



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

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DRAFT Minutes

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

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

Location: Reno Job Connect
4001 S. Virginia St., Suite H
Reno, NV 89502

Las Vegas Job Connect
3016 W. Charleston Blvd., Suite 200
Las Vegas, NV 89102

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

The Chairperson called the meeting to order at 9:30 a. m.

Members present: Brian Patchett, Mary Bryant, Bill Heavilin, Gary Olsen, Karen Taycher, Jon Sasser, Nicole Schomberg, Shelley Hendren

Guests: Sue Gulas (Nevada Respite Coalition), David Daviton, Jeff Beardsley, Dina McGill (State Health Insurance Program), Vicki Kemp (Aging and Disability Services Division), John Rosenlund (ADSD), Cindy Smith (Department of Health and Human Services), Kirsten Coulombe (Legislative Council Bureau), Sherri Manning (Nevada Governor's Council on Developmental Disabilities), Laurie Olsen (DHHS), Scott Youngs (Nevada Center for Excellence in Disabilities),

Scott Harrington (NCEP), Samantha King (Nevada PEP), Max Stovall (Washoe Legal Services), Jack Mayes (Nevada Disability Advocacy and Law Center), Connie McMullen (Commission on Aging), Julie Balderson (ADSD), Michele Ferrall (ADSD), Tina Gerber-Winn (ADSD), Garrett Weir (Public Utility Commission of Nevada), Thomas Kapp (Nevada Early Intervention Part C).

Staff: Laura Valentine (ADSD), Desiree Bennett (ADSD), Sally Ramm (ADSD), Kimberly Dawson (Interpreter), Andrea Juillerat-Olvera (Interpreter), Stephanie Gardner (Interpreter), Catherine Edwards (Interpreter)

Excused Commission Members: Jodi Sabal

- 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. Public comment at the beginning and end of the agenda may be limited to three minutes per person at the discretion of the chairperson. Members of the public may comment on matters not appearing on this agenda or may offer comment on specific agenda items. Comments may be discussed by the Board but no action may be taken. The matter may be placed on a future agenda for action)

Sherry Manning, Executive Director of the Nevada Governor's Council on Developmental Disabilities, informed the Commission that last week the Governor issued executive order establishing the Governor's Task Force on Integrated Employment. This effort was made by a partnership between the Nevada's Governor's Council on Developmental Disabilities, and the Employment First Ad Hoc Committee. On behalf of the Legislative Committee of the Governor's Council, Ms. Manning asked the Legislative Committee on Senior Citizens, Veterans, and Adults with Disabilities to write a letter of support to the Governor, the Department of Health and Human Services (DHHS), the Department of Employment Training and Rehabilitation (DETR), and the Department of Education (DOE) to endorse this executive director. Ms. Manning asked the commission to include an agenda item to discuss and participate in the endorsement of that letter.

Ms. Taycher introduced Samantha King as the new Director of the Nevada PEP satellite office in Reno.

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

Mr. Olsen motioned to approve the minutes with spelling corrections made. Ms. Bryant seconded the motion. Motion passed.

- IV. **Update and Report on Medicaid Waivers Wait Lists and Basis for Waitlist Figures**
Michele Ferrall, Deputy Administrator,
Aging and Disability Services Division (ADSD)
Jennifer Frischmann, Division of Health Care Financing and Policy

Ms. Ferrall discussed the ADSD Waiver Waitlist details as of June 30, 2014 (attachment 1). She explained that delays in service from Desert Regional Center are due to the larger population size in Las Vegas. Additional funding has been requested for the upcoming budget to reduce or eliminate waiver waitlists. Ms. Taycher and Mr. Sasser agreed to add the elimination of waitlists as a legislative priority.

V. Discussion and Possible Recommendations Regarding the Creation of Independent Living and Assistive Technology Services for the Blind and Visually Impaired **(For Possible Action)**

Brian Patchett, Commission Chairperson

Scott Youngs, Chairperson, Assistive Technology Council

Mr. Patchett stated that Aging and Disability Services Division has proposed an increase of \$500,000 in the Independent Living budget to address low vision and blindness issues.

Mr. Youngs would like to make himself and the Nevada Center for Excellence in Disabilities available to the committee for any needed support with moving the budget proposal forward.

Ms. Taycher made a motion for the commission to ask the Interim Legislative Committee on Seniors, Veterans, and Adults with Disabilities to write a letter of support for the increase of funding for persons through Independent Living who are visually impaired or blind. She would like to make sure the Commission is supporting a specific target population and that the monies go out in a RFP process. Ms. Bryant seconded the motion. Motion passed.

Kirsten Coulombe will follow up with the commission on the details of completing the RFP process for ADSD.

ADSD has been working collaboratively with DETR to conduct Town Hall meetings to determine what services people who are blind or visually impaired are in need of, including assistive technology assessments and training, life skills training, and basic skills training. A flyer is being prepared and will be sent out soon. The Nevada Disability Advocacy and Law Center has volunteered to help with the Town Hall meetings as it is a statewide agency with local staff and facilities. The agency has experience in each region of the state and previous interaction with its blind community. The first Town Hall meeting is tentatively scheduled for August 21, 2014 at 10 a.m. and 2 p.m. in Elko.

VI. Assessment and Discussion of the Grants Management Unit 2014 Annual Report and Possible Recommendations for Testimony During Upcoming Legislative Session **(For Possible Action)**

Laurie Olsen, Chief, Grants Management Unit,
Department of Health and Human Services

Ms. Olsen presented on the Grants Management Advisory Committee (GMAC) Statewide Community Needs Assessment. The top four major service categories that were endorsed and recommended to the Director of DHHS were:

- Health and mental health
- Family support, food security and
- Support for persons with disabilities and their caregivers.

The top seven sub services under the support for persons with disabilities and their caregivers are:

- Respite care
- Positive behavior support
- Independent living, autism
- In- home services
- Traumatic brain injury and
- Family preservation

Some services have funding sources other than the Fund for a Healthy Nevada. These are all services that are going to be considered for funding in the coming biennium under the Fund for a Healthy Nevada. The assessment also showed that transportation for people with disabilities is the top priority that needs improvement and funding.

VII. Update and Report from the Subcommittee on Communication Services, Discussion and Possible Recommendations From Council **(For Possible Action)**
Julie Balderson, Social Services Program Specialist, ADSD

The Subcommittee on Communication Services met on July 28 discussing recommendations to present to the CSPD (attachment 2). The Committee also established a work group to explore wireless options for ADSD's Equipment Distribution Program.

VIII. Discussion on Legislative Budget Recommendations **(For Possible Action)**
Jon Sasser, Commission Member

The first recommendation discussed came from the joint subcommittee of the COA and the CSPD that has been meeting to discuss updating the Strategic Plan for Seniors and People with Disabilities and Nevada's Olmstead Plan. An appropriation of money is needed to hire consultants to update the two plans. The first request from Ms. Gerber-Winn and the joint Subcommittee is to develop a Bill Draft from the Committee that would be included in the next Legislative Session with that appropriation.

The second request is to write a letter to the Department of Health and Human Services (DHHS) directing the Division to submit a budget for funding to update the plans.

Third, is a request to write a letter to DHHS requesting that the Department seek legislation and funding to establish an Olmstead implementation office to create and monitor compliance.

The Committee on Senior Citizens, Veterans, and Adults with Special Needs only has ten (Bill Draft Request) BDRs to cover three populations: seniors, adults with special needs, and veterans.

Mr. Sasser made a motion that the commission accepts the recommendation to include A, B, and C as worded (attachment 3). Mr. Olsen seconded the motion. Motion passed.

Mr. Sasser discussed the recommendations made by the Subcommittee on Communication Services (SOCS). Stating the first recommendation is a BDR that deals with charges on telephone service overseen by the Public Utilities Commission (PUC). PUC funding goes toward the cost of the relay system used by the phone companies, Centers for Persons who are Deaf or Hard of Hearing, and to cover the cost of the Division to carry out provisions for interpreter services. The proposal from SOCS is to change the current law as ADSD needs to be creating its own budget and submitting it to the legislature where it is approved through the regular legislative process (attachment 3).

Mr. Sasser made a motion that the Commission accept and endorse II.A that the Commissions asks the Committee on Senior Citizens, Veterans, and Adults with Special Needs to submit a BDR changing 427A in the way in which the proposal from SOCS describes. Mr. Olsen seconded the motion. Motion passed.

The second BDR from SOCS (attachment 3) was discussed by Ms. Balderson stating that there are many registered interpreters in the state that stay at an under skilled level and category for years and don't make any progress towards skill development or reaching minimum national standards. Through the recommendation there is a proposed limitation on how long an interpreter can stay in that under skilled category.

Mr. Olsen made a motion that the commission ask the Committee on Senior Citizens, Veterans, and Adults with Special Needs to seek a BDR to amend NRS 656A to limit the amount of time an interpreter can be registered in a category as apprentice or intermediate to three years with possible exceptions for extenuating circumstances and allow for interpreters to remain in a skilled category so long as the interpreter pays a fine. Mr. Olsen seconded the motion.

Discussion occurred asking what the amount of the fine will be for interpreters who do not comply. Ms. Balderson stated it is up to ADSD discretion but could be up to \$5,000. Motion passed.

The next recommendation from the SOCS Subcommittee (attachment 3) discussed by Mr. Olsen stated that the state needs to bring in some professionals who will have dual purposes. It is important to provide necessary training and to push Universities to establish programs for interpreters. He would also like to see the creation of a Deaf and Hard of Hearing Commission as a long term goal.

Mr. Sasser made a motion that the Commission asks the Legislative Committee to write a letter to the Director of DHHS requesting that the budget for the Division include funding to create a pool of interpreters as worded in letter C on the CSPD recommendations (attachment 3). Mr. Olsen seconded the motion. Motion passed.

The next recommendation from SOCS is asking the Committee to write a letter to the PUC to review the procedure, policy, regulations and statute that governs setting the TDD rate, and develop an improvement plan that accommodates both responsibilities of PUC and ASD.

Mrs. Balderson stated that the purpose of the recommendation comes out of ASD's budget approval process that is submitted to the PUC annually. This recommendation asks that all the statutes applicable to the TDD surcharge is found and understood in order for both agencies to create a more streamlined process.

Mr. Sasser made a motion to adopt item D from the list of recommendations made by the SOCS Subcommittee to ask the Committee to write a letter to the PUC (attachment 3). Mr. Olsen seconded the motion. Motion passed.

Mr. Sasser made a motion to ask the Legislative Committee to write a letter to the Board of Regents of the Nevada System of Higher Education requesting that a Bachelor degree program in interpreter preparation that reaches the entire state be established. Mr. Olsen seconded the motion. Motion passed.

Mr. Sasser made a motion to ask the Legislative Committee to write a letter to the Nevada Department of Education requesting a comprehensive review of policy related to Deaf education in all areas of education. Mr. Olsen seconded the motion. Motion passed.

Mr. Sasser made a motion to ask the Legislative Committee to write a letter to the Legislative Commission asking that as soon as practicable, make sure that all Legislative Committee meetings are broadcasted with open captioning. Mr. Olsen seconded the motion. Motion passed.

The final recommendation is to change the terminology in the statute to use the term "Deaf Service Center". Mr. Sasser motioned to amend the previously passed resolution to include in the CSPD's request to the Committee to amend NRS 427A. 797 to use the term "Deaf Service Center". Mr. Olsen seconded the motion. Motion passed.

Mr. Scott Harington submitted a letter to the Committee members to approve and send to the Legislative Committee to (attachment 4).

Ms. Bryant made a motion for the Commission to ask the Committee to send a letter to the Chairpersons of the Senate Committee on Finance and the Assembly Committee requesting funding for integrated employment. Mr. Olsen seconded the motion. Discussion ensued with Ms. Taycher making sure the letter would not suggest only participation in the Vocational Opportunities for Inclusive Career Education (VOICE) Project.

Mr. Harington stated that the recommendation would be some community based career exploration where students will go out into the community, that doesn't have to be the VOICE Project.

Ms. Taycher has concerns with the VOICE Project a free appropriate public education under IDEA. Ms. Taycher would not like to endorse the recommendation until those concerns have been resolved.

Ms. Bryant restated the motion asking the committee to write a letter to support funding for integrated employment.

Motion then received unanimous support. Motion passed.

The next recommendation to the committee is from Ms. Bryant regarding submitting a BDR asking for a simple Durable Power of Attorney form (attachment 3 and 5). There was discussion with Mr. Heavilin about his concerns with the limits a decision maker has on medical decisions.

Ms. Bryant submitted her recommendation to the committee independently and asked to withdraw her motion of asking for support from the CSPD.

The next recommendation brought up for discussion is from Ms. Bryant asking the committee to sponsor a BDR called the Down Syndrome Prenatal Education Act. Mr. Olsen seconded the motion.

There was discussion on providing testimony to the committee before a BDR is sponsored. There is currently no agenda item for the Legislative committee to hear testimony on this BDR; Ms. Bryant stated she would make a request to do so.

Motion received six approvals and one opposed. Motion passed.

The last recommendation discussed was from Ms. Sherry Manning asking the CSPD to support the Legislative Committee sending letters to DHHS, DETR, DOE, and the Governor endorsing Executive Order 2014-16 which establishes the Governor's Task Force on Integrated Employment (attachment 3 and 6).

Mr. Sasser made a motion to support the recommendation. Ms. Bryant seconded the motion. Motion passed.

Mr. Sasser discussed the proposal that Medicaid cover autism services that was made before the Interim Committee on Healthcare has been endorsed.

Mr. Sasser made a motion that the CSPD send a letter to the Director of DHHS and the Governor in support of the request from the Division to obtain the necessary funding to eliminate the waitlist for Medicaid waivers for people with intellectual disabilities in order to comply with the Olmstead Plan. Ms. Bryant seconded the motion. Motion passed.

In response to Mr. Sasser's question regarding DETR's budget initiatives, Ms. Hendren stated there are a couple of major budget initiatives that have been submitted to the Governor for 2016-2017 requiring work programs to move authority around. One initiative was already addressed and submitted separately, asking for extra positions for job development customized employment. Once contracts are in place it doesn't require additional funding. The third party to enter into the agreement would put up the match amount to draw down federal funds.

Mr. Sasser made a motion for the Commission to endorse the request of the Division for these positions as requested in Ms. Hendren's letter. Ms. Bryant seconded the motion.

In response to Mr. Patchett's question, Ms. Hendren stated that rehab counselors are managing their caseloads; job development is where positions are needed. Motioned passed.

Ms. Taycher expressed concerns about students who receive special education having a right to receive special education until their 22nd birthday or until they receive a regular diploma. There is no law or third party agreement or anything to undermine the fact that they have rights under IDEA. When programs are being combined it is important to make sure that one program doesn't have a rule that

takes away the rights under IDEA. Ms. Taycher would caution everyone working on these collaborations to understand protections under IDEA.

- IX. Discussion and Possible Recommendations for Filling Vacant CSPD Membership Positions **(For Possible Action)**
Tina Gerber-Winn, Deputy Administrator, ADSD

After discussions with Mr. Heavilin, Ms. Gerber-Winn stated that the CSPD Nominating Subcommittee has two members including, Ms. Schomberg and Mr. Heavilin. By the end of September 2015 all CSPD members with the exception of two will be at the end of their second term and cannot be reappointed. Mr. Patchett appointed himself and Mr. Olsen to the Nominating Subcommittee. Mr. Sasser suggested looking to existing CSPD Subcommittee members to fill vacancies on the CSPD and find a mental health representative. The Nominating Subcommittee will meet six times a year with the first meeting in August.

Ms. Gerber-Winn stated that it is at the discretion of the Department Director if a state employee can be a voting member on the commission.

Mr. Patchett would like to discuss the matter of state employees participating as voting members at the Nominating Subcommittee meeting and add as a voting agenda item to the next CSPD meeting.

- 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

The following are topics proposed for the next CSPD meeting:

- Follow up on Legislative Committee on Senior Citizens, Veterans, and Adults with Special Needs meeting after their meeting on August 15th
- Update and Report on State Independent Living Plan from Northern Nevada Independent living.
- Discussion of ADSD official agency budget after submission in October (move to October 28th meeting date).
- Presentation on what services currently exist for Traumatic Brain Injury, presented by Jodi Sabal

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

Future meeting dates:

September 30, October 28, and November 18

- 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. Public comment at the beginning and end of the agenda may be limited to three minutes per person at the discretion of the chairperson. Members of the

public may comment on matters not appearing on this agenda or may offer comment on specific agenda items. Comments may be discussed by the Board but no action may be taken. The matter may be placed on a future agenda for action)

Mr. Beardsley stated his concern about Deaf people needing help with therapy but are refused interpreters to help access services. There should also be an understanding of culture and language that these support groups should be sensitive to. There needs to be more cultural awareness and sensitivity for all groups of people not just the Deaf community.

XIII. Adjournment

Brian Patchett, Commission Chairperson

Mr. Olsen made a motion to adjourn the meeting. Mr. Sasser seconded motion. Meeting adjourned at 1:00 p.m.

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: Agenda items may be taken out of order, combined for consideration, and/ or removed from the agenda at the Chairperson's discretion. 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, So. E Greg St., Suite 102 Sparks, 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.adsd.nv.gov/> and <https://notice.nv.gov>