

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

**March 24, 2009  
Fair Oaks, 4<sup>th</sup> Floor  
Frankfort, Kentucky**

**MEMBERS PRESENT**

Acting Commissioner Eric Friedlander	Johnny Calebs for Clyde Lang
Carol Estes for Beth Smith	Cherri Walker Lolley
Harold Kleinert	Anne Montgomery
Malkanthie McCormick	Cathy Edwards
Pat Seybold	Jonathan Trimble
Steve Shannon	Gwynn Royster
Linda Sandidge	William Shaw
Patty Dempsey	Glenna Taylor via teleconference
Deputy Commissioner Reina Diaz-Dempsey for Elizabeth Johnson	

**MEMBERS ABSENT**

Secretary Janie Miller	Representative Jimmie Lee
Senator Tom Buford	Senator Julie Denton
Stephen Ray Hendricks	Representative Carl Rollins

**OPENING REMARKS**

The meeting was called to order by Acting Commissioner Eric Friedlander. Mr. Friedlander introduced himself and stated that the search for a new commissioner for the Department is a priority.

**REVIEW OF MINUTES**

A motion was made by Steve Shannon to accept the minutes as written and was seconded by Patty Dempsey. The motion passed.

**BUDGET UPDATE**

The Department's Administration and Finance Division Director Kevin Mudd gave an update on the Department's budget. At this point the Department is projected to be on budget, or less than 1% below. The Department did not experience any reduction from the last round of budget cuts. Glenna Taylor asked if there would be any expansion in services due to the stimulus package. Although nothing has been decided regarding the stimulus money, it is not designed for expansion since it is one-time infusion of dollars.

## **MEDICAID WAIVER UPDATE**

Deputy Commissioner Reina Diaz-Dempsey gave the Medicaid Waiver update.

- **Federal Stimulus Package**

This includes a 7.67% increase in the Kentucky's federal match rate to 77.8%. This increase will help offset the 232 million dollar deficit and an increase in enrollment in the past year (from 1,000 to 3,000).

- **Self Directed Option (SDO)**

Due to budget cuts, the pilot project has been temporarily suspended.

- **Money Follows the Person**

Many vacant positions have been filled in order to enhance the program. There is a new Branch Manager, two nurses, four social workers, and two transition specialists. There have been 63 referrals. Of those referrals there were eight successful transitions, 23 in process, four pending initial screening, 22 ineligible, and six who declined serves. Since CMS has recertified Units 2, 3 and 4 at Oakwood, people living there are now eligible for Money Follows the Person. Glenna Taylor requested a breakdown of the referrals by facility. That information was not available, but would be forwarded at a later date.

- **Michelle P. Waiver**

The regulation was adopted on February 6, 2009. In response to requests from advocates, the regulation does not limit where respite can be provided. The provision for the Independent Case Management is still in the regulation. That is the model given by the Federal Government. There was much discussion about the lack of providers in certain areas of the state that does not allow for a choice of case managers. There is a provision for current case managers to continue to provide service until January 1, 2011. A total of 1670 people have been offered assessments for this waiver since its inception on 8/1/08. Everyone on the SCL waiting list should be offered an assessment by the end of the fiscal year.

- **ABI Long Term Care Waiver**

The original 50 slots were filled by December 2008. There will be an additional 100 slots added for the next year. There are 28 people on the waiting list, and they will start filling those by July 2009. The Consumer Directed Option (CDO) is available with this Waiver.

## **DEPARTMENT FOR AGING INDEPENDENT LIVING UPDATE**

Commissioner Deborah Anderson gave this update.

- **Budget**

The Department for Aging and Independent Living was cut by 1.4 million dollars this year. Due to these cuts, Kentucky Resource Market and Family

Caregiver Program for grandparents raising their grandchildren were suspended.

- **Stimulus Package**

Although the funding received from the stimulus package was the same as the amounts cut, the funding is specific as which programs can be funded. Those programs include the Meals program and senior employment program.

- **CDO**

As of the end of January, there are 1417 people being served. As of February 2009, there 41 people enrolled from the Michelle P waiver. As of January 2009, there were 57 people from the SCL waiver, four from the ABI waiver, and the remainder from the HCB waiver.

- **Hart Supported Living Program**

Since this program was part of the Michelle P lawsuit settlement, it cannot be cut. There are currently 626 people receiving services with an additional 500 applications that could not be funded. Eligibility for this program will not change and it continues to be the payer of last resort. New applications will be reviewed in April. Cindy Bayes commented on how this program was not created to serve a large group of people, just to serve the people the best way.

- **Personal Care Attendant Program**

With no new funding and the increase in minimum wage, there may be cuts to the number of hours provided by the attendant. For people receiving services in this program, referrals can be made to other waivers like the Michelle P Waiver. There are currently 352 people being served with 832 people on a waiting list.

- **Regulation Update**

Guardianship and Brain Injury Trust Fund regulations are pending. The new Assisted Living regulation will start next month.

## **OVR UPDATE**

Carol Estes gave this update. A copy of the 2008 Annual Report was given to each of the Commission members.

## **STATE GENERAL FUND UPDATE**

Carol Baker gave this update. There was a handout given to each Commission member with the Crisis data. For the 1<sup>st</sup> and 2<sup>nd</sup> quarters of 2009 there were 224 total contacts. Of those 224, 78% were able to remain in the community and 30% were diverted from a higher level of care such as an Intermediate Care Facility or a psychiatric facility.

## **LEGISLATIVE UPDATE**

Randy Oliver gave this update. There was a handout given summarizing the eight bills that were enacted that relate to the Department. In total, there were over 1100 pieces of legislation filed this session. There were three bills relating to Autism that did not get passed. There was also a listing of the bills that are still active that were reviewed by the Department.

## **FACILITIES UPDATE**

Betsy Dunnigan gave the update on the facilities.

- **Hazelwood**

A vender has been selected for the design phase of Hazelwood's residential homes and medical/dental clinic. The design phase is expected to be completed by July, with ground breaking expected in December 2009 or early January 2010.

There have been three individuals transition into the community since our last Commission meeting.

- **Oakwood**

Three of the 4 units at Oakwood have been approved for Federal funding. Unit 1 will reapply in early April. The current census is 60 people in Unit 1, 54 in unit 2, 41 in unit 3 and 46 in unit 4. There have been nine transitions to community-based services and 30 are in process.

- **Central State**

Three people have transitioned to community-based services and eleven are in process.

- **Outwood**

There is one transition expected to take place in early April, and three guardians are exploring community options.

## **SUBCOMMITTEE REPORTS**

- **Workforce Development**

Damian Barthle gave an overview of the goals of this subcommittee. They are reviewing the Commission's Ten Year Plan to assess priorities. Their main concern will be to promote quality and choice. They would like to revisit the SPEAK program as far as employment retention is concerned. They would also like to see some sensitivity training for transportation providers.

- **Quality and Best Practices**

Cindy Bayes gave this report. This subcommittee is also reviewing the Commission's Ten Year Plan. Their main concern is continuum of care across the lifespan and educating families about available services. They plan to meet monthly.

- **Finance**

Anne Montgomery reported on the goals of this subcommittee. They reviewed the Commission's Ten Year Plan, focusing on the section Financing the System. They determined there are some issues to be clarified with input

from Medicaid. They will meet regularly and return in June with recommendations for the Commission.

**PUBLIC COMMENTS**

Steve Shannon commented on a regulation that was proposed that prohibits certain services from being administered by anyone other than a nurse. The rationale is that it would protect the consumer, but it could have negative impact on community providers. A motion was made by Steve and seconded by Cherri Lolley to draft a letter from the Commission to the Board of Nursing to express the Commission's concerns.

**NEXT MEETING DATE**

July 7, 2009

1:00 PM to 4:00 PM

100 Fair Oaks Ln, 4<sup>th</sup> floor  
Frankfort

The meeting was adjourned.