

Background:

Minutes of the May 5, 2016, 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 May 5, 2016 — DRAFT MINUTES

Committee Members Present

Lora Taylor, Committee Chair
Kristine Clark
Mary Faithfull, DRTx
Stephen Gersuk
Ruth Mason
Michael Peace
Brandon Pharris
Amy Sharp, UT- CDS
Donnie Wilson, DADS
April Young, HHSC
Dan Zhang, A&M- CDD

Committee Members Absent

Hunter Adkins

Council Members Present

Kristen Cox, Vice-Chair

Guests Present

Brittain Ayres, Texas Advocates
Justin Babineaux, DADS
Shiloh Gonzalez, DARS
Amy Litzinger,
Texas Parent to Parent
Darryl Powell

Tanashia Stanton,
Texas Advocates

Staff Present

Belinda Carlton
Ashley Ford
Linda Logan
Jessica Ramos
Joshua Ryf
Beth Stalvey
Executive Director

Call To Order

The Public Policy Committee convened on Thursday, May 5, 2016 in the Jennings Room of the Doubletree Austin Northwest Hotel - Arboretum, 8901 Business Park Drive, Austin, TX 78759. Public Policy Committee Chair Lora Taylor called those present to order at 1:45 p.m.

1. Introductions

Chair Taylor asked the Committee members, staff, and guests to introduce themselves and to share what they are looking forward to this summer. Chair Taylor also asked members to prepare for the next meeting in August by beginning to think about what issue will be most important to them in the upcoming legislative session.

2. Public Comments

No public comments were offered to the Committee.

3. Consideration of Minutes

The Committee reviewed the minutes from the February 4, 2016, Public Policy Committee meeting. Committee member Ruth Mason requested a revision to discussion details under Member Updates regarding employment coordination and funding.

MOTION: To approve the minutes of the February 4, 2016, Public Policy Committee meeting, with one revision to insert, “They also expressed frustration regarding lack of employment coordination and funding.” after the third sentence of item number five, Member Updates.

MADE BY: Brandon Pharris

SECOND: Michael Peace

The motion **passed** without opposition. Kristine Clark and Mary Faithfull abstained from voting.

4. Chair’s Remarks

Chair Taylor reviewed absences and reported on the recent events that she attended, including the Southwest Cannabis Conference and Expo in Fort Worth and the Marijuana and Cannabinoids: A Neuroscience Research Summit in Bethesda, Maryland. The Chair highlighted cannabinoid policy priorities and current challenges with the medicinal use of marijuana.

5. **Member Updates**

Committee member Ruth Mason discussed her experience testifying before the Article II House Appropriations Committee regarding long term services and supports in the Medicaid program. Though she was not in attendance, Chair Taylor congratulated Committee member Elaine Eisenbaum for receiving her Ph.D. and welcomed Justin Babineaux as a new voting member of the Committee.

6. **TCDD Position Statement Review**

The Committee reviewed and recommended updates for the following Position Statements: Aging with Developmental Disabilities, Access to Health Care, Community Living, and Right to Privacy.

Chair Taylor presented the **Aging with Developmental Disabilities Position Statement** and explained the purpose of the recommended revisions.

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

MADE BY: Brandon Pharris

SECOND: Michael Peace

The motion **passed** unanimously.

Chair Taylor presented the **Access to Health Care Position Statement** and explained the purpose of the recommended revisions. The statement adds a data element about the coverage gap, however the committee discussed and rejected the recommendation that additional subsidies should extend to people with developmental disabilities who are not eligible for Medicaid.

MOTION: To recommend Council approval of the Access to Health Care Position Statement as presented with one edit to reject all of the proposed edits to the third bullet.

MADE BY: Amy Sharp

SECOND: Kristine Clark

The motion **passed** without opposition. Donnie Wilson, April Young, and Stephen Gersuk abstained.

Chair Taylor presented the **Community Living Position Statement** and explained the purpose of the recommended revisions.

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

MADE BY: Kristine Clark

SECOND: Michael Peace

The motion **passed** with Stephen Gersuk opposed. Donnie Wilson and April Young abstained.

Chair Taylor presented the **Right to Privacy Position Statement** and explained that staff received some late recommendations that they were not able to include in the binder. The

Committee agreed to take no action to the Right to Privacy statement and to take it up in August. No action was taken on the Right to Privacy Position Statement.

7. **Public Policy Issues**

The Committee received updates from staff regarding recent public policy activities including Workforce Innovation & Opportunity Act (WIOA), employment supports and services, State Supported Living Center (SSLC) Ombudsman Report findings, how to keep parents involved in Admission, Review, and Dismissal (ARD) meetings, update on autism services, statewide health and human services transition and transformation, and peer supports.

Public Policy Specialist Linda Logan discussed WIOA and its impact on employment and transition services. Logan noted the most significant WIOA changes include:

- requiring 15% (\$36 million a year) of the state’s Vocational Rehabilitation (VR) funds to be allotted to services for transition age youth;
- requiring evidence of rigorous efforts made by VR to secure competitive integrated employment for transition-age youth before permitting work at subminimum wages;
- allowing youth who qualify as a person with a disability under the Americans with Disabilities Act (ADA) to obtain pre-employment transition services regardless of whether they have applied for or qualified for VR (or IDEA or Section 504 services); and
- defining the term “competitive integrated” to describe desired employment outcomes for people with disabilities, including people with the most significant disabilities.

Public Policy Director Jessica Ramos discussed how other states have been successful at closing sheltered workshops and phasing out 14(c) certificate holders by focusing their efforts on securing employment options in the community – especially for transition-age youth. Ramos explained that these states can offer Texas insight about how to successfully implement WIOA, improve VR services, and how to eliminate sheltered workshops and increase competitive integrated employment options for people with developmental disabilities. Ramos noted in order to increase the number of Texans with disabilities in competitive integrated employment, Texas must renew and sustain its employment efforts.

Public Policy Assistant Ashley Ford discussed the summary of the Office of the Independent Ombudsman for State Supported Living Centers 2015 Annual Report recommendations. Ford noted that the report had changed in substance and structure from previous reports published by the Ombudsman using their experiences with residents on an individual and personal level to support long standing recommendations, which included improving staff to client ratios, expanding and strengthening staff training, and increasing knowledge of rights and due process. Ramos explained that the Ombudsman’s report stresses their frustration with the Texas Legislature’s inaction in addressing their recommendations and discussed opportunities for engaging the SSLC Ombudsman in future Council activities, such as peer supports for rights education.

Ramos highlighted claims data provided by Committee member Donnie Wilson, Department of Aging and Disability Services (DADS) representative, showing the utilization of supported employment and employment assistance compared to day habilitation. Ramos noted that although individuals are not required to include day habilitation on their service plans, most Medicaid community-based waiver participants’ service plans typically include day habilitation (57%).

Logan presented information to the Committee regarding the decision-making rights of students during ARD meetings. Logan explained that when students receiving special education services turn 18 years old, their parents are no longer automatically included in their child's ARD committee meetings, however there are multiple alternatives that can enable parents to stay involved in their child's educational decisions without placing the student under guardianship. Ramos noted that progress made with supported decision-making highlighted the need for families to be educated and aware of the decision-making right of students during ARD meetings and that other alternatives to guardianship exist.

Logan presented information to the Committee regarding changes that could expand access to autism services. Logan highlighted recommendations to align Board Certified Behavior Analysts (BCBAs) licensure qualifications to similar licensed professions' requirements and to submit a Medicaid State Plan Amendment to make services currently available to Medicaid enrolled children available on a statewide basis to Medicaid-eligible adults.

Ramos presented information to the Committee regarding the statewide health and human services agency consolidation and recommendations Disability Policy Consortium (DPC) submitted to the Health and Human Services Commission specific to the design of its agency-wide rulemaking system. In addition, Ramos updated the Committee on the legislative oversight committee's response to the draft of HHSC's transformation plan.

Ramos presented information to the Committee regarding the peer supports executive summary under Council consideration and other methods to implement peer supports as a way for people with developmental disabilities to gain control over their lives. Ramos noted that an upcoming meeting is scheduled with the state's Medicaid Director and managed care organizations to discuss how to implement peer supports within managed care for Home and Community Based Services (HCBS) waiver participants.

8. Other Discussion Items

The Committee was reminded that TCDD's 2015 Public Policy Priorities will be reviewed during the August committee meeting to adopt priorities for 2017.

The Committee received updates from Communications Director Josh Ryf regarding communications and marketing related to public policy.

Adjourn

There being no further business, Committee Chair Lora Taylor adjourned the meeting at 4:30 p.m.

Beth Stalvey, Secretary to the Council Date