



Texas State Independent Living Council

Meeting Minutes
December 1, 2012

Dallas Marriott Suites Medical/Market Center
Dallas, Texas 75207

December 1

Opening:

The quarterly meeting of the Texas State Independent Living Council (SILC) was called to order at 9:15 a.m. December 1, 2012 by Saul Herrera, Chair.

Present:

Members in Attendance –Randell Resneder, Jim Batchelor, Saul Herrera, Karen Swearingen, Richard Couder, Anna Hundley, Calvin Turner,

Others in Attendance - Regina Blye, Staff; Ashley Schweickart, TDHCA; Karissa Garcia, DARS; Laurie Pryor, DARS; Amy Kantoff, DARS; Steve Ashman, DADS; Sandra Breitengross Bitter, Staff; Judy Scott, DARS Council Chair

Members Not in Attendance - Crystal Choi, Marc Gold, Shannon Alexander, Beth Pierce, Lance Hamilos, Peggy Cosner

Addressed:

APPROVAL OF AGENDA AND MINUTES

- Batchelor motioned to approve the minutes, Resneder seconded, unanimous approval came from the Council
- Resneder motioned to approve the agenda, Batchelor seconded, unanimous approval came from the Council

EX-OFFICIO, LIAISON, AND CHAIR REPORTS

Report from Steve Ashman, DADS: Ashman provided a report for absent member, Marc Gold. Ashman discussed the background of the “Money Follows the Person” (MFP) concept and the importance of the CILs in transition services. CMS created Money Follows the Person. BIP is a new program with CMS that is an enticement for states to rebalance their care system. Any state that had less than 50% of funds that went to community-based care, can participate in the BIP program. By 2015, the state has to spend 50% of their Medicaid and state money on community based care, eliminate conflict of interest to enhance choice, also have a standardized assessment process. The state is working on a one-stop shop for the application process. With regards to the BIP, all funding has to be approved by the legislature for the projects, and the funding cannot supplant current funding.

Currently there are 14 ADRCs, and DADS would like to expand that number to 20 by 2020. Because of budget challenges, DADS is looking for funding partners within the community and believes that ADRCs will be able to help track an individual through the process. ADRCs are initially funded for three years, and for the first year they are funded at between \$100,000-150,000. After a few years, funding will start to draw

back so ADRCs will become self-supporting from other funding areas. On January 1st they will put out a request for a new ADRC. The budget will range from \$95,000-150,000.

The option for a Referral to a local contact agency is a requirement when someone is leaving a nursing facility (federal law). \$2.7 million is what DADS is investing in relocation contractors for the CILs, and this number needs to be updated for the new SPIL.

Legislation of interest: SB57 with regards to managed care. Managed care has seen a substantial growth over the last several years. SB57 requires that managed care be available for those with ID and substance issues. Ashman explained what exceptional items for the budget (building on the base of the request) such as cost increases, etc. Promoting independence, exceptional budget item asks for 400 additional waiver spots for those that want to leave an institution and 192 slots for those children aging out of foster care.

PACE program for dual eligible (El Paso, Amarillo, Lubbock) 24 new slots to Lubbock or Amarillo, 48 to all three of them, and increase PACE to two new sites at 150 clients at each new sites.

BIP--\$100 million for program to assist in rebalancing, up to 20% of grant dollars can be administrative funding. Some administrative projects the feds are paying 100%.

Some CILs applied to be relocation contractors, DADS was able to bring them all in for training.

Behavior health pilot—nursing facilities have a diagnosis of mental or behavior and substance abuse services, substance abuse services for up to 6 months after discharge, adaptation training to change behavior to make them more independent (laundry, calendar). This is being looked at nationally.

Provided ADRC funding for housing navigators to work with local governments and non-profits. To identify and develop integrative and affordable housing. State Supported Living Centers to assist in the relocation process. Funding local Ombudsman for individuals in nursing facilities.

Ashman stated the SILC can submit a proposal for funding DADS.

Report from Laurie Pryor, Division for Blind Services, DARS: DBS is working on a redesign of the IL program to identify options that will significantly benefit consumers while providing relief for large caseloads of IL staff. IL program serves 18 plus for those without a goal. Individual training and group skills training. 22 IL caseworks around the state, does the work of a casemanager and a teacher—case load is huge. Non-visual techniques and training. Diabetes education training and contract with nurses to do the training.

90/10 federal funds for older blind, Part B funds under 54 consumers, Rider25 at eminent risk of a being in a nursing home, to provide services and technology to keep them in their home.

LAR doesn't include request for new positions this year, focused on redesign to provide more services with same funds. DBS updated the providers standards, raised the rate to \$35 dollars an hour, effective December 3rd.

Training at Criss Cole Rehabilitation Center: DBS is in the process of redesigning its training plan is working on a pilot to break up the training for individuals with visual impairments. The previous training program was broken up into three training programs; Confidence Building Training, Proficiency Training Program, Career Focus Training Program. So far 65 consumers have used one of the three programs. Feedback from consumers and staff is being gathered and will be used to evaluate the redesign.

SPIL Monitoring: With regard to monitoring of Goal III Objective A on the SPIL, as of the end of the fiscal year (08/31/2012) there had been 2,070 new IL referrals and of those referrals 1,604 (77%) had received an Independent Living How To Guide information packet. New referrals not receiving an IL guide would either have an immediate need for services or have received the guide previously, such as a previous consumer.

Report from Amy Kantoff, Division for Rehabilitative Services, DARS: Kantoff reported the waiting list is continuing to fall for ILS. DARS contract with casemanagers to work with IL counselors to reduce the waiting list. DRS only has 12 IL workers, eight are part time or have dual caseloads. In a self-evaluated mode of how they do business, currently doing focus groups with CIL staff, IL counselors, managers of DRS, etc.

High technology funds, to keep individuals out of nursing homes. Eligibility by observation is streamlining the process and reducing expenditures.

Report from Ashley Schweickart, TDHCA: Legislative Update: 97% federal funding, 3% state funding. Concerned about the sequestration, possible 8.25% across the board cut. Texas homeless management information system (HMIS) sends info to HUD. The data is not compiled at the state level; TDHCA wants to create a clearinghouse of information on homelessness. Sunset commission recommended a 12 year extension of TDHCA

Programs: Project Access (rental assistance for PWD out of institutions)—519 persons, pilot for transitions out of institutions. HOME program federally funded tenant based rental assistance (TBRA) from HUD. If someone leaves an institution, 2 years program, they can transition to Project Access funding source that is a permanent funding source.

Section 8 vouchers, waiting list is extremely long. Changed the TBRA program that if you are already on the Section 8 waiting list, then you can stay on it for five years instead of two. Notice of funding availability for single-family developing activities.

Two grants from CMS—CMS Real Choice Grant (1. Apply to HUD for Sec.811—integration with disabilities—state housing financing agencies to put PWD into existing affordable housing to promote integration. \$11 million.\$85 million available nationally. The first pot of money is for five years. These are permanent vouchers fixed to the property, 25% is the ceiling of the property can be for PWD disabilities. Real Choice Grant, housing and partnership academies, to bring together stakeholders in communities to connect community based services and affordable housing for individuals with disabilities. Two academies, 10 communities for each. 1.5 days of education, technical assistance, to assess needs and identify barriers. Application in January, event in April.

CMS—Money Follows the Person Administrative funding. Half of an FTE to administer the project access program. Half of an FTE to the HOME TBRA program, one FTE on the outreach, education, TA, for IWD.

Housing and Health Agencies Council—report from them. Hired an organization called TAC Technical Assistance Collaborative to find best practices from other states, for housing and health agencies, a comprehensive report of their findings.

HOME final rule: TBRA extension/interpretation is not final, January is the release. Amend the state rules to go before the governing board. Does not have to be approved the legislature.

Report from Karissa Garcia,DARS:Garcia reported on the exceptional items (7). All funds are general revenue and federal funds. 325 bills have been filed. DARS is monitoring 39, 18 analysis, 21 on watch-list.

Topics of interest: joint case service - gives more latitude for consumers that need services through DBS and DRS.

Criss Cole Redesign Pilot—Came up with three categories of training to shorten the total training commitment, 70 have used this pilot.

Project HIRE Pilot—Following the student with disability through the whole college experience to make sure they are successful. There are 12 participants right now.

DARS--Stakeholders section on the website; currently in process of rebuilding all of the council pages.

Report from Saul Herrera,SILC Chair:Herrera attended his first Rehabilitation Council of Texas meeting as the new SILC Liaison. Herrera stated he provided a report on SILC recent activities. Herrera attended a disability employment awareness month

conference at a local community college in the Midland/Odessa area (*transportation providers*). They have an onsite liaison at the college. Herrera has plans to attend the SILC public hearing in Big Spring. Herrera worked with Blye to develop the December meeting agenda.

PUBLIC COMMENT/ANNOUNCEMENTS

- No public comment or announcements.

OLD BUSINESS

- Blye discussed previous Action Items from last meeting's minutes. Several items have already been handled:
 - Blye provided an update on the HHSC Audit - discussed recommended changes to the attendant service reimbursement form.
 - Blye provided an overview of the audit findings: HHSC discovered nine findings that results in the SILC returning at least \$112,000 to DARS. DARS conducted their own independent audit and dropped a majority of the findings and determined the SILC will have to return at least \$47,000 to DARS.
 - Blye has to submit a Corrective Action Plan (CAP) to DARS and to address final recommendations from DARS. Recommendations from DARS include; creating a policy procedure manual for the conference, set up a separate budget for conference activities, and to establish separate goals and objectives to act as a separate entity from the SILC grant. DARS recommended the SILC have a financial committee to meet quarterly to discuss finances and budget items. Garcia asked if the SILC has a CPA to manage the finances. Blye said the SILC currently does not have a CPA managing finances and that assistance is needed because funding is more complicated than when the SILC originally started, and requires more time to prepare financial documents. Schweickart recommended a quarterly review by an experienced bookkeeper/CPA. Pryor recommended the SILC have someone that could advise on audits. Garcia suggested that the CPA conducting the audits, should be an outside entity separate from the staff. Couder suggested that instead of having a separate committee, a financial person should attend quarterly meetings and report on the finances. Resneder wants SILC staff to make sure there will be funds to cover any travel coinciding with those responsibilities.
 - Blye reviewed changes to SILC FY13 Attendant services invoice form. Clarified that the reimbursement is going to the councilmember and/or or the staff, not directly to the attendant. Therefore, language regarding IRS reporting was removed from the bottom of the form. Couder asked for clarification about how the reimbursement request would work. Pryor suggested using reimbursement or attachment rather than invoice. Garcia suggested that RTC attendant form be reviewed. "Attendant Services Report" was Pryor's final suggestion. Several boardmembers agreed and recommended changing language at the bottom of the form to reflect the new title header on the form.

- Blye referred to the policy and procedure manual page 16, section 1.09 regarding nepotism. Regarding the nepotism policy, some sections were removed to address DARS audit concerns. Language was added to exclude attendants, etc. from nepotism policy. Suggested adding language saying the payment of services "from/by the SILC," regarding the attendant clause. Garcia said the SILC has two section 8s, Blye will look at reorganizing.
- Blye went over training opportunities for the council and staff to attend conferences/trainings out of the state. Blye requested getting approval from the council to attend the events. Blye asked if any members were interested in attending any of the training opportunities. Blye will review the budget and will take as many members and staff as possible.
 - SILC Congress in January in San Diego, CA – Herrera, Resneder, and Couder are interested in participating.
 - APRIL Conference in October in Oklahoma – Couder, Resneder, and Alexander are interested in participating.
 - NCIL Conference in July in Washington DC - Blye will review the budget and see where the SILC is travel wise.
- Resneder announced disability awareness week, and encouraged everyone to host events during the week in April.
- **Approval of Old Business:** Members voted on approving the old business report that includes policy procedure manual changes, attendant form suggestions, training opportunities, new CPA or experienced bookkeeper, HHSC audit update, etc. Batchelor motioned, Resneder seconded the motion, and unanimous approval came from the Council.

NEW BUSINESS

- Blye discussed New Business items:
 - Vacant position - Secretary Position is only open to members that have been have served at least two years. Swearingen was recommended to fill the vacant position. Crystal Choi's position was discussed, because she has not been attending the meetings and has not been responding to notices from staff. Questions were asked about what the bylaws state regarding meeting attendance. Bylaws state that absence from three consecutive meetings can have the Chair remove the member from the board. Herrera stated he will contact Crystal by the end of Decemberto inquire about her intentions to be on the council.

Motion: Swearingen motioned that if Crystal doesn't respond that she wants to remain on the council by next January meeting then staff should move forward with getting a replacement with the governor's office. Resneder suggested that if she says she want to remain on the council, but doesn't attend, then she is removed. Calvin seconded the motion; unanimous approval came from the council.

- Blye reported the Planning and Evaluation committee meet prior to the meeting to discuss updating and rewriting the SPIL. Breitengross-Bitter will take the lead on writing the SPIL and facilitating the public hearings with assistance from Blye. Herrera and Couder are new Planning and Evaluation committee members and will help with writing the SPIL.

- Blye reviewed 2013 Forms and Documents: Members recommended keeping names and vote each time there are updates. Turner made a motion to approve all forms and Batchelor seconded the motion; unanimous approval came from the council.
- Blye went over the August, 2009 fire and lawsuit filed by PS Business Parks. Almost three-years later the lawsuit has been dropped and the SILC's Travelers Insurance file is officially closed with no fees or payments needed, and no liability held to the SILC.
- Blye asked to amend the policy and procedure manual, concerning the salary and wages section. Blye wants to eliminate the requirement that staff salary adjustments have to be approved by the board when grants are being written and adjustments are necessary. Hundley stated that there should be a general budget approved by the board and that Blye should be able to adjust staff salaries according to the approved budget.
- Blye notified the members about the NYSILC giving their members Kindles and everyone reviews their meeting materials electronically. Resnedersuggested that we confer with Kantoff, SILC's grant manager about the Kindle idea. Resneder stated that he liked the idea of the Kindle and having committee meetings on Skype. Resneder will look into the idea and provide a report by the next meeting; this will include state approved and most accessible devices. Batchelor suggested that Resneder look into NYSILC and Hundley suggested that those that have an iPad or laptop them during the meeting.

Motion:Swearingen motioned changes to the policy and procedure manual to reflect Blye having the ability to make salary decisions within the approved budget. Resneder seconded, unanimous approval came from the council.

CONFERENCE UPDATE

- Blye discussed Conference Planning items:
 - Conference Dates March 3-5 with Capitol Day on the 5th to support the My Medicaid Matters Rally.
 - Blye reviewed the conference forms and agenda. Members liked the conference logo and Resnedersuggested using microphone awards to match the conference logo.
 - Blye suggested the council have their meeting on Saturday afternoon and have the joint meeting with TACIL Sunday afternoon, Members agreed with moving the meeting date up by one day. Blye asked members to look at the calendar for the July council meeting. Blye wanted feedback on CTD co-hosting the conference. They could take care of transportation to the rally, plans for the Capitol. Members thought it would be better to look at future collaborations. The conference committee will meet Sunday to further cover planning activities and developing a separate budget and policy and procedure manual for the conference.

EXECUTIVE DIRECTOR'S REPORT

- Blye provided a summary of activities since last meeting: participating in more

than 40 activities, including attending local, state, and national events.

- Blye submitted grant renewals for DARS and TCDD. The SILC has now has four funding streams (DARS, TxDOT, and two from TCDD). The SILC will find out if TxDOT will further fund the Transportation Works Project to include a needs assessment in rural areas in Texas.
- Blye listed SILC staff (seven employees) and their positions. Blye also provided a broad overview of current SILC projects.
- Blye reviewed the SILC's new website and asked for suggestions and comments. Batchelor likes the new site and old logo. Herrera agreed with Batchelor and requested straightening the current logo to look more official and have a badge appearance.

Motion:Batchelor motioned to approve the website without the new logo and look at getting a redesign of the current logo, Resneder seconded, and unanimous approval came from the council.

Motion:Resneder motioned to accept the full report, Swearingen seconded, and unanimous approval came from the council.

STATE PLAN FOR INDEPENDENT LIVING

- Breitengross-Bitter provided a subcommittee recap on the first SPIL workgroup meeting that took place Friday, November 30, 2012.
 - Breitengross-Bitter reported the Planning and Evaluation committee meet prior to the meeting to discuss updating and rewriting the SPIL.
 - Breitengross-Bitter will take the lead on writing the SPIL and facilitating the public hearings with assistance from Blye.
 - The SILC will hold public hearings in Wichita Falls, Big Spring, Liberty, and Corpus Christi.
 - Herrera and Couder are new Planning and Evaluation committee members and will help with writing the SPIL, still looking for a Chair for this subcommittee.
 - Paula Margeson, Janet Wilkerson, and Michelle Crain (by teleconference) were CIL representatives participating in the workgroup session.
 - Breitengross-Bitter and Blye will meet with DARS at the SILC office Tuesday, January 22, 2013 to provide updates to the SPIL.

MEETING ADJOURNED

- Herrera adjourned the meeting at 5:00 p.m.

➤ Minutes prepared by Breitengross-Bitter and Blye

Signed by: X

Date: