

**Olmstead Consumer Taskforce Meeting  
November 8, 2013**

**MINUTES**

**Present:** Joan Bruhn, Roxanne Cogil, Randy Davis, Dawn Francis, Lysie Hanssen, Geoff Lauer, Michele Meadors, Kathleen O'Leary, Casey Westhoff, Jenn Wolff

**Present by phone:** Carrie England, Linda Moore, Len Sandler, Bruce Teague

**State Agency Representatives:** Karen Hyatt (DHS), Suzie Paulson (IDA), Joe Sample (IDA)

**Guests:** Becky and Al Flores, Jane Hudson (DRI), June Klein (BIAIA), Joyce Wheeler

Handouts

Agenda

Minutes of Previous Taskforce Meeting – September 6, 2013

Executive Committee Minutes – October 30, 2013

Draft Letter to Senator Grassley Regarding the U.N. Convention on the Rights of Persons with Disabilities (CRPD)

Letter to the Taskforce from Kathleen O'Leary Urging Action on the CRPD; Information on Upcoming Public Meeting

Taskforce Letter to Iowa Economic Development Authority Providing Comments on Consolidated Plan for Housing & Community Development: 2014 Annual Plan – November 8, 2013

Employment Committee Minutes – October 29, 2013

MHDS Map of Redesign Regions (Current status)

**I. Welcome and Introductions**

Chair Geoff Lauer opened the meeting at 10:10 with a welcome and introductions.

**II. Approval of the Agenda**

Moved by Roxanne Cogil and supported by Michele Meadors to approve the agenda. Motion carried.

**III. Approval of the Minutes of the Previous Meeting – September 6, 2013**

The minutes note that both Lysie Crawford and Lysie Hanssen of the DHR were present. Lysie reported that she was recently married. Moved by Carrie England and supported by Randy Davis to approve the minutes of the **September 2013 meeting. Motion carried.**

#### IV. Executive Committee Report

- A. Follow-up discussion/recommendations (from September meeting) on Taskforce identity, advocacy activities, and support to members. Geoff reminded members that Gretchen Kraemer of the Attorney General's Office had given some remarks at the September meeting advising the Taskforce, as a governmental entity, to consider how best to assure compliance of its legislative advocacy with state lobbying regulations. The Taskforce does have the option of incorporating as an independent nonprofit. Geoff reported that the Executive Committee had discussed the advantages and disadvantages of such options as incorporation and had decided to recommend no change at this time. One item to consider is that as a governmental entity it is inappropriate for the Taskforce to have bylaws. The bylaws have been a useful guide for Taskforce operations, however, and Geoff stated that they could continue to be used informally for that purpose.

Executive Committee members had also volunteered to serve as mentors for new Taskforce members asking for this support. In general, it appears that Taskforce members feel sufficiently supported to carry out their responsibilities.

- B. Annual strategic priority setting: proposed method for afternoon session. Geoff explained the method the Taskforce would be using in the afternoon to establish 2014 legislative and policy priorities. The first step would be to review the current year's priorities to see what should be dropped. All Taskforce members and state representatives would then have an opportunity to propose new priorities. Members and state reps would be given five votes, to apply in any way they chose to the list of priorities. The votes would be tallied for voting members only and also for the group as a whole.
- C. Update: OCTF letter to Michael Gamel-McCormick, Disability Counsel to Senator Harkin (follow-up to September discussion). Geoff noted that Taskforce members had been sent a copy of the letter he had written to Mr. Gamel-McCormick, as promised at the September meeting, as a followup to his briefing of the Taskforce on issues of concern to Senator Harkin and to the discussion of Taskforce perceptions about urgent issues in Iowa. The letter Geoff sent attempted to summarize the discussion. Mr. Gamel-McCormick had made it clear that Senator Harkin was willing to use his office to benefit Iowans with disabilities.
- D. Request for Approval of Taskforce letter to Senator Grassley regarding UN Convention on the Rights of Persons with Disabilities (CRPD). Members had received a draft letter to Senator Grassley urging his support for the U.N. Convention, now that it has once again been brought up in the Senate. Dawn Francis reported that she and other attendees at the National Council for

Independent Living summer conference had met with Senator Grassley and staff regarding the CRPD, and tried to address concerns he had publicly expressed about the Convention to explain his earlier vote against it. The discussion continued after the Senator had to leave, and staff shared more of his concerns. Dawn became convinced that there was an inadequate understanding of what the CRPD would do, such as call for countries to address forced sterilization of women with disabilities, and would not do, such as limit parental rights. Kathleen O'Leary stated that she also had met with members of the Iowa delegation, and distributed a written statement to Taskforce members asking them to contact Senators Harkin and Grassley. Jenn Wolff moved to approve the draft letter to Senator Grassley urging support of the U.N. Convention on the Rights of Persons with Disabilities. Michele Meadors supported the motion. Motion carried. Carrie England stated that her center had sent a letter to the editor urging a favorable vote, and that she would send a copy to Liz O'Hara for distribution.

- E. Request for Approval of OCTF Letter to Iowa Economic Development Authority Commenting on the Consolidated Plan for Housing and Community Development: 2014 Annual Plan. Liz stated that the Iowa EDA is aware of the Olmstead Taskforce's concerns as they were already expressed last year—namely, that the EDA includes sheltered workshops as a priority for the allocation of its Community Development Block Grant funds. This indicates that the EDA is out of step with other state agencies (DHS, Iowa Workforce Development, the DD Council, Iowa Vocational Rehabilitation Services) who are working collaboratively to realign employment services towards the goal of employment in integrated settings. In addition, the Plan uses outdated language on disability. EDA staff person Leslie Leager responded to the Taskforce via email, inviting the Taskforce to participate in development of the 2015 – 2019 Consolidated Plan. Len Sandler has expressed strong support for proactive involvement in the planning process, because the Plan governs how much of Iowa's resources for housing and economic development will be allocated. Nevertheless, the Employment Committee and the Executive Committee felt it was important to put the Taskforce on record with respect to the shortcomings in the 2014 Action Plan. Moved by Dawn Francis and supported by Randy Davis to approve the draft letter to the Iowa Economic Development Authority conveying comments on the Consolidated Plan's 2014 Annual Plan. Motion carried.

## **V. Nominations Committee Report**

Carrie England, Committee Chair, reported on recruitment of new membership for 2014. Taskforce members whose terms expire but who are eligible for one or more additional terms need to reapply, and their applications will be reviewed along with new applicants. This would apply to Bruce Teague and Michele Meadors. Recruitment will have to be especially targeted to prospective candidates who can either represent older Iowans or who have experience living

in an institution such as a nursing home, psychiatric unit or intermediate or residential care facility. The Taskforce is strengthened by demographic and geographic diversity and by diversity of experience. The application will be posted on the Taskforce website and will also be sent out to Taskforce members and partners for dissemination.

Carrie said that the Taskforce will also need a roster of candidates for its officers' positions: Chair, Vice Chair and Secretary.

Carrie invited interest in serving on the Nominations Committee, which needs additional members. The Committee meets as needed for the member recruitment process, developing the roster of candidates for officer, and most recently to accept and review nominations for the annual Ray Gerke Systems Advocacy award. Other awards may be developed for other purposes in the near future. Bruce Teague and Jenn Wolff expressed interest in joining the Committee

## **VI. Employment Committee Report**

Joan Bruhn reported on the Committee's recent meeting, prefacing her remarks by saying that she herself was raised by her parents on the assumption that she would be working some day, and that this should be the case for all young people with disabilities. Taskforce members had been sent copies of the minutes of the October 29<sup>th</sup> meeting. The Committee continues to study the issues in consultation with Tammie Amsbaugh, who has been involved in state agency initiatives to create more options for integrated employment. The Committee did take up the issues related to the Economic Development Authority's Consolidated Plan, and had forwarded the recommendations to the Executive Committee that had just been presented to the Taskforce. In addition, the Committee has sent a recommendation to the Executive Committee that the Taskforce be represented at the 12/17 meeting of the Legislative Fiscal Viability Committee, in order to provide public comment on the importance of including supported employment as a core service under redesign. Joan said that she personally would not want to argue that all sheltered workshops be closed, but that clearly more resources should be channeled into employment services leading to jobs in integrated settings, at minimum wages or above. She again stated the importance of parents bringing up children with disabilities to expect that they will join the workforce.

Jane Hudson of DRI stated that John Gish of her staff is involved in employment issues, and that he could participate in Employment Committee meetings. John works on barrier removal for people on SSDI who want to work, as well as on benefits issues.

Lynsie Hanssen noted that the U.S. Department of Labor's Office of Federal Contract Compliance Programs has new regulations under Section 503 of the

Rehabilitation Act, effective in March 2014, which establish goals and reporting requirements for contractors regarding the hiring of people with disabilities. She recommended that the Employment Committee look at the new rules. Roxanne Cogil stated that another development in Iowa is the hiring of five Disability Resource Coordinators, which take on some of the functions once carried out by Iowa Workforce Development's disability navigators. She has met with the Coordinators and believe they could be of real help to people with disabilities.

## **VII. Taskforce Recognition of Becky Flores**

Geoff announced that the Taskforce wanted to honor Becky Flores, who has just retired from DHS after providing staff support to the Taskforce since 2007. Geoff provided some highlights from her career, beginning with her work as an attorney and a founding member of the Iowa Organization of Women Attorneys and her sixteen years with the Department of Human Services, where her interests centered on children's issues and supports for homeless people. Her friends and colleagues remember her dedication to the young people involved in Self Advocacy and Leadership for Youth with Disabilities (SALYD)—so much so that while still in recovery from a devastating car accident she attended a Saturday function being held by the group.

Becky and her husband Al, who has accompanied her to Taskforce meetings in the past, were called forward, and she was presented with a plaque honoring her service to the Taskforce.

## **VIII. Update on MHDS and Redesign**

Theresa Armstrong provided an update of the regionalization process under redesign, distributing the most current map of regions. Regionalization is nearing completion. Jefferson County's application for exemption has been denied and the county's appeal was rejected; the county has until 11/14 to decide on a further appeal.

Regions are currently working on management plans; Theresa encouraged Taskforce members to get involved in their regions' planning. She will send Liz a list of regional contacts so that individual Taskforce members can get information about meetings and opportunities for input. Theresa thanked the Taskforce for its comments on the proposed rules for core services and for regional operations. Some comments were accepted; for those that were not, it was principally because the Taskforce proposed items for insertion which were not authorized by the legislation. Theresa stated that DHS does agree with the Taskforce stance on employment services, and also with the comment that how system principles are to be applied to redesign needs to be defined. Eventually outcomes-based yearly reporting will have to be done by the regions. The outcomes need to be defined. The legislative Administrative Rules Committee will consider the proposed rules, and they will hopefully be in effect in early 2014.

Senate file 446 directed DHS to establish autism supports for children up to age 9, who are able to benefit from Applied Behavioral Analysis, and whose families make up to 400% of federal poverty level (FPL). Services would be paid for by Medicaid. (Most private insurance does not cover them.) DHS is working to develop the service system. Rules will be sent to the MHDS Commission; they can be found in the 11/13 bulletin. Comments will be due by 12/3, and DHS hopes that the rules will be in effect on 4/1/14. An RFP will be released next week for an administrative entity for the service system. Child Health Specialty Clinics is setting up an expert panel to get suggestions on the proposed rules.

Theresa also reported that the Children's Work Group has had its fourth meeting, developing recommendations to the Legislature. The final report is due next week (11/15). While last year the group recommended creation of a "Children's Cabinet," that idea was not accepted by the Legislature. The final report is likely to recommend, instead, a "Children's Interagency Council," which would include representation from the Departments of Human Rights, Human Services, and Public Health, as well as Juvenile Justice and other agencies touching the lives of children and able to push appropriate policy changes through. A Children's Advisory Council would also be created, including representation from providers and families. The Work Group has been looking at proposed core services for adults to draw parallels to core services for children. The group also wants to see a standardized assessment for children.

The Legislative Fiscal Viability Committee had its first meeting in October and will hold its next and last on December 17<sup>th</sup>. At the first meeting a panel of providers and county representatives were called in to speak to redesign issues. The IDPH Director reported on the work of the Workforce Work Group, whose report is due in December. At its December meeting, the Committee will receive the final report of the Children's Work Group.

Theresa reported on staffing changes at the MHDS Division, starting with Becky Flores' retirement. Staff support to the Taskforce will now be provided by Karen Hyatt. The Department has not yet posted Becky's position. Robyn Wilson has also retired; DHS hopes to have her replacement by January 1<sup>st</sup>. A new position opened for a mental health specialist, because of all that is going on with redesign and with Magellan's new responsibilities; Laura Larkin will take that position. Finally, CDD filled a position for the department by hiring Ben Cleveland to work on defining and reporting outcomes under redesign.

Theresa said that more will be known about funding for regions under redesign by the Taskforce's next meeting. She could not speak to such issues as the mandated "clawback" of county savings on service expenditures due to expansion of Medicaid—80% of those savings are now required to be returned to the state. Theresa said that savings could amount to \$45 – 60 million, although no one is sure at this point.

Geoff asked for an update on implementation of standardized assessments, noting that the RFP for statewide administration of the Supports Intensity Scale (for people with ID or DD had been withdrawn by DHS. The RFP also included provision for selection of assessment tools for other populations such as people with brain injury. Theresa replied that IME had pulled the RFP because it wanted first to get answers to some important questions. DHS hopes to be back on track for implementation of assessments in the spring of 2014.

Geoff also asked about the administrative rule change affecting people using the Consumer Choice Option (CCO) or Consumer Directed Attendant Care (CDAC), eliminating the ability of people who are consumers' legal guardians from providing direct support services. Theresa said that this was a Medicaid issue and she was not equipped to comment. Geoff also asked what is to happen to people with brain injury (BI) or developmental disabilities (DD) under the redesigned system, as they are not included in the mandatory populations which must receive services. They can be provided services by regions, but not if doing so would result in limits or reductions of core services to the mandatory populations. Geoff asked if it was realistic to think their services would continue under these circumstances. Theresa responded that she believes at least some regions will continue serving these populations. She said it will be important to find out what the new Iowa Health and Wellness Plan (I-HAWP) services might do. It is likely to be a region-by-region decision.

Casey asked for more information about the focus of Ben Cleveland's new responsibilities. Theresa responded that he will be a data analyst, helping DHS focus on outcomes. DHS does not yet have performance-based contracts with regions, but these are called for in the legislation.

## **IX. Update on Taskforce Efforts to Secure Data on Nursing Home Populations**

Casey reported on his conversation with Steve Gold while Gold was in Iowa for the annual IFA housing conference. Gold had asked what was being done to ensure that people in nursing homes—especially people with ID—had the ability to access supports to move to community settings. The first step would be to determine where members of this population are, and Casey asked where the data to answer that question would be. Next, with respect to PASRR and MDS Section Q requirements, are we asking these individuals the right questions, and often enough, if they prefer to get the services they need somewhere besides the nursing home. Theresa said she does not yet have the data to answer those questions, those she has asked for it.

PASRR, or Pre Admission Screening and Resident Review, is required of states by CMS to identify people who have requested nursing home admission, in order to determine if they have ID or mental illness, and if so, whether their needs for services related to those disabilities are best met in the nursing home or in some other setting. CMS does not necessarily prohibit placement of individuals with ID

or MI in nursing facilities, but states must ensure that they get the services they need. Iowa and many states have only recently come into full compliance with these regulations, implementing both Level I and II screening. However, Casey pointed out, we don't know what happens to people after they have been determined to have ID or MI. Theresa stated that beginning in April 2014, people going into nursing homes for rehabilitation will receive follow up contacts to determine if their placement is still appropriate. DHS is required to maintain data on those with ID and MI where a determination is made that their needs cannot be met in a nursing home. Theresa stated that some families are unaware that there are other options available.

Randy asked what happens to such individuals. Geoff said that in his opinion the data have not been translated into next steps, for those who lack supports for community living. Theresa said that only anecdotal data are available. Randy suggested that the Governor's veto of funding to reduce HCBS Waiver waiting lists was germane to the discussion. He asked if there is a way to ensure that people know of the options. Liz suggested that it is important to recognize the distinction between PASRR, which is a requirement for screening to identify two disabilities, and MDS Section Q, which is part of an annual interview with nursing home residents asking them if they would like to leave the nursing home.

**X. Establishment of Taskforce Legislative and Policy Priorities**

Taskforce members present in person or by phone participated in the discussion to set 2014 Legislative and Policy Priorities. Members reviewed the current priorities and expressed the wish to retain many of them. Votes were taken on a list of new and existing priority areas that was developed. The tally of the votes was as follows:

**Summary Vote Tally**

<u>Voting Members</u>		<u>All Taskforce Members</u>	
14	Housing	21	Employment
13	Employment	17	Waiver Waiting Lists
11	Key Data Questions	16	Housing
10	Waiver Waiting Lists	14	Institutional Issues
10	Institutional Issues	13	Key Data Questions
9	Transportation	12	Transportation
7	Assistive Technology	8	Assistive Technology
5	Redesign Issues	5	Redesign Issues
4	Olmstead Outreach	5	Olmstead Outreach
1	Direct Support Workforce	3	Direct Support Workforce

Liz was asked to draft a statement of Taskforce priorities for review at the January meeting.

## **XI. State Agency Reports**

Department on Aging (IDA) – Suzie Paulson reported that the department has undertaken a new initiative with Iowa Vocational Rehabilitation Services (IVRS). IDA receives state appropriations to use as a match for federal funding. By using in-kind contributions in lieu of the state funds, they were able to reallocate that money, along with a contribution from Iowa's area agencies on aging, to draw down federal Title I vocational rehabilitation funds, for a total of \$750,000. The money will be used to put an employment specialist in each area agency, to provide employment services to people age 55+ and to do outreach to local employers. The employment specialist will be working with an IVRS counselor. This will help IVRS to reduce its waiting list for services.

Suzie also reported that Disability Employment Specialists are located in five of the fifteen workforce regions (Des Moines, Waterloo, Spencer, Sioux City and Burlington). They will be looking at data on employment of people with disabilities in their regions, compared to the other ten in the state. Consumers can assign their Ticket to Work to the Employment Specialists, who then help them get employment.

Suzie reported that the "Skilled Iowa" initiative, which is supported by the Governor, has involved 180 Iowa businesses in providing unpaid internships, which helps people build their resumes. Skilled Iowa also encourages job seekers to secure National Career Readiness Certification, which also strengthens a resume.

Iowa Finance Authority (IFA) – Terri Rosonke reported that the IFA Board of Directors has awarded funding under the HOME Tenant Based Rental Assistance (TBRA) program. Affordable Housing Network, Inc. (AHNI), which was supported by the Taskforce, has received funding to conduct a pilot program in the Waterloo/Cedar Rapids/Iowa City corridor. The limited geographic area to be served was a disappointment to IFA and the Taskforce, but Terri has met with Easter Seals about the possibility of submitting an application in the next round to provide services over a larger area. Easter Seals is interested. There were also two Housing Trust Fund awards. One was to Hope Haven in Burlington, in the amount of \$50,000 for a project targeted to people with disabilities. Hope Haven in northwest Iowa also received \$50,000 to buy a property for four young men who want to move out of an institution.

The IFA Board retained most of the Olmstead-friendly rating incentives recommended by the Taskforce for inclusion in the Low Income Housing Tax Credit (LIHTC) program. Terri reported that she has done some training for close to 100 developers on Olmstead, in order to help them understand the reason for

IFA's focus on Olmstead and the importance of expanding the supply of fully accessible housing. Terri included IFA's Housing Study data on the issue. Work still has to be done to educate developers on this. Rating incentive points are also awarded in the LIHTC Qualified Action Plan for commitments to have all property management staff to take Mental Health First Aid (MHFA) or some other disability training approved by the Taskforce. The sessions offered so far have been more than full; one or two more will be scheduled. Terri said IFA would welcome another disability training recommendation from the Taskforce besides MHFA. Karen Hyatt said that MHFA offerings are being refined; there is now a course that deals with mental health issues among people with disabilities. Geoff said that the Taskforce should encourage development of an additional disability training; he would like to identify funding that would allow the Taskforce to contract with an entity.

The web-based Iowa Rental Housing Locator (at IAHousingSearch.org) will be launched in January. Iowa is the 36<sup>th</sup> state to have such a website. Social Serve, the contractor managing the search engine, is recruiting listings from landlords. The site will provide current information on vacant units, including affordable, accessible housing, with detailed searchability. Dawn asked for information to disseminate to disability listservs. She suggested activity on the site can help demonstrate the need for accessible units. Michele Meadors asked how detailed the accessibility information would be, as landlords frequent misstate the level of accessibility in their units. Terri said staff at the call centers will be asking for very detailed information from landlords; the centers strive for accuracy.

Department of Human Rights – Lysie Hannsen reported that the department has hired Mike Williams as the director of the Client Assistance Program. Mike was previously a disability consultant for the Office of Persons with Disabilities. Paige Easton has now taken that position.

## **XII. Member Reports**

Geoff reported that the Brain Injury Alliance of Iowa has hired a neuro facilitator, who will be located at the BIAIA Urbandale office.

Kathleen O'Leary again urged Taskforce members to contact Senators Harkin and Grassley to promote Senate adoption of the U.N. Convention on the Rights of Persons with Disabilities.

Liz reported that she had spoken to Connie Smith, who feels she must resign from the Taskforce due to declining health.

## **XIII. Public Comment**

None

#### **XIV. Adjournment**

The meeting adjourned at 3:00 pm.