

OLMSTEAD COMMISSION MEETING MINUTES
July 1, 2015
Fort Union Room State Capitol, Bismarck – 1:30-5:00 p.m.

Commission Members Present: Tami Ternes (co-chair), Governor Dalrymple's Office; Maggie Anderson (co-chair), Department of Human Services; Teresa Larsen, Protection and Advocacy; Cheryl Hess, State Council on Developmental Disabilities; Janis Cheney, AARP; Darcy Andahl; Pamela Kolling, ARC of ND; Scott Davis, ND Indian Affairs Commission; Carlotta McCleary, ND Federation of Families for Children's Mental Health

Absent: Rep. Gary Kreidt, Royce Schultze, Bismarck Center for Independent Living; Sen. Judy Lee; Rep. Kylie Oversen

Others Present: Tom Solberg, Russ Cusack, Karen Tescher, Stacie Dailey, Julie Huwe, Dr. Mark Doerner, Jake Reuter, Tammy Falk, Wendy Schumacher, Trina Gress, Barb Murry, Rebecca Quinn, Carmen Hinkle, Rep. Gail Mooney

Welcome

Introductions were made and the agenda for this meeting and the minutes from the October 16, 2014 meeting were handed out along with the draft Olmstead plan.

Review of October 16, 2014, Commission Meeting Minutes

The minutes were reviewed and approved with one change on page three, paragraph five: (ISLA) changed to (FCO III). Ms. Larsen motioned for approval and Ms. Andahl seconded. Minutes were changed and will be available on the Department's website.

Legislative Updates – Maggie Anderson

Ms. Anderson informed the Commission that 1.3 billion dollars, in state general funds, was appropriated to the Department of Human Services. She provided the following information regarding the allocation:

- 68% Medical Assistance Grants
- 17% Direct Client Services
- 9% Field Services (8 HSC's and 2 Institutions)
- 4% Administration
- 2% System Maintenance and Operations
- <1% Capital Projects

The Department has a detailed pie chart located on the website that depicts the allocation of funds.

<http://www.nd.gov/dhs/Info/docs/2015-17-legislatively-approved-sb2012-where-does-the-money-go.pdf>

Ms. Anderson discussed the increase in behavioral health services stating that extended service slots increased for individuals who have a traumatic brain injury and for individuals

who have a severe mental illness. Minot was approved for a ten bed facility, five beds will be crisis residential and the other five will be for transitional living. There may be some flexibility in how the beds are divided between the two services depending on how the program is licensed. Bismarck was approved for a mobile crisis unit and a four bed alternative care unit. The Department was approved to expand the number of addiction treatment beds at the State Hospital for Thompkins Rehabilitation. The recruitment process is underway in order to staff the fifteen bed expansion. The increase in services listed above resulted in an approximated 4.3 million dollar budget increase for behavioral health services.

An update was provided on the increase in Home and Community Based Services. Additional funding was provided for vulnerable adult protective services and additional funding was provided to assist in the establishment of guardianship for vulnerable adults. An increase of over \$500,000 was allotted for senior meals. The Autism Program was funded for additional waiver slots, the age for services was increased from 7 through 9, and additional funding was provided for ten additional voucher slots. The increase in Home and Community Based Services was approximately 3.5 million.

Provider inflationary increases were approved for three percent each year and most will take effect in July, however some may apply in January depending on the provider type and rate setting. Ms. Anderson informed the Commission on Medicaid Expansion stating that each month there is a small increase in the number of North Dakota residents who are eligible and the total number is getting close to the 20,500 projected.

The Commission was given information regarding the stand-alone bills. Behavioral Health SB 2048 was discussed and information was provided on the appropriated \$750,000 for the substance abuse treatment voucher program. Vocational Rehabilitation received \$160,000 for assistive technology services (IPAT) from SB 2289. The Behavioral Health Division received \$375,000 from HB 1046 for a return to work program for individuals who have a brain injury. In January 2016, Licensed Marriage and Family Therapists (LMFT's) will be able to provide behavioral health services and receive medical assistance reimbursement due to the passage of SB 2046. Senate Bill 2043 authorizes the Department to cover community paramedics under Medicaid. Concerns regarding SB 2206 and a potential impact on county HCBS funds were discussed. Ms. Anderson will provide an update at the next meeting or send an e-mail when there are updates.

Blending of the State Plan with the Policy Academy Work – Maggie Anderson

The Commission was provided copies of the blended Olmstead State Plan and Olmstead Policy Academy sub-committee strategic plans. The decision was made to convene a small group of individuals to complete all remaining details on the plan and present it to full committee for approval. Those individuals offering to assist were identified in the prior meeting and are: Teresa Larsen, Cheryl Hess, Carlotta McCleary, and Sue Foerster. The members of each Policy Academy sub-committee will also be convened to update the strategic plans. It was also recommended that the sub-committee identify priorities to focus on and bring back to the Commission to discuss and identify items in the plan that are ongoing. Mr. Reuter will discuss the Policy Academy section on housing during the Money Follows the Person stakeholders meeting on July 27th.

***A meeting with the sub-committee is scheduled for July 29th, 2015 from 8-5 at Prairie Hills Plaza in Bismarck.

Commission Member Updates

Ms. Janice Cheney, from AARP, reported that the Care Act not was not passed during the legislative session but was turned into a study. She informed the group that the State-wide Aging Collaborative has identified issues with care coordination in the state. A major issue is people are getting different answers and information creating a lack of consistency. She also talked about working with Northland Pace on what services are in the state currently and what is needed.

Ms. Carlotta McCleary from Mental Health America provided information about the Consumer Family Network Conference that was held in the spring. She stated it went very well. She is currently attending Wrap-Around Certification Training with a CFN coordinator. The Federation of Families Youth Leadership Conference is on July 19th and 20th, 2015 and is open to all kids with all disabilities. It is geared towards developing youth leadership and is youth led.

Ms. Cheryl Hess from the State Council on Developmental Disabilities informed the group that she is in the process of developing a five year state plan to help individuals remain in communities. There will be several focus groups and she would like input from Native Americans and New Americans. The goal is to target underserved or unserved populations in North Dakota. There will be a meeting in September and November.

Ms. Theresa Larson from Protection and Advocacy discussed her involvement with the legislative session and informing individuals of legislative changes through e-mails and polycom meetings. She discussed a polling site survey on voting and accessibility with the Secretary of State's Office and the Association of Counties. She informed the Commission about the visibility work group that came out of the policy academy meeting. Royce is the initiator and is working with the group to educate the public on disabilities and accessibility.

Mr. Scott Davis from the ND Indian Affairs Commission discussed his work with Money Follows the Person and the partnering with Dr. Warne. He talked about Standing Rock developing a workforce plan to improve the workforce and put vets with PTSD to work. He also stated work is being done to get individuals signed up for the Medicaid Expansion.

He provided information about the Youth Leadership Academy that was a full week and had 28 youth from across the state learn about leadership, career and college preparedness, wellness, etc. He stated that housing is always complex for the Tribes. Turtle Mountain has the ability to produce manufactured one and two bedroom homes as well as complexes. If a tribal individual qualifies for HUD they can get a home. He talked about the HCBS bill regarding third party payments failing in the session. He stated he will continue to work on it. He then provided information about Spirit Lake creating a dorm/safe home for troubled youth on the reservation to keep the child from dropping out of school and to keep the child out of placements and in the community.

Ms. Darcy Andahl informed the Commission that the Consumer Advisory Council will meet on the 10th and 11th of July, 2015. The October meeting in Bismarck is called Talk, Walk, & Roll.

Ms. Pamela Kolling from the ARC of ND discussed the transitions the ARC is going through. She also talked about the legislative session and stated that she testified for the ABLE (Achieve a Better Life Experience) Act which would allow individuals to accumulate up to \$100,000 in savings without losing benefits. The bill passed and BND will be working on the rules and regulations.

Review of the Commission Website – Maggie Anderson

Ms. Anderson provided a handout of what the Olmstead website looks like. The Commission agreed that the website needs updating and refreshing. Members agreed to send Stacie Dailey update suggestions. Commission members were advised to look at the [Boards and Commissions](#) section on the State website to ensure their information was correct.

Medicaid Waiver Updates

Ms. Wendy Schumacher informed the Commission that an amendment to the Medicaid DD Waiver will increase the capacity of the waiver. She is also working on the transition planning for the new federal rules.

Ms. Karen Tescher informed the Commission that the QSP rates have gone into effect as of July 1, 2015 which provides a three percent increase. She talked about the Home and Community Based Waiver having the ability to offer personal care with supervision, a rural differential for those living at least 21 miles away, and a higher rate for rural services. The Department is preparing the QSPs for a new MMIS and providing training sessions. Work continues to keep people in their homes. There is an upcoming training at Turtle Mountain on July 9th and 10th, 2015.

Kathy Barchenger oversees the Children's Hospice Waiver and is giving presentations to Hospice Red River Valley as well as to doctors in Fargo. Autism is now part of the Home and Community Based Services. There is currently a waiting list of 50 children. The Annual Autism Conference is scheduled for October 22nd and 23rd, 2015 in Fargo at the Ramkota Inn.

The Children's Medically Fragile Waiver has a focus group developed out of 2013, HB 1378 to look at children not currently being served. A new scoring tool is being created and is close to being completed.

Money Follows the Person – Jake Reuter

Mr. Reuter informed the Commission that the MFP grant ends in 2016 with spending authority until 2020. He reported that MFP has helped 262 people move since 2008. A plan has been submitted to CMS with the five year budget of 29 million. He reported that 22 million is for one year of personal support services through the waiver. Transitions will end on December 31, 2017. He outlined how administrative funding would be spent through the remaining part of the grant.

Mr. Reuter has been working on a tribal initiative that has four phases. There is a contract with NDSU and the goal is to assess population needs and develop services that are culturally aware. The initiative is currently in phase one and working with all four of the tribal nations. A learning module for the DD Council is being developed that is one hour long with four different sections. KAT Communications will host the module for one year.

Mr. Reuter informed the Commission that the HUD Section 8 application was not selected and that this was the second time it was unsuccessful.

Please see attachment from Mr. Reuter for further information.

Supported Employment, WIOA, & Governor's Committee Update– Russ Cusack

Mr. Cusack informed the Commission that the Division of Vocational Rehabilitation is soliciting proposals to procure supported employment services for individuals with Intellectual Disabilities and Development Disabilities that lead to integrated and competitive employment opportunities for individuals currently receiving day support service or individuals employed in segregated employment settings, or both. He stated there will be four grants that will each be for three years and will be awarded on July 15th, 2015. A separate technical assistance grant will be administered by Minot State University with staff from the State of Washington Supported Employment Program providing training and ongoing technical assistance for the delivery of evidence-based supported employment services.

Mr. Cusack provided information regarding the Workforce Innovation and Opportunity Act (WIOA). Section 511 of the Rehabilitation Act will have limitations imposed on employers holding special age certificates and a series of steps that youth under age 24 must follow before accepting employment for less than the federal or state minimum wage. He added that there is a new restriction against “a local educational agency” or “state educational agency” from entering into a contract with an entity for the purpose of operating a program for an individual who is age 24 or younger under which work is compensated at a subminimum wage. Effectively, schools may not contract with sheltered work providers for transition services.

The Governor's Committee on Employment of Persons with Disabilities is conducting a research study through Minot State University to establish the **current level** and types of pre-employment and employment services provided and available to individuals with disabilities in ND. The research project will document the employment status of people receiving services from Community Rehabilitation Providers (CRPs) in North Dakota three years following the baseline study in 2012. The results of the survey will provide data that the Governor's Committee on Employment for People with Disabilities and other decision makers can use to identify targeted strategies to positively impact competitive integrated employment outcomes for people with disabilities. Information from the survey will tell the committee whether or not there have been changes since the baseline study (2012). The completion date for the research study is June 30, 2016.

Please see attachment from Mr. Cusack for further information.

Olmstead Priority for 2015-2016 – Maggie Anderson

The Olmstead Commission will identify two or three priorities on the Olmstead Plan to focus on. The sub-committee will meet and identify what parts of the plan are ongoing and recommend five or six priorities for consideration. The information will be brought to the next Olmstead Commission meeting for a discussion and plan to move forward.

***A meeting with the sub-committee is scheduled for July 29th, 2015 from 8-5 at Prairie Hills Plaza in Bismarck.

Adjourn

The meeting adjourned at 3:45 PM.

Olmstead Committee-July 1, 2015-Money Follows the Person Rebalancing Grant

Grant Year	Older Adult	Individuals with a physical disability	Individuals with an Intellectual disability	Children	TOTAL
2007	0	0	0	0	0
2008	1	1	3	0	5
2009	4	7	4	0	15
2010	4	6	16	0	26
2011	5	8	19	0	32
2012	13	21	11	2	47
2013	14	18	20	0	52
2014	17	27	14	2	60
2015	6	12	7	0	25
Totals	64	100	94	4	262

MFP Transition Plan 2016-2018

Year	Adults 65 and Older	Persons with an ID/DD	Persons with a Physical Disability	Children	Totals
Projected Transitions					
2015	17	15	27	2	61
2016	17	16	27	2	62
2017	18	17	27	2	64
Total	109	136	170	10	424

MFP Sustainability Planning and 2016 Supplemental Award

- Outlines the state's plan to explore what if any of the MFP Services or new position would be beneficial to continue.
- Submitted on May 8, 2015: CMS is planning to have all plans approved by 8/1/15
- Budget for the years of 2016-2020 due 10/1/15 (\$29,048,691)-**\$22,380,231 is for services**
- Institutional transitions ending on December 31, 2017
- Outlines how the MFP Administrative funding will be utilized through 9/30/2020
- Communicates the state's plan to spend all MFP rebalancing money by 9/30/2020

MFP Tribal Initiative: Submitted Concept Paper to CMS

- Secured two tribal resolutions:
 - 1) Turtle Mountain Band of Chippewa Indians
 - 2) Mandan, Hidatsa, Arikara Nation (MHAN).
 - 3) Engagement will continue with tribal leadership at Spirit Lake Nation and Standing Rock Sioux Tribe to secure MFPTI tribal resolutions. The timing will be determined by Spirit Lake Nation and Standing Rock Sioux Tribal leadership.
 - 4) NDSU is now working on the hiring MFP-TI Tribal Coordinators at Turtle Mountain Band of Chippewa Indians and MHAN:

Direct Workforce

- MABU is working with DHS to develop a Workforce Webpage and a marketing plan to increase awareness of and promote careers in the area of Direct Service Workforce
- Workforce Development Committee to meet in July
- QSP Technical Assistance sessions continue across the state

Housing Efforts:

- Continue to build on collaborative relationships between housing agencies and DHS/DHS Providers
- Continued Regional Supportive Housing Collaborative Organizational Meetings in 7 of 8 regions
- CMS released guidance on how Medicaid dollars can be utilized for housing supports on 6/26/15
- ND has been asked to present at the HCBS Conference about the housing collaborative the ND has created

Rebalancing Fund:

- Continues to be utilized for the NDSH Transition Assistance Fund and MFP Rental Assistance
- Funding request continue to be received from both within and outside DHS

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Report from Vocational Rehabilitation

RFP to Expand Supported Employment

Purpose

The Division of Vocational Rehabilitation is soliciting proposals to procure supported employment services for individuals with Intellectual Disability/Developmental Disability (ID/DD) that lead to integrated and competitive employment opportunities for individuals currently receiving day support service or individuals employed in segregated employment settings, or both.

Four grants. Grant period three years. Grants will be awarded on July 15th.

A separate technical assistance grant will be administered by Minot State University with staff from the State of Washington Supported Employment program providing training and ongoing technical assistance to staff of grantees and key department staff in the delivery of evidence based supported employment service.

The grant will pay for the initial training and stabilization as well as extended employment services during this grant period. The providers responding to the RFP are to present a budget and the number of individuals they anticipate they will be able to assist with becoming employed in competitive and integrated employment for each year of the grant.

The level of intervention each consumer needs to maintain their goal of competitive and integrated employment will be individualized based on the support needs of the consumer. DHS's DD and VR Divisions will evaluate the program throughout the life of the grant, seeking trends, outcomes, etc. and look at changes to current policy.

The Workforce Innovation and Opportunity Act WIOA

One way WIOA amends the Rehabilitation Act is by adding Section 511 – Limitations on the Use of Subminimum wage

Section 511 imposes limitation on employers holding special wage certificates and a series of steps that youth under age 24 must follow before accepting employment for less than the federal or state minimum wage.

- Received pre-employment transition service;
- Applied for vocational rehabilitation service and either been found ineligible, or if eligible, has not achieved success working towards an employment outcome specified in the individual employment plan;

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Report from Vocational Rehabilitation

- The individual consents to work for subminimum wage employment;
- Will require vocational rehabilitation to complete annual assessments of the suitability of the individual employed for less than the minimum wage.

There is a new restriction against a "local educational agency" or "State educational agency" from entering into a contract with an entity for the purpose of operating a program for an individual who is age 24 or younger under which work is compensated at a subminimum wage. Effectively schools may not contract with sheltered work providers for transition services.

Governor's Committee Research Project

Governor's Committee on Employment of Persons with Disabilities is conducting a research study through Minot State University to establish the **current level** and types of pre-employment and employment services provided and available to individuals with disabilities in ND. The research project will document the employment status of people receiving services from Community Rehabilitation Providers (CRPs) in North Dakota three years following the baseline study in 2012. The results of the survey will provide data that the Governor's Committee on Employment for People with Disabilities and other decision makers can use to identify targeted strategies to positively impact competitive integrated employment outcomes for people with disabilities. Information from the survey will tell the committee whether or not there have been changes since the baseline study (2012). The completion date for the research study is June 30, 2016.