



**Montgomery County Commission on People with Disabilities
Developmental Disabilities Advisory Committee
Meeting Summary – November 14, 2016**

**Sue Hartung, Chair
Larry Bram, Vice-Chair**

Present:

Parents Betty Bahadori, Debbie Fickenscher; Claire Funkhouser; George Hartung; Susan Hartung (Chair); Monica Herring; Larry Bram (Vice Chair), Easter Seals; Reda Sheinberg; Kim Khan, Jenn Lynn, Francesca Pellegrino

Organizations: Michael Bryan – DDA, SMRO; David Cross – retired MC PS; Rosemary DiPietro – Community Support Network; Susan Ingram – Community Support Services; Shawn Lattanzio -DHHS, Behavioral Health; Kim Mayo –Community Support Network Administrator; Venetia McDaniel – Total Care; Delverene Mills – Total Care; Lu Merrick – Ivymount School; Seth Morgan – Commission on People with Disabilities, Chair: Karen Morgret – Treatment & Learning Center; Sara O’Neil - MMARS; Margie Parrott - MCPS; Judith Pattik- DDA;; Marcia Rohrer – Division of Rehabilitation Services; Patricia Sastoque - DDA; Bernie Simons -DDA ; Rhonda Workman – DDA; Susan Smith - HOC; Kathryn Kersey – Support Broker; Leon Hart, Mark Wong; John Whittle, Service Coordination, Inc.

Staff: Betsy Luecking

Welcome and Introductions

Susan Hartung, Chair, convened the meeting and introductions were made.

Update on Developmental Disabilities Transformation – Bernard Simons, Deputy Secretary, Developmental Disabilities Department of Health and Mental Hygiene, Developmental Disabilities Administration (DDA)

When changes are made to the Home and Community-Based Services (HCBS), DDA is required to register those changes for 30 days prior to going into effect. DDA has not reached that point yet. There have been issues regarding clarity of service definitions. When data was collected regarding the numbers of individuals employed, the data was not accurate as some were volunteering and not receiving pay. There is currently no exact data on the number of individuals who are employed.

In 2004, the Office of the Inspector General under Health and Human Services reviewed the Center of Medicare and Medicaid Services for HCBS. The report showed that funding was being given to states, but it was unclear what services the states were purchasing. As a result of that report, when a new waiver is introduced or a waiver is renewed the reporting requirements are strengthened. In March 2014, DDA’s waivers were approved for five years retroactively to July 2013. DDA is in the process of gathering evidence to submit and continue with the waiver. The data must be specific in order to show the Federal Government the specific services that the State is purchasing.

The listening tours held throughout the State were extremely important and valuable feedback from the community was received. There have been many concerns regarding Amendment 2. There are no definite timelines for submitting Amendment 2. That is a DDA decision, not a CMS decision. Amendment 3 may be postponed due to the upcoming renewal. The current waiver expires on June 2018. There will be more constraints from CMS and clarification of services as DDA moves forward.

Mr. Simons is unsure if it has been communicated clearly that there is flexibility to move among the service definitions. For example, an individual can be employed for two hours a day, three days a week which can be billed under supported employment; if they take a cooking class at a facility it can be billed under day habilitation; and volunteer work can be billed under community integration.

Waiver definitions are not used for individuals that are housed at Holly or Potomac Center. Those individuals use Federal dollars for services and must provide that the supports and services received are in that individual's annual plan.

Received feedback from families with children under the age of 21 regarding Early Periodic and Diagnosis Screening and Treatment (ESPCT). ESPCT is required by the Federal Government. If an individual under the age of 21 needs services that cannot be paid for under the HCBS waiver, those services must be paid for by ESPCT. In order to continue to receive Federal funding, DDA must abide by their rules and regulations.

Questions:

- Service definitions are changing due to the transformation. There are concerns from families that their children will not be able to receive the same level of services at the same places or that they will be placed in a more or less restrictive setting.
- How can families be notified that DDA is seeking input? Is there a way to improve communication between DDA and families? Patricia Sastoque indicated that individuals can sign up on the DDA's website to receive e-mails. It was noted that it may be more effective for case managers to contact families as they most likely will have an updated e-mail address for them. Patricia Sastoque added that there is a CCS Committee that works with one individual that assists in generating the information that is shared with the case manager who then informs the families. For example, housing vouchers are currently open in parts of the state. This information is given to the case manager. There is a potential avenue to work with the parent advocate at each regional office that could also communicate information. DDA tries to give everyone two to three weeks notice in advance of meetings, webinars, etc. Patricia added that the webinars were just informational and educational. DDA is still gathering feedback.
- Suggestion that a synopsis of the webinars could be posted for those who could not attend.
- Suggestion that DDA respond to family and individual concerns and feedback directly as to reduce anxiety. Patricia noted that while they typically do respond directly, since communication for feedback has been informal they have been unable to respond to each person individually. When CMS is posted for formal public comment, then DDA by law must respond to every recommendation. She also noted that public forums such as the DDAC meetings are a good platform for giving information and clarification.
- There is concern regarding the rate study and the County's minimum wage increasing from \$10.50 an hour to \$11.75 an hour in the next six months. Bernie reported that JVGA is the contractor to conduct the rate study. DDA was seeking responses from 150 providers and has received 80 so far. There is concern that if all 150 providers do not provide data then assumptions regarding the rate will be made. A draft of recommendations will be completed in January. JVGA is aware of the County's minimum wage increase. Bernie had JVGA present before the General Assembly's House and Senate appropriations committee to explain the methodology behind the rate study. JVGA will present their findings in January when the study is completed so the House and Senate are aware of any financial implications. There is an assumption that additional money will be needed, but that remains unclear until the final report. The new rate system will not be implemented until FY18. Any discussion of additional funding would be included in FY19.
- In regards to turnover of staff, one issue may be salary and another issue may be the person feeling comfortable in their job responsibilities and trained to perform their duties. In 2011, the Federal Government asked states to pay for ongoing professional development. JVGA has been asked to review costs for certification from accredited employment national associations. If staff need to be trained, then that training should be built into the rate as well as the additional staff time needed to provide services to the individual while the other staff member is in training. An RFP for direct care training will be posted in February or March.

- Susan asked if the Committee should ask the State to have procurement's disability priority be targeted to a specific disability? The policy of the County is to increase employment for all people with disabilities and to work to match the person's skill with available positions. The model has been based on Customized Employment which is a flexible process designed to personalize the employment relationship between a job candidate and an employer in a way that meets the needs of both. As a County, we have adopted the same definition of disability as in the Americans with Disabilities Act and the State of Maryland Division of Rehabilitation Services. There are a few opportunities through the Workforce Investment Opportunity Act (WIOA). DDA has been tasked on tracking how many individuals are moving out of 14cs and minimum wage, sheltered workshops and into competitive jobs. This data could be shared with the Committee. Susan noted that more effective and creative strategies need to be used in order to identify employment opportunities for individuals with significant intellectual disabilities. Section 14(c) of the Fair Labor Standards Act allows exemptions from the federal minimum wage in the case of workers whose productivity is impaired by disability or age. Any employer otherwise required to pay the minimum wage may obtain authority to pay the lower wage rates permitted by law. However, there is a fairly extensive amount of paperwork involved to secure approval by the Wage and Hour Division of the United States Department of Labor. Francesca Pellegrino added that the business community needs to be engaged with as well. The Pyramid Awards attracted non-profits and people with disabilities. When the award was changed to be given at the Economic Development breakfast, which attracted six hundred employers, the award had more visibility.
- Does DDA have any obligation to assist individuals with obtaining employment? Mr. Simons noted that employment is done at the local level through case management and the community. An attendee said that job developers have a difficult time connecting with management when the hiring process is completed online. Larry Bram reported that Easter Seals has an employment program for Veterans where employers pay to hire qualified Veterans. The program is more employer-focused. They have been unable to fill some entry-level positions with Veterans and have Easter Seals has reached out to these companies about hiring qualified people with disabilities.
- Susan suggested that the model for transition from school to adult services should be reviewed. Students spend six years working on different jobs and then are expected to find a new one once they leave the school system. Mr. Simons noted that \$2.5 million in funding has been set aside to identify transitioning youth students and to ensure they are gainfully employed. DORS has also been designated to provide employment services to transitioning youth students. It was suggested that the school system spend more time on assisting students locate employment or internships as opposed to spending time in the classroom. Patricia added that the Maryland State Department of Education, DDA and the Department of Disabilities are currently collaborating to create a strategic plan for transitioning youth and employment.
- David Cross noted that children in the Autism Waiver typically do not enter the program until 12/13/14 years old. Services need to be provided much earlier when they're 1/2/3 years old. He noted that for every 10 kids that transition out of the program, maybe 1 will need minimal supports while the others need dramatic supports in order to live in the community.
- Washington State is a good model for employment. They hold an employment conference every year which helps to keep employment on everyone's agenda. One of Washington's subject matter experts will be assisting with the DDA transformation.
- Job retention is a general problem in the workforce.
- It was noted that there is no provider in Montgomery County that can bill Medicaid for EPDST services.

Update - Developmental Disabilities Administration (DDA) – Judy Pattik, Regional Director, Southern Maryland Regional Office (SMRO)

For TY16, 98 individuals are currently in service and 30 individuals are in process. For TY17, 95 students have been identified with 8 students already receiving services. Judy noted SMRO has developed a good working relationship with Erica Molinara, Staff, Community Support Network. Erica checks with SMRO regarding COMAR clarifications, reports incidents, and discusses remediation strategies. SMRO is in the process of hiring three new staff members with two additional positions open. DDA will be hosting a professional development day on Friday. There are preliminary plans for regional offices to host an evening open house and have a meet and greet with families in January. There was a suggestion to hold an open house at a different time frame and location for those who cannot attend due to traffic. The modified service funding plan that went into effect November 1st has enabled a faster turn around time for request for service changes. Choice letters went out to individuals the 2nd week of November. Rosemary DiPietro indicated that these choice letters need to be back by December 1, 2016. Providers have requested all choice letters at the same time so that they can work to have the best matches to their programs.

Update - Coordination of Community Services (CCS)

Total Care:

- Currently serving 1,126 individuals in Montgomery County - 803 are ongoing, 38 are in crisis prevention, 3 are in crisis resolution, and 82 are in current request.
- There are 12 TY16s and 34 TY17s that need to be placed
- Delverene Mills is replacing Nicole Sheppard, who is now working for DDA SMRO.

MMARS:

- Currently serving 1,411 individuals in Montgomery County - 2 are transition clients, 1,071 are ongoing, 308 are waitlisted at current request, 28 are crisis prevention, and 2 are crisis resolution.
- Total of 50 TYs for Montgomery County – 5 are late TY16s and 45 are TY17s. They have met with 43 of the 45 TY17s and have received 30 choice letters.

Montgomery County HHS:

- Currently serving 498 clients. 2 are being pulled from the future client list. There are a total of 43 individuals on the future client list.
- Individuals who want to be transferred to Montgomery County HHS are directed by SMRO to contact the HHS office.
- All TY16s are receiving services except one who may elect not to use their waiver services. This individual is deferring to a January start date.
- There are 12 TY17s and 4 are currently in service.
- With the modified service funding plan, TYs will go through the same process when it comes to selecting a provider and getting themselves started into adult services.

It was noted that some providers may not be accepting choice letters in a timely manner given that FY18 provider rates are still unknown. Mr. Simons said that the rate study findings would not be implemented until FY19. The budget will not be presented to the Governor until January. Service definitions still need to be submitted to CMS and have 90 days for public comments.

Regional offices need transitioning youth service funding plans and TY17 choice by January to process them in a reasonable time frame. Waiver packets and choice selections must be received by February/March and will be processed as soon as they are received. Waiver packets can be processed separate from service funding plans.

There was a question regarding the availability of personal and behavioral supports to children over the age of 21. Currently the waiver remains the same and services are being continued.

Chair and Vice-Chair Update: None

Upcoming: The Committee will be meeting at the Rockville Memorial Library until May 2017. Address: 21 Maryland Avenue, 2nd Floor, Rockville, MD 20850.

Respectfully Submitted,

Carly Clem, Administrative Assistant

Betsy Luecking, Community Outreach Manager

Commission on People with Disabilities