

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

**Developmental Disabilities Committee
Meeting Minutes**

LOCATION

**Governor's Council Conference Room
3601 C Street
Anchorage, Alaska
Teleconference**

Meeting Date

**December 2, 2015
1:00 p.m.**

Attendees:

Jeanne Gerhardt-Cyrus - chair
Oscar Cedano
Art Delaune
Alex Gimarc
Mary Elam
Dave Fleurant
Colleen Gabriel
Maureen Harwood
Lizette Stiehr

Guests:

Martin Morris
Frank Box

Staff:

Patrick Reinhart
Rich Sanders
Christie Reinhardt

Prepared by: Paula DiPaolo, Peninsula Reporting

Call to Order – 1:02 p.m.
Roll Call

WELCOME FROM THE CHAIR
INTRODUCTIONS, ANNOUNCEMENTS, AND GOOD NEWS

Jeanne Gerhardt-Cyrus welcomed the committee members to the meeting.

Patrick Reinhart announced a mass shooting taking place at a developmental disability organization in California today. Alaska's DD council's prayers are with them.

APPROVAL OF THE AGENDA

There was not a quorum convened, and the agenda was not approved.

APPROVAL OF THE MINUTES FROM THE PREVIOUS MEETING

There was not a quorum convened, and the previous meeting minutes were tabled.

CORRESPONDENCE

No correspondence was reported.

REPORTS

Chair's Report

Jeanne Gerhart-Cyrus reported that the FASD Workgroup will be meeting this Tuesday. She stated that she submitted a letter to Duane Mayes and Monique Martin regarding the inclusion of FASD in the disability categories listed in the SDS e-alerts. The letter also addressed concerns about FASD being considered as a part of Medicaid reform. She received an e-mail back from Duane, and she will share that with the workgroup.

Jeanne also reported that there are efforts to start an FASD diagnostic team in Nome, and she will receive feedback on a recent meeting later this week.

I/DD Unit

Maureen Harwood reported that Caroline Hogan will be replaced by Caitlin Rogers as the representative on the Council.

Maureen reported the following information on the DD Registry:

- 714 people on the Registry
- The score range is 0 to 121.
- 24 percent of individuals on the Registry have a score of 0.

Maureen Harwood stated that they are in the process of taking public input regarding the draw on the Registry, and they have to have the change approved by CMS in their waiver application.

Maureen reported that SDS is working on many things related to conflict-free case management and the settings rules. The Division has a lot of work to do to get information from all the providers on their self-assessment of their inclusiveness related to the settings rule.

Maureen Harwood addressed the statutory definition of DD eligibility, noting that because it's in statute, it's difficult to change. But she noted that the definition is also based on the Developmental Disabilities Act. SDS uses the standard definition of a person with developmental disabilities, which is less restrictive than the waiver definition of meeting an institutional level of care. She stated that she has some information she can forward to this committee, and she could also address it in more detail on the next agenda.

Martin Morris presented on the STAR Program, which is a grant that was set up to help individuals and families to identify and access DD supports in their communities as well as services and supports through SDS. There are currently 12 STAR coordinator positions throughout the state. They are currently in the final year of that grant cycle, and they are currently writing the RFP for the STAR Program for early spring of 2016.

Martin Morris stated that there has been a lot of discussion about STAR moving to the ADRC program, but that will not be happening because there are only five ADRCs in the state, but they are trying to create conflict-free access points for individuals trying to receive services.

In terms of discretionary funds, the STAR Program was awarded more than anticipated for this fiscal year, so agencies got to determine what they wanted to do with that overage. Some agencies decided to use it for discretionary awards for people who meet DD eligibility for short-term immediate needs. Going forward, they don't know what will happen with future discretionary funds because it's based on the budget.

Martin Morris stated that the role of the STAR coordinator is to help people identify services and supports related to any developmental delay or diagnosis for services, and they also help people access other community supports as well.

AADD

Lizette Stiehr reported that AADD has been actively working with the Governor's Council on employment. At 10:00 on December 10th, AADD will host a hot topics teleconference on Employment First and subminimum wage.

Lizette stated that the next AADD meetings are December 10th and then the day before Key Campaign on February 17th. They plan to have their next face-to-face meeting at the BP Center November 3rd and 4th.

Lizette Stiehr reported that AADD has started a new support group that teleconferences once a month on compliance site visits that have started now around the 2013 SDS regulations.

Lizette stated that conflict-free case management continues to move forward as a huge issue as increasingly care coordinators are now independent. They are moving out of agencies, and agencies are really paring down their care coordination staff in trying to figure out how to make the system work well. AADD is awaiting SDS's release of the conditions of participation that will spell out what the care coordinators are responsible for, which will also help agencies figure out what they are responsible for.

AADD is also very interested in the 1915 (i) and (k) that SDS has been educating the state about.

Housing

Oscar Cedano reported that the Greater Opportunities for Affordable Living (GOAL) Program is a program sponsored by AHFC, and it is a federal tax credit and zero interest federal loans for developers. The awards for this round was done, but the process is under protest. Once the protest is settled, they will be able to announce the recipients.

Oscar Cedano stated that he has been trying to get updates on the 811 program. They are in a holding pattern because they are waiting for a cooperative agreement from HUD. The 811 program is a collaboration of efforts between HUD and the Department of Health. AHFC will provide the housing portion, and the Department of Health will coordinate services. The first targeted population for this program is people living in assisted living settings so they can live independently. They are estimating approximately 200 clients between the ages of 18 and 61. People can contact Kelda Barstad or Susan Musante for additional information.

Oscar Cedano further reported that one of their agencies, Alaskan AIDS Assistance Association (4AS), is the only agency in Anchorage that works with this population. They applied for a continuum of care grant about three months ago, and they didn't receive it, so AHFC is in the process of trying to get some ideas from HUD. The priority for 4AS is chronic homelessness, but that's not the core of their work, so that means that they were not funded for the continuum of care grant, and AHFC cannot match that grant. He noted that it is not good news for Anchorage to have this agency defunded. Frank Box added that the 4AS were instrumental in setting up Project Homeless Connect.

Alaska Mental Health Trust Authority

No one was available to provide a report from the Trust.

Council and Executive Committee Update

Christie Reinhardt gave the committee a brief update on special education regulations "other health impairment" category to include a diagnosis of FASD completed by an advanced nurse practitioner. She stated that the current regulations call for a diagnosis of other health impairment to be

signed by a physician, but the state of Alaska currently has a gold-standard diagnostic clinic that is headed up by an advanced nurse practitioner, and the schools will not accept that diagnosis to receive special education services. The state of Alaska does not have a definition of physician for education purposes, with the exception of who can sign vaccination forms.

Christie stated that the Council developed some recommendations for the Department of Education and Early Development. The Department took those recommendations and crafted a draft regulation that the Council saw at the State Board of Education meeting in September. The draft regulations mentioned FASD under other health impairment, but it said that it could be diagnosed by an advanced nurse practitioner licensed in either psychiatry or family practice. The problem with that is that they have people working on diagnostic teams who are advanced nurse practitioners who are qualified to make this diagnosis, but they are licensed under pediatrics.

Christie Reinhardt stated that Patrick Reinhart met with the chief medical officer Dr. Jay Butler about this issue, and Dr. Butler put forth some language that said it should say licensed physicians or licensed advanced nurse practitioners. Christie noted that the draft regulations have already been changed based on Dr. Butler's and other advocates' comments, and it will be voted on at the upcoming State Board of Education meeting.

Rich Sanders reported that the Executive Committee will be meeting on December 15th and will be working on materials for the legislative session. The top priorities of the Council include:

- The ABLE Act.
- Removal of the word "gifted" from the Council's enabling statute.
- Disability training and education bill.
- Reductions in the DD Registry draw.
- Repeal of AS 23.10.070 that allows for subminimum wages.
- HB 99, voluntary termination of life.
- Residential psychiatric education funding.

Rich Sanders stated that Ric Nelson is the lead on developing the initial drafts of the position papers.

Art Delaune stated that he hopes that the Council follows the bill that's currently in the legislature dealing with a civics exam requirement for graduation. He feels that this concept harkens back to the HSGQE.

Rich Sanders stated that some of the Council's community forums were poorly attended, so they have been reaching out more aggressively to communities and groups for the upcoming meetings. He also asked committee members to attend a community forum that is held in their area.

Peer Power and Key Campaign

Rich Sanders reported that Ric Nelson has stepped down as president of Peer Power in light of the fact that he is now Council staff. Chad Niewendorp has taken over as the new president. They will be holding a board meeting on December 8, and there will be a general membership meeting on December 12th at the BP Energy Center.

Lizette Stiehr commented that she believes the platform for Key will be finalized on Monday, December 7th.

Medicaid Update

Art Delaune stated that during the Legislative Committee meeting, he was asked to find out some things about Medicaid eligibility. What he was able to discover is that Medicaid eligibility is a federal mandate.

Art stated that another question he was asked to research was whether or not they could look to creating a waiver for FASD before 1915(i) and (k) come into play, and the answer he received was probably not, but it could be looked into.

Art Delaune added that the Development and Implementation Council will be meeting this Friday to talk more about the new state plan options.

Lizette Stiehr stated that an issue AADD is concentrating on is the backlog of Medicaid eligibility determinations and the excessive amount of time it takes individuals and families to apply and reapply for services. This is a significant problem, and she's hoping that the Governor's Council can take a position on it. Art Delaune agreed, and he feels the Council should

discuss this issue further. Frank Box suggested a portal where Medicaid recipients' information is housed and easily accessible to update yearly.

Jeanne Gerhardt-Cyrus put this issue on new business for next month's meeting.

ASPEN/Health Update

Lanny Mommsen was unavailable to provide a report for this meeting.

OLD BUSINESS

Review of DD Committee Objectives and Work Plan for 2017 - 2021

Rich Sanders reviewed the goal and objectives for the DD Committee in terms of the Council's Five-Year State Plan. Committee members provided the following feedback related to the objectives:

- Objective 1 – Just say “lifelong services” and delete “birth-to-death.”
- Objective 1a and 1b – Replace “ensuring” with “advocating.”
- Objective 1c – Add iii, Service renewals.
- Objective 2ai – A suggestion to change the wording to “Advocate for use of alternative functionality assessment tools/technologies.
- Objective 2di – A suggestion to change the wording to “Assisting the Telepractice Ad Hoc Committee in establishing best practices for delivering services and assessments remotely.”
- Objective 2ei – Firewall needs to be addressed in this objective.
- Objective 3 – Reword to make it more dynamic. FASD Workgroup to provide input.

NEW BUSINESS

Review of I/DD Eligibility, Waiver Eligibility, TEFRA, and STAR

Discussion of these topics was previously addressed above.

Design and Implementation of the Durable Medical Equipment Reuse and Recycling Program(s)

Frank Box from Access Alaska stated that they have been running a durable medical equipment reuse and recycling program since 2005. He stated that they have a large machine that scrubs and sanitizes the equipment, and one of the problems they have is storage, organization, and tracking. He stated that they need a simple scanning and inventory system that could tie into a database.

Frank stated that for the month of October, they put out 195 pieces of equipment, and 195 people were served. He stated that ATLA helped them do a cost benefit two years ago that showed that somewhere between \$400,000 and \$600,000 was saved to insurance providers because of this program.

Frank Box stated that they need improvements to their facility to make it more streamlined. He stated that they could also have a recycling dumpster for the aluminum that another non-profit could take advantage of.

Patrick Reinhart stated that the concept for the legislation was for Medicaid to be able to say recycled durable medical equipment is allowable. There are other states that have expanded this same concept and have been very successful. The legislation in Alaska has passed, but nothing has happened thus far. Patrick stated that the Council needs to get involved in this issue again to help the state design a program.

Objectives Workgroup Discussion

This issue was not addressed due to lack of time.

UPCOMING MEETINGS/CONFERENCES

- December 8, FASD Workgroup Meeting, Britteny
- December 8, Peer Power Board Meeting, Rich, Ric
- December 9, Council Anchorage Community Forum, Hope, 5:30 – 7:00 pm
Britteny, Kristin
- December 9, Alaska FASD Partnership Meeting
- December 10, AADD Meeting, Patrick, Rich
- December 10, AIEI Grant Management Team Meeting, Kristin
- December 10 - 11, State Board of Education Meeting
- December 12, Peer Power Full Membership Meeting, Rich, Ric

- December 15, AMHTA Planning Committee Meeting, Patrick,
- December 14, Anchorage Council on Housing and Homelessness Meeting, 2:00 – 3:30 pm, Britteny
- December 15, Council Kodiak Community Forum, Hope (Kodiak) 5:30 – 7:00 pm
- December 15, Education Committee, 1:30 – 3:00 pm
- December 22, ASPEN Meeting, 1:00 – 3:00 pm
- December 25, Christmas Day, office closed
- December 29, AIEI Policy / Regulations Meeting, 1:00 – 2:00 pm
- January 1, New Year's Day, office closed

TIME AND DATE OF NEXT MEETING

The next DD Committee meeting will be January 6, 2016 from 1:00 – 3:00.

GOOD OF THE ORDER AND ADJOURNMENT

The meeting adjourned at 3:06 p.m.