

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

**December 3, 2015  
Legislative Research Commission  
131 Capitol Annex  
Frankfort, Kentucky**

**MEMBERS PRESENT:**

Commissioner Mary Begley  
Tabitha Burkhart-Wilson  
Leslie Hoffmann for Commissioner Lisa  
Lee  
Dr. Kathy Sheppard-Jones  
MaryLee Underwood  
D. Brandon Griffith  
Missy R. McKiernan

Julie Sweets  
Cathy Edwards  
James C. Chesser  
Andrew A. Venetianer  
Brenda Hosford  
Gayle J. DiCeasare  
Lynn M. Braker  
Patty Dempsey

**MEMBERS ABSENT:**

Deputy Secretary Eric Friedlander  
Buddy Hoskinson  
Representative Joni Jenkins  
Representative David Watkins  
Senator Tom Buford

Senator Julie R. Adams  
Christopher D. George  
Donald Putnam  
Peter A. Perry  
Melissa David

**WELCOME**

Commissioner Begley opened the meeting and welcomed Commission Members as well as members of the audience.

Commissioner Begley commended the work and advocacy of Deputy Secretary Eric Friedlander.

In recognition of events that occurred in San Bernardino, California, Commissioner Begley conducted a moment of silence prior to conducting the meeting.

**REVIEW OF THE MINUTES:**

Minutes from the September 3, 2015 meeting were reviewed. A request from Missy McKiernan to amend the minutes to reflect there are currently three (3) outpatient clinics located in the state: Oakwood Specialty Clinic located on the grounds of Oakwood ICF/IID, Lee Specialty Clinic located near Bingham Gardens ICF/IID, and Hazelwood Clinic located on the grounds of Hazelwood ICF/IID.

Minutes were approved with the requested change.

## **COMMITTEE REPORTS:**

### **Community Integration**

**MaryLee Underwood and Jim Chesser**

- Committee met on November 19<sup>th</sup> and elected MaryLee Underwood and Jim Chesser to serve as co-chairs of the Committee
- The University of Kentucky's Martin School of Public Policy and Administration prepared "**A Report on Supports for Community Living Waiver Program: Paying the Costs of Background Checks and Other Requirements for Direct Service Workers**" for the Commonwealth Council on Development Disabilities on June 9, 2014. A copy of the report was included in each member's packet for their review. The Community Integration and the Participant Directed Services (PDS) Committees continue to collaborate on this particular issue.
- Committee, after reviewing the National Core Indicator Data and the Quality Improvement Committee Recommendations, identified the following issues as the priority items the Committee will focus upon during 2016:
  - Flexibility of services throughout all waivers and including the Hart Supported Living program;
  - Overall funding of services for individuals with intellectual/developmental disabilities;
  - Employment costs for individuals who choose to participant-direct any or all of their supports and continue the collaboration with the PDS Committee;
  - Explore strategies to continue the decrease of loneliness as reported in the NCI data including training for providers; and
  - Increase in flexibility of addressing transportation needs, including addressing needs of individuals who reside in rural communities where transportation may impose barriers for individuals' participation in community and recreational events/activities.
- Committee Co-Chair MaryLee Underwood also contacted the Health-Wellness Committee Chair, Dr. Kathy Sheppard-Jones, to refer two (2) identified issues for their consideration:
  - Increased use of psychotropic medications in the Supports for Community Living Medicaid waiver program as identified in NCI data; and
  - Increased risk for development of Alzheimer's disease associated with Down Syndrome.
- The Community Integration Committee is currently scheduled to meet again on February 19, 2016 from 1-3 p.m. at the Human Development Institute's Coldstream Office.

### **Health-Wellness**

**Dr. Kathy Sheppard-Jones**

- Health-Wellness Committee met on November 20<sup>th</sup> and Dr. Kathy Sheppard-Jones will serve as Committee Chair
- The Human Development Institute (HDI) Health Program Coordinator continues to collaborate with the University of Illinois-Chicago on health initiatives for individuals with intellectual/developmental disabilities related to diet and exercise

- The Committee is aware that individuals with disabilities in Kentucky generally have increased rates of smoking, increased blood pressure and obesity, and a decreased rate of physical exercise. The Committee will continue efforts in identifying ways to promote appropriate diet and exercise across all waiver programs and include direct support professionals in these initiatives.
- Dr. Sheppard-Jones acknowledged the referral of issues related to increased risk of Alzheimer's disease associated with Down Syndrome and the increased usage of psychotropic medications in the SCL program and will address these concerns with the remainder of the Health-Wellness Committee members.
- Next meeting date has not been set, but if anyone is interested in participating on the Committee, please contact Barb Locker at DDID for information.

## **Participant Directed Services**

## **Patty Dempsey and Cathy Edwards**

- The Participant Directed Services (PDS) Committee met on October 20<sup>th</sup>.
- Patty Dempsey and Cathy Edwards will continue to serve as co-chairs of the Committee
- Acknowledged three new Commission members who joined the PDS Committee: Julie Sweets, Brandon Griffith, and Gayle DiCesare.
- The Committee identified the following goals/objectives for 2016:
  1. Goal 1: PDS participants will increase self-advocacy by self-directing their person-centered plan (PCP).
  2. Goal 2: PDS families will increase their advocacy on behalf of participants by directing the participant's PCP.
  3. Goal 3: Participants and families should receive adequate training related to PDS programs across all waivers.
    - 3.1 Advocate for each appropriate CHFS agency to include participants and/or their families to participate in trainings provided to provider agencies related to participant-directed services.
    - 3.2 Ensure participants and/or their families without internet access receive the same information in an alternative format.
  4. Goal 4: Establish an advocacy coalition, including but not limited to the ARC of Kentucky, Autism Society of the Bluegrass, KY Self-Advocates for Freedom (KYSAFF), officials from CHFS/Department for Behavioral Health, Developmental and Intellectual Disabilities
- The need for transportation for community involvement was reiterated. Transportation should not just be limited to medical appointments or to only daytime hours but should include evening hours so individuals can access community events and/or recreational activities, such as going out to eat with friends after work, going to movies, etc.
- The Committee presented the following recommendations to the Commission:
  1. Include participants and/or their families in the construction of new waivers and regulations. The Committee encourages the appropriate CHFS agency to include participants and/or families in discussions that pertain to new waivers or waiver changes being considered, particularly when pertaining to self-directed services.
  2. Notify participants whenever regulation changes are proposed that will impact their services and supports. (Currently participants do not receive regulation change information until after the proposed change(s) have taken place).

3. Allow participants to change line items as need within their Plan of Care (budgets) across all waivers. Medicaid waivers through the Center on Medicaid Services are intended to give people with disabilities more opportunities to better community living and control of their lives. However, prohibiting changes in line items in the individual Plan of Care (budget) creates barriers to the flexibility intended in self-directing services. Also, when preparing a Plan of Care, it would be helpful if the participant could be provided a copy of the regulations by the Case manager as they may not have online service.
- Discussion was held regarding how other states are using YouTube videos to explain regulations that people with intellectual/developmental disabilities can understand.
  - The use of KARES by individuals who choose to participant direct their supports was questioned. For questions or assistance related to KARES an individual may contact: [KARES.helpdesk@ky.gov](mailto:KARES.helpdesk@ky.gov) The PDS Committee will gather information related to KARES and review the impact upon individuals who participant direct supports.
  - The Committee's recommendations were accepted by the Commission and will be forwarded to the appropriate CHFS personnel for responses.
  - The Committee has not set a date for the next meeting.

**REVISE HB 144 GOALS AND RESTRUCTURE COMMITTEES      Missy McKiernan**

- Commission Member Missy McKiernan requested that all Commission Members review the 2012 Commission Goals contained in the meeting packet to determine if they are still appropriate or if they should be revised.
- A brief discussion was held. Jim Chesser reminded the Commission that the 2012 goals were designed as 5-year goals and the Commission is in the third year of implementation. It was determined that each Committee will review the goals in upcoming committee meetings and any recommendations for changes will be forwarded to Barb Locker for placement on the March meeting agenda
- A reminder was also announced that committees are open to members from the community who would like to volunteer their time and efforts on committee initiatives.

**HB 144 MEMBERSHIP STATUS      Commissioner Mary Begley**

- Commissioner Begley reviewed the list of current Commission Members whose terms will expire in July 2016
- The list of members was located in the Member's meeting packet and those members who are eligible for reappointment have been contacted by DDID and provided the application necessary for request of reappointment.
- A printed copy of the announcement and the applicable application were provided in the meeting materials and notices were distributed electronically by the Department utilizing various partners' listservs.
- Applications are being accepted until February 15, 2016.
- Commission Members were reminded that all applications are submitted to the Governor's Office and appointments to the Commission are made by the Governor's Office.

## **DMS UPDATES**

**Leslie Hoffmann**

- Review of Michelle P. Waiver recommendations from the Community Integration Committee was provided. Several issues were addressed in an oral presentation at the September 3<sup>rd</sup> meeting. Members received written responses to the recommendations which were contained in the meeting packet and included attachments referenced in the September 3<sup>rd</sup> oral responses.
- Review of the Participant-Directed Services and Community Integration Committee Recommendations was provided and written responses were contained in the Member packets. MaryLee Underwood asked to clarify that of the recommendations, only one (1) could have traction but is beyond the scope of the HB144 Commission and requires legislation. This was affirmed by Ms. Hoffmann
- Review of the Supports for Community Living Emergency Waiting List. The Department for Medicaid Services continues to work with the Centers for Medicare and Medicaid Services (CMS) to release additional slots
- Information related to allocation of slots across all Home and Community Based Waiver programs was reviewed.
- A provider webinar was held in November related to waiver changes in the services of Occupational/Physical/Speech Therapies. These therapies are available to waiver participants through traditional Medicaid services. Individuals in HCB waiver programs will continue to receive the therapies as long as medical necessity requirements have been met.
- MaryLee Underwood asked where ABA Therapy for children with a diagnosis of Autism falls within the HCB Waiver. Lynn Flynn, representative from the Department of Medicaid Services clarified these services are available through the Medicaid State Plan using the individual's Medicaid card. For questions related to ABA Therapeutic Services within the State Plan, individuals may contact Kristina Hayden at the Department for Medicaid Services.

## **HCB STATEWIDE TRANSITION PLAN UPDATES Leslie Hoffmann and Lynne Flynn**

- Presentation provided by Leslie Hoffmann and Lynne Flynn related to the CMS Final Rule HCB Statewide Transition Plan
- Andrew Venetianer asked for clarification of the term "heightened scrutiny"
- Missy McKiernan requested clarification regarding the number of providers across waivers who meet the definition of "heightened scrutiny"
- All comments regarding the HCB Statewide Transition Plan from the first public forums, any changes or amendments to the state plan as a result of comments, and comments from second round public forums will be submitted to CMS in one document.

## **TESTIMONY FROM PARENT**

**Kristy Slusser**

- Request from Camille Collins of Protection and Advocacy made in advance for parent to address the Commission
- Kristy Slusser provided information regarding her son who is currently in an out-of-home placement and not able to obtain an emergency SCL Slot due to the Emergency Waiting List and the lack of slots available. The parent was advised to remain after the

conclusion of the meeting and public forum to talk with Tabitha Burkhart-Wilson, Psychological Program Administrator from the Department of Behavioral Health, Developmental and Intellectual Disabilities regarding the situation.

#### **ADDITIONAL COMMENTS**

- Jim Chesser experienced difficulty gaining access through a security entrance for the meeting site that he has traditionally utilized. Future meeting locations will be checked for easy accessibility and security protocols addressed in advance of the meeting.
- Lynn Braker announced that she is a chairperson for a group at the University of Kentucky's Sanders Brown Center for Aging that is working on a 10-year study related to Alzheimer's disease. She will be serving on the Health-Wellness Committee of HB 144.
- Andrew Venetianer reminded Commission Members of the 874K to be held in February 2016. A flyer was included in each member's meeting packet of materials.

#### **MEETING ADJOURNED**

**Commissioner Mary Begley**

- Commission members were reminded that meeting dates for 2016 are located on the bottom of the agenda. Locations are yet to be determined.
- Requested and received motion and second to adjourn the HB 144 Commission Meeting and move directly into the Department for Medicaid Services HCB Statewide Transition Plan Public Comment Period.