



STATE OF NEVADA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
AGING AND DISABILITY SERVICES DIVISION

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Minutes

Name of Organization: Nevada Commission on Services for Persons with Disabilities (Nevada Revised Statute [NRS] 426.365)

Date and Time of Meeting: May 29, 2014
9:30 a.m.

Location: Aging and Disability Services Division
1820 East Sahara Avenue, Suite 201
Las Vegas, NV 89140

To join this meeting by phone dial 1-888-363-4735, then enter Access code 1228133 when prompted.

I. Welcome and Introductions
Brian Patchett, Commission Chairperson

Members Present: Brian Patchett, Mary Bryant, Bill Heavilin, Gary Olsen, Jodi Sabal, Jon Sasser, Nicole Schomberg, Karen Taycher, Shelly Hendren

Staff Present: Laura Valentine, Tina Gerber-Winn, Desiree Bennett

Guests: Michele Ferrall; Aging and Disability Services Division, Bailey Battin; Easter Seals, Kelly Wooldridge; Division of Child and Family Services, David Daviton, Reggie Bennett, Scott Youngs, Shelly Gall; Aging and Disability Services Division, Julie Balderson; Aging and Disability Services Division, Dan Dinnell; IDEA Part C, Jennifer Frischmann; Division of Health Care Financing and Policy

- II. **Public Comment** (No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item.)

Mr. Daviton commented he had concerns about ADSD he would like to put in writing to the CSPD committee to review and consider.

- III. **Approval of Minutes from the April 29, 2014 Meeting (For Possible Action)**
Brian Patchett, Commission Chairperson

Ms. Gerber-Winn stated corrections to the minutes include changing the name Barry Gold to Sue Rhodes under the Olmstead and possible recommendations agenda topic. She also stated changing the word Independent Living Waivers to Assisted Living Waivers throughout the document. Ms. Gerber-Winn would also like to add to the minutes that this fiscal year ends in June and there will be new monies in July. Ms. Bryant made a motion to approve the minutes with corrections, Mr. Olsen seconded the motion, motion passed. Ms. Hendren abstained; she was not present at the previous meeting.

- IV. **Update and Report on Medicaid Waivers Including Wait List Numbers and Specific Information on the Intellectual Disabilities Waiver Process, Discussion and Possible Recommendations by the Council (For Possible Action)**
Jennifer Frischmann, Division of Health Care Financing and Policy
Michele Ferrall, Deputy Administrator,
Aging and Disability Services Division

Ms. Ferrall presented a PowerPoint on Medicaid Waivers (attachment 1).

Ms. Taycher asked when the verbiage of the Waivers will change to; persons with intellectual disabilities, instead of; mental retardation.

Ms. Frischmann stated progress is currently being made on changing verbiage of all Medicaid Waivers.

Mr. Sasser asked if the Behavioral Consultation Training and Intervention included Applied Behavioral Analysis (ABA) of kids with autism.

Ms. Ferrall stated the ABA is not included and read the service definition provided by the state of Nevada for Behavioral Consultation Training and Intervention in the waiver.

Ms. Frischmann explained the steps and process of submitting a waiver and receiving approval. A list of services that are either above and beyond the State Plan or are not offered at all is what's evaluated. Budget projections are also made on each of those services. The entire Waiver is then submitted to Centers of Medicare and Medicaid (CMS) for review.

Mr. Sasser asked how often this process is done.

Ms. Frischmann stated the waiver process is only completed when needed.

Mr. Sasser commented that people should not be waiting longer than 90 days on a waiting list. He asked if the budget will reflect an increase to make sure that there are not people waiting over 90 days going forward.

Ms. Ferrall stated the next budget will address a requested caseload growth.

Mr. Sasser stated he would like the committee to focus and discuss further about complying with the state Olmstead Plan and keeping waiting lists for waivers less than 90 days.

Mr. Patchett stated that it needs to be clear to Legislatures and the Governor that it is a stance taken by the commission to hold up the standards of the Olmstead Plan to a 90 day max waitlist time for waivers. Hopefully that will be helpful in drawing down funds to work on the wait list.

Ms. Frischmann stated that ADSD has submitted a request for 93 new slots in the next biennium. She stated the issue of having people on the waiver waitlist for longer than 90 days is for multiple reasons. Some individuals that are on the waitlist are waiting for supportive living arrangements or intensive supportive living arrangements and there is a real shortage of providers. Ms. Frischmann asked the committee for a partnership in provider outreach and development of resources in Nevada to get the waitlist moving. It is not completely a funding or slot issue; it's the lack of resources available.

Mr. Patchett asked if a breakdown of reasons people are on waitlists could be presented at the next meeting; if it is about funding, providers, or other reasons.

Ms. Ferrall stated it is possible to create a breakdown of what individuals are waiting for and in which region. Hopefully it will be addressed with the waiver amendment that is specific to increasing nursing services. There are people who could be supported in the community if they had the level of nursing they needed. It will be necessary to recruit providers who have that level of expertise. Another area that is difficult to find providers for is those people who are extremely behaviorally complex. There is difficulty finding providers because of the rate of pay they receive. Desert Regional Center recently opened up their waiting list for all people waiting for intermittent SLA services, which are services that are not 24 hours and can occur at the family home. Ms. Ferrall stated that this is a particular area where there is a lack of providers. Ms. Ferrall added that Autism is considered a related condition.

Ms. Taycher asked about the possible increase in funding for an ABA kind of provider that can deliver a more specialized and skilled service for those individuals who are more behaviorally complex.

Ms. Ferrall stated that it is possible to look at making an amendment of change to the Medicaid waiver and increase the hours or dollars put towards behaviorally complex patients' supports.

Ms. Taycher asked about the budget presented on the PowerPoint presentation of Medicaid Waivers and how it is possible to ask for an increase in funding when the current funding available hasn't been completely used.

Ms. Ferrall stated that Rural Regional Center was experiencing a decrease in population, the budget was adjusted accordingly. The population has increased again, in order to start off the year and maintain it financially, not as many placements have made.

Ms. Frischmann stated that Nevada Medicaid has taken steps to streamline the application process. Partnering with Welfare, there is now a centralized unit that specifically works on waiver eligibility. With new regulations that are coming out of CMS, DHCFP and ADSD adjustments and expansion may need to be made to the process when developing a comprehensive person centered plan. There are current work groups within Nevada Medicaid, Desert Regional Center (DRC), Sierra Regional Center (SRC), and Rural Regional Center (RRC), examining what a person centered plan needs to look like.

Ms. Taycher asked about any community and consumer involvement in the planning process.

Ms. Frischmann stated that notices have been sent out to all the providers and public workshops have been posted; one workshop is coming up on June 6th. She stated she wants as much input from consumers, providers, advocacy groups, and the public as possible. There will be a presentation in Las Vegas on June 11th to the provider group at Easter Seals. Information on the new regulations including PowerPoint presentations and links to the CMS website are all posted on the DHCFP website. The PowerPoint presentations include information on regulations surrounding settings and person centered planning.

Ms. Frischmann also stated the department has sent out over three hundred self assessments to various providers that came back with a very positive and optimistic response to meeting these new requirements. A comprehensive compliance plan needs to be developed and submitted to CMS demonstrating that the stakeholders who are involved are being heard.

Ms. Bryant asked if the training of the services coordinators is consistent. Ms. Ferrall stated that training has not been consistent, but she has been working as the Agency Deputy Administrator to make training standardized across the state.

- V. Report from Meeting with Legislative Interim Committees, Discussion and Possible Recommendations from Council (For Possible Action)
Brian Patchett, Commission Chairperson
Jon Sasser, Commission Member

Mr. Sasser stated there were four presentations at the Veterans, Seniors, and Adults with Special Needs meeting on May 21 consisting of information about the duties of vocational rehab, issues affecting deaf and hard of hearing and the issues of interpreter services and the Public Utilities Commission (PUC). Information on services for the blind and the need for training outside of the employment arena for independent living and assistive technology services was presented along with employment issues, which involved a presentation on guardianships that might be needed for people with intellectual disabilities. The committee will have one more meeting on the 18th and a final meeting that will be determined in the upcoming weeks. The Committee is looking for specific recommendations from the CSPD on those topics and any other proposed legislation.

Mr. Patchett asked what the process is and the best way to communicate to the Legislative Committee any bill draft recommendations.

Mr. Sasser stated a work session document will be prepared by the staff at the instruction of the Committee Chair. This committee should collectively put in writing to the Legislative Interim Committee Chair recommendations in the areas the committee would like to take action on. The committee is able to combine multiple recommendations into one bill draft. He stated it is important for the committee to meet and get recommendations made prior to the Interim Committee meeting coming up in July or August. It is important for the Subcommittee on Communication Services (SOCS/CAC) to prioritize recommendations and get them to the larger body for action.

Mr. Olsen stated the recommendations will be finished at the next SOCS\ CAC meeting being held on June 12. He stated the committee has great ideas that need to be put in the right perspective.

Mr. Sasser stated that the Legislature will be expecting instructions on what to do about the current wording of the statute that has the PUC surcharge. Mr. Sasser stated he would like to see the specific charge, whatever it may be, put in the statute and that the money goes straight to the Division. The PUC should be cut out of the process completely other than collecting the money. He stated the budget should be developed through the agency and then be sent through the legislative process. The statutory definition of what the budget can be used for should be stated broadly in the statute to encompass advocacy, updated technology, and whatever else the committee deems appropriate. Another recommendation to the agency would be to address the interpreter issues in

terms of access to government agencies. The legislative committee would also be interested in hearing about the issue of interpreters specific for the legislature and how to add live captioning of legislative meetings available to people who are watching from home.

Mr. Olsen stated he would like to make a proposal for change to the legislature regarding the PUC.

Mr. Sasser stated that the only thing that can be done is to change the statute. The CSPD and the Interim Finance Committee is expecting and welcoming the statutory change to come forward. Currently the statute says the PUC has to approve the budget and that the money can only be used for those things that are in the statute, the only thing to do is to change the statute. Mr. Sasser stated the proposal should come from the CAC\SOCS committee. The CSPD will then be able to make recommendations that can be voted on.

Ms. Bryant commented that she would like to see a budget for appointed guardians to people with Intellectual Disabilities (ID). Ms. Bryant stated that seniors have attorneys appointed to them and have their rights represented. People with ID are the only group without representation. ADSD gives grants to Washoe Legal Services that pays for attorneys to represent seniors who are up for guardianship.

Mr. Sasser stated that not all seniors have that representation; it is a very small grant because of the limited funding. The court does have the power to appoint Washoe Legal Services or a private attorney and pay it out of the court's fund if it is available. The Grant is a combination of AOA and tobacco monies which are designated solely for seniors, so those pots of money cannot be used for this group.

Mr. Heavilin stated a big issue that needs to be addressed when discussing guardianship is the education component. Parents are frequently told by school officials and providers that when a child turns eighteen the parents must become the guardian. There are alternatives to guardianship. If there is some sort of funding that ADSD can look into, it's needed.

Mr. Patchett stated he is concerned about providing adequate independent living services for people who are visually impaired. When services are provided and people enter Vocational Rehab or Independent Living, it is important to address their independent living needs immediately, especially the technology and orientation mobility needs. If we are going to do something in a bigger way with Independent Living and propose additional funding, it may need a piece of legislation. Mr. Patchett would also like to make sure Services for the Blind and Vocational Rehab are kept separate.

Ms. Hendren stated the proposal to combine the two entities will not occur during this legislative session. The community is strongly against it, so there will be further discussion about the reasons behind the combining of Vocational Rehab and Services to the Blind in the future. Ms. Hendren believes it would not change the delivery of services in any way, but would help the budgeting process. Funding for both services comes from the same grant money and split 80/20, whoever needs funds gets it. Because of all the work programs to move the money around, it would be a simpler streamline process if they were combined.

Ms. Taycher stated that an issue concerning the Independent Living for people who are blind needs to be addressed in a legislative manner. The Centers for Independent Living are not the place at the moment to provide the blind services and technology services. She commented that Vocational Rehab is working on limiting things like hearing aids and requiring people who use the bus passes to record every trip taken and require the trip to be work related. The form that must be filled out is small and difficult for someone who is vision impaired. Ms. Taycher commented she would like to hear about the caseloads being handled at other Vocational Rehab Divisions across other states in comparison to Nevada. She also stated that if the Commission is asked to support the recommendations of Employment First that it is scrutinized heavily first.

Ms. Hendren stated that the issues with the bus passes were not found by the Legislative Counsel Bureau audit. It has to do with internal controls and the ability for fraud to occur with bus passes, not with clients but with internal controls. She also stated that as far as people with a visual impairment having a difficulty filling out the required log, the method can be adjusted. The Division does need to keep track of how bus passes are being used. The Vocational Rehab Division has been working closely with ADSD and both agencies attend the Independent Living Counsel meetings. Vocational Rehab is contributing to the development of the State Plan for Independent Living, so there is a lot of collaboration occurring. Ms. Hendren stated she will look into how the Nevada compares to other states on Vocational Rehab caseload management.

Mr. Sasser stated the commission would like to support maximizing Vocational Rehab's Federal funds but would like to know how many federal dollars will be needed, and how many state dollars would be needed to match it. He also asked where the money would come from and what are the Department's priorities in using it? Mr. Sasser would like the proposed utilization of that money in writing to be voted on.

Mr. Patchett would like the commission members to put in writing specific recommendations for a potential bill draft or a letter to the Interim Committee based on testimony that was heard at their last meeting.

Mr. Sasser stated the next scheduled Legislative Committee on Senior Citizens, Veterans, and Adults with Special Needs meeting is on the 18. The agenda item

Mr. Sasser and Ms. Gerber-Winn will be discussing is the importance and need of updating the Olmstead and Strategic Plan. He also discussed the latest meeting of the Legislatures Committee on Healthcare where a presentation was made about the Division's Autism Treatment Assistance Program (ATAP). Several proposals were made to get those services covered under Medicaid under the state plan. Another body that has been meeting is the Governor's Behavioral Health and Wellness Counsel, who will make all the recommendations for what will happen on mental health. The Council passed a few early recommendations including proposals made by the CSPD.

- VI. Review, Discussion, Including Public Review Process, and Vote on the Draft of the NRS 439 Report Due to Department of Health and Human Services by June 30, 2014 **(For Possible Action)**
Mary Bryant, Commission Member

Ms. Bryant stated she added a section from the April 29 CSPD meeting minutes: page six; second paragraph, to the NRS 439 report that she drafted after the last CSPD meeting. Ms Bryant stated DHHS is mostly interested in reading the recommendations made by the Commission.

Ms. Gerber-Winn suggested articulating that the recommendations in the report and any grants awarded are meant for statewide coverage. Mrs. Gerber- Winn also added that the commission could request to formally present the report to Mr. Willden, in order to answer any possible questions he may have.

Ms. Hendren would like to change the phrasing from "deaf", to "deaf and hard of hearing".

Mr. Sasser made a motion to approve the NRS 439 Report to the DHHS with edits made. Ms. Taycher seconded the motion, motion passed.

- VII. Update on Caseload Evaluation Organization Numbers, Discussion and Possible Recommendations from Council **(For Possible Action)**
Tina Gerber-Winn, Deputy Administrator,
Aging and Disability Services Division

Ms. Gerber-Winn presented the Caseload Evaluation (attachment b) and stated she had conversations with ADSD Administrator, Jane Gruner about adding the caseload for Developmental Services Programs. Ms. Gerber-Winn stated that there are open slots for some waiver programs but there is a lack of staff for the amount of caseloads. There are some cases where people are on a waitlist for longer than 90 days and it is usually due to a welfare situation, where they are waiting for Medicaid assessment. Discussion was had on the amount of time a child with autism is put on the waiting list for services.

Ms. Gerber-Winn stated the ATAP program is currently at capacity ending this fiscal year at the end of July. More children will be added each month during the next fiscal year. Provider availability also contributes to the fact of a long waitlist for children on the ATAP program.

Mr. Sasser asked if it is possible to ask the Chairperson or a representative of the Assistive Technology Council to speak at the next CSPD meeting in order to collaborate on any recommendations being made to Legislation or to budget and why the Council is not a subcommittee of the CSPD.

Ms. Gerber-Winn stated that the Assistive Technology Council is established separately under Federal requirement not state requirement which is why they are not responsible to report to the CSPD. She stated that the Independent Living Program was designed for the provision of environmental applications and assistive technology.

Mr. Sasser asked if there is anyone under the Independent Living Program providing services to people who are deaf or hard of hearing, blind or visually impaired.

Ms. Gerber-Winn stated that it is possible for the funds to be used for those services but currently is not.

Mr. Olsen stated it is a serious problem that senior citizens are not receiving the help they need and are not sure of what services are available to them. Then there is an added communication barrier that causes them to give up and move out of the area. They are not getting the adequate support for independent living.

Ms. Gerber-Winn stated that Part B monies subcontracted to ADSD could be used to create opportunities for pilots or other initiatives on a community level to create new services. She stated that one of the things that would be helpful is reference the listed Part B funds and what they could be used for in creating new ideas for service delivery. The list provides information of services that could be provided for anyone with a disability to help with independent living. Program parameters would be needed to apply aid to other individuals, the scope of the program would need to change. The change usually needs to be done through an enhancement to the budget. The Division would need to know what things would potentially be considered for adding and what populations it would serve.

Ms. Taycher asked if the Statewide Independent Living Council (SILC) could present to the CSPD at the next meeting on the State Independent Living Plan.

Ms. Sabal commented that the ADSD caseload report of people with TBI has stayed steady and similar in the outcomes report in terms of the number of people who are grant funded. In terms of serving veterans Nevada Community Enrichment Program (NCEP) does have a contract for long term rehab of

veterans. There are generally one hundred people that come through NCEP every year.

- VIII. Update and Report from the Subcommittee on Communication Services, Discussion and Possible Recommendations from Council **(For Possible Action)**
Julie Balderson, Social Services Program Specialist,
Aging and Disability Services Division

Mr. Patchett stated any recommendations from the CAC\SOCS to the Legislative Interim Committee should be submitted to ADSD staff by June 15.

Ms. Balderson stated the next meeting for the CAC\SOCS will be in the north on June 12.

- IX. Review, Discussion and Possible Vote for Approval of Letters to be Presented to Mental Health Commission Regarding Long Term Issues **(For Possible Action)**
Brian Patchett, Commission Chairperson

Mr. Patchett stated the agenda item is now irrelevant. The letter regarding NRS.439 was approved and sent out.

- X. Discussion and Possible Determination of Issues and Agenda Items to be Considered or Deliberated at the Next Meeting **(For Possible Action)**
Brian Patchett, Commission Chairperson

Agenda items to be considered for the next CSPD are updates from Ms. Frischmann and Ms. Ferrall on the breakdown of Medicaid waivers waitlists, a presentation from the Assistive Technology Council, presentation from the Center for Independent Living, and in a future meeting a presentation from NCEP.

Mr. Sasser asked if the Commission could see the budget proposals from ADSD by mid July.

Ms. Gerber-Winn stated that by July ADSD will be able to discuss how much extra money might be available and if there is a need to ask for extra programming.

- XI. Confirm Dates for Future Meetings: July 29, September 30, October 28 and November 18, 2014 **(For Possible Action)**
Brian Patchett, Commission Chairperson

July 29 was not confirmed due to the uncertain time restraints of the Veterans, Seniors, and Adults with Special Needs meeting tentatively planned for July.

- XII. Public Comment (May Include General Announcements by Commissioners) (No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item.)

Mr. Youngs stated that the Assistive Technology Council will be meeting on June 10. The Council will be discussing the five top assistive technology issues that are being faced statewide and turn the discussion into policy decisions. Mr. Youngs would like to present at the next CSPD meeting to update everyone on the Council.

Ms. Hendren stated some conflicts with the future date of November 18 for a CSPD meeting and suggested changing it.

Ms. Gerber-Winn stated that at the next Interim Finance Committee meeting for June 19. ADSD has two work programs to get approved, one for support for the Task Force on Alzheimer's disease and one for the Autism Commission who is working on revising their State Plan.

- XIII. Adjournment
Brian Patchett, Commission Chairperson

Meeting adjourned at 12:35 pm

Commission on Services for Persons with Disabilities Members

Brian Patchett (Chair), Mary Bryant (Co-Chair), Bill Heavilin, Gary Olsen, Jodi Sabal, Jon Sasser, Karen Taycher, Nicole Schomberg, Jennifer Pharr

NOTE: Items may be considered out of order. The public body may combine two or more agenda items for consideration. The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. The public body may place reasonable restrictions on the time, place, and manner of public comments but may not restrict comments based upon viewpoint.

NOTE: We are pleased to make reasonable accommodations for members of the public who have disabilities and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Desiree Bennett at (775) 687-0586 as soon as possible and at least five days in advance of the meeting. If you wish, you may e-mail her at dabennett@adsd.nv.gov. Supporting materials for this meeting are available at: 3416 Goni Rd, D-132, Carson City, NV 89706 or by contacting Desiree Bennett (775) 687-0586 or by email at dabennett@adsd.nv.gov

Agenda Posted at the Following Locations:

1. Aging and Disability Services Division, Carson City Office, 3416 Goni Road, Suite D-132, Carson City, NV 89706
2. Aging and Disability Services Division, Las Vegas Office, 1860 East Sahara Avenue, Las Vegas, NV 89104
3. Aging and Disability Services Division, Reno Office, 445 Apple Street, Suite 104, Reno, NV 89502
4. Aging and Disability Services Division, Elko Office, 1010 Ruby Vista Drive, Suite 104, Elko, NV 89801
5. Nevada Community Enrichment Program, 2820 West Charleston Boulevard, Las Vegas, NV 89146
6. Southern Nevada Center for Independent Living, 6039 El Dora Street H-8, Las Vegas, NV 89101
7. Disability Resource Center, 155 Glendale Avenue, Reno, NV 89431
8. Nevada State Library and Archives, 100 North Stewart Street, Carson City, NV 89706
9. Desert Regional Center, 1391 South Jones Boulevard, Las Vegas, NV 89146
10. Sierra Regional Center, 605 South 21st Street, Reno, NV 89431
11. Rural Regional Center, 1665 Old Hot Springs Road, Carson City, NV 89706
12. Northern Nevada Center for Independent Living, 999 Pyramid Way, Sparks, NV 89431
13. Dept. of Health and Human Services, 4126 Technology Way, Carson City, NV 89706

14. Early Intervention Services, 2667 Enterprise Road, Reno, NV 89512

Notice of this meeting was posted on the Internet at: <http://www.nvaging.net/> and http://dhhs.nv.gov/ODS_DisabilityServices.htm