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AGING AND DISABILITY SERVICES DIVISION

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

Date and Time of Meeting: April 29, 2014
9:00 a.m.

Location: State of Nevada Health Division
4126 Technology Way, 1st Floor, Large Conference Room
Carson City, NV 89706

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

A quorum being present, the meeting was called to order at 9:00 a.m.

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

Members Absent: Jennifer Pharr

Guests and Public Present: Kristen Coulombe, Legislative Counsel Bureau; David Daviton, Nevada Association of the Deaf; Kimberly Dawson, Interpreter; Kim Demorris, Department of Health Care Financing and Policy (DHCFF); Dan Dinnell, IDEA-C; Jennifer Frischmann, DHCFF; Renee Hemmasi, Department of Education (DOE); Keri Horn, Governor's Council on Developmental Disabilities (GCDD); Andrea Juillerat-Olvera, Interpreter; Thomas Kapp, IDEA-C; Sherry Manning, GCDD

Aging and Disability Services Division (ADSD) Staff Present: Julie Balderson, Jan Crandy, Shelly Gall, Tina Gerber-Winn, Diane Scully, Laura Valentine

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. Olsen said ADSD has done a wonderful job of finding a relay company, Hamilton, to come in and replace Sprint. They had an open house meeting and they appear to be knowledgeable and enthusiastic. They seem very professional and I am impressed.

Mr. Heavilin wanted to thank Ms. Valentine for her help in getting his reimbursement check to him.

III. Approval of Minutes from the March 3, 2014 Meeting (For Possible Action)
Brian Patchett, Commission Chairperson

Ms. Bryant said on page 3 near the bottom she said she would talk about guardianship only, not employment, and asked that be corrected.

Ms. Bryant made a motion to approve the minutes with noted corrections. Mr. Sasser seconded. Motion carried.

IV. Update on the Status of Nevada's Olmstead Plan and Possible Recommendations for Plan Revision (For Possible Action)
Bill Heavilin, Commission Member

Mr. Heavilin said the Olmstead subcommittees of the CSPD and Commission on Aging (COA) met earlier this month to be updated on Olmstead activities, and where the Division wants to go.

Tony Records, who did the ADSD Olmstead plan years ago, made a presentation on Olmstead now, where it is nationally with the Department of Justice, and with Medicare and Medicaid. There are more opportunities, and waiver services need to be more person centered and actually in integrated setting.

From here we're asking Mr. Records to update the Olmstead plan to include a more broad based plan including ADSD, Medicaid, Public and Behavioral Health, and education services, to have a comprehensive plan.

Ms. Taycher said she saw the agreement between Mr. Records and ADSD and it does reflect what was discussed at the meeting. She added she is excited to be involved in this.

Mr. Patchett said he attended the meeting but didn't realize he was not a member of the Olmstead subcommittee. He said he was appointing himself to the subcommittee; council members agreed with this.

Mr. Patchett informed the council that Mr. Records will be looking at what other states have done.

Mr. Olsen said he was unable to attend the Olmstead subcommittee meeting as asked if he could get a copy of the minutes. When the minutes are done they will be sent to the CSPD and COA in addition to Olmstead subcommittee members.

Ms. Gerber-Winn noted that Ms. Taycher and Sue Rhodes have looked at the report and will be working with Mr. Records on revisions. Also, ADSD is working with the Director's office regarding funding.

To gather information, Mr. Records has talked about having meetings and interviews with the CSPD, COA, stakeholders, state and community staff, family members of people with disabilities, and people with disabilities, and review records and document testimony. It was asked if CSPD members could work with Mr. Records on this. Ms. Gerber-Winn said yes, members from CSPD and COA will be involved, noting Ms. Taycher and Ms. Rhodes will fill those roles.

Ms. Manning suggested they contact People First, a group representing disabled people.

It was asked what the timeline is for this. Ms. Gerber-Winn responded that they hope to have the document for the next legislative session, with it completed by the end of this calendar year. Mr. Records hopes to conduct meetings and interviews in August; meeting with stakeholders and other groups in September; and review the plan again in October.

Ms. Taycher said there are a lot of groups representing disabled people and if one is included, others should be sought out as well.

Mr. Olsen said for a long time deaf people have been singled out and ignored. The deaf community is large and needs to be included.

V. Update and Report on Medicaid Waivers
Jennifer Frischmann, Division of Health Care Financing and Policy

Ms. Frischmann passed out some materials (see attached) relating to her overview of home and community based services that are offered under the waiver program.

She began by answering the question, "what is a waiver?" A waiver is an optional benefit that states can choose. All Medicaid recipients are covered under State Plan Services. These include routine things like doctor appointments and in-patient hospital stays. Waivers are optional and go above and beyond these routine services.

The Centers for Medicare and Medicaid Services (CMS) directive states that home and community based waivers must:

- Cost less than institutional care
- Protect the peoples' health and welfare
- Insure adequate provider standards
- Insure individualized and person centered care

There are four waivers in Nevada:

- Individuals with Intellectual Disabilities
- Frail and Elderly
- Physically Disabled
- Assisted Living

It's expected that on July 1, 2014, the Frail and Elderly and Assisted Living waivers will be merged.

Ms. Valentine asked what is the difference in applicability between residential support services and residential support management, and homemaker and chore services? Ms. Frischmann said they are very small, the first being cared for at home versus cared for in a facility; the second are both provided by personal care agencies.

The waiver programs currently serve:

Individuals with Intellectual Disabilities: 1,774 (with 843 on the waitlist)

Frail and Elderly: 1,719 (with 246 on the waitlist)

Physically Disabled: 633 (with 94 on the waitlist)

Assisted Living: 34 (with 5 on the waitlist)

It was asked if people have to be on Medicaid in order to apply for a waiver. Ms. Frischmann said yes, but the waiver can be applied for first. She encourages people to start the Medicaid eligibility process first.

Mr. Sasser said the Olmstead Plan will state that people will not be on a wait list for more than 90 days and asked what the wait times are for the waivers. Ms. Frischmann said it's closer to six months. She said all waiver slots are legislatively approved and managed statewide, those facing institutionalization are first to be served. She added that they are looking into adding 137 more slots on the Physically Disabled waiver, and discussions are ongoing to appropriately address the waiting lists.

Mr. Patchett asked if Ms. Frischmann could come to the next meeting with a follow up report with more information on the wait lists, how many in the North, how many in the South, and how long people are on the wait lists. She said she will

Ms. Frischmann said they are doing a waiver amendment to add nursing services. This would allow SLA's, ISLA's and job training programs to reimburse hire or contract nurses for IAD services. It is hoped this will be in place in the next six months.

VI. Discuss, Draft and Develop Oral and or Written Testimony to be Presented to Interim Committees **(For Possible Action)**

Brian Patchett, Commission Chairperson

Mr. Sasser said there's a meeting on May 7, 2014 of the Interim Committee on Health Care with an item on autism covering, the Autism Treatment Assistance Program (ATAP), ADA services, if autism covered by Medicaid, and other insurance. After the meeting the CSPD should write a letter supporting Medicaid coverage of autism, and make changes related to who can provide services. Right now insurance requires certain certification for providers of which there are not many in the state, but ATAP does not have that requirement. Legislation needs to be drafted to change that.

Ms. Taycher asked if any autism education issues were being addressed. Mr. Sasser said nothing specific that he knows of, but if she has anything specific to address to let him know.

The other interim committee, Veterans, Seniors and Adults with Special Needs, will be meeting on May 21, 2014, and there are three items on the agenda that will be addressed relating to the CSPD: deaf services, blind services and employment services.

Ms. Coulombe said the agenda will be posted about five days in advance of the meeting. There will be another meeting but the date has not been set yet. It will be before August 31, 2014 because the recommendations have to be submitted by September 1, 2014.

Ms. Taycher asked if committee members will be asking questions. Ms. Coulombe said since there are a lot of new members there probably will be questions.

Mr. Olsen said he met with the chair of the committee last week and talked about three issues specific to the deaf community: government services not being accessible, interpreter issues and real time captioning. He said these will also be on the agenda.

Mr. Sasser asked if the Public Utilities Commission (PUC) issue and changing the statute will be addressed. Ms. Coulombe said that is also on the agenda.

Ms. Sasser suggested for future meetings the Olmstead Plan and 10 Year Plans for Seniors and Persons with Disabilities will be on the agenda. Ms. Coulombe said oftentimes the chair will send out a request for recommendations.

Mr. Sasser made a motion to write a letter to the chair of the interim committee asking that the Olmstead Plan and the 10 Year Plans be included on a future agenda. He asked that Connie McMullen, chair of the COS, jointly sign the letter. Ms. Taycher seconded. Motion carried.

VII. Discussion and Recommendation on Drafting the NRS 439 Report Due to Department of Health and Human Services by June 30, 2014 (For Possible Action)
Tina Gerber-Winn, Aging and Disability Services Division

Ms. Bryant, who chairs the NRS 439 Subcommittee, said previously the funds were divided with 50 percent going to respite, 25% to independent living (IL) and 25% to positive behavioral support (PBS). To decide how to divide the funds now, the subcommittee asked for reports from agencies, including the ADSD report specifically for this, but those results aren't available yet. In addition, the programs funded and the wait lists were reviewed. It was decided that one area should not take precedence over others and submit that the Funds for a Healthy Nevada be split equally between respite, independent living and positive behavioral support. Mr. Patchett noted it's difficult to decide because there are so many programs that need funding. Mr. Heavilin asked if any specific independent living services were mentioned or just IL in general. Ms. Bryant said it could be assistive technology, housing, anything that isn't covered under

respite or PBS went into IL. Mr. Patchett said if anyone has a specific service they could probably write it into the recommendation.

Mr. Olsen said there was a meeting in Las Vegas a few days ago where interpreter agencies and the services they provide were discussed. Would that be covered here? Ms. Bryant said any organization can submit an application to be funded through the grant. Mr. Sasser said interpreter services certainly falls under the scope of independent living but a group needs to step up and apply. Ms. Taycher asked if that would be the same for any group, such as those for services for the blind or visually impaired. Mr. Patchett answered yes. Mr. Heavilin asked if they should encourage the applicants to focus on these areas. Ms. Sasser said he doesn't think the CSPD should recommend one disability over others, but has no problem letting potential applicants know these opportunities are available. Mr. Olsen said interpreter services should be available because too many deaf people don't get the services they need because they can't communicate with state agencies. Mr. Sasser reiterated his objection to promoting one disability over another, but added they could put something in the report to look for accessibility of services to those who are deaf, blind and visually impaired as part of the application process. Ms. Taycher said the Governor's Council on Mental Health needs to be hear these concerns and she will email the next meeting date to CSPD members; Mr. Olsen said he's willing to help spread the word.

Ms. Bryant made a motion to send the document to Mike Willden, Director of the Department of Health and Human Services, encouraging him to divide the Tobacco Settlement money equally between respite, independent living and positive behavioral support; and include the importance of equity between the north, south and rural areas of Nevada; and pay special attention to special populations such as those who are deaf, blind or visually impaired, to make sure organizations that apply for the grant have accessible programs to serve all populations; and pay special attention to that in reviewing the applications and awarding the grant.

Mr. Sasser said he thinks this should apply to all programs funded through the Tobacco Settlement. Ms. Taycher said it's important to be in compliance with the American's with Disabilities Act (ADA). Mr. Olsen wants to add that interpreters need to be certified. Mr. Heavilin said proposals should specify how the grantee will do outreach to those groups with special needs.

Mr. Sasser seconded the motion with the additional comments. Motion carried.

Ms. Gerber-Winn noted the document must be presented to the public. Ms. Bryant said they will do that at the next meeting, and approve the report.

VIII. Update on Caseload Evaluation Organization Numbers
Tina Gerber-Winn, Aging and Disability Services

Ms. Gerber-Winn handed out the report on caseload numbers. She will begin doing a report on caseload numbers for the Intellectual Disabilities waiver. These will be sent to the CSPD members monthly.

Ms. Bryant asked if there were any trends. Ms. Gerber-Winn said no, but noted that wait times for the Independent Living waiver and the COPE program do go over 90 days, adding that it is often a result of staffing issues, but it's getting better now. She noted that the Frail and Elderly waiver has less than 100 vacancies. One of the challenges is having enough intake staff and it's being worked on.

Mr. Sasser asked about the ATAP and why only 23 of 43 applicants were approved. Ms. Gerber-Winn said it's not necessarily people being denied, it depends on many things, including testing, finding a provider, or families dropping out.

Ms. Taycher asked if ADSD has addressed the issue of scaring families off with high hourly co-pays. Ms. Crandy said payments are rarely discussed at intake, but usually addressed by the care manager. There is no out of pocket expense, however, it does require parent participation to fulfill the treatment plan, and that may be driving that fear.

IX. Update and Report from the Subcommittee on Communication Services (CAC)
Julie Balderson, Aging and Disability Services

The Subcommittee on Communication Services is working on recommendations for wording on what the law should say compared to what it says now. These revisions will include clarification of what a deaf center is and what they can do, including that they should be responsive to individual and community needs. The current interpretation is that they supply equipment only, and that needs to be expanded. As discussed, ADSD is looking into other sources of funding.

The formation of a regulatory body to govern interpreters is being considered. Thirty other states have them.

Mr. Sasser asked if the PUC surcharge is set based on information from ADSD. Ms. Balderson said yes, and the CAC will invite a representative from the PUC to a meeting to discuss a better process for this. Mr. Sasser asked if there should be a law making it \$0.07. Ms. Balderson said it may be worth talking about. Mr. Sasser then asked about putting broader language in the statute to avoid situations where an iPhone is a telephone, but an iPad is not, even though that function is part of the device. Mr. Olsen said the definition of equipment needs to be defined to keep up with technology.

Mr. Olsen went on to say interpreters need training and a review board to improve the quality of interpreters in order to serve all deaf people. Right now, deaf people don't have a choice of who interprets for them. He's been in Nevada for 15 years and nothing has changed.

Ms. Bryant asked if it was possible to increase the PUC surcharge to \$0.10-\$0.12 to help fund those types of things. Mr. Olsen said that's what he'd like to have happen. Ms. Balderson said in states with regulatory boards it's funded with licensing fees.

Mr. Sasser said care needs to be taken when considering funding issues. With a licensing board fees are collected and with so many interpreters coming in from out of state, and not being licensed in Nevada, may impact the number of interpreters

available that way. Also, a realistic budget for these things needs to be written in order to get legislative approval.

Mr. Patchett said funding is something every program struggles with.

- X. Discuss, Draft and Develop Written Testimony to be Presented to Mental Health Commission Regarding Long Term Issues **(For Possible Action)**
Brian Patchett, Commission Chairperson

Ms. Taycher and Mr. Sasser will draft a couple of letters addressing this issue and bring to the next meeting for review and approval for the chair to sign. It was stated that wording noting there needs to be access for all Nevadans needs to be included in the letters.

- XI. Update from Developmental Disabilities Council Regarding Employment First Report
Sherry Manning, Developmental Disabilities Council

Handouts were distributed to attendees (see attached). Ms. Manning said the disability movement is happening nationally, noting the Employment First action addressing the minimum wage for disabled workers. The Department of Justice is looking at state's preparation of students going into the community, and there was a lawsuit filed in Rhode Island looking into this. The Developmental Disabilities Council (DDC) has a five year plan with emphasis on employment and moving the Employment First initiative forward. Nevada is open to a lawsuit similar to the one filed in Rhode Island because while Nevada is moving forward with employing the disabled, it's not moving forward fast enough.

The DDC approved a position statement on integrated employment and presented it to the Governor's Chief of Staff, Gerald Butler, who will take it to Governor Sandoval. Ms. Manning will send a copy to the CSPD members.

Ms. Bryant commented that having Ed Guthrie from Opportunity Village on the committee was really an eye opening experience. His opinion was often different from the rest of the members.

- XII. 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

Items for the next meeting will include letter for signature from today's Item X, review of the document from the DDC; discuss and possible approval of the NRS 439 report, update on waiver numbers specific to the Intellectual Disabilities waiver and geographical breakdowns.

- XIII. Set and Confirm Dates for Future Meetings **(For Possible Action)**
Brian Patchett, Commission Chairperson

After some discussion the following dates were decided on for future meetings: May 29, 2014 in Las Vegas, July 29, 2014, September 30, 2014, October 28, 2014, and November 18, 2014. Ms. Gerber-Winn noted that after the May meeting funding for travel will not be available for this fiscal year ending in June, there will be new monies in July. Videoconferencing will be used unless another source of funding is found.

- XIV. 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. Daviton said that at the CAC meeting last month in Las Vegas he felt representatives from interpreter agencies didn't show a lot of respect, almost felt like bullying, it was really intense, and seemed to take over the interpreter issue. He wanted to let the CSPD know to perhaps try to control it in the future.

Ms. Gerber-Winn said the Statewide Independent Living Council (SILC) will be meeting on May 8 to review their updated State Plan. There will also be another workshop for final review in June. Mr. Patchett said they should invite the chair of the SILC, Lisa Bonie, to a CSPD meeting to discuss what the SILC is doing.

- XV. Adjournment
Brian Patchett, Commission Chairperson

Ms. Bryant made a motion to adjourn. Mr. Sasser seconded. Motion carried. Meeting was adjourned at 12:15 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: 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.
