

**KENTUCKY COMMISSION  
ON  
SERVICES AND SUPPORTS  
FOR INDIVIDUALS WITH MENTAL RETARDATION  
AND OTHER DEVELOPMENTAL DISABILITIES  
June 9, 2010  
Fair Oaks, 4<sup>th</sup> Floor  
Frankfort, Kentucky**

**MEMBERS PRESENT**

Deputy Secretary Eric Friedlander for Secretary Janie Miller

Commissioner Stephen Hall

Commissioner Elizabeth Johnson

Harold Kleinert

Cherri Walker Lolley

Anne Montgomery

Shannon Caldwell

Steve Shannon

Stephen Hendricks

Clyde Lang

Carol Estes for Beth Smith

Pat Seybold

Representative Carl Rollins

Cathy Edwards

Gwynn Royster

William Shaw

Patty Dempsey

Linda Sandidge

**MEMBERS ABSENT**

Senator Tom Buford

Representative Jimmie Lee

Glenna Taylor

Malkanthie McCormick

Senator Julie Denton

**OPENING REMARKS**

The meeting was called to order by Commissioner Stephen Hall. Commission members introduced themselves.

**REVIEW OF MINUTES**

Gwen Royster made a motion to accept the minutes and second by Stephen Hendricks. The motion passed.

## **HEALTH CARE REFORM OVERVIEW**

Commissioner Stephen Hall gave a brief overview.

- Health care reform (The Patient Protection and Affordable Care Act) documents suggest there is an understanding at federal level that long term care services are those provided through I/DD and MH services.
- B & C waivers are now on the same timetable. For i waivers, caps were removed and criteria narrowed which is an opportunity for states to gain additional match dollars.
- Extension of Federal Medical Assistance Percentages (FMAP), removed by the House. An extension would provide billion dollars of total funds to KY. Senate has not voted yet. Steve Shannon provided contact information for Senators Bunning and McConnell to request FMAP extension.

## **BUDGET UPDATE**

Eric Friedlander reported that Cabinet is exploring all possibilities so that budget issues do not adversely impact services. During previous budget cuts, the Cabinet made decisions to cut things so that service cuts could be avoided. The Cabinet is working to minimize impact of budget cuts.

## **MEDICAID UPDATE**

Commissioner Elizabeth Johnson gave this report.

### ➤ Money Follows the Person (MFP)/Kentucky Transitions

Seventy-eight (78) individuals have transitioned. The following is the breakdown by population:

- 21 Elderly
- 13 Acquired Brain Injury (ABI)
- 18 Physically Challenged
- 26 Intellectual/Developmental Disabilities (ID/DD)

One hundred nine (109) members are in process. Sixty-nine (69) of them have diagnoses of ID/DD.

Currently, 62 members are pending and 9 members are non-active due to required 6 months in an institution. The Patient Protection and Affordable Care Act changed the length of institutional stay criteria from 6 months to 3 months (90 days).

One hundred twenty-eight individuals applying for MFP were not Medicaid eligible.

A MFP waiver designed to support individuals on day 366 was informally submitted to CMS but DMS has decided not to pursue that and is in discussion with CMS on other options. DMS will ensure individuals will continue to be supported on day 366.

➤ ABI Long Term Care Waiver

- 137 Active participants
- 39 Allocated Funding
- No waiting list

➤ ABI Acute Care Waiver

- Amendment approved by CMS. Revisions include change in age criteria from 21- 65 years of age to 18 with no upper limit.

➤ Michelle P. Waiver

- 2322 members are receiving services. Seven hundred ten chose to consumer direct while 1310 receive services through traditional means.

➤ Waiver Renewals

- Home and Community Based (HCB) expires June 30, 2010. Submitted to CMS in early April.
- Supports for Community Living (SCL) will expire August 31, 2010. DMS submitted a “placeholder” waiver to meet submission timeframes. No substantive changes made but did include some recommendations from Administration Simplification Workgroup. Amendment is expected to be submitted within 6 months. Implementation will occur during the next fiscal year. Any questions from Centers for Medicaid Services must have a response within 90 days. Meetings will be scheduled for public and stakeholder input regarding amendment.

## **JOINT SUBCOMMITTEE RECOMMENDATIONS**

Subcommittee Chairs gave a report concerning development of long and short term goals. Please see attachment.

A motion was made by Harold Kleinert and second by Stephen Hendricks to accept the work of the subcommittee and for the Commission to include the Joint Subcommittee Co-Chairs' recommendations and that these be forwarded to the Department and Cabinet. The motion passed.

Subcommittees will be part of forum with the Cabinet to give stakeholder input regarding amendment to SCL waiver renewal.

The Commission would like to get feedback from the Department and Cabinet concerning the recommendations.

During this presentation, a statement was read by Missy McKiernan, a member of the Kentucky Council on Developmental Disabilities (KCDD). Please see attachment.

A motion by William Shaw was made for true Self Determination an integral part of all waivers. This motion was second by Patty Dempsey. The motion passed.

## **PUBLIC COMMENTS**

Patty Dempsey had a question regarding budget cuts and effects on supports. Eric Friedlander assured the public that the Cabinet is exploring all possibilities so that budget issues do not adversely impact services.

Jim Richardson commented on the need to focus on the maintenance and sustainability of current SCL system.

David Allgood, KCDD member, asked about the status of the MFP steering committee meetings. Leslie Hoffmann from DMS responded that they will reinstitute the steering committee.

Marie Allison speaking as a parent advocate asked that development of waiver renewal be transparent.

## **NEXT MEETING DATE**

Next meeting date is September 15, 2010

The meeting was adjourned.