



**Montgomery County Commission on People with Disabilities
Developmental Disabilities Advisory Committee
Meeting Summary – October 12th, 2020**

Larry Bram, Co-Chair • Karen Morgret, Co-Chair

Attendees: Betty Bahadori; Larry Bram; Odile Brunetto; Carly Clem; Scott Dennis; Claire Funkhouser; Susan Hartung; Shawn Lattanzio; Tom Liniak; Betsy Luecking; Jenn Lynn; Laurie Lyons; Kim Mayo; Linda McMillan; Seth Morgan; Karen Morgret; Sara O’Neil; Mary Phillips; Susan Smith

Overview on DORS Services in Maryland, Discuss Changes Within DORS as a Result of WIOA, and the New Federal Fiscal Year and State Vocational Rehabilitation – Scott Dennis, Assistant State Superintendent, Division of Rehabilitation Services, Maryland Department of Education

Maryland Division of Rehabilitation Services (DORS) is an agency of the Maryland Department of Education (MDE). DORS is composed of the public vocational rehabilitation (VR) program and the Disability Determination Services (DDS), which makes medical decisions about disability claims filed by Marylanders for Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI). Both programs are currently functioning during the pandemic. DDS services had slowed down due to medical visit restrictions but is slowly getting back up to speed as some doctors are now allowing in-person consultations.

In 2014, Congress passed the Workforce Innovation and Opportunity Act (WIOA) which is the federal law that governs Maryland’s workforce system. WIOA replaces the Workforce Investment Act of 1998 (WIA) and amends the Rehabilitation Act of 1973. WIOA requires VR agencies to set aside 15% of their federal funds to provide pre-employment transition services (PRE-ETS) specifically to “Students with Disabilities.” The limited services that may be provided, based on identified need and the availability of services, include: job exploration counseling; work-based learning experiences, which may include in-school or after school opportunities; experiences outside of the traditional school setting, and/or internships; counseling on opportunities for enrollment in comprehensive transition or post-secondary educational programs; workplace readiness training to develop social skills and independent living; and instruction in self-advocacy.

When PRE-ETS started, the entire DORS VR caseload was 23,000 individuals. Of that number, 400 met the definition of student with a disability – at least 14 years old but less than age 22; enrolled in a secondary school (including home school or other alternative secondary education), post-secondary education program, or other recognized educational program and has not exited, graduated, or withdrawn; and has a disability documented with an IEP, 504 plan, medical records, or a doctor’s note. Today, PRE-ETS is approaching 8,000 students that are being served throughout the state.

DORS does not have sufficient resources, both funding and staff, to provide services to all individuals determined to be eligible for VR services. The Rehabilitation Act, as amended by WIOA, requires the VR program to serve individuals with the most significant disabilities first when there are not enough resources to serve everyone who is eligible for VR services. Individuals with the most significant disabilities are given a priority over those with less significant disabilities, a process called an "order of selection." To comply with this law, DORS counselors determine the severity of the disability of individuals who are eligible for services, as follows: Category 1: Most Significant Disability; Category 2: Significant Disability; and Category 3: Non-Severe Disability. DORS is required to make an eligibility decision on everyone who applies for services, regardless of whether they have a disability or not. Unfortunately, that does not mean they have the capacity to provide services.

Individuals who eligible for services and have a “most significant disability” (Category 1) can begin their rehabilitation program without delay. Individuals who are eligible for services and have a “significant disability”

(Category 2) are placed on a waiting list, however DORS is not expecting to be able provide services for those in Category 2 for the foreseeable future. DORS does not expect to provide services to eligible individuals with "non-severe disabilities" (Category 3) in the foreseeable future.

Scott Dennis, Assistant State Superintendent, DORS, MDE, reported Category 2 was open until the mid-2000s when the first economic crisis hit which had a tremendous impact on DORS and the state. Category 2 services were stopped in 2008 and the waiting list was created. Some individuals were taken off the waiting list until 2015/2016 when the number of students served dramatically increased as school systems started to take advantage of the program. Many counselors were shifted from the VR program to focus on PRE-ETS. Scott noted that Montgomery County Public Schools (MCPS) has been very aggressive in sending students and DORS created a special transitioning unit and moved existing counselors to manage the caseload.

Scott added that while Maryland's wealth has increased over the years, it has caused an inverse effect to the amount of funding DORS receives. There is approximately \$22,000,000 in funding set aside to purchase and provide services. Of that amount, \$6,000,000 is used for PRE-ETS and the remainder is used by the VR program to provide employment services. DORS is funded primarily by the United States Department of Education's Rehabilitation Services Administration. The federal funding includes a State matching requirement (Federal 78.7 percent and State match of 21.3 percent) and maintenance of effort requirement. For FY20, DORS was able to have enough state funding to meet the match and maintenance of effort requirement. DORS has not received the federal FY21 budget but is keeping a close eye on the state and how those general funding levels may end up.

When the COVID-19 pandemic started, state agencies had to shift quickly to a virtual environment. DORS worked closely with the Maryland Behavioral Health Administration (BHA) and the Maryland Developmental Disabilities Administration (DDA) to ensure they were using the same platforms and consistent in their messaging with providers. Scott said seven months later the feedback from consumers and providers has been very positive. Virtual services have allowed providers to see more people as they are not spending time on the road and consumers do not have to travel for meetings.

As a result of moving towards virtual services, several different portals have been created that allow both providers and clients to load information without having to mail or provide hard copy documentation. Information is received in a timelier fashion and can be tracked within the system. DORS will continue to look for new ways to provide and pay for services. Scott noted that several providers reached out about providing virtual career assessments. Staff worked with these providers to develop program that provides both the client and counselors with information to help focus the individual on a particular career path. Scott reported that with virtual services individuals located in areas such as western and southern maryland and the eastern shore have been able to receive services whereas in the past they may not have due to lack of providers.

The floor was opened to questions.

Larry Bram, Co-Chair, asked if Scott has concerns regarding funding and if individuals on this Committee should advocate on behalf of DORS as private individuals. Scott said he is cautiously optimistic about the future. When the Maryland Comptroller Peter Franchot and Governor Larry Hogan were looking at a 30% across the board cut back in late April, Scott spent several weeks writing position papers to brief MSDE senior management, the Superintendent and the Deputy Superintendent on what a 30% reduction of DORS services would do to the agency. At this point, Scott has been given no indication that funding will be cut. He added that sometimes agency budget cuts are passed in back of the bill language when the budget is passed and agencies will not know about those cuts prior to the budget being approved. Scott will let this Committee know if he becomes aware of any potential cuts.

Betsy Luecking, Staff, reported she developed a report that identified all employment programs, resources and funding in Montgomery County. Betsy asked about DORS being limited in their ability to hire more employees. Scott said the hiring regulations go back several administrations. DORS has to receive an approved hiring exception from the Maryland Department of Budget and Management (MDBM). MDBM has been judicious in how many positions DORS is allowed to fill despite the unemployment rate and the number of staff who have retired or

are moving into other positions. This is due to the amount of federal funds that DORS receives in comparison to state funds. Overall, DORS manages approximately \$120,000,000 in funding with less than \$15,000,000 of that from the state.

Tom Liniak, Jewish Social Services Agency (JSSA), said support services provided by WorkSource Montgomery (WSM) for persons with disabilities is less than what someone would need and that is not the way the program is designed. Those individuals need individualized assistance with finding and maintaining employment, especially in today's economy, but they do not really have a place to go right now to receive those services. Tom asked how long it takes individuals in Category 1 to be served. Scott said once an individual has been determined Category 1, they signed a plan for them to proceed and they receive services until that plan is completed. The plan could include receiving training, attending school and/or assistive technology. If funding is decreased, those individuals continue to receive services. Scott explained that the federal government provides a heavy level of funding to state vocational agencies. For every dollar that Maryland puts in, the federal government puts in four dollars. As long as the state is meeting their match, the federal funding should hold up. Scott did note that for every dollar that DORS loses, it is actually losing five dollars in total funding. He also noted that in his 30-year tenure with DORS they have never dropped below in funding and the state has always kept up with the match and maintenance of effort. Betsy reported the Commission on People with Disabilities (CPWD) at their meeting this Wednesday will hear a presentation by Beth Lash, Regional Director, DORS, and Cynthia Grissom, Director of Business Solutions, WSM. She noted that CPWD can get permission from the County to advise the State or Maryland General Assembly to advocate on behalf of DORS for funding or legislation.

Tom reported that he and Karen serve on a DORS Advisory Board with Scott. He said Scott has worked tirelessly and expeditiously during this pandemic. He credits both DDA and DORS with the speed with which they were receptive to hear recommendations and their willingness to change how services are provided. Tom reported JSSA job placement rates are now only 5% below where they were pre-pandemic.

Betsy said Montgomery County has funding for employment for persons with disabilities and now would be a good time to make sure that funding is being maximized. She suggested that this Committee develop an assessment of what will be happening at the federal, state and county funding levels to fully inform the County Executive and the County Council on the needs. She noted that Florida has an Employment First Initiative where all agencies (including Department of Education, Worksource, and Economic Development) sign an agreement to work together and meet regularly to discuss issues and determine funding plans. They work as a team to ensure people's needs are being met. She suggested that Maryland look at a similar initiative moving forward as it would help to address the current and impending unemployment crisis.

Karen Morgret, Co-Chair, agreed that DORS has been flexible with allowing providers to provide some services. Treatment & Learning Centers (TLC) has seen an increase in their job placements, although this could become a challenge in the future depending on DORS funding. Karen asked if DORS counselors will continue to work across the state post-pandemic. She also asked about DORS and electronic records. Scott said in some ways this pandemic has affected how DORS will conduct business moving forward. He has asked his staff to work towards going 100% electronic. In terms of DORS counselors, due to telework Scott has been able to shift caseloads to help manage the workload. The goal is to be able to manage the cases across the state versus county by county. Most of the documentation is now sent in an electronic format. The phone system is also run through a network so calls can be received anywhere throughout the state. Scott noted that there is still a turnover of DORS staff and support staff in Montgomery and Prince George's Counties.

Betsy asked if there is a waiting list for DORS Category 2. Scott said the waiting list for Category 2 is currently 3 years. Individuals who apply and are considered Category 2 are still being added to the waitlist but they are not being served due to the focus on PRE-ETS. DORS has been reviewing the waitlist and asking individuals to provide additional medical documentation in order to move them from Category 2 to Category 1. So far, DORS Has been able to move 300 individuals. Scott said Montgomery County in particular has had a rise in PRE-ETS cases and he expects the number to continue to increase. In order to manage the PRE-ETS workload realistically he would have to move all of the VR counselors to PRE-ETS. This is one reason why telework is beneficial for VR as those counselors are now able to manage caseloads across the state versus county by county. Betsy said

there are concerns that older people with disabilities who may have lost their jobs during this time will not receive any job assistance. Scott reported there was waiver legislation in Congress that would have allowed VR agencies to focus on the employment side versus pre-employment and provide assistance on an as-needed basis for the next year or two, but that waiver has not passed. The Secretary for the MSDE cannot make those changes as the 15% set aside for PRE-ETS is mandated in law.

Tom Liniak, JSSA, asked if WSM funding could be moved to DORS. Scott said there are certain restrictions with their funding and it is more of a legal question that he cannot answer.

Karen asked for an update on the partnership between DORS and DDA as well as self-employment. Scott said DORS and DDA signed a new agreement that has been in place for about 2 ½ years now. He said he has a good working relationship with DDA and meets with Bernie Simons, DDA Deputy Secretary, and Patricia Sastoque, DDA Director of Programs, on a quarterly basis to discuss issues. For example, DORS traditionally uses CARF (Commission on Accreditation of Rehabilitation Facilities) as their licensing and certification platform and outside reviewer. DDA is moving towards new licensing requirements and DORS will be making accommodations in order to meet these new requirements. Regarding self-employment, DORS has reworked the program requirements for the RISE (Reach Independence through Self-Employment) Program, which is designed to promote and facilitate self-employment for individuals for whom it is appropriate. DORS received a new five-year contract approved by the Maryland Board of Public Works this past March. Staff were trained on the new contract in July and August.

Federal, State and Local Updates on Services and Budgets – Kim Mayo, Administrator, Community Support Network, Montgomery County Department of Health and Human Services

Kim Mayo reported the County now has a contract with the Primary Care Coalition (PCC) to provide technical assistance and support to developmental disability providers. Currently, 18 out of 30+ providers have agreed to participate in the partnership. They continue to follow-up with providers that have not responded. PCC along with Dr. Michael Greenberg has developed a testing strategy and submitted it to Public Health, which is working on the details of the testing strategy. The County is waiting to receive baseline data so PCC can develop early projections for PPE for the upcoming fall season. Kim also reported that the Transitioning Youth Pilot Proposal (TYPP) has been tabled until sometime in 2021. The workgroup will reconvene next year to determine how to move forward and hopefully develop a proposal based on current data and needs. Kim thanked the TYPP workgroup for their work, especially Claire Funkhouser, who was Chair of the TYPP workgroup, and Marie Parker Harvey, University of Maryland, for her work on the proposal and survey questions. Claire said data received from this year and next year will mostly likely be skewed by the pandemic.

Coordination of Community Services (CCS) Updates

Total Care Services (TCS): Not in attendance.

Medical Management & Rehabilitation Services (MMARS): Sara O’Neil, DDA QE Analyst II, reported MMARS is currently serving 1,472 total consumers in Montgomery County.

- 1128 In Services
- 344 Waiting List
 - 327 Current Request
 - 9 Crisis Prevention
 - 8 Crisis Resolution
 - 3 new upgrades since the last meeting

- 51 TY’21s
- 69 TY’20s

- 313 Personal-Centered Plans (PCP) that are Personal Support Plans (PSS) that need to be submitted and approved for the Electronic Visit Verification (EVV) go live date of 11/1/2020 for the Southern Maryland Regional Office (SMRO).

MMARS is meeting with DDA twice a week to go over any issues. Sara said Family Support Waiver does not always list providers within the detailed service authorization of the PCP.

Service Coordination, Inc. (SCI): Laurie Lyons, Program Manager, reported SCI currently serves approximately 388 people in Montgomery County:

- 5 are Comprehensive Assessments
- 134 are people in services (CC) -- 33 of these are people who self-direct
- 11 people Waiting List – Crisis Prevention
- 7 people Waiting List – Crisis Resolution
- 230 people Waiting List – Current Request

For people who are TY20/FY21:

- 13 people are in services, or have secured a provider
- 7 have the waiver approved, but no provider yet
- 5 people awaiting waiver approval
- 7 have not submitted a waiver yet

There are now 14 CCS (Coordination of Community Services) in the county now, with several just starting this month.

Provider Updates and Announcements

Shawn Lattanzio, Local Behavioral Health Authority (LBHA), said there is an unusual trend now of more children, particularly adolescents, experiencing longer term psychiatric hospitalizations because they have no place to go. This is primarily due to lack of resident treatment center beds and COVID-19. These are children with emotional disabilities as well as on the spectrum.

Jenn Lynn, Parent, is a member on the County's newly formed Policing Advisory Committee. At their first meeting, the Committee chose their Chair who is a transwoman of color who has experienced violence from the police and is very active in the Indian community. The Vice-Chair is a man of color who works with foster care and high-risk children. The Committee has identified its top four priorities: 1) officer misconduct, accountability, discipline and internal affairs, 2) school resource officers, 3) hiring, recruitment and promotion, and 4) mental health crisis response. Jenn Lynn discussed with the Chair that she will be focusing on the mental health crisis response as it pertains to the disability community. The Committee is only committed to meet six times per year and will create taskforce groups to work on these four priorities.

Larry asked for attendees to share their thoughts on behavioral and mental health issues and access. Easter Seals is looking to expand their behavioral health services and they are trying to understand the biggest needs. Larry is concerned about the developmental disability population in particular. Shawn manages the County's contract for suicide prevention with EveryMind. She noted that calls, chats and texts have been increasing since the start of the pandemic. She asked attendees to assist in bringing more awareness to EveryMind's services. Telehealth services, which has received positive feedback, have been extended through January 21st, 2021. Shawn suggested Easter Seals offer teletherapy and telepsychiatry. Larry said while there are still access issues with telehealth, the compliance rate does seem to be much higher and people are not missing sessions. Shawn added that there are provider issues within the public mental health system. In addition to the provider shortage, many providers do not understand the developmental disability community. There are few specialized providers and a few private psychiatrists that do assessments, but they do not take public health dollars or medical assistance. Shawn said there is also need for providers that serve children. Susan Hartung, Parent, suggested inviting representation from Cornerstone to discuss mental health issues. Karen Morgret said TLC is seeing an increase in anxiety among the individuals they support. TLC has increased the hours of their part-time social worker, but they do not have the funding to provide any more hours.

Susan Smith, Housing Opportunities Commission (HOC), said since HOC clients live independently it has been difficult to provide wellness checks. Some of the individuals do not know how to operate their phones or check their voicemails.

Announcements

Susan Hartung reported Dr. Raymond Crowel, Director, HHS, sent a letter to Robert Neall, Secretary, Maryland Department of Health regarding concerns about Amendment #3, conversion to LTSS, the impact of DDA's new rates and rate structure, and the transition to EVV.

Susan Hartung said her fear is her generation fought for people with developmental disabilities to be in the community and now they are stuck inside with the same staff every day. In terms of employment, some providers have had to reduce staff and it may be harder to manage a residential home with five or six individuals. Claire is concerned that patterns may be established during this pandemic that will continue post-pandemic. For example, if an individual seems to be doing well with one-on-two supports instead of one-on-one supports they may not receive one-on-one supports post-pandemic. Susan Hartung said these individuals are developing new patterns and may need to relearn behaviors such as grocery shopping or working all over again. There may also be new anxieties over being out in the community due to the pandemic.

Claire said from her personal experience her son could go back to his job tomorrow, but due to DDA's restrictions he cannot. Claire doesn't know how many others are affected by these kinds of restrictions and how different the DDA unemployment numbers would be if these individuals could go back to work.

Commission on People with Disabilities to Submit Budget Priorities to Council in November – Recommendations

Betsy reported CPWD will be presenting budget priorities before the County Council HHS Committee on November 18th. The Council has asked for a recommended savings plan for FY21 and budget and policy issues for FY22. The budget priorities are due to the Council by November 3rd. Betsy suggested that any recommendations be sent to her before this Wednesday as CPWD is scheduled to discuss budget priorities at their meeting that evening. She noted that the County did not cut the developmental disability supplement. Susan Hartung said Community Support Services (CSS) has spent at least \$250,000 on PPE in just the first few months since the COVID-19 pandemic started and most likely has doubled that cost by now. Equipment costs were not in any agency's budget. Claire noted that it will take a long time to fundraise to make up that debt. She added there will be issues such as accessibility and transportation to receive the vaccine, once one has been developed.

Respectfully Submitted,

Carly Clem, Administrative Specialist

Betsy Luecking, Community Outreach Manager

Next Meeting

Monday, November 9th, 2020 from 4pm to 5:30pm – via Zoom
Instructions to attend will be included on the meeting agenda.