**Olmstead Consumer Taskforce Board of Directors Meeting**

**March 8, 2013**

**Pleasant Hill Public Library, Pleasant Hill**

**Minutes**

Handouts

Agenda

Minutes of the Previous Meeting – January 11, 2012

Executive Committee Minutes – March 1, 2013

Draft Taskforce Position Statement on Medicaid Expansion

Taskforce Vice Chair’s Statement on Medicaid Expansion – February 21, 2013

Taskforce Letter to Legislature Promoting Sufficient Funding for Transition Fund –

January 11, 2013

Taskforce Letter to Legislature Promoting Funding for IFA HCBS Waiver Rent Subsidy

Program – March 22, 2013

Draft Taskforce Letter to Senator Hatch Regarding SF 232 – Direct Care Worker

Credentialing

Draft Letter to Senator Grassley regarding his vote opposing the UN Convention on the

Rights of Persons with Disabilities

Nominations Committee Minutes – January 31, 2013

Housing & Transportation Committee Minutes – February 28, 2013

Proposed Bylaws Revision regarding Standing Committees

**Taskforce Members Present:** Paula Connolly;Randy Davis; Dawn Francis; Linda Moore; Jennie Salvato; Rik Shannon; Doug Sample; Janie Woodhouse

**Members Present by Phone:** Carrie England; Alice Holdiman; Linda Moore; Connie Smith; Bruce Teague; Casey Westhoff

**State Agency Representatives Present:** Theresa Armstrong andBecky Flores (DHS – MHDS); Diane Blackburn (Veterans Home); Deb Johnson and Andria Seip (DHS – Iowa Medicaid Enterprise); Mazie Johnson (Department on Aging); Terri Rosonke (Iowa Finance Authority); Ann Turcotte (Department of Transportation) **By phone:**  Patrick Clancy (Board of Regents)

**Staff:** Terry Cunningham; Liz O’Hara

**Guests:**  Bob Bacon

1. **Welcome and Introductions**

In the absence of the Chair, Vice Chair Dawn Francis opened the meeting at 10:10. Those present introduced themselves. A quorum was declared after the meeting started, prior to the conduct of any business. Janie Woodhouse and Randy Davis noted this was their last Taskforce meeting.

1. **Approval of the Agenda**

Dawn asked that a new item IV.H. be added to the Executive Committee Report, to allow discussion of cuts to Taskforce member Randy Davis’ waiver services, and a new item IV.I. be added to provide an update on the gas pump accessibility legislation. Doug Sample asked for an opportunity to make some final comments to the Taskforce. Moved by Janie Woodhouse and supported by Linda Moore to approve the amended agenda. Motion carried.

1. **Approval of the Minutes of the Previous Meeting – January 11. 2013**

Janie noted that the January minutes show her as present at the meeting but she attended by phone. Paula Connolly moved that the minutes of the previous meeting on January 11, 2013 be approved. Janie supported the motion. Motion carried.

1. **Executive Committee Report**
2. Update on Medicaid expansion. Dawn noted that today is a “funnel day” for the Legislature, at which point all bills must have made it out of a committee. She also noted that Teresa Bomhoff had sent advocates some talking points to use in promoting Medicaid expansion. The Governor has proposed a substitute for Medicaid expansion, which he calls his Healthy Iowans Plan. It would cover fewer uninsured Iowans (those up to 100% of federal poverty level, as opposed to 138% under expanded Medicaid. It also offers more limited coverage. The Governor opposes Medicaid expansion because he fears the federal government will not live up to its obligation to fund the expanded program to the 100% level in the first three years, gradually declining to 90% in 2020. The federal Centers for Medicare and Medicaid Services (CMS) has assured states that they may drop expanded Medicaid should they choose, and the Senate proposes a compromise to take advantage of this pledge. Dawn asks that Taskforce members respond to any calls for action on this issue by contacting legislators.

Becky Flores stated that she has shared the Taskforce position statement with the DHS management team. Dawn said she has been trying to coordinate with the Iowa Human Needs Advocates on issue advocacy. It is not known what will happen with the issue, or what coverage expanded Medicaid will offer, such as mental health services or prescription drugs.

Deb Johnson noted that IME is taking steps to improve service delivery through such strategies as adoption of Integrated Health Homes. She expressed the hope that health homes will improve coordination of medical and home care.

Doug Sample stated that his continuing eligibility determination for the Physical Disability Waiver initially resulted in rejection. When he was interviewed he was experiencing fatigue and was not communicating well. He said that no one informed him what information was lacking in order to establish eligibility. Senator Harkin’s office has been getting many complaints about this issue from waiver participants. Deb Johnson responded that IME processes thousands of requests each year for waiver services, and only 40 – 50% meet program criteria. There’s the issue of program integrity, which obliges IME to observe legal and administrative requirements.

Paula Connolly said that her son is covered both by Medicaid and by private insurance, but that private insurance is covering less and less each year. This drives the cost of Medicaid up. Use of a new tool by counties to determine level of care needs has resulted in the loss of home health aide services.

1. Action Item: Request for Endorsement of OCTF Position Statement on Medicaid Expansion. Dawn presented the position statement developed by the Executive Committee since the last Taskforce meeting. It was endorsed by forty organizations. Moved by Jennie Salvato and supported by Alice Holdiman to endorse the Taskforce position statement on Medicaid expansion. Motion carried.
2. Action Item: Request for Endorsement of Vice Chair’s Testimony Regarding Medicaid Expansion (2/21/13). Dawn stated that a public meeting had been called by the Legislature and advocates were invited to provide testimony on Medicaid expansion. Dawn developed and delivered a set of remarks now presented for endorsement by the Taskforce. Moved by Jennie Salvato and supported by Janie Woodhouse to endorse the Vice Chair’s Testimony on Medicaid Expansion presented on February 21, 2013.
3. Action Item: Request for Endorsement of Letter to the Legislature

Promoting Sufficient Appropriations for the Transition Fund (1/11/13). The Executive Committee had been authorized at the previous Taskforce meeting to communicate with legislators about the need for adequate appropriations to the redesign Transition Fund, which is intended to help maintain county services through the transition from the old system to the new. Many counties are contending with a large amount of debt, or have paid their debts and now have insufficient funds to maintain services. Another concern is the anticipated lack of a fund balance for many counties that would support services until property tax revenues become available in October. A bill is pending that would provide $11.9 million to the Fund. Becky Flores noted that Theresa Armstrong will provide further information on the issue during her update on redesign. Moved by Jennie Salvato and supported by Janie Woodhouse to endorse the Taskforce letter to the Legislature promoting sufficient appropriations for the Transition Fund. Motion carried.

1. Action Item: Request for Endorsement of Letter to Legislature Supporting Increased Funding for IFA HCBS Waiver Rent Subsidy. Bruce Teague, Chair of the Housing and Transportation Committee, was asked to provide information on this issue. He noted the importance of the subsidy to waiver participants who need affordable and accessible housing and who are often stuck on long waiting lists for the federal Section 8 subsidy. The state-funded HCBS Waiver Rent Subsidy provides a kind of bridge to permanent assistance, which helps people on the waiver to stay in the community. Bruce stated that the program had traditionally been funded at $700,000 but that last year the Legislature had reduced appropriations to $658,000. Bruce moved that the Taskforce approve the draft letter to legislators advocating for a funding level of $1 million for the HCBS Waiver Rent Subsidy Program. Doug Sample supported the motion.

Terri Rosonke of IFA was asked for additional information about the status of the program. She said that IFA will open the program up for three hours on April 1st, from 9:00 am to 12:00 pm. Applications will only be taken electronically. The notice is on the IFA web site. The last time applications were being accepted was in February 2012. Deb Johnson said that all case managers and social workers have been notified of the opening. Terri said that property managers of affordable assisted living projects will frequently send in many applications at one time. Dawn asked that the Taskforce be informed of how many applications are received. Terri expected that the applications would be reviewed in April and assistance would begin on May 1st. There being no further discussion, Dawn called for a vote. Motion carried.

1. Action Item: Request for Approval of Letter to Senator Hatch Regarding SF 232 – Direct Care Worker Credentialing. The Taskforce Executive Committee met with Senator Hatch and expressed concerns about the impact of his proposed legislation creating direct care worker credentialing system and mandatory training requirements on the ability of community providers to recruit support workers. If community providers cannot, as they maintain, find enough part time or full time workers willing to go through the training and credentialing process in order to work at what are fairly low wage jobs, there are major *Olmstead* implications. People with disabilities living in the community have to have support needs met by these staff. Senator Hatch has made revisions in his earlier draft to exempt a portion (though not a significant one) of part time workers, to offer accommodations to direct support workers with ID, and to open the door to consideration of the web-based College of Direct Support as a qualifying curriculum for credentialing purposes. However, providers remain alarmed and state that the obligation to keep track of which of their workers is covered by the legislation and which are not, and what work individual employees are certified to do, would be extremely onerous. A letter has been drafted expressing the Taskforce’s continuing opposition to SF 232 on the basis of *Olmstead* concerns. Moved by Doug Sample and supported by Paula Connolly to approve the draft letter to Senator Hatch affirming the Taskforce’s continued opposition to SF 232, creating a direct care worker credentialing system. Motion carried.
2. Action Item: Request for Approval of Letter to Senator Charles Grassley

Regarding His Vote Opposing Adoption of the UN Convention on the Rights of People with Disabilities (CRPD). Dawn stated that Senator Grassley’s vote is a cause for great disappointment. The CRPD would not impose additional legal requirements on the United States or on families of individuals with disabilities, but there was a great deal of misinformation spread just prior to the Senate’s vote. Well over a hundred other countries have signed on to the CRPD, most with lesser protections for their citizens with disabilities than what is offered by the Americans with Disabilities Act, but the Senate’s nay vote, including Senator Grassley’s, represents a lack of leadership by the U.S. internationally. Moved by Jennie Salvato and supported by Janie Woodhouse, to approve the draft letter to Senator Grassley expressing disappointment at his vote against the Convention on the Rights of People with Disabilities. Motion carried.

1. Concerns of Randy Davis Regarding Consumer Choices Option (CCO) and Physical Disability Waiver. Randy stated that now under CCO he is limited in what he can pay his Consumer Directed Attendant Care (CDAC) workers. Wages cannot exceed the average of $10.50 per hour. Paula expressed agreement that CCO has become increasingly restrictive. As people are less and less able to afford their attendant services and get fewer hours of service, this factors into their annual level of care determination and services are cut back even further. Doug Sample referred to the fact that he had lost eligibility entirely for the waiver, and said that he was able to regain those services only after contacting Senator Harkin’s office. He pointed out that his multiple sclerosis is degenerative, and the level of care determination process should take into account that he will not improve over the long term.

Deb Johnson responded that IME is obliged to conduct annual level of care (LOC) reviews to determine if people’s needs for assistance with activities of daily living (ADLs) reflect a level of care available through hospitals, nursing homes or ICF/IDs. People’s needs may change from one year to the next, and they may not need the same LOC as they did the previous year. IME has to rely on information submitted by doctors, caregivers and Medicaid members themselves. Documentation may not always be adequate. In Doug Sample’s case IME finally did get the information it needed.

Randy said that based on his needs assessment he had a service plan providing $904 per month for personal attendant services. He believed he had the flexibility to pay his attendant a higher wage and did so, which reduced the number of hours of service that could be accommodated. However, in the next level of care determination the amount of attendant services to which he was entitled was reduced to reflect Randy’s hours, and he was told he could use only $420 per month for attendant services, with the remainder in his budget to be used for the purchase of equipment. Randy said he could not get the full range of his attendant needs met at this level. His request for CDAC hours to do housecleaning was denied. He said he participated in the design of the CCO option and is very dismayed at the loss of the flexibility he once had. He has been without services he desperately needs since September, and has been in contact with Disability Rights Iowa about an appeal.

Jennie Salvato said that consumers need to be informed about the appeals process. Deb stated that Iowa Administrative Code has been changed with respect to how the program is administered. She believes it is important that support workers be paid a decent wage, but a problem was developing in that people’s budgets were being increased just to increase their personal attendant’s wage above the average. She said that it would be a good idea to review the new rules and see if anything needs to be changed. Randy made a motion that the Taskforce review the issues related to the new ruls, and develop recommendations as appropriate to the Legislature or to the Department of Human Services. Doug Sample supported the motion. Motion carried. Dawn suggested that a small workgroup of Taskforce members be formed. Deb expressed willingness to work with the group.

1. **Nominations Committee Report**

Carrie England reported that the Taskforce had nine seats to fill, and was fortunate to receive over 30 highly qualified applicants. The Nominations Committee reviewed applications with an eye not just to bylaw requirements regarding representation, but also to securing people with a range of disabilities, age and geographic location, as well as building ethnic and cultural diversity. The candidates brought forward with a recommendation for approval are: Joan Bruhn (person with a disability - 3 year term); Roxanne Cogil (parent - 2 year term); Lynsie Crawford (person with a disability – 3 year term); Geoff Lauer (representing an advocacy organization – 3 year term); Darryl Lipscomb (person with a disability – 3 year term); Michele Meadors (person with a disability and with experience living in an institution – 1 year term); Kathleen O’Leary (person with a disability – 3 year term); Len Sandler (“Other” – 3 year term); and Jennifer Wolff (person with a disability – 3 year term). Moved by Paula Connolly and supported by Janie Woodhouse to approve the candidates put forward by the Nominations Committee for membership on the Taskforce. There was a brief discussion of the desirability of getting more young people on the Taskforce. Motion carried.

1. **Election of Officers**

Carrie stated that her recruitment of candidates for Taskforce officers had resulted in the nomination of the current slate: Chair – Geoff Lauer; Vice Chair – Dawn Francis; Secretary – Paula Connolly. Dawn asked for nominations from the floor. There being none, she called for a vote. The slate of officers was approved. The Chair’s absences at the current meeting and at meetings in 2012 were noted as a possible concern. Paula asked how the Taskforce could foster leadership within its ranks. Carried responded that this was the reason the Nominations Committee brought forward the nine candidates that it did; not everyone who applies or reapplies is chosen. The candidates will be urged to play an active role in the work of the Taskforce at their April orientation.

Paula said that her husband could provide training on Parliamentary procedures, and would be willing to volunteer. He does consulting work on this topic. She moved that the Taskforce follow through with a request for training. Janie Woodhouse supported the motion. Motion carried.

1. **Housing/Transportation Committee Report**

Bruce Teague provided some additional information on the work of the committee. The Iowa Economic Development Authority has published its 2012 Annual Report on the Community Development Block Grant Program (CDBG) which it administers. The Taskforce had only recently submitted comments on its proposed CDBG funding priorities for the current planning period, noting that the Authority’s assignment of priorities to assistance to sheltered workshops was inconsistent with the work of several other state agencies to promote employment for people with disabilities in integrated settings. In the Annual Report, sheltered workshops continue to be designated a priority. EDA representative Donna Grgurich strongly encourages Taskforce representatives to meet with Derek Lord at the EDA on this issue.

Lunch and Review of Olmstead Taskforce Web Site. During the lunch break Liz O’Hara projected the Olmstead Taskforce website ([www.olmsteadrealchoicesia.org](http://www.olmsteadrealchoicesia.org)) on the wall and briefly reviewed the major updates that have been completed by CDD, with input from the Taskforce ad hoc workgroup. The home page provides information on the next Taskforce meeting as well as “Take Action Now” links to briefs on current advocacy issues. There is a tab for background information on the Taskforce and a link to the application for membership. There are also links to the Developmental Disabilities Council and ID Action web sites, which provide a range of resources and tools for advocates.

1. **MHDS & Redesign Updates**

Theresa Armstrong of DHS – MHDS provided an extensive update on redesign planning, implementation and legislation. She distributed a map reflecting the most recent expressions of intent by counties about forming regions. Letters of intent are due by 4/1/13. At this point Carroll, Polk and Jefferson Counties have expressed the intent to request waivers from the regionalization requirement, but none of this is finalized. Proposals by the regions have to be approved, and county applications for the waiver will be reviewed to determine if they can meet the same requirements regarding core services, evidence-based practices, data management, etc. as the regions.

1. **Ad Hoc Bylaws Workgroup Recommendations on Bylaw Revisions Regarding Standing Committees**

This was deferred to the May meeting for lack of time.

1. **Presentation on Health Exchanges, Essential Health Benefits and Medicaid Expansion**
2. **State Agency Reports**

Iowa Finance Authority – Terri Rosonke repeated the information that the HCBS Waiver Rent Subsidy Program will open for electronic applications on 4/1/13, from 9:00 am to 12:00 pm. The Authority has almost completed reviews of the 2013 applications for Low Income Housing Tax Credits (LIHTC). There were 38 applications for $19 million in credits; only $6 million is available. Most of the applications (31) committed to serve a “special needs population,” among which are people with disabilities.

1. **Taskforce Member Reports**

Doug Sample reported that there will be an ADA training in Davenport in April, and that he will be a presenter on one of the panels.

Paula reported that ASK Resource Center’s Family Conference will be held on Saturday, May 4th. The conference is family-directed but agencies participate. She reminded the Taskforce to look at the rules for implementation of the Affordable Care Act, as there is still a window of opportunity for advocacy. The Lifespan Respite initiative is proceeding very well.

1. **Public Comments**

None.

1. **Adjournment**

The meeting adjourned at 2:50 pm.