

**Olmstead Consumer Taskforce Board of Directors Meeting
January 11, 2013
Pleasant Hill Public Library, Pleasant Hill
Minutes**

Handouts

Agenda

Minutes of the Previous Meeting – November 9, 2012

Executive Committee Minutes –December 19, 2012; January 7, 2013

Olmstead Consumer Taskforce 2013 Legislative and Policy Priorities

Task Proposed Revision Regarding Standing Committees force Position Statement on HCBS Waiver Rent Subsidy Program

Funding

Taskforce Position Statement on the Application of Olmstead Principles to Employment Services

Proposed ByLaws Revision Regarding Standing Committees

Housing & Transportation Committee Minutes – January 8, 2013

Taskforce Members Present: Randy Davis; Dawn Francis; TeriLynn Jorgenson; Geoff Lauer; Linda Moore; Jennie Salvato; Rik Shannon; Connie Smith; Bruce Teague; Janie Woodhouse

Members Present by Phone: Carrie England; Doug Sample; Casey Westhoff

State Agency Representatives Present: Patrick Clancy (University Regents); Becky Criswell (Department for the Blind); Becky Flores (DHS – MHDS); Karin Ford (Department of Public Health); Kristin Haar (Department of Transportation); Molly Hammer (Department of Education); Terri Rosonke (Iowa Finance Authority); Joe Sample (Department on Aging); **By phone:** Donna Grgurich (Economic Development Authority); Deb Johnson and Jennifer Steenblock (Iowa Medicaid Enterprise); Ljerka Vasiljevic (Department of Public Safety) (

Staff: Terry Cunningham; Liz O’Hara

Guests: Jill Gleason (Heritage Area Agency on Aging)

I. Welcome and Introductions

In the absence of the Chair, Vice Chair Dawn Francis opened the meeting at 10:05. Those present introduced themselves. A quorum was declared.

II. Approval of the Agenda

The agenda was approved

III. Approval of the Minutes of the Previous Meeting – November 9, 2012

Molly Hammer asked that the portion of the minutes dealing with her report on the reorganization of the Department of Education be corrected to state that she does not know whether the Department has the capability to train all teachers in Mental Health First Aid. Moved by Randy Davis and supported by Carrie England to approve the minutes of the previous meeting (11/9/12) as corrected. Motion carried.

IV. Executive Committee Report

- A. Status of efforts to develop a unified disability/mental health agenda. The Taskforce Executive Committee has been working closely with Teresa Bomhoff, Chair of the Mental Health Planning Council, to develop a unified agenda on key issues such as Medicaid Expansion and other components of healthcare reform in Iowa, as well as funding for the redesigned service system. The Taskforce and the Council try to be as consistent as possible with positions taken by the MHDS Commission.
- B. Action Item: Request for Endorsement of Taskforce 2013 Legislative and Policy Priorities. Taskforce members received copies of the draft legislative agenda that was based on the strategic priority setting session the previous fall and discussions at the November 2012 meeting. Moved by Carrie England and supported by Bruce Teague to approve the statement of 2013 Legislative and Policy Priorities. Motion carried.
- C. Update on Medicaid Expansion. There had been a great deal of publicity about the Senate Democratic proposal to expand Medicaid under the Affordable Care Act (ACA) to provide coverage to people with incomes up to 138% of poverty, and about the Governor's opposition to expansion. There are also public controversies over the Governor's initial opposition to a state-run Health Exchange and about the "benchmark plan" submitted by the state of Iowa to the Department of Human Services. Under the ACA, states are to select health coverage plans that establish minimum benefits for plans to be offered to the public through Health Exchanges. They must get federal approval. These issues can be very confusing, and Jennifer Steenblock is scheduled for an afternoon presentation on these various components of healthcare reform and what Iowa is doing.
- D. Action Item: Request for Endorsement of Letter to the Legislature Promoting Sufficient Appropriations for the Transition Fund. The Executive Committee acted quickly on this issue due to universal agreement that legislation action was urgently needed on funding for counties, , in order to avoid cuts in services this fiscal year. The Transitions fund was established but not funded last Session, pending recommendations by DHS on the amount needed by counties to avoid cuts in existing services. The letter

opposes funding at the level proposed by DHS (approximately \$1.5 million), and proposes a level sufficient not only to avoid cuts but also to generate a sufficient fund balance to maintain services until counties begin to collect property taxes in October 2013, and to embark on the redesigned system in a healthy fiscal position. Moved by Janie Woodhouse and supported by Randy Davis to endorse the letter to the Legislature supporting sufficient appropriations for the Transition Fund. Motion carried.

- E. Action Item: Request for Endorsement of Taskforce Statement on Essential Benefits for Plans Offered on Iowa Healthcare Exchange. The Taskforce Chair had been asked by Senate Democrats to testify at their Healthcare Forum in December, on the question of Essential Health Benefits as it potentially affects Iowans with disabilities and mental illness. Geoff looked at what national disability groups were saying on the issue, and focused on parity in key services such as habilitation in the document provided to Taskforce members. Moved by Jennie Salvato and supported by Linda Moore to endorse the Chair's testimony, "Comments Regarding Healthcare Reform in Iowa," presented on 12/14/12. Motion carried.
- F. Action Item: Request for Approval of HCBS Waiver Rent Subsidy Program Position Statement. The Housing & Transportation Committee forwarded the draft position statement to the Executive Committee with a recommendation for approval. Committee Chair Bruce Teague noted the importance of the Rent Subsidy Program for people with disabilities needing affordable and accessible housing. The program provides a bridge to permanent rental assistance such as Section 8, for which there are often long waiting lists. Bruce noted that program funding was cut last year by \$42,000, and that new applications for assistance are no longer being taken. The position statement favors funding at the \$1 million level. Moved by Bruce Teague and supported by Randy Davis to approve the position statement on funding for the HCBS Waiver Rent Subsidy Program. Motion carried.
- G. Action Item: Request for Approval of Position Statement on the Application of *Olmstead* Principles to Employment. The Executive Committee adopted a position statement advocating the application of Olmstead principles to publicly funded employment services in Iowa, and the gradual shift of funding away from sheltered workshops to employment services leading to jobs in integrated settings. This is a difficult issue in Iowa currently, as IME strives to comply with federally imposed constraints on pre vocational services (often provided in sheltered workshops) and as counties facing fiscal challenges cut funding for facility-based services. Many people with disabilities depend on these services for daytime activities and for the limited wages they can earn. The Taskforce position paper favors a transition period rather than immediate closure of facilities. The U.S. Department of Justice, however, is beginning to direct its compliance efforts at states that rely heavily on sheltered workshops. Bruce asked if there was a plan for shifting to the

new service model. Dawn stated that numerous factors have to be addressed, including reimbursement and attitudinal barriers. Randy said centers for independent living can help with these changes. Dawn said that centers are working for reauthorization of the Rehabilitation Act of 1973 to strengthen transition services for youth to employment and higher education. Rik Shannon asked who the intended audience for the position statement is. Liz stated that it is to intended to provide a framework for the Taskforce to respond to such situations as definitions of core services in redesign, concerns of providers of sheltered workshop services, etc. Moved by Randy Davis and supported by Bruce Teague to approve the position statement on the application of Olmstead principles to employment. Motion carried. Rik Shannon abstained.

Geoff Lauer was in attendance and was able to take over the duties of chair for a time.

- H. Report on Heartland Olmstead Advisory Consortium meeting – Kansas City (December 2012). Geoff reported that he had attended the meeting along with Jane Hudson of Disability Rights Iowa and disability advocates and state and federal partners from throughout the region. Iowa had not been present at previous meetings—generally only people from Missouri and Kansas. The Department of Justice holds the meetings in the believe that they provide support and guidance in Olmstead compliance for the DOJ and CMS. Much of the December discussion centered on the transfer of all Medicaid services to a managed care system, which has created a lot of confusion and fear for people with disabilities. Representatives of centers for independent living who were at the meeting were very upset. Dawn said she had been informed that when the centers and the Statewide Independent Living Council fought the changes, they were subject to what they interpreted as retaliation through a loss of contracts with the state.
- I. Direct Care Worker Credentialing – Meeting with Senator Hatch. Geoff asked that he and the Executive Committee be allowed to report on their meeting with Senator Hatch, legislative staff and representatives of the State Public Policy Group, which provides staff support to the Direct Care Worker Advisory Council. The Taskforce position on credentialing was reviewed. Casey described some of the negative impacts on Systems Unlimited, which employs many part time staff people. He said he found the proposed orientation curriculum to be of little relevance to his staff training needs. Senator Hatch stated that he did not wish the legislation to go forward if major issues could not be resolved. He directed Legislative Services Bureau staff to consult with the Taskforce to ensure that the concerns of the disability community were addressed. The Executive Committee expects to see the draft bill before it is introduced, and will follow up. Terry Cunningham stated that he had spoken to Anthony Carroll, legislative relations person from AARP, about the Taskforce position on credentialing, and that Mr. Carroll had

responded that AARP did not want to do something that would “hurt people.” Bruce Teague remarked that he had previously been supportive of the concept behind the bill, but had since come to see it in a negative light.

V. Nominations Committee Report

Carrie England reported that today was the last day to submit applications for Taskforce membership. A slate of officers is needed for the coming year, and she asked anyone who was interested in service to contact her or Geoff. She also noted that the Nominations Committee needs more members

VI. Housing/Transportation Committee Report

Bruce Teague noted that the main item of business in the committee’s meeting on January 8th was the development of the position statement on the HCBS Waiver Rent Subsidy program, which had already been dealt with. He stated that the program is an important support to people on the waiting list for Section 8 subsidies. He asked Terri Rosonke to provide information on the level of demand for the program. Terri stated that the Iowa Finance Authority receives about 15 inquiries per month about the program, but that no waiting list is maintained. The program is not advertised; if it were, interest would likely go up.

Terry Cunningham commented on efforts to promote gas pump accessibility. At a recent legislative forum for Linn and Johnson Counties, Terry was asked to speak on transportation issues. The meeting was in North Liberty, outside the city bus routes. A *Cedar Rapids Gazette* reporter has been interested in turning these kinds of issues into a news article. Terry found that legislators were surprised to learn that gas pumps were still not compliant with the ADA. Dawn pointed out that only one pump in a gas station needs to be accessible. In legislation being considered, the Departments of Public Safety, Transportation or Agriculture could monitor the pumps. The bill could mandate that if there is no accessible pump, the station may not sell gas. Terry was optimistic a bill would be introduced. Geoff asked that the Legislative Study Committee keep track of the issue. Anyone wishing to meet with their local legislators on this should do so.

VII. Ad Hoc Workgroup on Bylaws Revision

Action Item: Proposed Revision Regarding Standing Committees – Second Reading A second reading was done of the proposed revision to the bylaws limiting standing committees to the Executive, the Nominations and the Strategic Planning Committee. Moved by Dawn and supported by Janie to accept the Second Reading. Randy asked if it were ever likely that we would not have a Legislative Committee. Geoff said this was unlikely but that the purpose of the ByLaws change is to limit committees to the bare essentials and leave flexibility from year to year to establish new ones. Motion carried.

Discussion of Senator Grassley's Vote Opposing CRPD

Dawn asked for the opportunity to add to the Taskforce's agenda a discussion of Senator Grassley's vote against the International Convention on the Rights of Persons with Disabilities. Moved by Doug Sample and supported by Carrie England to add the discussion to the day's agenda. Motion carried. Dawn stated that the Convention, which has been adopted by 155 countries, has been the object of a misinformation campaign in the U.S. The passage of the Americans with Disabilities Act established the U.S. as an international leader in disability rights, and the Convention would create no new legal obligations for the country. Dawn said that Senator Grassley's recent vote against it, which contributed to its defeat in the Senate, was disappointing, and that the Taskforce should communicate with his office that he would be expected to reconsider when the Convention is brought up again. Moved by Randy Davis and supported by Carrie England to approve the drafting of a letter to Senator Grassley to express disappointment in his vote on the CRPD, to ask for an explanation, and to express the Taskforce's expectation that he will vote to approve the Convention when it is brought up again. Geoff said he did not know enough about the Convention to determine if it was related to the mission of the Taskforce. Motion carried.

Lunch

VIII. MHDS/Redesign update

As Rick Shults and Theresa Armstrong were attending a meeting of the Interim Legislative Committee on Redesign Fiscal Viability, Becky presented the report on MHDS and Redesign. She said that the Interim Committee is working on a variety of financial issues, both immediate and in future years of the redesigned system. A great deal of planning work has been done and reports are available on the DHS website. (Go to the home page, click on "Reports" and then on "Legislative." She congratulated the Taskforce for its concrete actions to promote an improved service system, consistent with its mission under Governor Vilsack's Executive Order.

The reports required of DHS by the Legislature include:

- Report on subacute facilities. The Iowa Veterans Home and the Mental Health Institutes were assessed as possible sites for sub-acute mental health services. The report concludes that the Veterans Home can really only be used for services to veterans, and using the MHIs will not allow for geographic dispersal of services across the state, keeping consumers in proximity to families.
- Third party coverage for adults with DD and/or BI. DHA was mandated to cost out expansion of services to these populations. The report concludes that costs would be "astronomical."
- Transition Fund funding. DHS provided a range of estimates of the funds needed by counties to maintain services in the FY 2013 transition year,

from about \$1.5 million to about \$11.5 million. DHS recommended the low figure. The statute sharply restricts the potential uses of Transition Fund monies, as does the fact that it is funded by Medicaid money.

- There are a series of reports by two consulting firms on the costs of expanding Medicaid under the Affordable Care Act.
- There are work group reports from the Outcomes and Performance Measures, Data and Statistical Information, the Children's System, Brain Injury, and Judicial Workgroups. These can be found by going to the DHS home page, and clicking on "MHDS Redesign" on the left sidebar.

Becky stated that the MHDS Commission is involved in rule-making in a number of areas, such as regionalization. At least two counties will seek waivers from the regionalization requirements; the request must be filed by 5/1/13. A rule covering how waivers are to be reviewed for approval has just been drafted. The regions will be required to begin providing core services in 2014.

IX. Presentations on Health Exchanges under the Affordable Care Act: What They Are and What Iowa Is Doing to Develop One

Jennifer Steenblock, DHS project director for Affordable Care Act implementation, presented a power point (attached) entitled "Affordable Care Act: Overview of Impacts on Medicaid." She acknowledged that the law remains controversial even after it was upheld by the Supreme Court, and there is still opposition in Congress to its implementation. However, the state has the responsibility to proceed since it is the law of the land. As of January 1, 2014, almost all individuals will be required to have coverage, and large employers must offer coverage, or face penalties. State Insurance Exchanges are meant to make it easier for individuals and businesses to compare and purchase plans. They offer a "single entry point" to the market, with assistance to consumers in comparing benefits and price. States may operate their own Exchange, leave the operation to the federal government, or enter into a partnership. Governor Branstad has indicated the intention to have a partnership relationship in the first year but eventually to have a state-run Exchange.

For those unable to afford commercial insurance, the option of Medicaid is intended to fill the gap for people earning up to 138% of federal poverty level. People between 138% and 400% of poverty level can get subsidies in the form of tax credits for purchase of insurance. The goal is to provide users of the Exchange with seamless access to a plan that fits their circumstances.

The Taskforce had already participated in public advocacy on Medicaid Expansion. If the eventual decision is not to expand Medicaid in Iowa, DHS Director Chuck Palmer would like to find a mechanism to ensure coverage for all children in the State. Also of importance to people with disabilities and mental illness will be the question of whether the set of "Essential Health Benefits" chosen by the state of Iowa will meet federally established standards for EHBs

and include all required categories of benefits. The Department of Health and Human Services invites public comment on the EHBs chosen by states. EHBs can be based on state or federal employee health plans, the state's largest HMO, or the state's largest plan for small businesses.

Kristen Haar (IDOT) reported that the lack of transportation available under IowaCare to get people to medical appointments is a major issue. Liz suggested that under expanded Medicaid people might have better access. Jennifer Steenblock cautioned that expanded Medicaid may not have as robust a set of benefits as are available currently under Medicaid—it may more resemble a commercial plan.

Jennifer was unable to complete her presentation and will return for the March meeting.

X. State Agency Reports

University Regents - Patrick Clancy stated that a recently completed study recommends the establishment of regional services for children who are blind and deaf. Under the proposed model, the Intermediate School District continues to serve its current function, but these are augmented.

Department on Aging - Joe Sample reported that creation of the ADRC network is moving forward in collaboration with IME and MHDS. Memoranda of understanding will be concluded in the next month or so. The department has received a federal grant which will provide seed money for ADRCs, which do not necessarily have to be area agencies on aging but rather any entity willing to carry out these functions. The AAA service area map will be the starting point, but development will proceed from there. Small seed money grants of about \$22,000 will be released in the next 30 to 45 days. The department is also developing a readiness tool for ADRCs to assess capabilities to serve veterans and accomplish other objectives.

Iowa Finance Authority - Terri Rosonke reported that IFA received three times more applications for its Low Income Housing Tax Credit (LIHTC) program than usual. Review is underway, and she is unable to share more. She may be in a position at the March Taskforce meeting to provide an assessment of how effective the Olmstead-friendly rating incentives have been in promoting integrated housing opportunities responsive to the needs of people with disabilities. She reported that the Housing & Transportation Committee asked her for follow-up information on the HCBS Waiver Rent Subsidy program. 425 people participated in the program in February last year, with a monthly payment total of \$66,921.71. Multiplying that figure times 12 months puts the program over its appropriation of \$658,000. IFA attempted to maintain the program with its own resources but that subsidy was not sustainable. The program is now down to 269 participants at a monthly expenditure level of \$42,000. People are

staying in the program longer now, perhaps because it is more difficult to access Section 8—an average of 18 – 24 months, up from 12 – 18 months. IFA has not opened the program yet, out of concern for the possibility of an overwhelming response. It is particularly popular with affordable assisted living projects, where managers try to help people who need the services but can't afford the rent. Thus the number of inquiries (about 15 per month) may not indicate total demand, since a manager might inquire on behalf of as many as twenty residents.

Department of Education - Molly Hammer reviewed the reorganization of the department into the Division of Learning and Results, Standards and Curriculum, Educator Quality, School Improvements, and Learning Strategies and Supports. In response to questions raised about where special education fits into the reorganization, she stated that responsibilities are spread out over the divisions. The department is proceeding to fill a position to oversee special education, with interviews this week.

Economic Development Authority - Donna Grgurich stated that she has been away from the Taskforce for several years, and now that she is again the state representative she has a growing understanding of its mission. She acknowledged that the Authority needs to support *Olmstead* principles in the type of projects it funds; the place to start would be at workshops for grant applicants. When plans are updated, the Authority needs to consult with the Taskforce.

Department of Public Safety - Ljerka Vasiljevic reported that the department has completed work on standards for nursing homes, applying more comprehensively to design and construction, and promoting compliance with the ADA. She expects the standards to be adopted within the next couple of months. She will be working with the Department of Inspections and Appeals on their rules, which DPS will have responsibility for enforcing.

Department of Public Health - Karin Ford reported on the recently approved federal Disability and Health grant. Karin has presented at the Homeland Security Conference, and she has conducted training in other states on community planning, accessible shelters and service animals. She is training county emergency preparedness planners in the development of plans for sheltering. Karin reported that the internal Disability and Community Planning group within IDPH has twenty members working on how to make programs more inclusive through such steps as materials in alternative formats and physical accessibility.

Department of Transportation - Kristin Haar reported that under the Veterans Community Living grant she will be working with the University of Northern Iowa to develop transportation services for veterans. The project will be integrated with the information, referral and assistance services of Iowa 2-1-1, Iowa COMPASS, and the Family Caregiver program, to create a one-call, one-click

resource. The effort is coordinated by the Department on Aging. Since April, IDOT has been providing funding to transit agencies to reduce fares for IowaCare participants, who have been having difficulty getting to their appointments. The subsidies proved very expensive to IDOT. She has been working on a white paper on the issue. She strongly recommended that the Housing & Transportation Committee follow this issue.

Iowa Veterans Home - Diane Blackburn reported that they are applying for a federal grant to create a more homelike residential environment. A 60-bed unit is being constructed. The census at the home is declining, and they are working on trying to provide everyone with a private room.

XII. Taskforce Member Reports

None.

XIII. Public Comments

None.

XIV. Adjournment

The meeting adjourned at 2:45.