

**KENTUCKY COMMISSION
ON
SERVICES AND SUPPORTS
FOR INDIVIDUALS WITH MENTAL RETARDATION
AND OTHER DEVELOPMENTAL DISABILITIES**

**March 21, 2007
Fair Oaks, 4th Floor
Frankfort, Kentucky**

MEMBERS PRESENT

Secretary Mark Birdwhistell, Chair
Gayle Rees
Carol Estes for Ralph Clark
Commissioner Glenn Jennings
Roland Mullins
Gwynn Royster
Commissioner John Burt

Louise Underwood
Harold Kleinert
Glenna Taylor
Pat Seybold
William Shaw
Karen Gardner
Cathy Edwards

MEMBERS ABSENT

Herman Terry Leigh
Representative Jimmie Lee
Senator Tom Buford
Roy Shirley
Representative Steve Nunn

Senator Julie Denton
Marsha Vanhook
Malkanthe McCormick

OPENING REMARKS

The meeting was called to order by Secretary Mark Birdwhistell.

REVIEW OF MINUTES

A motion was made to accept the minutes as submitted and seconded by Gayle Rees. The motion passed.

MEDICAID UPDATE

Commissioner Jennings reported that Kentucky submitted state plan amendments for the Basic Level of services in the waivers in response to the Michelle P lawsuit on December 15, 2006. At the request of the Centers for Medicare and Medicaid Services (CMS), Kentucky withdrew the amendments and will submit a 1915 (i) waiver covering Home and Community Based Services, SCL, and Acquired Brain Injury under the Deficit Reduction Act by April 30, 2007. The Consumer Directed Option (CDO) will not be part of the 1915 (i) waiver.

DMS also will be submitting additional amendments to the current 1915c waivers by 4/30/07. These amendments will further address the continuum of care and expand the residential service options available.

Kentucky will be submitting a 1915(j) waiver for the pilot for the Self-Directed Option (SDO). SDO is different from CDO in that services will be more flexible and participants in the pilot (200) will be able to hire their own Support Broker. Participants in the pilot will be from people receiving current funding, there will be no expansion funding attached. The 1915(j) is targeted to be submitted around 5/1/07.

Regulations for the Supports for Community Living (SCL) and Acquired Brain Injury (ABI) waivers have been drafted. Commission members were provided with a copy of the draft regulations. Commissioner Jennings requested that comments be forwarded to Medicaid by Wednesday March 28, 2007.

It was further clarified the CDO and SDO are not services and are not an expansion of services. They are alternative ways of service delivery which add more consumer control. Secretary Birdwhistell discussed budget expansion concerns with many of the CDO Support Spending Plans. He stated that budgets will be based on identified needs in the plan of care minus 5%. Within that budget, individuals can purchase any of the services that they have selected to consumer direct.

DMR UPDATES

Betsy Dunnigan reported on SCL Allocation and Crisis Stabilization Funding (See Attachments)

DEPARTMENT FOR AGING AND INDEPENDENT LIVING UPDATE

- **Aging Caregivers**

Commissioner Deborah Anderson provided this report. The goal is to have a centralized referral system implemented by the end of the year. The toll-free number should be connected by April 30. Carol Hall is the newly hired Project Coordinator and was introduced at the meeting. The Department is contracting with the ARC to hire consultants to work with aging caregivers and provide futures planning information and training. Quarterly progress reports will be provided to the Commission and Secretary Birdwhistell. Power point handout was provided to the Commission members.

OTHER REPORTS

- **Mortality Review Clinical Committee & Advisory Committee**

Commissioner John Burt provided this report. The clinical review committee will meet monthly and is chaired by Dr. Ed Maxwell of the Department for Mental Health and Mental Retardation. An advisory committee will meet on a quarterly basis and will review the reports from the clinical review committee's monthly meetings. The advisory committee will make recommendations for systems change to the 144 and 843 Commissions. (see attachment)

SUBCOMMITTEE REPORTS

- **Quality & Best Practices**

This report was given by Karen Gardner, chair of the subcommittee. Subcommittee met one time during this quarter. At the meeting, subcommittee members gained information on the Direct Support Professional Certificate and the SPEAK Project and were updated on the Consumer Directed Option.

Ms. Gardner requested input from Commission members regarding subcommittee goals and objectives on the Ten Year Plan. Commissioner Burt asked for objectives to be prioritized for the Commission Members to review at the next meeting.

- **Finance**

Acting Deputy Commissioner Betsy Dunnigan requested a nomination for a new chairperson for the Finance Subcommittee due to the resignation of Dan Baker. The nomination for replacement of the Commission position vacated by Mr. Baker has been submitted for consideration for appointment. Commission members recommended the Finance Subcommittee meet upon appointment of the replacement member to elect the new chair person. The subcommittee will resume work on the 10 Year Plan at that time.

SPECIAL PRESENTATION

A proclamation from Governor Ernie Fletcher declaring March 2007 as Intellectual Disabilities Awareness month was read and presented to William Shaw, commission member.

OVERVIEW OF SPEAK (Support Providing Employees' Association of Kentucky)

Sandra Mlinarcik presented information on the SPEAK program, a grant program supporting workforce development for direct support professionals. SPEAK has achieved a significant reduction in turnover rates among participating agencies in Louisville. The program has also received a national award and is now focusing on sustainability since funding ends this year. Ms. Mlinarcik requested a letter of support for the program from the Commission to be used in grant/funding requests. A motion was made by Karen Gardner to provide a recommendation letter from the Commission and seconded by Gayle Rees. The motion passed.

PUBLIC COMMENTS/OTHER

A comment was made regarding Michelle P. Lawsuit.

NEXT MEETING DATE

Next meeting date is **June 28, 2007** from **1 p.m. to 4 p.m.**

100 Fair Oaks, Frankfort

The meeting was adjourned.