

Background:

Minutes of the February 9, 2012, 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
FEBRUARY 9, 2012**

COMMITTEE MEMBERS PRESENT

Joe Rivas, Chair	Mary Faithfull, DRT	Sara Kendall, DARS
Kristen Cox, Vice Chair	Sandy Graham, CDS - UT	Amy Sharp, CDD TX A&M
Hunter Adkins	Cindy Johnston	Lora Taylor
Kevin Estes, HHSC	Jeff Kaufmann, DADS	Rick Tisch

COUNCIL MEMBERS PRESENT

John Morris	Gladys Cortez
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COMMITTEE MEMBERS ABSENT

Mateo Delgado

STAFF MEMBERS PRESENT

Belinda Carlton	Melissa Loe	Roger Webb
Joanna Cordry	Jessica Ramos	
Cassie Fisher	Melissa Rosser	

GUESTS

Amanda Dunnavant	Ileene Robinson
Leticia Finely	Charlene Seawright

CALL TO ORDER

The Public Policy Committee convened on Thursday, February 9, 2012, in the Limestone Room of the Austin Marriott South; Austin, TX 78701. Committee Chair Joe Rivas called those present to order at 1:27 PM.

1. INTRODUCTION

Committee members, staff, and guests were introduced.

2. PUBLIC COMMENTS

Charlene Seawright stated that she wished to learn who establishes policy in the Public Policy Committee.

Craig Spradling, founder of Parking Mobility, commented that many of the problems associated with accessible parking are due to a lack of public awareness. If members of the public were aware of the critical need for accessible parking, then they would not violate parking regulations.

3. CONSIDERATION OF NOVEMBER 3, 2011, MINUTES

The Committee reviewed the minutes from the November 3, 2011, Public Policy Committee meeting.

MOTION: To approve the minutes of the November 3, 2011, Public Policy Committee meetings as presented.

MADE BY: Lora Taylor

SECOND: Hunter Atkins

The motion **passed**, with an abstention by Amy Sharp.

4. CHAIR'S REMARKS

Public Policy Chair Joe Rivas announced that Kristen Cox was selected as Vice Chair of the Public Policy Committee, effective immediately.

5. MEMBER UPDATES

Gladys Alonzo gave an update about the activities of a workgroup established to develop recommendations for "Next Steps" to Promote Outreach and Development. Kristen Cox volunteered to join the workgroup, which will conduct meetings via teleconference.

6. PUBLIC POLICY ISSUES

A. State Policy Issues

Public Policy Specialist Belinda Carlton gave the committee an update on a Position Statement that was drafted and adopted by a group of mental health advocates from 45 different organizations on the "Mental Health Prevention & Early Intervention: A Framework for Action." The statement includes goal statements, guiding principles, and an elevator speech to deliver to policymakers.

Public Policy Director Jessica Ramos provided a briefing on the Medicaid 1115 Waiver. The Texas Health and Human Services Commission (HHSC) recently received approval for a new managed care waiver that includes hospitals and will be developing another waiver that will include long-term care. A joint legislative committee on Oversight of the Medicaid Reform Waiver was appointed and will be meeting on February 29, 2012. Staff will keep the committee apprised of the committee's progress and findings. No formal proposals are expected until the summer of 2012.

Director Ramos provided an update on the My Medicaid Matters (MMM) coalition, which is comprised of more than 60 stakeholder organizations. The purpose of MMM is to provide a unified voice to inform policymakers and the public about the benefits of Medicaid and what could happen to Texans if Medicaid funding were reduced or eliminated. Although the organization was somewhat active during the 82nd Legislative Session, it is expected to be more organized and involved during the 83rd session of the Texas Legislature.

Public Policy Director Jessica Ramos updated the committee on the implementation of the cost containment measure that required certain waiver services to be reduced to the 90th Percentile. Individuals whose services were proposed to be cut had the opportunity to request an exception to the reduction. In the Home and Community Based Services (HCS) waiver program, 99 percent of individuals who requested an exception received it. One hundred percent of those who requested an exception in the Community Living Assistance and Support Services (CLASS) program received the exception. The Department of Aging and Disability Services (DADS) will contact the individuals who voluntarily accepted service reductions to ensure that they received the proper information about the cost containment measures.

B. Update on State Supported Living Center Monitoring Activities

The Committee received a briefing from Public Policy Assistant Melissa Rosser on the efforts of the Department of Aging and Disability Services (DADS) to comply with the U.S. Department of Justice Settlement Agreement (SA) regarding state supported living centers (SSLCs). Overall, there was not significant improvement in the facilities' compliance with the SA. On average, the facilities improved compliance by two percent. Richmond SSLC improved compliance by seven percent, the greatest increase of any SSLC reviewed this quarter.

C. Federal Policy Issues

The Committee discussed specific federal policy issues currently under consideration by the US Congress, including federal appropriations, federal efforts to hire individuals with disabilities, and manufactured housing access.

Jessica Ramos informed the committee that the federal budget has not yet been adopted, so the funding for DD Councils is not yet known. Currently TCDD and other councils are operating at fiscal year 2011 levels, with a reduction of .89 percent.

In January 2012, the Obama Administration determined that the federal CLASS Act could not be implemented in its current form. As a result, legislation has been filed in the U.S. House of Representatives to repeal the CLASS Act. The U.S. Senate is not expected to follow suit and a coalition is forming for the purpose of addressing the issues identified with the implementation of the law in order to make needed changes.

The U.S. Department of Labor is proposing a new goal for federal contractors and subcontractors to hire persons with disabilities at a rate of seven percent of their workforces. TCDD submitted comments on the proposed rule to the National Association of Councils on Developmental Disabilities (NACDD), which submitted input on behalf of all DD Councils.

Public Policy Specialist Belinda Carlton reported that the U.S. Department of Housing and Urban Development approved recommendations to increase the width of doorway and hallways standards in manufactured housing on January 18, 2012.

7. PUBLIC INFORMATION REPORT

Communication Coordinator Melissa Loe reported to the Committee about staff public information and outreach activities. Since the Council directed staff to create awareness and build connections, TCDD staff is collaborating with other groups, led by DADS, to plan to celebrate October as Disability History and Awareness Month. The group of agencies organizing activities is meeting regularly to more strategically plan this year's observance. Staff recently updated the People First Language handout, which is the most requested material. The format of the handout was changed, and the Spanish language content was combined into one handout to do more Spanish language outreach. TCDD staff also developed a new handout about Becoming A Council Member. The Annual Report is being drafted and will highlight the accomplishments of TCDD and grant projects. TCDD's Facebook fans and Twitter followers continue to grow steadily, enabling TCDD to connect with new people and organizations. Loe also updated the committee on TCDD website visitors.

8. TCDD 2012 BIENNIAL DISABILITY REPORT UPDATE

Public Policy Specialist Cassie Fisher provided an update to the committee on the 2012 Biennial Report. Fisher reviewed the project timeline for the report and also informed council members that staff have received and reviewed bids for a technical writer. The interview process will take place the week after the Council meeting. Staff already have collected data from the Department of Assistive and Rehabilitative Services and will also collect data from DADS and the Texas Education Agency.

9. REVIEW OF POSITION STATEMENTS

Cassie Fisher led a discussion on Council position statements regarding the following issues: Transportation, Children & Families, Right to Privacy and Emergency Preparedness. The committee reviewed proposed changes from Council members and staff made prior to the committee meeting and proposed additional changes for the consideration of the Council.

MOTION: To approve all proposed changes and present revised position statements to the Council.

MADE BY: Amy Sharp

SECOND: Kristen Cox

The motion **passed** unanimously.

10. FUTURE PROJECTS/ STATE PLAN IMPLEMENTATION

Communications Coordinator Melissa Loe led a discussion on the new State Plan objective on Public Awareness Activities. Goal Three of the State Plan calls for the Council to conduct two ongoing educational activities in collaboration with other organizations and businesses to provide culturally responsive services for people with disabilities. The Committee discussed several options for public information activities and asked staff to further research public awareness on accessible parking.

MOTION: To gather more information regarding the topic of accessible parking for Goal Three of the State Plan and have staff report in May 2012 on public information efforts that are already occurring and/or if there are any planned.

MADE BY: Kristen Cox

SECOND: Lora Taylor

The motion **passed**, with Amy Sharp voting no.

11. ADJOURN

There being no further business, Rivas adjourned the meeting at 4:40 PM.

Roger A. Webb
Secretary to the Council

Date



Children and Families Position Statement

All children belong in families that provide love, caring, nurturing, bonding and a sense of belonging and permanence that best enables them to grow, develop and thrive. Children with disabilities are no different from other children in their need for the unique benefits that come only from growing up in a permanent family relationship. All children benefit and are enriched by being part of an inclusive environment that promotes physical, social, and intellectual well-being and leads to independence and self-determination.

Families of children with disabilities often need supports and services to sustain family life and keep their children at home and included in the community. Family support services are intended to strengthen the family's role as primary caregiver, prevent expensive out-of-home placement of individuals with disabilities, maintain family unity and foster self-determination.

The Texas Council for Developmental Disabilities supports the position that:

- All children can and should live in a family. All children need a family to best grow, develop and thrive. All children deserve the love, nurturing and permanency that are unique to family life.
- Families come from many cultures and are multidimensional. No matter its composition or cultural background, a family offers a child a home and a lifelong commitment to love, belonging and permanency. Parents with disabilities are capable of and do provide loving families and homes to children.
- Families, including parents with disabilities, should have available the level of supports and services needed to keep children with disabilities in their own homes. Family support services should include, but are not limited to, respite care, provision of rehabilitation and assistive technologies, personal assistant services, parent training and counseling, vehicular and home modifications, and assistance with extraordinary expenses associated with disabilities. In addition, since the vast majority (over 85%) of individuals with disabilities reside with families in their own households, families of children with disabilities need access to appropriate child care and to before- and after-school programs. Child care for children with disabilities should be affordable, safe, appropriate and in the most integrated setting.
- Providers of family support services must have education and training that will prepare them to work with people with disabilities in inclusive settings to achieve this goal.
- To be effective and beneficial, supports and services must be easy to access, family-driven, individualized, flexible to changing needs and circumstances, culturally sensitive and based on functional needs rather than categorical labels.

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- ❑ When children cannot remain in their own families, for whatever reason, they still deserve to live and grow up in a family. The first priority should be to reunite the family through the infusion of services and supports. When that is not possible and the family can remain actively involved in the child's life, the natural family should be a key participant in selecting an alternate family situation for their child, including foster families, co-parenting and adoption.
- ❑ When families cannot be actively involved in their children's lives, permanency planning must occur to allow each child to live in a family.
- ❑ School districts and health and human services agencies are integral sources of information and training for parents. Coordination among school districts and outside agencies is critical to provide parents with accurate, timely information regarding services and eligibility requirements.
- ❑ The state Child Protective Services system is essential to guarantee that all children are safe from abuse and neglect. Support of the families of children with disabilities from this system is critical to make sure children remain in a safe, family environment and are not unnecessarily removed from families due to the absence of necessary services and supports.

The Council also supports the position that when children with disabilities grow up in families, the community at large accepts the value of providing supports to children and families at home so that children become and remain participants and contributors to their communities.

The Council supports the position that the State of Texas should adopt a public policy statement recognizing the value of families in children's lives and develop programs, policies and funding mechanisms that allow all children to live and grow up in a family.

Reviewed February 09, 2012



Emergency Preparedness Position Statement

People with disabilities deserve respectful, prompt and efficient assistance during “shelter in place,” evacuation, and relocation resulting from a natural disaster or emergency event. Individuals must have access to appropriate and accessible transportation, shelter, medical and mental health care, and information on temporary support services. The Texas Council for Developmental Disabilities supports the position that to achieve this, people with disabilities and their families, state agencies, first responders, relief workers, and local and state government must work together to create emergency preparedness systems and plans that are responsive to people with disabilities’ needs and stated preferences. There also must be a priority on people with disabilities and their families creating individual emergency preparedness plans.

The Texas Council for Developmental Disabilities supports the position that people with disabilities and their families must be involved in planning and implementing first responder and relief worker trainings that address the needs of people with disabilities in an emergency event, including accessible transportation, adherence to an individual’s existing emergency preparedness plan, and the importance of keeping families and other support networks, including service animals, together throughout the evacuation and relocation processes.

The Texas Council for Developmental Disabilities supports the position that the following principles are integral to the health and safety of people with developmental disabilities during an emergency event:

- Individuals and families create, review and revise as necessary (at least annually) individual emergency preparedness plans, to include “shelter in place” plans, with support from long-term care and support programs when appropriate;
- Confidentiality of personal and medical information included in an individual’s emergency preparedness plan or provided to any registry system or service provider;
- Participation of people with disabilities and families in developing local, regional, and state emergency preparedness plans, to include “shelter in place” plans, that are responsive to the needs and preferences of people with disabilities;
- Participation of people with disabilities and their families in developing trainings for first responders and relief workers on the needs of people with all disabilities during and after an emergency event, including information on invisible disabilities, self-determination, and preserving support networks; and
- Information on emergency preparedness and preparedness planning activities and resources must be available to everyone.



Right to Privacy Position Statement

The Texas Council for Developmental Disabilities recognizes that people with disabilities have the same right to privacy as all people have in our nation. Confidentiality has historically been a cornerstone in providing services and medical care to people. The level of privacy protected under the Fourth Amendment of the U.S. Constitution is being challenged by the rapidly developing interactive technologies with a quickly emerging global information infrastructure.

In this age of the evolving information and communication technologies, the Council recognizes the positive role that the electronic media brings to the compilation and exchange of information. Our government agencies, businesses and non-profit agencies now have the advantage of quick exchange of information and the ability to gather and analyze massive amounts of information. This new capacity can help in streamlining business, reducing costs and ensuring appropriate services for people. However, this new capacity for data collection can also be used intentionally or unintentionally to the detriment of the people the government agencies serve. The Council supports the position that the following basic principles should be applied to all information data collection systems.

- ❑ Individuals, government entities, nonprofit organizations, and businesses have a shared responsibility for the secure use of personal information.
- ❑ Prior to the collection and dissemination of personal and identifiable information, each individual should be advised of:
 - the specifics of personal information to be collected and/or released;
 - the entity which is collecting the information and the entity to which the information will be released;
 - the purpose for which the information is to be collected and/or released;
 - the individual's legal rights to privacy and confidentiality of personal information;
 - the administrative procedures to follow to review personal information;
 - the process to remove, correct or add information that has been entered in a data collection system;
 - the avenues of recourse to recover damages in the case of improper use and/or disclosure of personal information; and

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- the degree of risk that personal information may be inadvertently collected by other entities through the electronic transmission processes.

- ❑ Those who obtain, possess or retain personal information should make efforts to ensure that such personal information is not inadvertently shared, obtained, or collected by unauthorized parties through the process of electronic data transmission.

- ❑ Directories of an individual's personal information which may include personal identity; social security number; religious, political or organizational affiliations; employment; educational, medical, psychiatric, psychological, financial, and legal history; and family status should be used only as originally allowed by the individual.

Reviewed February 9, 2012



Public Transportation Systems Position Statement

Within our society, freedom of movement is a fundamental right; however, it remains a largely unfulfilled promise for citizens with disabilities. Transportation is essential to any effort to enable all citizens to live as independently as they choose, to engage in productive self-sustaining activity, to participate in all facets of community life, and to be fully integrated in their communities. A transportation system should be a seamlessly connected network with a pedestrian infrastructure linked to all modes of public transportation including taxi services, bus, light rail, trains and airplanes as well as cars and bicycles. A public transportation system must meet the needs of citizens in an accessible and affordable manner.

The Texas Council for Developmental Disabilities supports the position that all publicly funded and/or regulated transportation service systems must be:

- seamlessly coordinated at state, federal and local levels among all modes of transportation;
- expanded in suburban, urban, rural and unincorporated areas to connect places people live with places they work, shop, socialize, worship, attend school, access health care, etc.; and
- be fully accessible to all people with disabilities

The Council advocates for people with disabilities to be actively represented on boards and advisory groups for both public and private entities that oversee or provide transportation services.

The Council will continue to work collaboratively with partners such as agencies representing seniors, people with disabilities and low income families, who share transportation concerns, to continue to seek solutions now and in the future.

Reviewed February 09, 2012