

**GOVERNOR'S COUNCIL ON DISABILITIES AND SPECIAL
EDUCATION MEETING**

Juneau, Alaska, January 20 – 22, 2015

January 20, 2015

Council Members Present:

Jill Burkert
Anthony Cravalho
Art Delaune
Dean Gates
Jeanne Gerhardt-Cyrus
Alex Gimarc
Taylor Gregg
Mallory Hamilton
Alexis Henning
Susan Kaplan
Terese Kashi
Christine King
Margaret Kossler
Kaleene Lamb
Ric Nelson, Chair
Sean O'Brien
Lelia (Lucy) Odden
Justine Sheehan
Amy Simpson

Council Staff:

Patrick Reinhart, Executive Director
Rich Sanders, Program Coordinator II
Brittney Howell, Research Analyst III
Christie Reinhardt, Program Coordinator I
Kristin Vandagriff, Program Coordinator I
Michelle Jenkins, Administrative Assistant I
Ian Miner, Office Assistant II
Lanny Mommsen, Health Program Manager I
Johanna Richter, Legislative Intern

CART Provided by Lenny DiPaolo, Peninsula Reporting
Minutes Prepared by Paula DiPaolo, Peninsula Reporting

Tuesday, January 20, 2015

CALL TO ORDER/ROLL CALL – 9:00 a.m.

INTRODUCTIONS

Roll call was taken and guests were introduced.

APPROVAL OF THE AGENDA

Lucy Odden MOVED to approve the amended agenda. The motion **PASSED**.

APPROVAL OF THE MINUTES FROM OCTOBER 2014 MEETING

Dean Gates MOVED to approve the October 2014 minutes as presented. The motion **PASSED**.

CONFLICT OF INTEREST DECLARATIONS

No Council members had conflicts of interest to declare.

CHAIR'S REPORT

Chair Nelson introduced members of the Executive Committee and then highlighted the following activities since the October Council meeting:

- Attended the Medicaid Reform Advisory Group and gave Council comment.
- Presented at the Mental Health Trust Authority about the new HCBS regulations.
- Followed the transition plan for the new HCBS settings.

EXECUTIVE DIRECTOR'S REPORT

Patrick Reinhart announced that this is his first full Council meeting as executive director. He encouraged Council members to come to him to discuss any issues and problem solve at any time. He highlighted that the Council was able to bring on Johanna Richter as the legislative intern, and the planner position is in the process of being filled. An announcement on the new planner should be made in the upcoming weeks.

Patrick Reinhart stated that the following reports were completed:

- Research analyst position – Trust
- Microenterprise – Trust
- ASPEN – Trust
- Beneficiary Employment and Engagement – Trust
- Program Performance Report – AIDD.

Meetings **Patrick Reinhart** attended since the October meeting include:

- AIEI semi-annual, two-day meeting.
- Mat-Su Health Foundation open house.
- Inclusive playground meeting.

- Accessible Taxi Coalition meeting.
- ADRC all-day meeting.
- Complex Behavior Solutions Working Group – SDS.
- State Rehabilitation Advisory Group.
- Meeting with Representative Millett on legislative strategy.
- Meeting with DHSS Commissioner Valerie Davidson.
- Staff to Legislative and Executive Committee meetings.
- AADD
- ABIN
- NACDD Leadership meeting/retreat and monthly national policy committee calls.
- SESA
- Trust meetings
- Alaska Mobility Coalition (AMC) board member.
- Medicaid Reform Advisory Group.
- Project SEARCH open houses.
- Joint Trust Advocacy meetings.

Patrick Reinhart detailed the following upcoming activities and priorities:

- Planner hired and trained.
- AMC all-day board retreat January 27, Anchorage.
- Trust meeting, January 28 – 29, Juneau.
- Personal leave February 2 – 10.
- AADD and Key Campaign in Juneau, February 18 – 20.
- ABIN meeting, February 26 – 27.
- Complex Behavior Solutions Work Group
- Project SEARCH site visits with Erin Riehle and Kristin Vandagriff, March 23 – 26.
- Legislative follow-up on all priorities.
- Staff evaluations caught up.

OLD BUSINESS

Review and Approval of Council’s Employment First Policy

Patrick Reinhart led the Council through a review of the Employment First Policy, which he read to the Council as follows:

The Governor’s Council on Disabilities and Special Education (the Council) is committed to enhancing employment outcomes for individuals with disabilities as a priority. In support of this goal, the Council will actively recruit, hire, promote, and retain qualified applicants and current employees who have a disability. The Council will also encourage contractors and suppliers with which it does business to actively recruit, hire, promote, and retain qualified applicants who have disabilities. All things being equal, the Council will prefer doing business with those who recruit, hire, promote, and retain qualified applicants who have disabilities. Periodically we will reach out to our contractors and suppliers to ask, educate, and assist them to identify how they are achieving that goal.

Dean Gates suggested adding some sort of internal scoring weight for potential vendors who respond to an RFP as the Council implements this policy.

NEW BUSINESS

Review and Approve Mid-Year Financial Report

Patrick Reinhart led the Council members through a review of the FY'15 projected budget and year-to-date expenditures.

Amy Simpson MOVED to approve the mid-year budget report.

Discussion ensued.

Christine King commented on the various categories of funding the Council receives and noted that although Council members may have some very innovative ideas for things to implement, consideration should always be given as to whether it fits within the scope of work they are required by their funders to fulfill.

The motion **PASSED**.

Council Mission Statement Clarification

Patrick Reinhart stated that through looking at various Council documents, there have been a variety of iterations of the Council's mission statement used in various places.

Lucy Odden MOVED to use the mission statement: To create change that improves the lives of Alaskans with disabilities.

Amy Simpson wondered if the Executive Committee could review the different iterations of the mission statement and then recommend a version to the full Council for approval. She then **SECONDED** the motion.

Dean Gates MOVED to table the discussion until tomorrow after the Executive Committee meets to discuss the options. **SECONDED** by Alex Gimarc. The motion **PASSED**.

COMMITTEE REPORTS

Developmental Disabilities Committee

Art Delaune gave the report for the Developmental Disabilities Committee as follows:

Activities of Importance Since October:

- Researching the state of telepractice in Alaska, provider training, and issues with billing Medicaid.

- Began work for AHFC steering committee on housing barriers survey for people with disabilities.
- Worked with Medicaid Ad Hoc Committee on public comment to the Governor's Medicaid Reform Advisory Group.
- Included Council's Medicaid reform ideas and recycling program support into introduction letter to Governor Walker.
- Disbursed \$50,000 in Trust funds to promote the use of assistive technology for independent living.
- Participated in conflict-free case management system design stakeholder meetings.

Next Steps:

- Review SDS's regulation package of Medicaid final rule on settings with Medicaid Ad Hoc Committee, and provide comment on regulation package.
- Begin work on housing barriers focus groups and interviews.
- Review and comment on SDS's system change plan for Medicaid final rule on conflict-free case management.
- Attend AADD meeting and Key Campaign, February 18 – 22.

Early Intervention Committee

Christie Reinhart gave the Early Intervention Committee report as follows:

Early Intervention Committee Work Plan 2014 – 2015:

- Research telepractice as a way to increase early intervention services in Alaska.
- Research understanding by parents and providers of parent rights and procedural safeguards under IDEA.
- Increase partnerships, communication, and collaboration between parents, partners, and stakeholders involved in early intervention.
- Research inclusive childcare opportunities statewide.
- Meet federally mandated requirements as Alaska's Interagency Coordinating Council for infants and toddlers with disabilities under Part C of the IDEA.

Activities Since April:

- Surveyed ILP providers on understanding and practice of parent's rights and procedural safeguard notification.
- Reviewed survey and developed recommendations for ILP.
- Discussed expansion of eligibility requirements for Part C to serve more children. Determined that optimizing resources is the goal instead.

Telepractice Work:

- Began an in-depth look at the resources, needs, and barriers to effective telepractice in early intervention. Defined the following goal: To increase the frequency and quality of services provided to families statewide by implementing telepractice through the appropriate use of technology so that children across the state have improved/enhanced access to early intervention.

Education Committee

Taylor Gregg gave the report for the Education Committee as follows:

Education Committee Duties:

- Meet federally mandated requirements as Alaska’s Special Education Advisory Panel (SEAP) under the IDEA.
- Govern the Special Education Service Agency (SESA).
- Made comments on restraint and seclusion, repeal of HSGQE, and new “Guidelines for Assessments for Students with Disabilities.”
- Working with the Council workgroup on FASD to draft change to education regulation to define “physician.”
- Participated in State Systemic Improvement Plan development, which focuses on improving graduation.

Christie Reinhardt added that the Education Committee has been asked by Senator Murkowski to participate in an advisory group for the reworking of the Senate bill for the reauthorization of the Elementary and Secondary Education Act. The Education Committee has already submitted two comments about the bill, and will continue to do so as a part of the advisory committee.

Employment and Transportation Ad Hoc Committee Report

Lucy Odden gave the report for the Employment and Transportation Ad Hoc Committee as follows:

Activities Since October:

- Tier 1 benefits analysis training has begun.
- Financial literacy classes have begun.
- Education/advocacy for the ABLE Act.
- Federal Contractor Diversity Job Fair co-sponsor.
- Recommendation to SDS regarding PCA regulations clarifying employment as allowable.
- Adapting Customized Employment training.

Next Steps:

- Trust Beneficiary Employment and Engagement:
 - Implementation of Employment First Act.
 - Tier 2 benefits analysis training.
 - Working groups beginning.
 - Increase Employment Networks (Ticket to Work).
- Alaska Integrated Employment Initiative (AIEI):
 - Employment services options (matrix).
 - Transition pilots and CRPs in schools.
 - Expand Project SEARCH.
 - Enhance Trust Microenterprise Grant (more DD use).

Continue Best Practices:

- Continue collaboration with other agencies.
- Support Peer Power employment initiative.
- Support four current Project SEARCH sites.
- Support UAA TAPESTRY Program (sustainability).
- Run Trust Microenterprise Grant
- Customized Employment/self-employment training. Also offer asset building and financial literacy training.
- Continue work with the Alaska Mobility Coalition.

Peer Power Update

Lucy Odden gave the Peer Power report as follows:

What's New:

- Membership has grown to 58 people.
- 28 registered supporters.
- Communities represented are: Anchorage, Eagle River, Ketchikan, Fairbanks, Juneau, Wasilla, Palmer, Kenai/Soldotna, Anchor Point, and Homer.
- Alaska's Equal Partners Interstate Congress (EPIC) representatives will be traveling to Seattle this spring for a meet and greet conference to continue working on the grant.

Next Steps:

- Continue to build membership.
- Establish job clubs with Special Olympics.
- Plan for next year's disability awareness conference and job fair specifically for people with disabilities.

Health and Disability Program Committee

Lanny Mommsen gave the report for the Health and Disability Program Committee as follows:

Steering Committee:

- Lanny Mommsen
- Amanda Cooper
- Rain Van Den Berg
- Marcy Rein

Lanny Mommsen also highlighted that the committee has a large list of committee members, partners, and friends.

Activities Since October:

- Strategic plan has been finalized.
- Adaptive physical activity workshops in Fairbanks, Juneau, and Bristol Bay. Also taught

- 50 school teachers and staff members on adaptive physical activity.
- Get Ready! Toolkit sent out to 150 disability and community health agencies statewide.
- First responder tip sheets sent to 250 first responder agencies statewide.
- Continue to work with partner agencies on the Continuity of Operations Plan (COOP).
- Conferences and fairs.
- Presentations and trainings.

Alaska Safety Planning Empowerment Network (ASPEN)

Lanny Mommsen gave the ASPEN report as follows:

Focus Community Committee Includes:

- DD Agency
- Domestic violence/sexual assault shelter
- Independent Living Center
- Tribal organization
- Mental/behavioral health agency.

Activities Since October – FY'15 Community:

- Needs assessment completed through key informant interviews, focus groups, and policy and procedure review.

Upcoming Activities:

- Needs assessment report.
- Strategic plan planning session.

FASD Work Group

Jeanne Gerhardt-Cyrus gave the report for the FASD Work Group as follows:

FASD Informed Care:

- DD eligibility – service home, educational services, birth through life supports, accommodations and services.
- Prevention of secondary disabilities.
- Self-advocacy – SAFA chapter, substance abuse treatment for individuals with FASD.

Accomplishments Since October:

- Review, research, and comment on “other health impairment” physician definition for education regulation change. Recommendations passed on to the Education Committee.
- SESA FASD work group and survey.
- The Arc of Anchorage is sponsoring the first SAFA chapter. First meeting scheduled for February.
- Participating in and supporting the following trainings:
 - FASD Forum and Training.
 - FAScinating Families Camp.

- ASSEC.

Christie Reinhardt and **Brittney Howell** explained the issue regarding the definition of physician in Alaska’s education system. It is currently not in regulation what a physician is for diagnosis purposes, and the education system has defined a physician as an M.D. or a D.O. The new state-run FASD diagnostic clinic makes multi-disciplinary, state-of-the-art diagnoses, but the head of the group is an advanced nurse practitioner, and therefore the schools are not accepting the diagnoses, and the children cannot receive special education services.

The FASD work group and the Education Committee are recommending expanding the definition of physician to include not only M.D.s and D.O.s, but also advanced nurse practitioners and physician’s assistants.

KEY COALITION REPORT

Dave Parish began his report by highlighting the changes in the administration as well as the legislature, and he made an additional note of the declining oil prices and the State of Alaska’s declining revenue as a result of that.

Dave Parish stated that Key Coalition as well as other organizations will be paying a lot of attention to funding for existing programs as well as Medicaid expansion. He suspects that Medicaid expansion will be one of the last issues to wrap up this legislative session.

John Cannon, president of Key Coalition, stated that Key will be February 19th and 20th, and they have the following priorities:

1. The waitlist and continuation of 200 draws per year.
2. Maintain the integrity of the waiver system.
3. Autism.

John Cannon explained that Key Coalition has developed the following position papers this year:

- CMS and the implications of the new rules of service delivery, including conflict-free care coordination.
- Accessible, affordable housing that is provided in a non-discriminatory way.

John Cannon stated that Key Coalition also supports the implementation of the development on a state fiscal plan. Key also supports keeping the Complex Behavior Collaborative in the Governor’s budget.

LEGISLATIVE COMMITTEE REPORT

Dean Gates gave the report for the Legislative Committee as follows:

Important Activities Since October:

- Reviewed priorities voted on in May – information updated.
- Presentation regarding the Denali Deaf Community Center (DDCC) capital project.

- Presentation on Disability ID and training bill concept.
- Staff attended Trust Joint Advocacy meetings.
- Met with Representative Millett and her staff, Grace Abbott, about Council priorities and received feedback.
- Developed position papers two weeks prior to Council meeting.

Known 2015 Legislative Priorities:

1. Disability Training and Identification Bill.
2. Changes to Medicaid and home and community-based services waivers to save the state money.
3. Capital project support – DDCC - \$995,000.

Issues to Follow:

- Operating budget deliberations – especially around all things Medicaid related.
- Autism Task Force recommendations.
- HB 27 and 28 and Senate Bill related to PCA services for people in adult foster care.

Next Steps:

- Follow legislation and state budget deliberations closely.
- Key Campaign planning and participation.
- Collaborate with Alaska Mobility Coalition.
- Collaborate with the Trust and attend and report at weekly legislative session check-ins.
- Keep Council, citizens, and legislators informed and engaged on Council issues.

Medicaid 101

Brittney Howell presented to the Council on Medicaid waiver options. She stated that a waiver allows the state to offer home and community-based services to people who are eligible for Medicaid. It is called the 1915(c) waiver because it's described in section 1915 of the Medicaid Act. The current 1915(c) waiver covers Alaskans with developmental and physical disabilities who need nursing home levels of care. The state also covers most PCA services in the state plan.

The federal government reimburses Alaska's 1915(c) waiver services at 50 percent. If Alaska switches from the 1915(c) waiver to the 1915(k) plan, the federal reimbursement increases by 6 percent, but the 1915(k) plan is only for people who meet institutional levels of care. To cover additional Alaskans who do not yet meet institutional level of care, Alaska would also need to add the 1915(i) plan. 1915(i) allows states to determine who is eligible for services under this plan, such as mental illness, Alzheimer's, TBI, et cetera.

Caroline Hogan clarified that 1915 (c) waivers include both nursing facility level of care and institutional level of care. She explained that institutional level of care is what people with I/DD would receive if they were not able to get services in the community.

ABLE Act Presentation

Kristin Vandagriff began her presentation on the Achieving a Better Life Experience (ABLE)

Act by stating that Representative Dave Camp introduced it on 12/1/14, and it passed the House on 12/3/14 with 404 in favor and 17 opposed. It passed the Senate on 12/16/14 with 76 in favor and 16 opposed, so it had strong bi-partisan support. It was signed by the President on 12/19/14.

The ABLE Act allows for a tax-exempt savings account similar to the 529 college savings account. It recognizes the high cost of living with a disability. This Act will increase financial independence and will increase employment of people with disabilities by allowing people to save above the Medicaid and Social Security resource limits. This tax-exempt account will allow people to pay for disability-related expenses, that may not be covered by Medicare or Medicaid, without losing public benefits.

Kristin Vandagriff then went through 10 Things You Must Know About ABLE Accounts:

1. An ABLE account is a tax-advantaged savings account for individuals with disabilities and their families. The income earned by the accounts is not taxed; and the contributions to the account are not tax deductible.
2. ABLE savings accounts will not affect eligibility for SSI, Medicaid, or other public benefits.
3. The eligibility requirement is that the person experience significant disabilities with an onset prior to age 26.
4. Total annual contributions to the account are \$14,000. SSI/Medicaid recipients are exempt from resource limit up to \$100,000. Exceeding \$100,000 will result in the loss of SSI eligibility/benefits, but Medicaid eligibility continues.
5. Expenses allowed from this account must be qualified disability-related expenses.
6. Regulations are being developed by the Department of the Treasury regarding opening an account, eligibility for an account, and definition of qualified disability expenses. Once regulations have been determined, states will be responsible for establishing and operating an ABLE program.
7. The ABLE Act limits the opportunity to one ABLE account per eligible individual.
8. States will most likely offer options to invest the savings contributed to an ABLE account similar to the 529 college savings plan.
9. It is estimated that 5.8 million individuals nationwide who experience a significant disability and their families will be eligible for an ABLE account. In Alaska, that is approximately 13,700 people and their families.
10. An ABLE account is different from a special needs or pooled trust in that there is more choice and control, and they cost less to establish. A person can also have both an ABLE account and a trust.

Kristin Vandagriff stated that the Governor's Council will be providing input to the National Association of Councils on Developmental Disabilities policy committee, and will also provide a lot of statewide education on this Act.

DISCUSSION OF LEGISLATIVE AGENDA AND POSITION PAPERS

Dean Gates led the Council through a detailed discussion of the Council's three position papers:

- Denali Deaf Community Center's \$995,045 one-time capital request.

- Representative Steve Thompson’s Disability Training and Identification Bill.
- Cost-saving changes to Medicaid and home and community-based services waivers.

Council members and guests discussed the position papers in detail, and personal stories were told regarding issues on this legislative agenda for Council members to share during their legislative visits.

Dean Gates and **Patrick Reinhart** then reviewed the protocol for meeting with legislators, what to do during break times, meeting with **Johanna Richter** after meetings to debrief, and logistical information regarding building locations.

A brief discussion was held among Council members and staff about the schedule of legislative visits. People were asked to state their preferences on visits they would like to attend above and beyond legislators in their districts, and staff planned to compile the information in a schedule to present to the Council during tomorrow’s meeting session.

RECESS

The meeting recessed at 4:56 p.m.

PUBLIC TESTIMONY

Public testimony was heard and a full transcript was prepared.

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CART Provided by Lenny DiPaolo, Peninsula Reporting
Minutes Prepared by Paula DiPaolo, Peninsula Reporting

Wednesday, January 21, 2015

CALL TO ORDER/ROLL CALL – 8:30 a.m.

REVIEW OF LEGISLATIVE APPOINTMENTS

Johanna Richter and **Patrick Reinhart** reviewed with the group the Council members' legislative appointments for the afternoon.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Commissioner Valerie Davidson, from the Department of Health and Social Services, introduced herself to the Council and gave some background information about herself.

Commissioner Davidson explained that the current budget situation is not favorable, but she is encouraged that Governor Walker is clearly committed to Medicaid expansion, because they see Medicaid expansion as a path forward to meaningful Medicaid reform in Alaska. They see Medicaid as an investment in the health of Alaskans and the Alaska economy. They are also looking forward to the opportunity to expand coverage and eliminate some current gaps in service. She highlighted a recent article in the New York Times that showed adults who were enrolled in Medicaid as children were more likely to attend college, live longer, and pay higher taxes than their peers who were not enrolled in Medicaid as children.

Commissioner Davidson stated that caring for Alaskans with Alzheimer's and related dementia is another ongoing challenge in the state, and there is an increase in this population. She stated that unless Alaskans with Alzheimer's have other physical problems, they are not currently eligible for waiver services.

She highlighted that with the new CMS regulations, Alaska is working to adopt changes to the home and community-based waiver services. Commissioner Davidson noted that the state has until March of 2019 to bring the services into compliance with the state transition plan.

Commissioner Davidson stated that she is unfortunately unable to talk about the budget cuts that are coming until the Governor presents the State of the State and the State of the Budget and releases his budget.

Commissioner Davidson stated that in these tight budget times, there are opportunities to leverage resources, even without Medicaid expansion, through the federal government and Indian Health Services. There are also opportunities for innovation that occur elsewhere, such as increasing the use of mid-level dental providers, community health aides, and behavioral health aides. There are also many opportunities for telehealth.

Commissioner Davidson continued to highlight Medicaid expansion by stating that it would extend Medicaid coverage to Alaskans with incomes up to 138 percent of the federal poverty level. For the calendar years 2014, 2015, and 2016, the federal government will match the Medicaid expansion population expenditures at 100 percent. In the years 2017, 2018, and 2019, the federal match transitions between 95 and 93 percent. Starting in the year 2020, the federal

rate is 90 percent, and it remains there after.

Commissioner Davidson stated that Medicaid's existing program in Alaska is not sustainable in this budget environment. She stated that they are working hard to see Medicaid expanded by July 2015, but that's dependent on two system conversions, EIS to AIREs, and the MMIS system, which continues to be a struggle. As far as the current state of the MMIS system and Xerox, the state has sued Xerox for \$46 million in liquidated damages. There is a hearing before an administrative law judge set for February. In the meantime, the state has hired Navigant as an independent contractor to look at the system Xerox built to identify where they are at with the current system and what the current problems are.

Commissioner Davidson asked for the Council's support in advocating for Medicaid expansion. She stated that the best people to advocate for Medicaid expansion are the people of Alaska who are relying on this to be able to improve their health and wellbeing. Legislators need to hear from their constituents that this issue is important to them.

DIVISION OF SENIOR AND DISABILITY SERVICES (SDS)

Duane Mayes introduced the new deputy director of SDS, Deb Etheridge.

Duane Mayes stated that they are building a new automated service plan to replace the existing DS3. Harmony is the company building the new system, which is rolling out in four phases. They have completed phase 1, the centralized intake system, and that was implemented in December 2014, and there were little to no glitches with the system. Phase 2 is the biggest part to the implementation of this system, which is the case management system. Plans of care will be submitted directly from the provider to SDS, and SDS will review and approve the requests. This system will ensure that the plan of care is complete prior to submittal to SDS. The target date to be live with all four phases of the automated service plan is this summer.

Duane Mayes stated that another priority for the Division is going from unit to unit looking at efficiencies, streamlining, and reducing or eliminating steps in the processes. They have completed these streamlining efforts with the PCA services. He also noted that they are carefully examining plans of care that are submitted and only approving what is needed.

In terms of the new rules that have come out from CMS, Duane Mayes stated that CMS was very clear about conflict-free case management. He stated they have met with a core work group of providers and have been working to educate providers. The Alaska Association on Developmental Disabilities approached the Trust to seek funding to hire a contractor in the development of what this new system will look like, and Agnew::Beck is the local contractor hired. The stakeholders had a two-day meeting where they developed short-term and long-term recommendations. They are anticipating receiving a report back from Agnew::Beck in February.

Duane Mayes stated that Commissioner Davidson is very supportive of telehealth. SDS had a lot of success last year using telehealth in rural Alaska, and they have done over 50 reassessments through that model. Telehealth will continue to be a big priority for SDS.

Duane Mayes stated that SDS is going to pilot a project through Tanana Chiefs Conference around the concept of a universal worker and leveraging PCA funds through the use of IHS providers. The universal worker could also include chore and respite services. The Office of Rate Review has been brought in to this project to work with TCC to establish a rate that will sustain that operation. Once they are able to see the success of this pilot, they will roll this program out to other parts of the state.

Duane Mayes stated that acuity is another issue of importance to the Division. Through their efforts, they created service definition work groups. They have worked with the Trust to hire a contractor to work with assisted living homes to develop a tiered approach to acuity. If they are successful in doing that, they will look to other areas such as group homes.

Duane Mayes stated that in terms of budget cuts, he has done everything in his power to avoid touching any increment or any component to the Division that has to do with any federal draw down. He stated that in doing that, he had to concentrate on those components that were purely general funds. When the budget comes out, he will openly walk all the councils and associations through the changes. He stated that once the Governor's budget is released, advocacy will be important if people don't agree with the changes. He stated that he found it difficult having to go into service categories to look at cuts.

But on a more positive note, Duane Mayes stated that Medicaid expansion is moving forward, as are changes to the waivers to incorporate the 1915(k) and (i) plans.

DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT

Commissioner Mike Hanley began his presentation by stating his appreciation for the work the Department has done with the Council. He appreciates the way the Council has stood up and led the way in regards to students with disabilities in special education. He noted that **Christie Reinhardt** has been a tremendous voice and face for this council at each of the State Board meetings and with himself in the office.

Commissioner Hanley stated that the goal in education is not the statistics of success, but the lives they have impacted and empowered no matter what inherent ability a student has. He stated that his vision is to empower kids to go as far as they can, to help gifted children soar, to help average children do their best, and to ensure that children with challenges have every door open to them.

Commissioner Hanley stated that one of the most powerful bills he has had an opportunity to work on as commissioner was HB 210, the restraint and seclusion bill. This bill directly advocates for the needs of the safety of the children and clarifies in writing what should have been in practice anyway, but wasn't always.

Commissioner Hanley stated that the State Board of Education passed the regulations for this bill recently. The Department now will require districts to provide reports by June 30th of each year on the data any time restraint or seclusion was required. The Department will also maintain a list of approved crisis intervention training programs that have met the criteria listed in the bill. The

Alaska Association of School Boards is working to develop policies that fit the needs of school districts so that there is one set of policies for all 53 school districts.

Commissioner Hanley stated that another highlight this last year was the repeal of the High School Graduation Qualifying Examination. He stated that through the repeal of the HSGQE, they realized that students who did not receive a diploma were largely students with disabilities as recognized on their IEP, and that was not okay. He stated that it is important to note that if a student received a certificate of achievement and could have received a diploma, they can go back to that school and request that diploma retroactively, and there is no expiration to a student going back and receiving their diploma.

Commissioner Hanley stated that as the Department moves forward, they are shifting to a new set of standards and expectations for students, and they are shifting to a new method of assessing students through a technology-based system. He stated that the Department will rely heavily on **Christie Reinhardt** to ensure appropriate accommodations for all students.

Commissioner Hanley thanked the Council for the tremendous things they have done for the Department of Education, and he is thankful to have been able to come alongside the Governor's Council and make changes that were necessary. He looks forward to continuing this work.

Commissioner Hanley stated that the Department of Education is not exempt from the 5 to 8 percent cuts to the state departments. He stated that with those cuts, he is worried about the services that they provide and the funding that goes to the students, and they have to make sure that the burden doesn't fall to the most vulnerable students.

ALASKA MENTAL HEALTH TRUST AUTHORITY

Jeff Jessee began his presentation by stating that \$50 per barrel of oil is a huge problem, and he speculates that the state may be looking to get rid of whole programs, because minor budget decrements may not solve the problem. He stated that in Health and Social Services, finding whole programs to cut or make slight reductions to is very difficult, because there are real people and real lives connected to all those expenditures.

On a positive side, Jeff Jessee reiterated Governor Walker's commitment to Medicaid expansion, which will most likely make a large impact on behavioral health. Commissioner Davidson is looking at where that transition to Medicaid may free up general fund grant dollars because people that may have been funded by general fund grant dollars may become Medicaid eligible. The Trust will be following Medicaid expansion very closely.

Jeff Jessee stated that as far as legislative priorities and strategies, they are on the defensive. He noted that for any increments, people will have to prove savings from any investment they request funding for.

Jeff Jessee stated that the Trust is spending a lot of effort on recidivism within the Department of Corrections. The state is on a course to build another prison in about two years. The last prison cost \$250 million to build, and about \$50 million a year to run. He stated that this has got the

legislature's attention, and the possibility exists to get some investment in strategies that are evidence based that will prove they can reduce recidivism enough to stabilize the prison population and eliminate the need for another prison. He stated that there has been a lot of discussion between corrections, the court system, the legal system, Department of Labor, AHFC, DHSS, and the Trust that will continue.

Jeff Jessee stated that the passage of the marijuana initiative has also been a recent priority of the Trust. He stated that he just went to Colorado and sat through several days of lessons learned from them. He stated that people don't realize how dramatically this may change the cultural makeup and feel of Alaska. He stated that in Colorado there is an industry that is just like the alcohol industry that is dedicated to promoting and normalizing the increased use of marijuana. He stated that this is challenging because although marijuana is not as dangerous as alcohol, it is addictive and in high doses can cause psychosis and other mental health issues.

Jeff Jessee stated that the marijuana industry also brings the ability to mass produce products that are problematic such as edibles and concentrates. He also noted that the THC content of today's marijuana is much higher than in the past.

Amanda Lofgren stated that the Trust has compiled a simplified document that outlines Medicaid expansion and simplifies that 1915(i) and (k) plans. She stated that it can be somewhat confusing, but people should think of the 1915(i) as a program that will catch people that are currently falling through the cracks of services. There haven't been any stakeholder meetings or work groups that have specifically started to look at how the 1915(i) plan would work in Alaska, but it has been identified by multiple groups as a long-term strategy, particularly around complex behavior solutions. The plan is to, with the support of the Trust beneficiary boards, hire a consultant to help convene a work group and start exploring what an implementation plan for the 1915(i) would look like.

Amanda Lofgren expanded on Duane Mayes' acuity presentation by stating that the acuity project is also looking at behavioral needs within the SDS system, which is a more holistic approach.

Amanda Lofgren stated that the Beneficiary Employment and Engagement Initiative will include both employment and meaningful activities plus peer-driven supports and services. Last week they had their first work group meeting to look at the population-level indicators and performance measures and strategies they need to have moving forward with this Trust initiative.

Amanda Lofgren stated that she received a call from a parent of a child who has autism who shared frustrations she's experiencing trying to navigate the system. Amanda stated that as she researched this further, she realized that there are a lot of challenges and confusion out there, and as a result, smaller siloed groups are convening. She suggested that the Council reinstate the Autism Ad Hoc Committee to help monitor activities that are going on.

Heidi Haas MOVED to re-establish the Autism Ad Hoc Committee based on the report they were just given by the Trust. **SECONDED** by **Mallory Hamilton**.

Art Delaune asked for more detail about the purpose and the goals of this ad hoc committee before they vote on it.

Patrick Reinhart stated that they have all of this information back at the Council, and if it were the will of the Council, staff can gather that information for the next Council meeting whereby the Council can be fully informed on the intent and purpose of this committee. The other option is to vote today to re-establish the committee, and all the details can be brought before the Executive Committee and the Council.

Christie Reinhardt explained that the Autism Ad Hoc Committee previously developed a five-year plan. It was a group of stakeholders that convened and focused on screening and assessment. All phases of the five-year plan were completed, so the committee no longer had a reason to meet and disbanded. **Christie Reinhardt** stated that since that time, there have been meetings of stakeholders and people who have started different projects and have been working on different grants. To keep those from siloing and not communicating, there has been a discussion that this next phase of autism needs a place to convene. They have also discussed that it was highly successful when it was an ad hoc committee with the Council, and it would be appropriate for it to be reinstated at this time. In addition, there has been an Autism Task Force with the legislature that will have recommendations also on the next phase of autism insurance implementation.

Art Delaune **MOVED TO AMEND THE MOTION** that the Council do it similar to the way they convened the FASD work group, whereby the work group could gather the information and then present to the Council, at which time the Council could decide whether or not to form an official ad hoc committee or not. **SECONDED** by **Alex Gimarc**.

Art Delaune also wanted to point out that when they were trying to convene the FASD ad hoc committee, part of the issue was overstraining staff resources, so they became a work group. **Patrick Reinhart** stated that as long as it remains a once-a-month activity, staff can handle it. If it grows into something bigger, they will need to revisit it and look at what resources are available to support that.

A vote was taken on the amended motion for a work group with 13 in favor and 4 opposed. The motion **PASSED**.

Volunteers for the Autism Work Group include **Heidi Haas, Don Enoch, Anthony Cravalho, Margaret Kossler, Mallory Hamilton, and Jill Burkert**. Chair Nelson appointed **Heidi Haas** to chair the group.

ALASKA ASSOCIATION ON DEVELOPMENTAL DISABILITIES (AADD)

Kim Champney, president of AADD, stated that AADD's strategic plan is focused on partnerships with the Governor's Council, other service providers, and families and people who receive services.

Kim Champney stated that they continue to be concerned about the MMIS and Xerox. Providers

are still struggling to get payment every day. AADD is also concerned about rate setting and trying to figure out how, with one rate, to meet the needs of individuals that have different needs.

Kim Champney stated that her report is going to focus on conflict-free case management. She stated that anyone receiving waiver services in Alaska has a care coordinator, who, according to CMS, can no longer be affiliated with any service provider agency. AADD sees and understands this conflict of interest. Kim noted that when waivers first were implemented in Alaska, because of the landscape and population, to make the waiver system work, the care coordination piece was built around provider agencies with provider agencies taking on the responsibility for that service, training care coordinators, and ensuring compliance. Provider agencies had a vested interest in that because they couldn't get paid unless they had a plan of care that was authorized.

Kim Champney stated that a coalition of associations has come together to work with SDS and the Trust to figure out where to go from here. She stated that they will likely need to go to the legislature for resources to fund this new element of the system.

Kim Champney stated that one of the things being talked about with this new system is the cost to operate these independent care coordination entities. Currently provider agencies subsidize care coordination because the rate for a care coordinator is around \$300 a month. Another topic being addressed is about ensuring quality, because quality varies greatly among the current independent care coordinators. She stated that they are working with Agnew::Beck and information is being gathered, including defining what a care coordinator does. A final report will be out mid February.

Kim Champney added that the state is also looking at creating some sort of care coordination structure that can be added to so that people who require services from different departments can have just one care coordinator instead of three or four.

ALASKA MOBILITY COALITION

David Levy from the Alaska Mobility Coalition (AMC) stated that the AMC is a non-profit membership organization that represents and advocates for public and community transportation statewide. They have over 150 members across the state that provide over 7 million rides for people.

David Levy stated that AMC has two priorities for the session, and the first is to support the state match program that provides resources for transportation providers around the state to expand and provide transportation for all Alaskans. Over the last four years, the state has provided \$5 million in state funds that has been matched with federal dollars for a little over \$20 million.

David Levy stated that they are also working with a number of different organizations around the state to look at the creation of a transportation trust fund for needed improvements for ferries, highways, buses, and airports.

David Levy stated that the CTA project in Fairbanks is looking to expand the transportation options for seniors and people with disabilities in Fairbanks. They are working to hire a VISTA

volunteer to help coordinate those services, and are working with Fairbanks Resource Agency and others to look at a coordinated plan. They will also be running an ad campaign in Fairbanks that talks about the importance of public transportation for seniors in Fairbanks.

ALASKA MENTAL HEALTH BOARD/ADVISORY BOARD ON ALCOHOLISM AND DRUG ABUSE (AMHB/ABADA)

Teri Tibbett, advocacy coordinator for AMHB/ABADA, shared the following board priorities for this legislative session:

- Medicaid expansion and reform.
- Educating legislators about the economic impact that consumers and providers of social services provide to local communities as well as the state and make sure they understand that when they cut services.
- Showing the impacts of trauma and adverse childhood experiences and the resulting costs to the state and local governments as well as to the social fabric.

Teri Tibbett then directed Council members' attention to the brochures she provided about the boards, the FASD Partnership, and the FASD Forum and Training in Juneau February 3, 4, 5, and 6, 2015.

COUNCIL MISSION STATEMENT CLARIFICATION, continued

Chair Nelson stated that the Executive Committee met briefly this morning and decided to recommend the following mission statement:

Creating change that improves the lives of Alaskans with disabilities.

Lucy Odden MOVED to approve the above mentioned mission statement. The motion **PASSED**.

OTHER INFORMATION FOR THE GOOD OF THE ORDER

Patrick Reinhart recognized **Terese Kashi** for her work with the Council. **Terese Kashi's** term will be up this summer, and she will be unable to attend the next Council meeting.

ADJOURN

Dean Gates MOVED to adjourn the meeting. The motion **PASSED** and the meeting adjourned at 11:47 a.m.

MEETINGS WITH LEGISLATORS

Council members spent the afternoon meeting with legislators.

Thursday, January 22, 2015

MEETINGS WITH LEGISLATORS

Council members spent the day meeting with legislators.