

*Developmental Disabilities Advisory Committee*

*Meeting Minutes*

September 6, 2018

**I. Call to order**

Joseph Valenti called to order the regular meetings of the DD Advisory Committee at 10:08 am on September 6, 2018 at the Nebraska State Office Building, Lower Level A, 301 Centennial Mall South, Lincoln, NE.

**II. Roll call**

The following persons were present:

**Advisory Members Present:** Joeseeph Valenti, Margaret Huss, Wayne Stuberg, Diane Focht, Lisa Pruitt, Linda Jespersen, MaryAnn Schiefen, Sue Coles, Kristen Larsen, Dianne DeLair, William Ehegartner

**Advisory Members Absent:** Joyce Werner, Edison McDonald, Butch Crookedfoot, Debbie Salomon, Michael Tufte, Cathy Martinez, Lorrie Bryant, Norma Mercer

**DHHS Staff:** Courtney Miller, Tyla Watson

**Public:** Tiffany Gleason

**III. Review/Approval of Order of Business**

Order of business approved as presented.

**IV. Approval of minutes from July Meeting**

- Draft Minutes Corrections: Wayne Stuberg was missing from the members present. Kristen Larsen's last name misspelled.
- The minutes were approved as amended.

**V. DHHS Division of Developmental Disabilities – Updates/Review of Action Items**

a) Developmental Disabilities Court-Ordered Custody Act

- No new individuals on the DD Court-Ordered Custody Act
- Division is currently working on the annual update. Will provide a copy to the committee as soon as it is complete.

b) Systems Update

- Waiver amendments were sent for tribal notice 07/30/2018; paused for public comment period for TA with CMS on shared living service definition for relief staff. Are on pause until CMS comes back with their guidance. Do not know what the implantation date.
- Electronic Visit Verification – to be implemented January 1, 2020. Still in the planning phase with Medicaid and Long-Term Care. Group homes are excluded from EVV.
- State Wide Tour – September 12-27

c) Rate Rebase and Objective Assessment Redesign Project Update

- Phase I - Rate Rebase:

- Rate budget neutral. Fully funded rate model with require an additional 6.6% appropriations (\$9.9 million general funds)
    - Anticipated implementation date for service definitions and rates unknown – but February 2019 earliest.
  - Phase II - Objective Assessment Redesign Project Update
    - First Advisory Group meetings were held July 10-11, 2018
    - Currently updating the ICAP manual.
    - Next meetings to be held in January.
- d) Disability Services Stakeholder Olmstead Planning Advisory Committee (LB1033) Update
- Technical Assistance Collaborative (TAC) awarded the contract to help with the Olmstead Plan.
  - TAC First onsite Meeting was held August 16.
  - Next Meeting scheduled for September 27.
  - TAC anticipated to conduct up to five two-day onsite trips between August and November.
  - TAC scheduled interviews/listening sessions for 3 days in September.
- e) Guardians as Paid Caregivers
- CMS required safeguards that participant health & welfare, choice and control be preserved when family or guardians providing care. The decision to pay relatives comes with the same responsibility to assure individual choice and control as well as the quality and outcomes of the supports provided as with any providers.
  - In 2009, 21 states reported paying guardians but differed greatly in their requirements and limitations:
    - Consumer directed programs (waivers) only;
      - Must be employee of Fiscal Agent - Agency with Choice or certified provider agency.
    - Independent broker to monitor services separate from case management;
    - Allow only when the family member or guardian does not reside in the home of the individual;
    - 3<sup>rd</sup> party “authorized representative” to monitor decisions and services;
    - Cap payment – particularly those that live with the individual – to 40 hours per week. One critical reason that states cap the hours is to compete with wage and hour regulations regarding overtime. Some states use the logic that the family member is paid for a “typical” work week, but continues to provide unpaid care other times during the week. In a sense, the payment for care allows the continuation of unpaid supports.
    - Assessment tool to address
      - Protections against exploitation.
      - Assurances that the situation is in the best interest of the person and that individuals continue to have choice and control over their own lives.
      - Access to opportunities of community inclusion that enable the person to learn and to adapt to different people and also to form new relationships.

- Assurance payment for family or guardian doesn't create a system of the recipient being the only source of income for the family, thereby limiting their ability to ever leave the home.
- Assurance family member or guardian understands not in a "caretaking" role, but rather in a supportive role that is intended to encourage autonomy and skills-building for independence in community living.
- Establish conditions when the state should say 'no' to paying a family member or guardian.
- Discussion followed.

## VI. Unfinished Business and General Orders

### a) Corrections Meeting

- Juvenile justice System – Recommendations
- Classroom to Courtroom Pathway handout shared with the committee by Kristen Larsen
- Motion by Wayne second MaryAnn to edit to the letter to update the letter and send out to invite Director Frakes to the November meeting. Joseph to send the letter out. Motion approved.
- Medicaid HCBS: Characteristics and Spending of High-Cost Users Handout shared with Committee

### b) Vocational Rehabilitation (VR)

- Division Update on Collaboration between VR & DD on education of people (Focus on those in Education)
  - Division of Developmental Disabilities partnered with the Department of Education and Nebraska VR to put together an information brochure on the transition period and what each agency does for students. It is available on our website ([http://dhhs.ne.gov/developmental\\_disabilities/Documents/DD-PUB-7.pdf](http://dhhs.ne.gov/developmental_disabilities/Documents/DD-PUB-7.pdf)) and Nebraska VR's website. The Department of Education provided to schools.
  - We do presentations in schools and at ESUs regarding eligibility. We also attend transition fairs, where we typically provide information at tables. Presentations are both to teachers/educators and parents/students. The following handouts are given:
    - Eligibility brochure
    - Who to contact
    - How to apply
    - Transition brochure
    - Ready Set Go
    - 4<sup>th</sup> Priority funding brochure (Graduates Funding)
    - Service Quick Guide
    - What I need to know about Medicaid
  - During the 2017-2018 school year, we presented to 8 schools and 11 ESUs, with approximately 630 total people in attendance.

### c) Mental Health and Developmental Disability

- Committee to receive an update during the February 2019 meeting regarding the providers crisis funding.
- d) Service Providers
  - Discussion question: Should there be a base curriculum for providers? Joe Valenti will report back to the committee on the conversation he is scheduled to have with Kate Bolz regarding this issue later this month.
- e) Waiting List vs. Registry
  - For a person to be on a waitlist they have to meet all criteria and would be able to accept the funding offer when offered.
  - 1690 on the waiting list & 1000 on the registry
    - 883 – Not active Medicaid
    - 54 – Future date of need
    - 18 – Unable to locate
    - 3 – Incarcerated
    - 1 – At the Lincoln regional Center

**VII. New Business**

- a) Provider Assessments
- b) Assistive Technology
- c) Other

**VIII. Adjournment**

Meeting adjourned at 1:58PM by Joseph Valenti.

Next meeting to be held:

Thursday, November 1, 2018

10:00-2:00 PM

Nebraska State Office Building - Lower Level A

301 Centennial Mall South, Lincoln