

Public Policy Committee Meeting Minutes

Tab 14

Background:

Minutes of the May 8, 2014 and August 7, 2014, Public Policy Committee meeting are included for your review.

Public Policy Committee
Agenda Item 3.

Expected Action:

The Committee will review, revise as appropriate, and approve.

**PUBLIC POLICY COMMITTEE MEETING
DRAFT MINUTES
May 8, 2014**

COMMITTEE MEMBERS PRESENT

Kristen Cox, Chair	Stephen Gersuk	Amy Sharp, TAMU-UCEDD
Hunter Adkins	Jeff Kaufmann, DADS	Lora Taylor
Mateo Delgado	Sara Kendall, DARS	April Young, HHSC
Mary Faithfull, DRTx	Penny Seay, TCDS	

COMMITTEE MEMBERS ABSENT

Cindy Johnston

STAFF PRESENT

Roger A. Webb, Executive Director	Belinda Carlton Erin Lawler	Jessica Ramos
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CALL TO ORDER

The Public Policy Committee convened on Thursday, May 8, 2014, in the Maple/Mesquite Room at the Holiday Inn Austin – Midtown, Austin, Texas 78752. Committee Chair Kristen Cox called those present to order at 1:33 p.m.

1. INTRODUCTIONS

Committee Chair Kristen Cox asked the Committee members and staff to introduce themselves, and share their summer vacation plans or a destination to which they would like to travel.

2. PUBLIC COMMENTS

No public comments were offered to the Committee.

3. CONSIDERATION OF FEBRUARY 6, 2014, MINUTES

The Committee reviewed the minutes from the February 6, 2014, Public Policy Committee meeting.

MOTION: To approve the minutes of the February 6, 2014, Public Policy Committee meeting, as presented.

MADE BY: Lora Taylor

SECOND: April Young

The motion **passed** unanimously.

4. CHAIR'S REMARKS

Chair Kristen Cox provided an update regarding her experience at the Disability Policy Seminar (DPS) in Washington, D.C. Chair Cox requested a briefing regarding the ABLE Act during the August committee meeting to ensure that members understand that the passage of the ABLE Act will not replace the value of a Special Needs Trust. There are certain things that can be paid for with a Special Needs Trust that cannot be paid for with funds in the ABLE Act.

5. MEMBER UPDATES

Chair Cox announced that her son Kyle is going to Texas A&M University. Jeff Kaufman provided a summary of the SB 7 report findings on Prader-Willi syndrome, a developmental disability, and genetic condition that causes insatiable appetite.

Chair Cox reminded Committee members about their established legislative relationships, and encouraged Committee members to continue to build new relationships with legislators.

6. Revisions of TCDD Position Statements

Chair Cox asked Public Policy Director Jessica Ramos to lead the position statement discussion. The Aging with Developmental Disabilities Position Statement was revised to include recommendations from the February 6, 2014, committee meeting.

After discussion, the Committee recommended the following:

- Change “caregiver” from possessive to plural, In line six
- End all numbered statements with periods
- Insert a comma after “therefore,” in the second paragraph
- Delete “and,” at end of number two

MOTION: To recommend Council approval of the Aging with Developmental Disabilities Position Statement, as revised.

MADE BY: Lora Taylor

SECOND: Hunter Adkins

ABSTENTIONS: None

Ms. Ramos reviewed changes to the Community Living Position Statement. The revision adds that adults with disabilities should be provided with information, in addition to assistance, related to choices about their least restrictive living options.

After discussion, the Committee made two additional revisions to the Community Living Position Statement:

- Delete ‘natural’ from:
 - the second line of the second paragraph
 - the first line of the third paragraph, and
 - the second line of the third paragraph
- Replace ‘exercise’ with ‘have’ in the first sentence of the last paragraph.

MOTION: To recommend Council approval of the Community Living Position Statement, as revised.

MADE BY: Hunter Adkins

SECOND: Penny Seay

ABSENTIONS: None

The motion **passed** with one opposed (Stephen Gersuk).

After the motion was passed, Chair Cox asked Mr. Gersuk about his opposition to the Community Living Position Statement as revised. Mr. Gersuk indicated that he is opposed to the closure of State Supported Living Centers (SSLCs). A discussion followed about the nature of community living, and the philosophy of least restrictive environment and the Developmental Disabilities Act.

Members then focused on a potential conflict in asserting support for a person's choice in the first sentence of the last paragraph and then taking one of those options off the table by supporting closure of SSLCs in sentence five. Executive Director Roger Webb clarified the appropriate procedure to reconsider the previous vote approving revisions to the Community Living Position Statement.

MOTION: To reconsider the motion to recommend Council approval of the Community Living Position Statement, as revised.

MADE BY: Jeff Kaufmann

SECOND: Sara Kendall

The motion was passed with five in favor (Hunter Adkins, Stephen Gersuk, Jeff Kauffman, Sara Kendall, and Lora Taylor), three opposed (Kristen Cox, Penny Seay, and Amy Sharp) and one abstention (April Young).

The discussion continued. Committee members offered possible paths forward, including taking a break to draft new language or tabling the entire discussion of the Community Living Position Statement until a later date. The Committee also discussed the effect that tabling the Community Living Position Statement would have on the minor changes previously recommended.

The Committee agreed to recommend the Community Living Position Statement with the previously recommended revisions and to consider additional revisions during the August Committee meeting.

MOTION: To recommend Council approval of the Community Living Position Statement with the previously recommended revisions.

MADE BY: Amy Sharp

SECOND: Penny Seay

ABSTENTIONS: None

The motion **passed** unanimously.

Ramos reviewed recommended changes to the Criminal Justice Position Statement, reminding the committee that it was substantially edited in 2013. Public Policy Director Jessica Ramos asked that the staff edit be rescinded because perceptual memory is a term of art.

MOTION: To recommend Council approval of the Criminal Justice Position Statement, with one revision.

MADE BY: Stephen Gersuk

SECOND: Lori Taylor

ABSTENTIONS: None

Ramos reviewed the recommended revisions to the Service Coordination Position Statement. It was revised to add the separation of service coordination from payer of services to avoid conflict of interest.

MOTION: To recommend Council approval of the Service Coordination Position Statement as revised.

MADE BY: Lori Taylor

SECOND: Penny Seay

ABSTENTIONS: None

Ramos reviewed the proposed draft of the Transition from School to Adult Life Position Statement. After discussion, the Committee recommended the following revisions:

- Replace the third to last sentence in the first paragraph with
 - Transition planning should also include proactive pursuit of higher education options for students and should reflect the Texas “Employment First” policy, stating that “earning a living wage through competitive employment in the general workforce is the priority and preferred outcome for working-age individuals with disabilities who receive public benefits.”
- Insert a space between ‘reflect’ and ‘Texas,’ in the first paragraph.
- Replace ‘post-school’ with ‘post-secondary’ at the end of the first paragraph.

MOTION: To recommend Council approval of the Transition from School to Adult Life Position Statement, as revised.

MADE BY: Hunter Adkins

SECOND: Penny Seay

ABSTENTIONS: None

Ramos reviewed a draft of the Transition from School to Adult Life Position Statement using plain language and an infographic. The draft was not recommended for adoption but was developed as a companion to a future graphic.

Ramos reminded the Committee Members that the Employment, Guardianship and Supported Decision-making, and Public Transportation Position Statements were recommended at the February 6, 2014, committee meeting. They were not adopted by the Council in February because the Council meeting was canceled due to bad weather. Therefore, these three Position Statements, as well as the Aging with Developmental Disabilities, Criminal Justice, Service Coordination, and Transition from School to Adult Life would be recommended to the Council at the May 9, 2014 meeting.

Chair Kristin Cox called for a break at 3:00 pm.

Chair Cox reconvened the meeting at 3:15 pm.

7. PUBLIC POLICY ISSUES

Public Policy staff provided updates regarding public policy activities, including Senate Bill (SB) 7 implementation, Employment First Taskforce, STAAR Alternate Test, and guardianship reform and supported decision making, restraint and seclusion, an update on conflict resolution training for Disability Rights Texas staff at SSLCs, the Austin Travis County Integral Care transition story project and the Keeping All Students Safe Act.

Ramos reviewed the handout entitled, "Changes for People with I/DD," a flow chart describing whose Medicaid medical benefits will be moved into managed care. Ramos stated that the flowchart indicates that adults with I/DD who are 21 years and older and not enrolled in Medicare Part B must receive medical benefits in managed care. Children and adults 20 and younger may choose to remain in traditional fee for service Medicaid. Some advocates recommend that it may be less of a disruption for children and young adults age 20 and younger to wait to transition to managed care when they are required to enroll in STAR Kids in 2016.

Ms. Ramos also presented a timeline for the transition of medical benefits to managed care, with final implementation on September 1. Later this month, an introductory letter about the transition will be mailed to waiver participants and residents of community based intermediate care facilities. Persons who use Medicare Part B are not subject to the transition and should not receive a letter. In mid-June enrollment packets will be mailed. It is recommended that waiver participants and families use the online directory lists to select providers. Persons who fail to choose a managed care company by August 15 will be defaulted in to a managed care company that includes the participant's primary care physician. If the person's primary care physician is not participating in managed care, the person will be randomly assigned to a company.

Public Policy Specialist Erin Lawler provided an overview of the Employment First Task Force, congratulating TCDD Executive Director Roger Webb who has been named the Task Force chair. Mr. Webb reported that Employment First grew out of the last legislative session from Senate Bill 1226, which was a Committee recommendation provided during position statement revisions two years ago. The purpose of the Task Force is to align state agency policies with the principle that earning a living wage in the general workforce is the first and preferred outcome for all working-age Texans with disabilities.

Ms. Lawler provided an overview of changes to STAAR-Alternate Test for students with disabilities, an accountability measure of No Child Left Behind. Advocates have many concerns with these changes.

Ms. Ramos updated the committee on Public Policy Specialist Belinda Carlton's outstanding work on guardianship reform and supported decision making, and work to build a coalition around guardianship and supported-decision making.

Ms. Ramos spoke about the Texas Disability Issues Forum and reminded members that the Committee agreed that TCDD would provide tools for local advocacy organizations. Mr. Webb stated that he is comfortable that this forum is "fair and appropriate, and well-intended."

Ms. Ramos reported that there are 3,457 people remaining in State Supported Living Centers (SSLC), and reviewed the article, "\$600,000 For Interim Leadership at Austin Facility is Latest in Long Line of Fix-it Efforts." Ms. Lawler reported that she is providing conflict resolution training to the Disability Rights Texas staff working in SSLCs.

Ms. Lawler provided an overview of the Keeping All Students Safe Act, a piece of federal legislation regarding restraint and seclusion use in schools. In Texas, seclusion is prohibited, and restraint is limited to use in emergency situations.

8. PUBLIC INFORMATION REPORT

Ms. Ramos reviewed the Public Information Report, behind Tab 15. Ms. Ramos reported on the completion of the Annual Report, that the TCDD website is 95% accessible, and on Infographics.

9. OTHER DISCUSSION ITEMS

Ms. Ramos reported to the committee that the 84th Legislative Session convenes in 249 days. In August, the Committee will consider 2015 Public Policy Priorities.

ADJOURN

There being no further business, Committee Chair Cox adjourned the meeting at 4:06 p.m.

Roger A. Webb
Secretary to the Council

Date

**PUBLIC POLICY COMMITTEE MEETING
DRAFT MINUTES
August 7, 2014**

COMMITTEE MEMBERS PRESENT

Kristen Cox, Chair
Patty Anderson, DRTx
Hunter Adkins
Mateo Delgado

Mary Durham
Stephen Gersuk
Sara Kendall, DARS
Penny Larkin, DADS

Amy Sharp, TAMU-UCEDD
Lora Taylor
Nancy Walker, HHSC
April Young, HHSC

COMMITTEE MEMBERS ABSENT

Mary Faithfull, DRTx
Cindy Johnston

Penny Seay, TCDS

COUNCIL MEMBERS PRESENT

Kristine Clark

GUEST PRESENT

Susan Maxwell

STAFF PRESENT

Roger A. Webb,
Executive Director
Belinda Carlton

Celina Galván
Jessica Ramos
Joshua Ryf

CALL TO ORDER

The Public Policy Committee convened on Thursday, August 7, 2014, in the Longhorn Room at the Hilton Austin Airport, Austin, Texas 78719. Committee Chair Kristen Cox called those present to order at 1:10 p.m.

1. INTRODUCTIONS

Committee Chair Kristen Cox asked Committee members and staff to introduce themselves, and share a policy change that would be meaningful to themselves or people with disabilities.

2. PUBLIC COMMENTS

No public comments were offered to the Committee.

3. CONSIDERATION OF MAY 8, 2014, MINUTES

The Committee reviewed the minutes from the May 8, 2014, Public Policy Committee meeting.

MOTION: To approve the minutes of the May 8, 2014, Public Policy Committee meeting, as presented.

MADE BY: Lora Taylor

SECOND: Kris Clark

The motion **passed** unanimously.

4. CHAIR'S REMARKS

Chair Kristen Cox reported to the committee the outcome of the review of proposals for phase two of the Accessible Parking Awareness Campaign projects. This Request for Proposals originated in the Public Policy Committee. Two organizations were awarded funds to develop plans to initiate public awareness activities. After reviewing recommendations from the review panel of those two proposals for phase two, the Executive Committee determined to not approve either proposal for funding. However, one of the applicants will be offered an opportunity to resubmit a proposal that more thoroughly addresses specific elements (budget, marketing plan, etc.).

5. MEMBER UPDATES

Council member Mateo Delgado reported that his four-year old son, Shooter, is taking martial arts classes, which will help to foster discipline and potentially support bone strength.

Chair Kristen Cox reported on her difficulty and frustration in obtaining public transportation while traveling with her son who uses a wheelchair.

Council member Hunter Adkins reported that she traveled for the first time alone, without her mother, to the NACDD Conference in Washington, D.C., in June. She shared that she and her personal attendant encountered difficulty with transportation on a tour bus because the driver did not know how to use the wheelchair lift.

6. PUBLIC POLICY ISSUES

Public Policy Director Jessica Ramos provided updates on public policy issues beginning with the U.S. Department of Justice's Consent Decree with the state of Rhode Island concerning sheltered workshops and segregated employment. The article prepared by TCDD staff, *Blueprint for Integrated Employment* provides background on what is in the decree and how it may inform what Texas decides to do around the issue of integrated employment opportunities for people with developmental disabilities who currently work or spend their days in segregated environments.

Ms. Ramos reported that in Texas there are 113 employers who hold Section 14(c) Certificates, a waiver that authorizes employers to pay people with disabilities less than the federal minimum wage. Employers are paying some employees as little as a penny an hour. Ramos reported that additional investigation and data is needed to determine exactly what is going on in Texas as it relates to subminimum wage, and suggested the committee explore concerns around subminimum wage and sheltered workshops in the future as an emerging issue in Texas.

Ramos reported that the Senate Bill (SB) 7 initiative on managed care is rolling out, but that there had been mailing errors in every distribution as part of the rollout. Some advocates believe that delaying the rollout would do more harm than good because so many people have worked hard to prepare themselves for the September 1 transition. April Young (HHSC) reminded the committee that August 15, 2014, is the deadline for enrolling with a managed care organization (MCO).

Ms. Ramos introduced *My Health Passport* and reported that everyone in an Intermediate Care Facility (ICF) or using a DD waiver would receive assistance from a managed care service coordinator to fill out this form. Ramos reported on the Health Insurance Premium Payment (HIPP) Program, which helps families pay for health insurance they get through their employers. People who qualify for STAR+PLUS Medicaid and those who are already in the program can be enrolled in both HIPP and STAR+PLUS.

Ms. Ramos called attention to the one page summary of the 30 page comments on *Special Education Rule Changes* in the Handout Folder.

Ramos reminded the committee of discussion concerning State Supported Living Centers (SSLC) during the Committee of the Whole. She indicated that she looked forward to the downsizing taking place at the Austin SSLC a more person-centered process in the future.

Council member Penny Larkin reported that there are 71 Austin SSLC residents scheduled to be moved, 28 people have requested community referrals, and 19 people have requested to move to other facilities. As of August 9, 2014, there are 269 residents at the Austin SSLC.

Ramos reported on federal policy issues stating that Congress has completed a surprising amount of work at the end of the last session. The ABLE Act progressed to the House floor and both the Autism Cares Act and the Workforce Innovation and Opportunity Act (WIOA) were recently signed by the president.

Chair Kristen Cox moved to recess at 2:18 p.m. for 10 minutes.

Chair Cox reconvened the committee meeting at 2:30 p.m. and invited Council member Kristine Clark to introduce her son, Will, to the committee.

7. Revisions of TCDD Position Statements

Chair Cox introduced the proposed draft of the Family Support Position Statement.

MOTION: To recommend Council approval of the Family Support Position Statement as revised.

MADE BY: Lora Taylor

SECOND: Hunter Adkins

The motion **passed** by consensus.

Chair Cox introduced the proposed draft of the Children and Families Position Statement.

MOTION: To recommend Council approval of the Children and Families Position Statement as revised.

MADE BY: Mary Durham

SECOND: Lori Taylor

The motion **passed** by consensus.

Chair Cox introduced the proposed draft of the Emergency Preparedness Position Statement as revised.

MOTION: To recommend Council approval of the Emergency Preparedness position Statement as revised.

MADE BY: Mary Durham

SECOND: Mateo Delgado

The motion **passed** by consensus.

Chair Cox stated that because some revisions to the Community Living Position Statement were not distributed to the committee in advance for review, the Community Living Position Statement will be considered during the November 2014 Committee meeting.

The Committee took no action.

8. 2015 PUBLIC POLICY PRIORITIES

Chair Kristen Cox reminded the committee of an earlier recommendation to have a one-page list of priorities. Public Policy Director Ramos stated that the Public Policy Priorities included in the binder is a draft for the committee's consideration.

After much discussion, the Committee supported the 2015 Public Policy Priorities as drafted. However, the committee agreed that Long-Term Services and Supports, and Employment should be the top two priorities.

9. 2014 BIENNIAL DISABILITY REPORT RECOMMENDATIONS

Chair Kristen Cox asked that the word "to" be inserted between "ability" and "set" in the second to the last sentence of the report recommendations. Mrs. Cox indicated the document is the staff recommendations for inclusion in the Biennial Disabilities Report.

The Committee took no action on the 2015 Biennial Disability Report recommendations. The Committee will take final action during the November 2014 Committee meeting

10. PUBLIC INFORMATION REPORT

Ms. Ramos called to the committee’s attention the Public Information Report, behind Tab 16. Ms. Ramos reported that she is confident that new Communications Coordinator Joshua Ryf, would increase social media traffic and engagement. She also noted Public Policy Specialist Belinda Carlton’s comments to the Texas Department of Housing and Community Affairs regarding the use of funds from the Amy Young Barrier Removal Program in manufactured housing.

ADJOURN

There being no further business, Committee Chair Cox adjourned the meeting at 3:10 p.m.

Roger A. Webb
Secretary to the Council

Date