

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

**March 10, 2017
Public Health Suites A & B
275 E. Main Street
Frankfort, KY 40621**

MEMBERS PRESENT:

Commissioner Wendy Morris
Lori Gresham for Commissioner Steve P.
Miller
Buddy Hoskinson
Steve Shannon for Gayle J. DiCesare
Kathy Sheppard-Jones
D. Brandon Griffith
Missy R. McKiernan

Michael S. Smith
Andrew A. Venetianer
Karen F. Herdina
Mary Lee Underwood
Berlinda Bazzell
Julie Sweets

MEMBERS ABSENT:

Deputy Secretary Tim Feeley
Senator Julie Raque Adams
Senator Tom Buford
Representative Joni Jenkins
Christopher D. George

Virginia (Jini) Payne
Rita D. Wooton
Stella Beard
Lynn Braker

WELCOME

Commissioner Morris opened the meeting and welcomed Commission members and members of the audience.

REVIEW OF THE MINUTES

Minutes from the December 8, 2016 meeting were reviewed and approved.

VIDEO FEATURING JIM CHESSER

A brief YouTube video featuring Jim Chesser was viewed on the topic of customized employment. The video may be found at the following link: <https://youtu.be/liihwk6s9tA>.

KENTUCKY HOUSING CORPORATION PRESENTATION

- Anne Colly Rose, Technical Assistance Specialist II, Housing Contract Administration, Kentucky Housing Corporation (KHC) provided information related to housing options for individuals with Intellectual/Developmental Disabilities (I/DD). Her presentation reviewed information from the housing development options from a developer's perspective, options available through public housing, and the challenges.
- Currently there are 7-8 programs/funding sources available for Development opportunities available from KHC for the recruitment of construction vendors and developers. The development of housing programs in Kentucky is a complicated system. Additional information provided by the presenter is available on the Division of Developmental and intellectual Disabilities website at: www.kyhousing.org.
- It is acknowledged that a lack of available, affordable housing for individuals with I/DD exists. This is in part because developers distance themselves from developing needed housing projects for people with disabilities.
- There are housing options available through public housing in 87 of 120 counties. A waiting list for housing units does exist that can be 3-5 years in waiting time. In some of the counties, the waiting list is closed. Resources that might assist in locating available housing options include Assisted Rental Housing in KY Directory and the Vacancy Report. These are available at the KHC website at: www.kyhousing.org.
- The Assisted Rental Housing in KY Directory is a snapshot that provides information on available housing resources and covers all 120 counties.
- The Vacancy Report narrows the search to what is actually vacant. Real time reports are available on the website. Ms. Rose provided examples of housing options that have worked well. She also discussed KHC's role in assisting with transition in the Money Follows the Person (MFP) program, in collaboration with the Human Development Institute at the University of Kentucky to provide home modifications, and by assisting case managers and person-centered teams to search for property that best suits the person.
- The reports do show accessible housing units and all are in an integrated community setting.
- There are eligibility requirements for supportive housing. Individuals and their case managers must work with the property management to determine eligibility based on income restrictions and any criteria defined by the particular funding source utilized for the housing option.
- The challenges to obtaining housing can include: criminal background checks of individual applicants vary from property management to property management; transition team or person-centered teamwork with property managers; lack of affordable housing is a major challenge because of housing development requirements, and some local properties do not have the capacity to support best-practice person-centered care.
- Question raised by Missy McKiernan: In the process of transitioning from a facility to the community with accessible housing, some property owners refuse to make properties accessible with basic modifications. What are helpful tips that a transition team should be aware of as they pursue housing options?
 - The property owner is required to make reasonable accommodations for a lease, such as grab bars in the bathroom. Refusal could be a fair housing complaint for discrimination and failure to provide reasonable accommodations.

- Question raised by Andrew Venetianer: What happens if the property owner does not make reasonable accommodations?
 - The case manager and/or support coordinator should pursue this with fair housing but understand that legal action may be required to force the property owner to provide reasonable accommodations.
- Brandon Griffith requested clarification of the housing wait lists.
 - Housing Choice Vouchers are limited and all vouchers have been issued. This creates a wait list until someone relinquishes his/her voucher, which will go to the next person on the list. Currently there are over 10,000 names on the wait lists for the 87 counties (3-5 year wait period) served by KHC.
 - Lexington and Louisville have their own wait list programs
 - Alternatives are project based – rental assistance is subsidized housing where the person pays a portion (approximately 30%) of housing and HUD pays the remainder. This is a complex driven environment.
- The need exceeds the demand for supported housing options. The KHC hosts public comments regarding development plans. Commission members and advocates are encouraged to attend public hearings. Information provided post-Commission meeting reflect that a public hearing for the 2017 Consolidation Action Plan for Kentucky's Block Grant Housing Programs was held in February 2017.
- Noted by MaryLee Underwood was that housing is a part of the Commonwealth Council on Developmental Disabilities' 5-year strategic plan. The Council is interested in building a relationship with KHC to explore strategies moving forward.
- Commission members and advocates are encouraged to sign-up for e-Gram for information published by the KHC, including public notices. To receive the e-Gram, please visit the KHC website: www.kyhousing.org

202B PROCESS

- Crystal Shadd, Crisis Coordinator, Division of Developmental and Intellectual Disabilities presented an overview of KRS 202B: Kentucky Admission Act for Individuals with an Intellectual Disability.
- The 202B process is a legal process used to commit people involuntarily to facilities designed to serve the needs of people with intellectual disability, called Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID).
- Admission to an ICF/IID provides a short-term placement for intensive assessment and stabilization to enable a person to return safely to the community. The 202B process is the only process for admission to one of the state ICF/IID facilities in Kentucky.
- There are four (4) state-owned ICF/IID facilities across the state:
 - Oakwood (Somerset, KY)
 - Bingham Gardens (Louisville, KY)
 - Hazelwood (Louisville, KY)
 - Outwood (Dawson Springs, KY)
- The 202B process requires a petition to be filed and legal proceedings conducted in the District Court in the county where the person to be treated resides or in which the person may be at the time of the filing of the petition.

- The process does require the person to undergo an evaluation by two (2) qualified professionals in the field of intellectual disabilities assigned by the Department of Behavioral Health, Developmental and Intellectual Disabilities.
- This is not an immediate process as in the filing of a 202A petition; it is not a same day event from petition to admission to the facility.
- A continuous process of evaluation that reviews treatment and ongoing placement in the ICF/IID occurs and 202B hearings are scheduled on a routine basis, no later than every five (5) years.
- The court can determine, based upon the information presented by the person's treatment team, that the person should be discharged from the facility.
- If it is determined that an ICF/IID placement is appropriate and there is no space available, the person is not admitted until there is available space.
- It was noted by Commission Member Berlinda Bazzell that there are families that want their family member admitted to an ICF/IID facility but they do not meet the ICF requirements. This places the family in limbo because community-based service providers say they cannot support the individuals. Family members are encouraged to reach out to crisis support teams for resources and assistance on a case-by-case basis.
- It was noted that admission to private ICF/IID facilities is different from that of the state-owned facilities; however, the two (2) private facilities currently operating in Kentucky do maintain wait lists for admission.
- Commission member Karen Herdina questioned what constitutes emergency status on the Supports for Community Living (SCL) waiting list. If a person is transitioning from an ICF/IID facility, they do meet regulatory criteria for emergency category on the SCL waiting list.
- A request was made for data. The following information was provided by DDID:
 - Census data: 230 individuals currently being served in the 4 public facilities
 - 2016
 - 53 petitions filed
 - 22 upheld
 - 2015
 - 23 petitions filed
 - 14 upheld
- Commission member MaryLee Underwood expressed concern that the increase in admissions and applications are related to the growing waiting lists.
- Currently no specific causal factor(s) have been identified for the increased petitions and admissions; however, DDID continues to monitor and analyze trends.

COMMITTEE REPORTS

- **Community Integration**
 - Missy McKiernan and Andrew Venetianer, Co-Chairs provided updates.
 - Committee met twice during the quarter
 - Continue to discuss transportation related issues with representatives from the Transportation Cabinet. Jeremy Thompson has been helpful.
 - KAPP has distributed a survey related to transportation concerns.

- Data is being collected and reviewed for the Northern Kentucky area that may assist the Committee with future recommendations.
 - Commission member Buddy Hoskinson encouraged Commission members to attend monthly CTAC meetings held with transportation providers.
 - Other topics considered by the Committee: people with medically complex needs and waiver redesign.
 - No formal recommendations submitted.
- **Health/Wellness**
 - Kathy Sheppard-Jones, Chairperson provided update.
 - Committee met in February.
 - Encouraged Commission members and audience to go to www.wellness4ky.org for information, resources, and updates.
 - Department of Public Health (DPH) is now represented on the Committee and is very engaged in exploring partnerships with HDI and DDID.
 - Twenty-eight (28) applications were received for the 12-member CHEER Advisory Committee. Invitations to join the HB 144 Health/Wellness Committee will be extended to all applicants who were not selected to serve on CHEER Advisory Committee.
 - Committee will be seeking information from DDID via the Health Risk Screening Tool (HRST) on psychotropic medication usage.
 - Continue to explore curriculum on sexuality issues.
 - No formal recommendations submitted.
- **Participant-Directed Services**
 - Brandon Griffiths, Co-Chair provided update.
 - Committee met in February and have started exploration of a workforce database as a means for recruitment of staff for those who self-direct services.
 - Committee has concerns about being able to bill for only one (1) caregiver at a time when the health, safety, and welfare of the person and/or the staff may be compromised due to the needs of the person.
 - Committee submitted Recommendations for consideration.
 - Recommendations approved by the Commission. Recommendations will be submitted to the Department for Medicaid Services (DMS) and the Department for Aging and Independent Living (DAIL) for consideration and written response.

NEW SYSTEMS CHANGE GRANT

- Kathy Sheppard-Jones updated the Commission on a new systems change grant related to employment.
- Grant was awarded in September to the Human Development Institute and includes partnerships with Protection & Advocacy, Office of Vocational Rehabilitation, Division of Developmental & Intellectual Disabilities, Kentucky Department of Education, Office of Autism, and Commonwealth Council on Developmental Disabilities.
- Developing a statewide work team to:
 - Promote positive policy changes in the areas of employment and post-secondary education; and

- Develop a web-based training program focused on employment for those in the 18-21 age range.
- Jeff White is the Project Director.

DIRECT SUPPORT WORKFORCE

- Deputy Secretary Feeley received a request for the HB 144 Commission to form a committee to address concerns on recruitment, selection, and retention of direct support professionals.
- In lieu of forming another committee, the PDS Committee has agreed to broaden their focus on this topic.
- Barb Locker will work with PDS Committee Co-Chairs to invite stakeholders to the next PDS Committee meeting. Anyone interested in becoming a part of this conversation should contact Barb at Barb.Locker@ky.gov.

DMS UPDATE

- Lori Gresham, Director of MFP and Policy Analyst for Waivers in the Department for Medicaid Services provided updates.
- A formal Request for Proposals (RFP) was released for the purpose of waiver redesign. The full text of the proposal is available on the Kentucky Department of Finance webpage. The closing date for proposals is March 17, 2017.
- Waiver redesign process to date included three (3) meetings with a stakeholder group in December and January.
- Commission member MaryLee Underwood pointed out that recent House Concurrent Resolution 6 was amended to acknowledge the work of the Waiver Redesign Workgroup and the appointment of two (2) legislators to the workgroup to address the needs of people with medically complex needs.
- Steve Shannon, proxy for Commission member Gayle DiCesare noted that an email had been received from staff within DMS that the workgroup input and work products will be incorporated into the new process.
- Commission member Brandon Griffiths emphasized that it is imperative that the future process includes providers, self-advocates and families as part of the redesign.
- A review of status of waivers:
 - MPW – renewal application submitted to CMS on January 23, 2017;
 - ABI – public comment period ended on February 25, 2017 and renewal application expected to be submitted to CMS by end of March 2017; and
 - SCL – transition of therapy services from SCL waiver to State Plan is targeted for March 15, 2017 with application pending CMS approval.
 - Once SCL waiver is approved by CMS, there will be 240 slots available but it will take time to allocate the slots.

PUBLIC COMMENTS

- Cheri Ellis Reeves
 - Family member of a person currently residing at Oakwood.

- Requested a committee be created to review criteria for individuals with profound disabilities and a process put in place that would prevent any required transition of individuals from an ICF/IID facility such as Oakwood into the community.
- Families should not have to go through 202B hearings and costly legal proceedings in order for their family member to continue residing at an ICF/IID facility where they have lived for 35-40 years.

DECISION: Commissioner Morris asked DDID staff liaisons to reach out to current Committee chairs/co-chairs regarding discussion this topic in their committees. The DDID staff liaison will contact Ms. Ellis-Reeves when it is assigned to an existing Committee and placed on the agenda for discussion.

IN CLOSING

- Commissioner Morris recognized MaryLee Underwood, Executive Director for the Commonwealth Council on Developmental Disabilities. Ms. Underwood will be leaving the Council on March 31, 2017. Recognition was given for her advocacy efforts on behalf of people with disabilities and their family members.
- Commissioner Morris thanked everyone for his and her time and reminded Commission members of the meeting date change for June. The next quarterly meeting will be held on Friday, June 9th from 1:00 – 3:00 p.m. in the same location.
- Meeting adjourned at 3:00 pm.