the intentional work of Community NOW!

Michael Case, newly hired Bureau Chief of the Bureau of Developmental Disabilities and recently appointed Council member, will provide an update on these changes and share ways that members of the public may provide their input.

### Recommended Action:

Listen to the presentations. Ask Questions.

### Notes:



## Cultural Identity

### Background Information:

We all have a cultural identity. Culture is what we learn about ourselves and others from the time when we are born. Culture includes how we think, talk, behave with others. Many times we think about and only see our culture. It may be hard for us to see things the way another person may see them.

We all have many cultural identities. For example you may be a daughter, a sister, a student, and an individual with a disability. A person's cultural identity may be related to their age, disability, religion, ethnicity, social status, sexual orientation indigenous heritage, national origin or gender, among other things.

This activity is intended for members and staff to learn more about each other and our group as a whole. Council members will each share something about their own cultural identity. Each person will have 2-3 minutes to share.

**Recommended Action:** Prepare a short talk about your own cultural identity(ies) that you would like to share with the rest of the Council. You may bring items that reflect your culture if you want to show them while you describe your culture.

### Notes:



## Extended Employment Services Program Rules

### Background Information:

In 2019, the Idaho Legislature expired all state rules. As there was no statute establishing the Extended Employment Services (EES) program, the Agency drafted a proposed statute for the EES program. The Idaho Legislature passed a statute for the EES program into law, effective Fiscal Year 2020. The EES program is required to create rules for the program.

The Idaho Division of Vocational Rehabilitation / EES Program held thirteen “EES Listening Sessions” to inform the rulemaking process. There was strong participation from a wide variety of stakeholders. IDVR/EES reviewed comments and recommendations from the listening sessions, maintaining focus on the EES customer and maintaining an effective, fiscally responsible administration of the EES program.

EES conducted four negotiated rulemaking sessions on July 8-9, 2021.

The EES proposed rule must be submitted to the Board for approval. The August 2021 Board meeting is the last Board meeting the Board can consider proposed rules and have them make it through the rulemaking process in time to go to the legislature during their next session.

If the rules are approved by the State Board of Education there will be a 21-day public comment period October 6-27, 2021.

Please see attached public comment ICDD provided to the negotiated rule making process.

### Recommended Action:

Listen to the presentations. Ask Questions.

### Notes:





July 9, 2021

Idaho Division of Vocational Rehabilitation  
Extended Employment Services  
Attn: Ryan Waddell  
650 W. State St., Rm 150  
Boise, ID 83720

Dear Mr. Waddell,

The Idaho Council on Developmental Disabilities (ICDD) is authorized by federal and state law to monitor systems and policies and to advocate for improved and enhanced services that enable Idahoans with developmental disabilities to live meaningful lives, included in their 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.

ICDD believes that all individuals who want to work, can do so. The biggest barriers that individuals with intellectual and developmental disabilities (I/DD) face in achieving an employment goal are assumptions and low expectations. If individuals are given the opportunity and appropriate support, individuals with I/DD who experience significant barriers to employment can get a job in businesses in their hometown, with their neighbors and friends, just like the rest of us. We have seen best practice in this area work very well. Where individuals become an asset to their employer and are active, contributing citizens in their communities.

ICDD is committed to continue to work with partners in improving how programs work and build capacity in our Idaho communities to enable people with disabilities to reach their individualized employment goals.

The Idaho Council on Developmental Disabilities is providing the following comments on the proposed Extended Employment Services (EES) rules Idaho Code Chapter 63, Title 33.63.

Proposed Rule: Section 010.04 **Career Counseling/Information & Referral**. A required service for individuals seeking subminimum wage employment with any employer holding a “certificate authorizing the payment of subminimum wages to workers with disabilities under Section 14(c) of the Fair Labor Standards Act (FLSA)” – wages less than the Federal minimum wage.

ICDD Comment: The proposed rule does not state who is providing the service. This service should not be provided by an entity that would provide EES services to the individual. To add clarification, we suggest this example, A required service, provided by IDVR/EES staff, for individuals seeking subminimum wage employment with any employer holding a “certificate authorizing the payment of subminimum wages to workers with disabilities under Section 14(c) of the Fair Labor Standards Act (FLSA)” – wages less than the Federal minimum wage.

Proposed Rule: Section 010.06 **Choice Meeting**. A service that provides informed choice for individuals potentially seeking employment.

ICDD Comment: The importance of the choice meeting cannot be overstated and should be provided by IDVR/EES staff to ensure no conflict of interest. The rule should also include and describe how the individual will be informed and supported in a way that they understand and should provide a description of topics that will be covered in a choice meeting. A video format of other employment options should be available and provided in alternate languages. Having a video option that demonstrates

the variety of the available employment options would help individuals understand what other employment options look like.

Proposed Rule: Section 010.11 **Customer Rights & Responsibilities**. An annually reviewed EES document that communicates the rights available to the EES customer as well as the customer's responsibilities for participation in the EES program.

ICDD Comment: The rule fails to define and list what the basic customer rights and responsibilities are. ICDD would like to see rights included in rule. These should include:

- Right to be fully informed about EES services and processes.
- Right to request that communication be in an accessible and understandable format.
- Right to access information from your file unless not allowed by law.
- Right to choose a type of job
- Right to contact the EES Program Manager about eligibility, individual program, and how your EES services are working.
- Right to have access to EES contact information. (This information should be posted in an easy-to-read format throughout the facility.)

Moreover, customers and the public should know where they can review any additional rights and responsibilities documentation. The program should provide information about where/how to access this information.

Proposed Rule: Section 010.16 **Informed Choice**. The process by which an individual makes a decision about his or her vocational goals, the services available, and service providers necessary to meet

those goals. The decision-making process takes into account the individual's values, lifestyle, and characteristics, the availability of resources, alternatives, general economic conditions, and within the context of services available. Informed choice is a collaborative process involving the individual and IDVR staff in coordination with other resources as necessary. A decision to remain in a segregated setting must be a knowing and informed choice made by the individual.

ICDD Comment: ICDD recognized that the intent is to ensure that individuals receive the information in a supported way to make a decision. We suggest adding "and the supports necessary to communicate in an individualized and supported way."

Proposed Rule: Section 010.21 **Person-Centered**. A philosophy that an individual has the right to self-determination, be treated with respect and dignity, included in the community, and have opportunities to maximize their full potential.

ICDD Comments: Person-centered planning and supports are individualized and should include appropriate supports as needed. ICDD suggests adding "with appropriate supports" at the end of this line in rule.

Proposed Rule: Section 010.22 **Person or People-First Language**. A way of communicating which emphasizes the individual and puts the person before the disability, rather than defining the person primarily by the disability.

ICDD Comments: To be truly person-centered the consideration of identity first language must be present. Respect to the individual and how they prefer to be addressed should be the primary focus.

Proposed Rule: 100. **Provider Qualifications.** Provider qualifications are outlined in the EES Provider Agreement.

ICDD Comments: A minimum of provider qualifications should be included in rule. In the most recent EES Provider Agreement under Provider Responsibilities we do not see any listed qualifications. It states that “Provider will confirm that all services to eligible EES Customers are delivered by persons who meet Provider qualifications...” yet no qualifications are listed in the agreement. ICDD feels that there is not an available list of minimum qualifications and that all stakeholders have not had the opportunity for input. Moreover, customers and the public should know where they can review the EES provider agreement. The program should provide information about where/how to access this information.

Proposed Rule: 107. **Periodic Case Review.** EES may review and evaluate a customer’s service level needs and encourage the exercise of informed choices and address any specific concerns. Additionally, the EES customer may request EES conduct a review of his or her case. The process will be collaborative with the customer and other stakeholders, as appropriate, and include the exchange of information on the array of employment options. If appropriate, EES will refer the customer to IDVR.

ICDD Comment: ICDD has concerns about when and how these Periodic Case Reviews will take place. The rule should include reasons the case review would happen and how the individual is to be included. ICDD recommends the rule describe the steps to be taken to ensure the customer will be included in the review process. ICDD also suggests that at the time the Progress

Report is submitted if the EES Staff has cause of concern regarding the content it may also trigger the need for a case review.

Proposed Rule: Section 200.04.a. **Conflict of Interest. a.** A relative or guardian overseeing IPP development for an individual is a conflict of interest. If a provider is unable to separate IPP development for an individual by a relative or guardian, EES staff will complete the IPP.

ICDD Comments: This rule needs clarification to avoid confusion with those involved in developing the IPP (section 300.01 b.) and to add clarity for section 300.02. For example, A relative or guardian, working for a CRP, and overseeing IPP development for an individual is a conflict of interest...

Proposed Rule: 300. **Development of Individualized Program Plan (IPP).** The IPP uses person-centered principles and PFL and details vocational goals, corresponding measurable objectives, and desired employment outcomes the individual wants to pursue. The customer will participate in IPP development. If the customer did not participate, the IPP developer will include a brief summary of how the individual was involved in the IPP process. The IPP developer is to use the current IPP template. IPP goals are to be discussed, revised as needed, and information updated yearly. Those involved in developing IPP include, are not limited to:

- a. The customer, responsible to participate in the development of the IPP and is required to sign the IPP prior to approval by EES.

- i. Failure to sign the IPP may result in interruption of services.

- ii. The provider will not be [sic] receive payment for any service provided without a signed IPP approved by EES.
- iii. Providers are not required to provide services after an IPP expires.
- b. The customer's legal guardian, if one has been appointed by the court; and
- c. The EES provider program staff, responsible for implementation of the IPP.

ICDD Comments: The rule contradicts itself. In one sentence it states the "customer will participate" and in the next it states, "if the customer did not participate". It is unclear in the rule if and how the customer will participate. The ICDD would like clarity in the rule. If the IPP is to be person-centered the customer must participate in a way that is individualized to the customer. The IPP development documentation should include a summary about how the individual participated and/or was included in the process.

Proposed Rule: Section 300.03 **Progress Reports**. The customer will review progress toward vocational goals in collaboration with the provider. The provider will submit a semi-annual progress report for each customer to the EES program at six (6) month intervals and an annual progress report at twelve (12) month intervals. A standardized format provided or approved by the EES program will be used. Failure to submit the progress report in a timely manner means the provider is out of compliance with these rules.

ICDD Comments: The Progress Reports should include a statement of how the services align with the individuals career goals and how they are gaining skills towards those goals and for Competitive Integrated Employment (CIE) if that is the customer's goal. It

should include a proposed timeline the individual is working towards for CIE and what, if any, adaptive equipment, or assistive technology is being considered to assist in the transition to the CIE of the individual's choice. The customer should review and sign the report to ensure that the customer is involved in this reporting process.

The Idaho Council on Developmental Disabilities appreciates the time it took to create the proposed rules and for the continued effort of the Idaho Division of Vocational Rehabilitation and the Extended Employment Services Program to create and improve programs in Idaho to enable people with disabilities to reach their employment goals.

Respectfully,

A handwritten signature in black ink that reads "Richelle Tierney". The script is cursive and fluid, with the first name "Richelle" and last name "Tierney" clearly distinguishable.

Richelle Tierney

Policy Analyst

Idaho Council on Developmental Disabilities





IDAHO COUNCIL ON  
**DEVELOPMENTAL**  
**DISABILITIES**

## Third Quarter Report

### Background Information:

Council Staff will present highlights of work done in Quarter 3 (April - June) of Federal Fiscal Year 2021.

### Recommended Action:

Listen to the presentations. Ask Questions.

### Notes:



IDAHO COUNCIL ON  
**DEVELOPMENTAL**  
**DISABILITIES**

# 2021 LEGISLATIVE REPORT



## Introduction

The 2021 Idaho Legislature began Monday, January 11, 2021, with the **Senate Adjourning Sine Die** at 11pm, Wednesday, May 12, 2021, and the **House Recessed** at the Call of the Speaker, no later than Friday, December 31, 2021.

All administrative rules and legislation within this report have been signed into law unless noted otherwise. This summary includes IDAPA Rules and bills the Council either supported, opposed, or monitored. The Council shall be referred to as ICDD throughout this document.

The ICDD worked collaboratively with organizations during the session on safety and accessibility concerns during COVID-19 public health emergency for individuals with disabilities and funding support from the American Rescue Plan Act (ARPA) for Home and Community Based Services (HCBS).

The Idaho Council on Developmental Disabilities worked with Georgetown University Law Center and led meetings with 30 organizations to discuss and address concerns around the intimidation, public safety, and public health issues that arose during the legislature's 2020 special session. The group sent a letter requesting guidance and a plan for the upcoming legislative session. (See Appendix A).

ICDD worked with five organization to inform the Joint Finance and Appropriations Committee on the dramatic increase of requests for residential treatment of children and the opportunity the ARPA funds would create to address the issue. (see Appendix B).

## Administrative Rules

### Education

#### **PASSED**

#### **Docket #47-0101-2001 Rules Governing Idaho Division of Vocational Rehabilitation (IDVR) ICDD Provided Testimony in Support**

This rule provides clarification to federal vocational rehabilitation program requirements, including but not limited to the customer appeals and fair hearing process, customer eligibility, individualized plans for employment, financial participation requirements, purchasing requirements and standards, and provisions for community rehabilitation program services. Amendments were made to the proposed rule based on public comments received by IDVR. The amendments provide additional clarity around defined terms, review, mediation, fair hearing processes, eligibility, and work experience provisions.

ICDD provided testimony in support of the rules. (See Appendix C).

## Legislative Bills

### Health and Welfare

#### **FAILED**

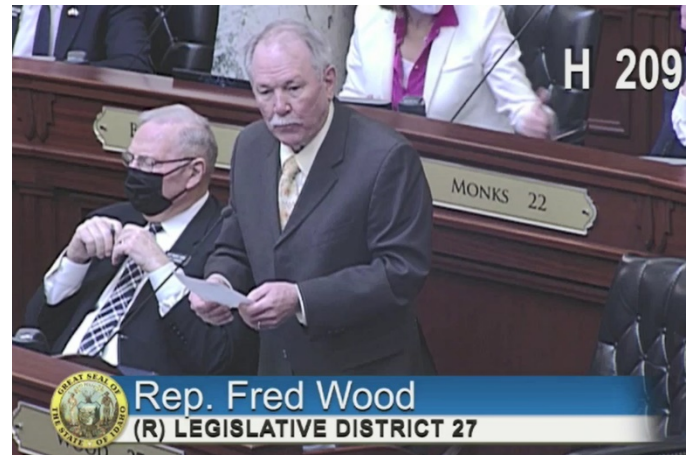
#### **House Bill 209 Medicaid Stabilization Fund** **ICDD signed on to a Letter of Support**

Over the last year, The Department of Health and Human Services (HHS) has provided significant funding to help states with the increased health care needs and costs due to the COVID-19 pandemic. As a result of this federal Medicaid relief, Idaho is receiving approximately \$10 to \$12 million more per month than originally budgeted. For State Fiscal Year 2021, the additional relief will create an estimated \$55 million surplus in the Medicaid budget. HHS is expected to continue providing states with Medicaid relief due to the pandemic through at least the 2021 calendar year. Preserving Idaho's Medicaid surplus in a budget stabilization fund would allow the federal relief intended for Medicaid to cover Medicaid costs.

Budget stabilization funds are a common budgeting tool used in Idaho. These funds have successfully protected the state General Fund from unexpected budget changes year to year.

ICDD signed on to a letter with 16 other organizations urging legislators to approve HB 209. (See Appendix D).

The bill failed on the **House Floor 25-42-3**.



**REPRESENTATIVE WOOD, DISTRICT 27**  
**INTRODUCING HOUSE BILL 209 ON THE HOUSE FLOOR.**

## State Affairs

### **PASSED**

#### **House Bill 302 – Abortion, Down Syndrome**

#### **ICDD Provided Testimony in Opposition**

This bill Amends existing law to provide that certain printed material regarding Down Syndrome be made available to physicians,

hospitals, or other facilities providing abortion and abortion-related services.

ICDD concerns included the lack of input from the disability community, how the information in the materials will be created, who will be the responsible party for messaging, the timing of the materials, and concern over the lack of other supports and services provided in Spanish.

The ICDD provided the following testimony in opposition to the bill. The bill passed on the **House Floor 27-12-1** and passed on the **Senate Floor 26-8-1**.

ICDD provided testimony in opposition. (See Appendix E).



## Commerce and Human Resources

**FAILED**

**House Bill 140 Medical Consumer Protection**

**ICDD Provided Testimony in Opposition**



This bill prohibited discrimination against certain people based on their vaccination status and prohibit employers or companies that contract with the state of Idaho from discriminating against people who choose not to be vaccinated. The **Americans with Disabilities Act** already protects a worker from retaliation for

refusing to be vaccinated for health or religious issues. **This bill does not provide as much flexibility as the Americans with Disabilities Act** regarding unvaccinated workers.

The bill passed out of the House Committee and passed on the Floor **49-21-0**. It was referred to Senate Commerce & Human Resources Committee. It died for lack of a hearing in that committee.

ICDD provided testimony in opposition. (See Appendix F).



## Education

### FAILED

#### House Bill 249 Human Sexuality Instruction

##### ICDD Provided Testimony in Opposition

This bill would require parents to opt in their child into classes that present material related to sexuality. Teachers would not have to obtain parental consent for children to participate in a sex education class dealing strictly with the anatomy and physiology of human reproduction. Any other topics related to sexuality, as defined in code, would require parents to opt in. Currently parents have the option to opt their children out of any class.

ICDD is concerned that individuals with disabilities lack access to necessary education to develop healthy sexual identity and have the ability to protect themselves from sexual abuse and exploitation. This bill would make this more difficult for students with disabilities to access this important education.

The bill passed out of the House Education Committee and passed on the Floor **56-12-2**. It was referred to Senate Education Committee. It died for lack of a hearing.

ICDD provided testimony in opposition. (See Appendix G).



# Concurrent Resolutions

## Senate

### ADOPTED

#### **Senate Concurrent Resolution 102 – Activation of Closed Captioning in Public Venues**

This resolution promotes the use of closed captioning for the Deaf and hard of hearing simply by making use of a setting feature available on all modern televisions. Watching television and videos, viewing educational instructions, or observing urgent emergency news updates are difficult in sound-sensitive environments. Use of closed captioning assists hearing impaired individuals and people whose first language is not English with a communication option they do not currently widely enjoy.

## House

### ADOPTED

#### **House Concurrent Resolution 011 – Recognizing 988 as the universal 3 Mental Health and Suicide Prevention crisis phone number.**

In October 2020, President Trump signed into law the National Suicide Hotline Designation Act of 2020 that designates 988 as the three-digit number for suicide prevention and mental health crisis needs (U.S. public law No: 116-172.). In July 2022, 988 will go live and replace the current national suicide prevention phone number 800-273-8255.

This resolution requests the Idaho Legislature in cooperation and partnership with the Idaho Suicide Prevention Action Collective and Idaho Department of Health and Welfare recognize 988 as the new universal mental health and suicide prevention crisis phone number effective July 2022. Idaho's suicide numbers are 41% higher than the national average and has experienced about 24.5 suicides per 100,000 Idahoans. Further, the Idaho Suicide Prevention Hotline received over 14,000 calls, chats, and texts in 2020 and has received an increasing volume

of calls since launching its 24/7 service in 2014. Call volume and service needs are expected to increase significantly with 988.

APPENDIX A  
LETTER OF CONCERNS  
2021 LEGISLATIVE SESSION PUBLIC HEALTH CONCERNS AND  
ACCESSIBILITY ISSUES

VIA EMAIL

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December 14, 2020

Dear Governor Little, Attorney General Wasden, Colonel Wills, Director Reynolds, Speaker Bedke, and President Pro Tempore Winder:

The Idaho Council on Developmental Disabilities (ICDD) and 30 organizations wish to bring to your attention intimidation, public safety, and public health issues that arose during the legislature's 2020 special session, and to request public guidance and enforcement plans for the upcoming 2021 legislative session. Our hope is to foster a safe environment where individuals with disabilities, family members, and advocates will be assured the ability to testify on important public policy issues presented during the session scheduled to begin on January 11. This, unfortunately, was not the case during the 2020 special session, at which the lack of enforcement

of public health measures related to COVID-19 and the intimidating atmosphere fostered by the presence of armed groups created an environment that did not feel safe for disability-rights advocates, individuals with disabilities, and family members to participate fully in the legislative process.

#### Factual Background and Safety Concerns

During the 2020 special session of the Idaho legislature, disability-rights advocates were deterred from participating in the legislative process because COVID-19 protocols were not enforced and the presence of armed individuals and unlawful militia groups intimidated some members of the public, including ICDD staff.

First, the lax enforcement of mask requirements, social distancing, and other health protocols in the Capitol building placed special burdens on individuals with disabilities, who are at greater risk for serious complications or death from COVID-19. The situation is now becoming more dire, as Idaho recently has experienced a surge in COVID-19 cases. As of 12/13/2020, Idaho reported 547 new cases, bringing the total number of cases the state has had to manage to 121,179. With cases rising and the deaths of at least 1,175 Idahoans from COVID-19, following health measures is essential for public health and welfare. In November, Governor Brad Little announced a return to Stage Two restrictions pursuant to the Idaho Rebounds plan, increasing restrictions to promote health outcomes. Because of the airborne nature of the disease, the risk of transmission is highest in public places, especially indoors or where there is prolonged exposure, but particularly when social distancing, masking, and other measures are not adhered to or enforced, as in the Capitol building during the past session.

Failing to comply with health and safety protocols presents unique risks to those with pre-existing health conditions who are at the highest risk for death related to COVID-19. People with developmental and intellectual disabilities are at higher risk of mortality from COVID-19 because they are more likely to suffer from comorbid chronic conditions, be disproportionately represented as workers in essential services, and are at increased risk of COVID-19 transmission in group residential settings.

In addition, the presence of armed individuals and unlawful militias at the 2020 special session raised serious security concerns that further deterred participation in the legislative process by disability-rights groups and others. Armed individuals, some affiliated with self-styled militia groups, have packed committee hearing rooms and created an intimidating and hostile environment. For instance, during

the special session in August, armed, mask-less spectators forced themselves into the Capitol, “shattering a glass door, rushing into the gallery that had limited seating because of the virus, and forcing lawmakers to ask for calm in a crowd that included a man carrying an assault-style weapon.”

Both in the “full gallery” and “packed committee rooms,” these individuals “ignored social distancing,” causing one representative to walk out of a committee meeting “citing unsafe conditions.” These skirmishes resulted in multiple arrests for trespassing and resisting or obstructing officers, including that of Ammon Bundy, who was arrested twice and barred from the state Capitol for a year. In addition to Bundy’s group, People’s Rights, “[m]any of the people who showed up . . . were members of the ‘3 Percenters’ or ‘Health Freedom Idaho.’” Confrontations such as these create an unruly and dangerous environment that impedes not only the public discourse, but also the legislature’s work.

Collectively, this activity has caused many disability-rights advocates to be concerned about their safety and has squelched their voices on critical issues that will impact the lives of individuals with disabilities and families. Indeed, ICDD staff members have personally witnessed and felt intimidated by these events. Some ICDD staff have even opted not to travel to the Capitol to testify because they feared for their health and safety.

Proposed Medicaid cuts, attempts to repeal Medicaid expansion, and lack of direct care workers due to low wages and the pandemic will all be on the 2021 legislative agenda. People with disabilities and their families and advocates will need to be in force in order to preserve Medicaid and bring their voices to securing a more livable wage for the direct care workforce so critical to maintaining individuals with disabilities’ rightful place in their own homes and communities. With the next legislative session quickly approaching, efforts to resolve the critical health and safety issues discussed above are necessary to protect the public’s right of access.

## Legal Concerns

In addition to our practical safety concerns about the environment within the Capitol, the conduct giving rise to these concerns may violate a number of provisions of Idaho and federal law—specifically those that protect public health, ensure the rights of individuals with disabilities, and outlaw private militia activity. Having consulted with the Georgetown University Law Center’s Institute for Constitutional Advocacy and Protection (ICAP), we wish to provide the following information about the laws implicated by this conduct.

## Health Regulations

Idaho law requires compliance with and enforcement of COVID-19 protocols in the State Capitol building. In a recent opinion, the Idaho Attorney General confirmed that the Capitol building and other state property are subject to district health orders, including requirements mandating mask use, social distancing, and limits on the size of public gatherings. Idaho Op. Att’y Gen. No. 20-70562 (Aug. 13, 2020) (2020 AG Opinion). Because health districts have “the same authority, responsibility, powers, and duties in relation to the right of quarantine within the public health district as does the state” and are authorized “to do all things required for the preservation and protection of the public health and preventative health,” application of these orders to the Capitol building is not preempted in the same way that county or city health ordinances might be. *Id.* at 4 (quoting Idaho Code § 39-415). “Although

the Legislature and the Constitutional Officers have authority over the management and safety of their respective offices, chambers, and meeting rooms,” the Attorney General’s opinion concluded that “the public areas of the Capitol Building are likely subject to the [Central Health District] Order until that order is rescinded, superseded by the Governor or Director of the Department of Health and Welfare, or exempted by the Idaho Legislature.” *Id.* at 5.

The Attorney General’s August 13, 2020, opinion was in reference to a Central Health District order dated August 11, 2020, which has now been superseded by the Stay Healthy Order issued by the Governor and Idaho Department of Health on November 14, 2020. The analysis of the Attorney General’s opinion should be equally applicable to the current order or any order issued hereafter that supersedes it and is in effect when the legislative session begins in January.

We recognize the legislature is considering the use of audio-visual technology to facilitate social distancing or remote participation in a manner that “safeguard[s] the public’s ability to observe and participate in the legislative process.” However, to the extent the Capitol building is open to the public, individuals present must comply with state public health orders, at least in the

public areas of the Capitol. Failure to comply with such requirements is a misdemeanor. Idaho Code § 56-1003(7)(c); see also Idaho Code § 39-419(1) (misdemeanor “for any person, association, or corporation, and the officers thereof to willfully violate, disobey, or disregard the

provisions of the public health laws or the terms of any lawful notice, order, standard, rule, regulation, or ordinance issued pursuant thereto”). Moreover, although the Attorney General’s recent opinion concluded that each house of the Idaho legislature is empowered to impose its own health and safety protocols within its own chamber, offices, and committee rooms, any decision not to impose the state-ordered restrictions would undermine the effectiveness of those protocols and expose vulnerable community members, including those with disabilities, to unnecessary risk of COVID-19 exposure.

Refusing to comply with COVID-19 protocols also likely violates Idaho’s public nuisance law. A nuisance is “[a]nything which is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.” Idaho Code § 52-101; Idaho Code § 18-5901. A public nuisance affects “an entire community or neighborhood, or by any considerable number of persons,” Idaho Code § 52-101, “although the extent of the annoyance or damage inflicted upon individuals may be unequal.” Idaho Code § 52-102. Courts have taken a relatively expansive view as to what conduct falls under this definition. See *Newton v. MJK/BJK, LLC*, 469 P.3d 23 (Idaho 2020) (characterizing the definition of “nuisance” as “broad”). Idaho Code § 52-205 provides that public nuisances “may be abated by any public body or officer authorized thereto by law,” permitting legal action to remedy violations of health orders that put Idahoans at risk.

#### Disability Accommodations

By failing to provide a safe environment for individuals to attend, observe, or participate in legislative sessions, the legislature may also be violating the rights of disabled individuals with pre-existing conditions that put them at greater risk of severe illness from COVID-19. As the Attorney General noted in his August 13, 2020, opinion, Title II of the Americans with Disabilities Act (ADA) states that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in

or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any entity.” 2020 AG Op. at 7 (quoting 42 U.S.C. § 12132).

The “failure to provide reasonable accommodation can constitute discrimination.” *Vinson v. Thomas*, 288 F.3d 1145, 1154 (9th Cir. 2002). Similarly, Idaho law guarantees that “[i]ndividuals with disabilities have the same rights and privileges as the general public to the full and free use of . . . public buildings, public facilities, and other places of public accommodations.” Idaho Code § 56-702. Moreover, it is prohibited to “discriminate against a person . . . on a basis of . . . disability[,]” or against “individuals without disabilities who are associated with a person with disability.” Idaho Code § 67-5909. This includes a prohibition on “fail[ing] to make reasonable modifications in policies, practices, or procedures when modifications are necessary to afford... goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of [the same].” Idaho Code § 67-5909(6)(c).

Even facially neutral policies may violate a disabled person’s right of access to government activities “when such policies unduly burden disabled persons, even when the policies are consistently enforced.” 2020 AG Op. at 7 (citing *McGary v. City of Portland*, 386 F.3d 1259 (9th Cir. 2004)).

The ADA requires that when an individual has a qualifying disability, she is entitled to a reasonable accommodation to allow her to access and participate in public activities, including government meetings and legislative sessions. See, e.g., *Nat’l Ass’n of the Deaf v. Fla.*, No. 18-12786, 2020 WL 6575040, at \*6 (11th Cir. Nov. 10, 2020) (applying the Title II of the ADA to require captioning of legislative videos for deaf individuals). As the Attorney General stated, in the context of the COVID-19 pandemic, a qualifying disability “could be a variety of things—either physical conditions that make the individuals at high risk, or anxiety/depression related to COVID-19.” 2020 AG Op. at 6. According to the CDC, a number of common medical conditions—including, for example, diabetes, cancer, and heart disease—place adults at increased risk of severe illness from COVID-19. These diseases may themselves qualify as disabilities. Adults with intellectual or developmental disabilities are also significantly more likely than adults without disabilities to have these underlying conditions. The U.S. Equal Employment Opportunity Commission (EEOC) has accordingly opined that for individuals with disabilities that place them at a higher risk of severe illness, reasonable accommodations to mitigate that risk or “reduce chances of exposure” are required under the ADA. What constitutes a reasonable accommodation in a given circumstance requires a “fact-specific inquiry,” 2020 AG Op. at 8; see also *A.G. v. Paradise Valley Unified Sch. Dist. No. 69*, 815 F.3d 1195, 1207 (9th Cir. 2016) (“When an entity is on notice of the need for an accommodation, it is ‘required to undertake a fact-specific investigation to determine what constitutes a reasonable accommodation.’”) (citation omitted). Accommodations are generally reasonable unless they “would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens.” *Udike v. Multnomah Cty.*, 870 F.3d 939, 950 (9th Cir. 2017) (quoting 28 C.F.R. § 35.164).

### Unlawful Militia Activity

The presence of armed, self-styled “militia” groups at the Capitol building also violates several provisions of Idaho law. In particular, the Idaho Constitution’s Subordination Clause forbids private military units from operating outside state authority, providing that “[t]he military shall be subordinate to the civil



power.” Idaho Const. art. I, § 12. Other provisions of Idaho law make clear that the Governor of Idaho, as commander-in-chief, is the state official who has the authority to call the unorganized militia (all able-bodied Idaho citizens between the ages of 18

and 45) into active service. Idaho Code § 46-106 (“Whenever the governor as commander-in-chief, shall call into the active service of the state the unorganized militia . . . [t]he officers thereof, shall be appointed and commissioned by the governor under such rules and regulations as he may deem expedient to promulgate.”); see also Idaho Code § 46-110 (“The governor of the state by virtue of his office, shall be commander-in-chief of the national guard, except of such thereof, as may be at times in the service of the United States.”); Certificate of Review, Initiative Regarding Volunteer Militia Organizations, Letter from Attorney General of Idaho to Secretary of State of Idaho (Oct. 13, 1995) (declaring as unconstitutional proposed legislation that would have allowed citizens to organize and train as private militias without government oversight, and concluding that the Idaho Constitution requires control of the state militia by the governor and through laws passed by the legislature).

Moreover, Idaho law makes clear that “[n]o body of men, other than the regularly organized national guard, the unorganized militia when called into service of the state, or of the United States . . . shall associate themselves together as a military company or organization, or parade in public with firearms in any city or town of this state.” Idaho Code § 46-802. Idaho law further makes it a felony to: (1) conspire “to injure, oppress, threaten or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the constitutions or laws of the United States or the state of Idaho, by the use of violence against the person or property of such citizen”; (2) go on the highway or the premises of any citizen, with another person, “with the intent by use of violence against such citizen or his property, to prevent or hinder his free exercise or enjoyment of any right or privilege so secured”; or (3) assemble “with one (1) or more persons for the purpose of training or instructing in the use of, or practicing with, any technique or means capable of causing property damage, bodily injury or death with the intent to employ such training, instruction or practice in the commission of a civil disorder.” Idaho Code § 18-8103.

Idaho law is in keeping with the Second Amendment, which does not protect private, unauthorized paramilitary organizations that are dangerous to public safety and good order. The Supreme Court decided in 1886—and repeated in 2008—that the Second Amendment “does not prevent the prohibition of private paramilitary organizations.” *District of Columbia v. Heller*, 554 U.S. 570, 621 (2008) (citing *Presser v. Illinois*, 116 U.S. 252 (1886)). Although individuals have a Second Amendment right to bear arms for individual self-defense, they have no constitutional right to organize themselves as private military units projecting public authority wholly outside of governmental accountability.

## Public Right of Access

The nonenforcement of COVID-19 protocols and intimidating unlawful militia activity described above also has the effect of chilling the First Amendment rights of individuals, including disability rights advocates, who wish to participate in the legislative process. In the wake of the last session, Governor Little thanked “citizens who came to the Capitol and exercised your First Amendment rights peacefully,” but acknowledged the interference caused by “individuals who infringed on an orderly proceeding” and “agitators who seek to stifle civil debate and harm our

democratic republic.” Absent steps to enforce health and safety measures and prevent intimidation, the current circumstances materially infringe on the public’s right of access to the legislative proceedings.

The right to freedom of speech and to petition elected officials for redress of grievances is enshrined in the First Amendment of the U.S. Constitution, which guarantees “the right of the people . . . to petition the Government for a redress of grievances.” See also Idaho Const. art. I, § 10 (“The people shall have the right to assemble in a peaceable manner, to consult for their common good; to instruct their representatives, and to petition the legislature for the redress of grievances.”). The Supreme Court has characterized “[t]he right of the people peaceably to assemble, for the purpose of petitioning Congress for a redress of grievances” as essential to “[t]he very idea of a government republican in form.” *United States v. Cruikshank*, 92 U.S. 542, 547 (1875). The Petition Clause “was inspired by the same ideals of liberty and democracy that gave us the freedoms to speak, publish, and assemble.” *McDonald v. Smith*, 472 U.S. 479, 485 (1985) (internal citation omitted). The Founders’ vision that citizens be able “to communicate their will through direct petitions to the legislature and government officials” is central to the First Amendment’s protections. *Id.*

By failing to enforce Idaho law, those responsible for safety and security in the Capitol building are forcing individuals to choose between exercising their First Amendment rights and protecting their health and safety, placing an impermissible restraint on speech. The Supreme Court has long considered political and ideological speech to be at the core of the First Amendment, including speech concerning “politics, nationalism, religion, or other matters of opinion.” *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943). Moreover, any selective or inconsistent application of these requirements or protections on the basis of the speaker’s viewpoint would violate equal protection principles that are “closely intertwined with First Amendment interests.” *Police Dept. of City of Chicago v. Mosley*, 408 U.S. 92, 95 (1972) (“[T]he First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter or its content.”).

The public’s right of access to public meetings is also reflected in the state’s open meetings law, which states that “the formation of public policy is public business and shall not be conducted in secret.” Idaho Code § 74-201. This provision demonstrates the legislature’s commitment to enabling citizen participation and transparent government operations.

In sum, enforcing federal and state health, disability, and anti-militia laws is necessary to uphold the public’s right to safely access and participate in First Amendment-protected activity. At the Capitol, “the director of the department of administration, or his designee, shall be responsible for security ... and has the authority to contract with private contractors to provide security for persons and property.” Idaho Code § 67-1605. Security guards present at the Capitol are authorized to enforce applicable rules and intervene in situations that threaten health or safety, but may also call upon law enforcement assistance, as necessary. Responsibility for law enforcement “is vested in the director of the Idaho state police” in coordination with Ada County and Boise City police. These security and law enforcement services have the authority to address unlawful conduct at the Capitol building and are empowered to ensure the public’s safety against acts that violate constitutional or statutory directives. In partnership with each other and legislative leaders, security and law enforcement officials are vital to maintaining order and decorum. Ensuring that staff on the ground have the training and resources necessary to

remedy these violations is essential to upholding public safety and health, while also preserving the right of access guaranteed under the First Amendment and Idaho law.

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All Idahoans benefit from the participation of a diverse coalition of people in the legislative process, including individuals with disabilities, disability-rights groups, and family advocates. Enforcing Idaho's COVID-19 protocols and laws prohibiting private militia activity is necessary to ensure such participation.

In keeping with ICDD's goal of supporting leaders with intellectual and developmental disabilities who are engaged and able to voice their opinions on policy issues, we call upon you to take prompt action to address these challenges in advance of the 2021 legislative session. During the next session, critical legislation on healthcare, disability rights, Medicaid expansion, foster care, and education, among others, are expected to be on the agenda. These issues affect all Idahoans, but have unique implications for vulnerable populations, especially individuals with disabilities, whose voice is essential in the legislative process. The active participation of all of our citizens is imperative for democracy to work. Together, we hope to make the atmosphere at the Idaho Capitol a welcoming and inclusive environment, where no one should feel threatened, intimidated, or fearful of to speak on issues of public and personal importance. As the session soon approaches, we would appreciate information about the accommodations made on or before the Christmas holiday. We would also request formal communication to the public on the Idaho Legislative website about how members of the public will be afforded the opportunity to engage in a COVID-19 safe legislative environment. We welcome the opportunity to meet with you, share our insight, and collaborate on prospective solutions.

Respectfully,

Christine Pisani, Executive Director

Idaho Council on Developmental Disabilities

Idaho Association of Community Providers

Living Independence Network Corporation

Idaho Coalition Against Sexual & Domestic Violence

Access Concepts & Training, Inc.

Center for Community and Justice

United Vision for Idaho

Idaho State Independent Living Council

Agnew: Beck

Center for Independent Living

Intermountain Fair Housing Council

Idaho Access Project

North Idaho Children's Community Mental Health

Consortium for Idahoans with Disabilities

Disability Rights Idaho

Boise City/Ada County Housing Authorities

NAMI Idaho

Idaho Caregivers Alliance

Center on Disabilities and Human Development

Access Behavioral Health Services, Inc.

Community Council of Idaho, Inc.

Power of Translation

Corpus Christi House

Disability Action Center- Northwest, Inc.

Idaho Education Association

Idaho Voices for Children

National Association of Social Workers Idaho Chapter

Idaho Anti-Trafficking Coalition

Idaho Assistive Technology Project

Advocates for Inclusion

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APPENDIX B  
LETTER TO JOINT FINANCE AND APPROPRIATIONS COMMITTEE  
HOME AND COMMUNITY BASED SERVICES

April 13, 2021

State Capitol Building  
P.O. Box 83720  
Boise, Idaho 83720

**RE: Memo on Medicaid Home and Community-Based Services**

Dear Joint Finance and Appropriations Committee,

Medicaid's home and community-based services (HCBS) allow children and adults with disabilities to receive services in their home and community rather than institutions. However, school closures, direct care workforce shortages, COVID-19 outbreaks, and program closures have caused people with disabilities to go without necessary therapies and supports over the last year, causing reversions in behavior and well-being. One unfortunate outcome has been a dramatic increase in recent requests for residential treatment of children.

The American Rescue Plan Act seeks to alleviate challenges facing people with disabilities during the pandemic by providing an option for states to increase the HCBS federal match from April 1, 2021, to March 31, 2022. If Idaho enacts this option, our federal match rate (known as the Federal Medical Assistance Percentage or FMAP) would increase by 10 percent for HCBS services. No additional state dollars will be needed to enact this option.

Taking advantage of this increased federal match will allow Idaho to implement activities that enhance, expand, and strengthen HCBS, with the goal of keeping children and adults with disabilities in their homes, instead of high-priced residential care, typically out of state, and at the state's expense. While the Centers for Medicaid & Medicare Services has yet to issue funding guidance, Idaho can still appropriate the federal funding, which equals \$16 million in SFY2021 and \$48 million in SFY2022, by limiting the allowable services that enhance HCBS to the following:

- Personal care services
- Rehabilitative services
- Respite care
- Home health aides
- Behavioral management
- Developmental therapies



We urge the Idaho Legislature to take immediate action to accept these critical HCBS funds. As elected officials and advocates for people with disabilities, we must work together to mitigate challenges posed by the pandemic on children and individuals with disabilities. We will do everything we can to support your efforts to advance this funding, and we are committed to developing an HCBS enhancement plan.

Respectfully signed:

**Idaho Council on Developmental Disabilities**

**State Independent Living Council**

**Idaho Federation of Families**

**Idaho Voices for Children**

**Idaho Parents Unlimited**

**Consortium for Idahoans with Disabilities**

APPENDIX C  
TESTIMONY - RULES GOVERNING  
IDAHO DIVISION OF VOCATIONAL REHABILITATION



January 14, 2021

Representative Clow, Chairman  
House Education Committee  
Statehouse  
Boise, ID 83720

**RE: Docket No. 47-0101-2001 *Rules Governing Idaho Division of Vocational Rehabilitation***

Dear Chairman Clow and Members of the Committee:

The Council on Developmental Disabilities is authorized by federal and state law to monitor systems and policies and to advocate for improved and enhanced services that enable Idahoans with developmental disabilities to live meaningful lives, included in their schools and communities. The Council is comprised of 23 volunteers appointed by the Governor.

The Council enthusiastically supports the proposed rules **Docket No. 47-0101-2001 Rules Governing Idaho Division of Vocational Rehabilitation**

We applaud the thorough efforts of the Idaho Division of Vocational Rehabilitation in drafting this comprehensive set of rules. The Council is particularly pleased to see the following sections clearly outlined in this rule set.

**Section 103. Fair Hearing Process** outlined in such great detail which affords individuals the clear understanding of their process for grievances.

**Section 206. Comprehensive Assessment of Rehabilitation Needs.** The Council appreciates the Division of Vocational Rehabilitation's intentional focus on the strengths, abilities, interests, and informed choice as it relates to the individualized employment goals of individuals with disabilities.

**Section 207. Individualized Plan for Employment (IPE).** The language added in this section provides for the expertise of a qualified rehabilitation professional in

the development of the IPE, but also affords the choice of the individual to develop their own IPE or to access assistance from another resource in the development of their IPE.

**Section 209. Order of Selection.** The Council is pleased to see this language added to the rule set. Prioritizing individuals with the most significant disabilities to access gainful employment in the community has been a long-held desire of the Idaho Council on Developmental Disabilities. This section, combined with the emphasis on strengths, abilities and interests will go a long way in helping to dispel the widely held myths that people with significant disabilities are unable to contribute in meaningful ways to the workforce.

Thank you for your time and consideration of the Council's comments.

Sincerely,

Christine Pisani  
Executive Director

APPENDIX D  
LETTER OF SUPPORT – HOUSE BILL 209  
MEDICAID STABILIZATION FUND

## **SUPPORT House Bill 209: Health Advocates Urge Passage of Medicaid Stabilization Fund**

Over the last year, Department of Health and Human Services (HHS) has provided significant financial relief to assist states with the increased health care needs and costs due to the COVID-19 pandemic. As a result of this federal Medicaid relief, Idaho is receiving approximately \$10 to \$12 million more per month than originally budgeted. For SFY2021, the additional relief will result in an estimated \$55 million Medicaid budget surplus. HHS is expected to continue providing states with the pandemic Medicaid relief through at least the 2021 calendar year. Preserving Idaho's Medicaid surplus in a budget stabilization fund will allow the federal relief intended for Medicaid to cover Medicaid costs.

Budget stabilization funds are a common budgeting tool used in Idaho. These funds have successfully protected the state General Fund from unexpected budget fluctuations year to year. Similarly, House Bill 209 will benefit the General Fund and create stability for the Medicaid program in two ways:

- (1) when a surplus exists for Division of Medicaid appropriations at the end of a fiscal year, the surplus moneys will transfer to the Medicaid Budget Stabilization Fund instead of being reverted back to the General Fund.
- (2) when a deficit exists for Division of Medicaid trustee and benefit appropriations at the end of a fiscal year, funds from the Medicaid Budget Stabilization Fund may be used, reducing or eliminating the need for General Funds to address the deficit.

**Stabilization Funds Protect Tax Payer Dollars:** The creation of a Medicaid Budget Stabilization Fund is a smart fiscal step to protect our state budget.

- Should the Medicaid budget ever exceed projected costs, funds from the Medicaid Budget Stabilization Fund will be used, and the need for general funds to address the deficit will be reduced or eliminated.
- By preserving Medicaid funding, we can ensure Medicaid stays strong to help Idahoans through tough times without using extra tax payer dollars.

**Stabilization Funds are Smart Budgeting:** It is common practice for state budgets to adopt stabilization funds.

- Idaho agencies that have taken this approach to smart budgeting have alleviated strain on Idaho's economy and protected programs and services during difficult economic times.
- Medicaid is a critical first responder when public health and economic crises strike. A Medicaid Budget Stabilization fund would provide Idaho with a more measured budget-balancing approach that protects Medicaid funding during crises and lays the groundwork for a stronger economic recovery.

**Stabilization Funds Support Planning for the Future:** The COVID-19 pandemic clearly illustrates how important it is to ensure Idaho's budget can meet health care needs of Idahoans in an unpredictable future.

- Idaho's Medicaid program works over-time to provide essential health coverage for eligible Idahoans.
- A stabilization fund will allow state leaders to ensure Idaho's budget protects Medicaid and the ability for hardworking Idahoans and their families to access health care. The Medicaid stabilization fund will provide the additional support needed to provide necessary health services without negatively impacting Idaho's budget.

**Protects Consistent Access to Health Services and Ensures Continuity of Care:** When Medicaid faces budget cuts, it puts access to services and coverage at risk for Idahoans most at risk.

- A stabilization fund would create stability for the Medicaid program ensuring Idaho's kids, seniors and people with disabilities are able to access the health care they need to stay healthy.
- Ensuring continuity of care provides peace of mind for Idaho families. By protecting Medicaid funding, Idahoans will not have to live in fear of having health coverage taken away when they need it most.

**Thank you for your consideration of and support of HB 209.**

**Signed by:**

**Idaho Medical Association**

**Idaho Hospital Association**

**AARP Idaho**

**Idaho Council on Developmental Disabilities**

**Idaho Association of Community Providers**

**Consortium of Idahoans with Disabilities**

**Idaho Caregivers Alliance**

**Idaho Center for Nursing**

**Leukemia and Lymphoma Society Idaho**

**American Lung Association Idaho**

**Idaho Primary Care Association**

**Idaho Academy of Family Physicians**

**Idaho Voices for Children**

**Idaho Children are Primary**

**Nurse Leaders of Idaho**

**American Nurses Association Idaho**

**Idaho Oral Health Alliance**

**Idaho Alliance Leaders in Nursing**

**American Heart Association Idaho**

APPENDIX E  
TESTIMONY – HOUSE BILL 302  
ABORTION, DOWN SYNDROME





March 12, 2021

Chairman Brent Crane  
House State Affairs 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 opposes House Bill 302.

Our concerns include that neither the DD Council, The State Independent Living Council, Disability Rights Idaho or Idaho Parents Unlimited were consulted about this bill. The Council was informed that the three Down's Syndrome Support groups in Idaho were presented this legislation, but do not support it. The lack of inclusion of the disability advocacy community in proposing this legislation should speak volumes.

On page 5, lines 1-12, the Council has concerns about who controls the messaging in promoting information about children and adults with Down's Syndrome. If proponents of this bill are serious about limiting the number of abortions that happen as result of learning that your baby may have Down's Syndrome, they would work much harder at promoting a much more positive image of the lives of children and adults with Down's Syndrome. Messaging would avoid promoting images that stereotype people born with this diagnosis as a burden on society and a miserable parenting experience. There would also

be significant effort made to secure adequate Medicaid funding to ensure that children born with Down's Syndrome have the access they need to early intervention and supports from birth to death, that private insurance coverage simply does not provide.

The Council recognizes there is work to be done with Idaho physicians so they are able to provide accurate and best practice information to assist families to be fully informed. However, the Council views this legislation as an interference between the family and their physician with regard to the pregnancy. If a physician is doing their job, they will have already provided the necessary information to their patient and the family.

The bill also mandates a Spanish language version of materials be made available. As an organization who spends significant resources to assist the Spanish speaking community to understand and access needed services, there is a complete lack of information available in Spanish to help provide needed details about the developmental disability service system. Currently, Spanish speaking families do not have equitable access to services after the birth of their child, as well access to culturally and linguistically competent service providers.

The Disability community was not included in the drafting of this legislation.

The Council opposes House Bill 302.

Sincerely,

Executive Director  
Idaho Council on Developmental Disabilities

APPENDIX F  
TESTIMONY – HOUSE BILL 140  
MEDICAL CONSUMER PROTECTION



February 17, 2021

Chairman James Holtzclaw  
House Commerce and Human Resources Committee  
Statehouse, Boise, ID 83720

Dear Chairman Holtzclaw 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 House Bill 140.

Medicaid's Home and Community Based Services affords seniors, people with disabilities, and family members of children with disabilities the option of hiring staff to provide individualized support within their own homes. Most, if not all people served through the Home and Community Based Services program are people with compromised health conditions. People with intellectual and developmental disabilities are far more likely to have preexisting health conditions, such as respiratory disease, that adds to their risk of exposure to illnesses such as the flu. People with intellectual and developmental disabilities are much more likely, even more than seniors, to live in a setting with roommates and have multiple staff where two or four people may live together. Within these settings staff is coming and going, and if someone in your home gets any illness there is no place to go.

People with disabilities, family members, and seniors have a right to ask if people are vaccinated from certain viruses in order to protect themselves and

their children who are at high risk from exposure to life threatening illnesses. The common flu has the potential of landing seniors and people with disabilities in the hospital for months on end if they are exposed to a respiratory illness, and in fact the disability community knows all too well how often people have lost their lives to an upper respiratory infection.

The Council opposes House Bill 140 as it would take away the ability for people with disabilities, seniors, and family members to take necessary steps in order to protect their own health or their children's health when most of the people in these categories already experience a compromised health condition.

Sincerely,

Christine Pisani

Idaho Council on Developmental Disabilities  
Executive Director

APPENDIX G  
TESTIMONY – HOUSE BILL 249  
HUMAN SEXUALITY INSTRUCTION



April 7, 2021

Chairman Steven Thayn  
Senate Education Committee  
Statehouse, Boise, ID 83720

Dear Chairman Thayn 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 House Bill 249.

Expressing sexuality is part of the human experience, yet sexual health is often ignored for people with disabilities. Individuals with disabilities are at a higher risk of sexual abuse and exploitation, unwanted pregnancies, and sexually transmitted diseases. Additionally, many adolescents with disabilities lack the knowledge needed to develop a healthy sexual identity, therefore, increasing their vulnerability. There is a direct correlation between the lack of sexual health education to students with disabilities and experiencing the highest rates of mental, emotional, physical, and sexual abuse<sup>1</sup>

Many adolescents with disabilities lack the knowledge needed to develop a healthy sexual identity, therefore, increasing their vulnerability. Resources have been developed to improve the sexual health of individuals with disabilities

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<sup>1</sup> Anna C. Treacy, Shanon S. Taylor & Tammy V. Abernathy (2018) Sexual Health Education for Individuals with Disabilities: A Call to Action, American Journal of Sexuality Education, 13:1, 65-93, DOI: [10.1080/15546128.2017.1399492](https://doi.org/10.1080/15546128.2017.1399492)

However, those who need this education rarely have access to the resources, nor are they or their families aware of the existence of these types of resources.

### **Why sexual health matters:**

Over 70% of people with disabilities report being abused. 90% reported that the abuse has taken place on multiple occasions with a rate of 57% of people with disabilities reporting they were abused on more than 20 occasions and 46% reporting “it was too many times to count.” The U.S. Department of Justice reports that women with intellectual disabilities are 12 times more likely to be sexually assaulted than women without disabilities. An estimated 514 people with disabilities are victims of rape or sexual assault each year in Idaho.<sup>2</sup>

Children with disabilities are 3.4 times more likely to be sexually abused than their nondisabled peers. Researchers found that adolescent girls with physical disabilities or long-term health problems are at increased risk for sexual violence. These data indicate that students with disabilities have a significantly higher risk of becoming victims of sexual violence.

These statistics are in fact the reason why the Idaho Council, along with other disability advocacy organizations are working to provide a statewide education campaign to provide education on sexual health, healthy relationships, and sexuality in lieu of the lack of education provided while students with disabilities are adolescents. This education is essential in helping individuals protect themselves from sexual abuse and exploitation.

Students with disabilities have the right to be educated about the natural functions of their bodies, and their sexuality. This education assists them to protect and understand themselves. They need and have the right to expect appropriate and timely sexual health education as part of their efforts to become self-determined individuals.

Sincerely,

Christine Pisani  
Idaho Council on Developmental Disabilities  
Executive Director

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<sup>2</sup> Bureau of Justice Statistics, National Crime Victimization Survey, 2011-2015; and U.S. Census Bureau, American Community Survey, 2011-2015.





## Council Member Reports

### Background Information:

Member reports are provided by a few Council members at each meeting. This provides a time for each Council member to report to the full Council membership the work they are doing in their home communities to advance the mission of the Council. This also includes agency reports from our agency representatives.

Members reporting at the Summer quarterly Council meeting include: Marilu Moreno, Ian Bott, Natali Pellens, and Karren Streagle. Reports should be between 5-8 minutes each.

### Recommended Action:

Please prepare for your member report in advance. You may share a brief PowerPoint or other presentation if you want, but this is not required. Listen to the member reports and ask questions.

### Notes: