

# ***Developmental Disabilities Advisory Committee***

## ***Meeting Minutes***

Hybrid Meeting – In Person and via Zoom

*February 9, 2023*

### **I. Call to order**

Lorie Regier called to order the regular meetings of the DD Advisory Committee at 10:09 am on Thursday, January 12, 2023.

### **II. Roll call**

The following persons were present:

#### **Advisory Members Present:**

*In Person* - Lorie Regier, Linda Clemens, Lisa Pruitt, Diane Focht, Kristen Larsen, Angela Willey, Jennifer Hansen, Dorothy Ackland

*Via Zoom* – Debbie Salomon, Dianne DeLair, Cristal Petersen, Jenn Miller, Christina Zeleski, Kizzie Vaughn

**Advisory Members Absent:** Michelle Summers, Peg Huss, Stacy Bliss, Mark Shriver, Suzanne Wahlgren

**DHHS Staff:** *In Person* - Tyla Watson & Kristen Smith; *Via Zoom* – Jenn Clark & Tony Green (Morning only)

#### **Other Attendees:**

*In-Person* - Joe Valenti & Edison McDonald; *Via Zoom* - Jennifer Quigley – Liberty, Rachel Gardner, Sarah Swanson, Afternoon – Ryan Oden

### **III. Approval of Agenda**

- Dorothy Ackland moved to approve agenda presented, 2<sup>nd</sup> by Debbie Salomon. Motion. carried.

### **IV. Approval of Minutes from January 12, 2023 meeting**

- Jennifer Hansen moved to approve the minutes as presented, motion 2<sup>nd</sup> by Diane Focht. Motion carried.

### **V. Family Support Program - Kristen Smith**

- HANDOUT: Family Support Program PowerPoint
  - Reviewed current Draft Service Definitions – Committee provided feedback on definitions. (Attached)
  - **Follow up:** System Evaluation - Myers and Stauffer's to present communication plan to the Committee at on March 9, 2023.
  - Discussion followed.

### **VI. Quality Update – Presented by Jennifer Quigley, Liberty:**

- Mortality Review Report for October–December 2022 Overview
  - **Follow up:** Copy of Report to be emailed to the committee members once the report is finalized and approved.

## **VII. DD Updates**

- **Registry :**
  - HANDOUT: Registry statistics February 1, 2023;
  - Currently 2343 people on the registry;
  - Discussion followed.
- **DD Court-Ordered Custody Act – Jenn Clark:**
  - HANDOUT: DD Court-Ordered Custody Act (COCA) Statistics;
  - Currently have 46 active Court-Ordered Custody Act cases;
  - Response to request for information from January 9, 2023, meeting – additional information about services received prior to being placed on the Court-Ordered Custody added to handout.
  - Discussion followed.
- **Shared Living Provider (SLP) Workgroup – Jenn Clark:**
  - DHHS presented information at a NASP meeting in January - Currently accepting feedback from the NASP Providers.
  - Next step is to send information to all providers workgroup and the committee before final decisions are made.
  - Discussion followed.

## **VIII. Public Comments:**

- Joe Valenti – Thanked the committee for allowing people to speak during the meeting today.
- Edison McDonald – Still dealing with the staffing crisis. Thinks there are some challenges he wanted to make sure the committee is aware of:
  - Making sure we have adequate rates. Feels that the Governor’s rates are lower than expected.
  - Pathways for paid family caregivers continues to be an issue.
  - Heard recently and has concerns that the department is requiring providers to increase their standards around background checks.
  - Now that minimum wage is tied to inflation, one thing they have discussed is that provider rates are also tied to 150% of minimum wage. Ensure that we have the longer term vision. Feels this committee is perfectly placed to review this information.
- Sarah Swanson appreciates the department is moving forward with use of a Fiscal Intermediary. Would like to make sure we aren’t duplicating processes or services already in place. Specifically referencing the Nebraska Research and Referral System which tracks and updates nightly. Ask that this process for independent providers be similar.
- Ryan Oden – Would like his SLP continue to be his day provider. Ryan sent in a letter for Justice Brown to Jennifer Clark. Ryan shared, “I really appreciate him. When I get emotional and sad, he is there for me, and I like that. I told him whatever I can do to help I would do it. All my staff at Abled are amazing. I have a one person especially that I would like to bring up, Pierre Allen, he does all the day service providers and does everything, when you want to move in with someone (individuals like me). He coordinates to make sure it’s a good fit. He does a wonderful job. He does an amazing job with all his clients that he works with and all of his staff that he works with. If it wasn’t for him, I

wouldn't be here. Abled business wouldn't be here, and individuals wouldn't be here without people like him. People have problems and need help; he has a heart and I like that. Acor (spelling?) Lee is a great lady; she does the events for Abled. Makes sure that everyone gets out, goes places. If it wasn't for her, I can tell you again, I wouldn't be here. We all wouldn't be able to do things we do."

- Kizzie Vaughn – Re: SLP also being day provider. From personal experience worked for agency, found it harder to work with the individual all day for both services. Useful to be there to help and assist, but an overload to be with the same person for both services. Personal experience
- Jennifer Hansen: Believes that when the children's waiver moved to the comprehensive waiver that a lot of the services specific to children were lost. Would consider this a huge miss for families. We need those services back.

#### **IX. Legislative Session – Kristen Smith:**

- Legislative Bill 265 – Require protective vests and safety training for correctional officers and allow DHHS employees to use justified force in defense of self or others.
  - Hearing held 01/27/2023
- Legislative Bill 278 – Provide duties for the Nebraska Investment Finance Authority and the Department of Economic Development relating to housing for persons with disabilities.
  - Hearing held 01/30/2023
- Legislative Bill 500 - Change provisions relating to the family support program for persons with developmental disabilities and their families
  - Hearing Scheduled 02/15/2023 HHS
- Legislative Bill 526 - State intent to appropriate funds to the Department of Health and Human Services for Developmental Disability Aid
  - Hearing Scheduled 03/22/2023 – Appropriations
- Legislative Bill 601- State intent regarding increases to reimbursement rates paid to providers of developmental disability services
  - Hearing Scheduled 03/22/2023 – Appropriations
- Legislative Bill 748 - Adopt the Persons with Intellectual and Developmental Disabilities Assistance Act
- **Follow up:** Is the budget lower than last year? Kristen Smith checking and will report back to the committee
- Discussion Followed

#### **X. Old Business:**

- Continue Discussion re: Committee Goals – Topics.
  - Requiring a Diagnosis before 22 when it's a lifelong condition.
  - Communication with the Governor.
  - Would like to see more staff training for people with Autism. Autism is not understood by agency and would like to see training how to help communicate.
  - Onboard training.
  - Guardians should be more involved. There is whole lot more going on than people realize.

- Better Communication overall - A lot of the time information shared with front line staff at providers is filtered through the provider. You don't know what you don't know. People are conditioned and they are dismissed so they defer back to the people that they see as the "professionals"
- **Follow up:** Suggest possible have Alana Shriver with NASP, Nebraska Association of Service Providers attend a meeting to discuss the providers.

## **XI. New Business:**

- Other: Family Support Program Feedback
    - Kristen Larsen made a motion requesting Lorie Regier appoint a subcommittee to gather feedback on the Family Support Program, to be presented to the committee at the March 9, 2023, meeting, as a letter to be sent to the Governor as formal feedback. Motion seconded by Cris Petersen. Motion Carried.
    - Members Appointed to the Subcommittee: Dorothy Ackland, Kristen Larsen, and Jennifer Hansen, and Linda Clemens.
- Follow up:** Subcommittee to present letter at the March 9, 2023, meeting.

## **XII. Adjournment**

- Angie Willey made a motion to adjourn the meeting, Linda Clemens 2nd. Motion Carried. Lorie Regier adjourned the meeting at 2:00 PM.

March 9, 2023  
 Conference Room P  
 5220 South 16<sup>th</sup> St  
 Lincoln, NE

## Feedback from DD Advisory Committee

Family Support Program Update

February 9, 2023

### Draft Service Definitions:

- All definitions presented are in draft.
- Final definitions must be approved by the federal Centers for Medicare and Medicaid (CMS).
- Waiver services are based on a need due to the disability and to avoid institutionalization.

### Existing Services:

- Assistive Technology -
  - Could the word “safety” be added to the definition? To go with “increase, maintain, or improve independence”?
  - Could home security systems be included here?
- Child Day Habilitation –
  - Is there a way for the child care to be more like regular child care like the A&D waiver vs habilitative?
  - If this is capped at 12, what is the plan for those over 12?
  - Why can't they provide the services in a place other than at a community provider setting?
  - Childcare in general is hard to find over the summer. Hoping this waiver will help encourage
- Community Integration
  - Any concerns about having mixed aged group of people, children & adults together? Is there a way to address this in regulations with or is this best practice
  - Discussion followed.
- Day Supports
  - Can schools provide these services or contract with providers to provide these services?
  - I think they should have supported employment for teenager. Example given 16 year old wanting to work. Is there a going to be line out there for competitive employment. Tennessee has a similar waiver and their largest service is for competitive employment. Recommend we look at this.
- Environmental Modification Assessment - No comments.
- Home Modifications
  - Depending on the modification can be considered a restriction, have to have a plan
  - How do you determine the 5-year period. Once used you start the 5-year period.
- Homemaker – No Comments
- Independent Living
  - This service is focused on those over 19. The waiver purpose is supposed to be for family/children.
- Personal Emergency Response
  - Would this include the project life saver bracelets? Since it is limited to specific areas. Has received feedback this is a rights restriction and not allowed? Can this be reviewed? Adult waiver vs Children's waiver?
  - Why only agency providers only?

## **Feedback from DD Advisory Committee**

Family Support Program Update

February 9, 2023

- Respite
  - Question about if the camp fee could be paid. This service does not cover the cost of the camp but would cover the cost of the extra staff that is needed to support the person attending camp.
  - Believe that AD waiver pays for camp fees. What service is that under?
  - Parent cannot be working while the service is being utilized.
- Supported Family Living – No comments.
- Transportation
  - There are so many hurdles to use transportation, families need flexible options.
  - Is there a way for family to be paid? Or a babysitter?
- Vehicle Modifications – No Feedback

### **New Definitions:**

- Family Care Giver Training – New Services
  - If there is a change regarding Legally Responsible Individuals would there be an impact? Possibly
  - Why is this one capped at \$500?
  - How are you going to decide if something is needed?
- Family and Peer Mentoring – New Services
  - Can we clarify agency provider – example included PTI/ MMI.
- Participant Directed Goods
  - Do you have example of what this includes? Will get a list of examples.
  - Would like to see more flexibility with this – example given YMCA memberships?