

West Virginia Developmental Disabilities Council  
October 27, 2020  
Zoom Virtual Meeting, Charleston, WV

Minutes

**Members present:** Kenneth Accord, Doug Auten, Brandy Beery, Rhonda Blosser, Janice Bostic, Steve Brady, Janie Cole, Lesley Cottrell, Delmar Davis, Julie Dial, Tonya Eve, Lynsay Frye, James Gallaher, JaQue Galloway, Richard Hammons, Kim Hawkins, Randy Hill, Sherill Hoffman, Susan Loudermilk, Pam Roush, Ashley Stewart, Jessica Sykes, Matthew Wink, Sheila Zickefoose

**Members absent:** Marc Ellison, Dawn Embrey-King, Susan Given, Jacqueline Proctor, Wanda Proffitt, Rebecca Stone

**Guests:** Taniua Hardy (DRWV) and Emily Hopta (Office of the Secretary DHHR)

**Staff present:** Steve Wiseman, Linda Higgs, and Christy Black

**Call to Order & Welcome:** Brandy called the meeting to order, welcomed the Council members, and reviewed the contents of the meeting packet.

**Introductions and Announcements:** The Council members introduced themselves.

Brandy announced the dates for the Council meetings in 2021 (January 26, April 27, July 27, and October 26).

Taniua Hardy gave an overview of the EMS Communication Card that was included in the packet. This was a collaborative project of DRWV and WVU CED. If anyone would like another card, they can contact DRWV at 800-950-5250.

**Mission Statement Reminder:** Sherill Hoffman read the *Mission Statement*.

**Public comment:** No public comment was given.

**Approval of July 28, 2020 Meeting Minutes:** JaQue moved, and Jessica seconded the motion to approve the *Minutes*. There was no discussion. **Motion carried.**

### **New Business**

**Budget Update** – Steve Wiseman gave a budget update. The Council is under budget which is expected given the current COVID crisis and the manner in which the Council does its work. The Administration on Disabilities Office of Intellectual and Developmental Disabilities (OIDD) extended the use of FY 2019 and FY 2020 money another year each. The WV Council along with several other Councils advocated to the OIDD for this change.

**Approval of New Grants** - Steve Brady reported on behalf of the Grant Review workgroup. The workgroup was composed of Steve Brady, Rhonda, and Tonya with the assistance of the Council staff.

The following is based on their review of the three grant applications received.

The first application reviewed, *Supported Decision-Making Across the Lifespan*, was submitted by Astrive Advocacy, Inc. The proposal is to identify, support, develop, and disseminate educational materials and programming tools for Supported Decision making that will enhance self-determination and ultimately lead to increase independence of individuals with developmental disabilities and policy change. This proposal addresses a part of the state plan.

**Steve moved** to approve the application for the full amount of \$14,417.

**Delmar seconded** the motion. There was no discussion. **Motion carried.**

The second application reviewed, *Including All Kids: Transforming Health Care Delivery Systems for Children with Special Health Care Needs in West Virginia*, was submitted by Think Kids, Inc. This project aims to identify and assess the various determinants that play a role in the health of children with developmental disabilities. The proposal is looking at an issue not previously studied by the Council and was not anticipated in the State Plan. The project uses different

forums to gather information and has a strong plan for data collection. There is a plan for working around the obstacles presented by the pandemic.

**Steve moved** to approve the application for \$20,000. **Richard seconded** the motion. There was no discussion. **Motion carried.**

The third application reviewed, *WV Communities of Practice on Employment Transition for Individuals with Disabilities*, was submitted by the WVU Research Corporation on behalf of the Center for Excellence in Disabilities. This project aims to work on the long-term goal of increasing employment for people with intellectual and developmental disabilities in WV. The short-term goal is to establish a means for individuals, families, and community partners to work together in “communities of practice” to learn together and discuss standing issues impacting employment in their communities and WV as a whole. The objectives are supportive of State Plan objectives 1.10 and 1.11 in the state plan. The proposal could assist in systems improvement by generating information and tools that are helpful to advancing employment of people with intellectual and developmental disabilities. A strong point was that the applicant has access to national research.

**Steve moved** to approve the proposal in the amount of \$56,851. **Janice seconded** the motion. There was no discussion. **Motion carried.**

**Approval of Legislative Statements 2021** - Tonya Eve reported out on behalf of the workgroup. The proposed statements were included in the Council members’ meeting packets. The workgroup consisted of Brandy, Tonya, Susan, and Ashley. Christy staffed the workgroup. The group reviewed the previous year’s statements and discussed other possible areas to include. Workgroup members determined that the areas identified in the previous statements are still priorities. It was also determined that a statement about the need for affordable and accessible housing for people with developmental disabilities should be included.

**Tonya moved** to approve the 2021 draft statements. **Rhonda seconded** the motion. There was no discussion. **Motion carried.**

**Approval of State Plan Update** – Steve stated that the Council is in the fifth year of its five-year State Plan. One of the new grant initiatives causes the need for a new objective be added to the plan. Steve proposed the Council add an objective

1.13: By 9/30/21 the Council will produce a report on the challenges families of children with developmental disabilities face when trying to access the health care system in WV.

**Rhonda moved** to adopt Objective 1.13 as presented. **Jessica seconded** the motion. There was no discussion. **Motion carried.**

**Election Executive Committee Member** – Brandy stated that there was an opening on the Executive Committee. Steve stated that we received a response from one Council member about the vacancy. Brandy asked if anyone else would like to be added to the ballot. Ashley Stewart and Sherill Hoffman asked that their names be added to the ballot. Linda Higgs emailed a ballot to all Council members at that point in the meeting. The nominees were: Jessica Sykes, Ashley Stewart, and Sherill Hoffman. The ballots were emailed back to Linda and votes tallied during the meeting.

Once the votes were tabulated, Ashley Stewart was elected as the new member on the Executive Committee.

**New State Plan Process Update** - Steve gave an update on the new State Plan process. We have received considerable feedback thus far through the survey Linda posted. The Executive Committee will make an assessment from the information we receive and will determine if more needs to be done. Steve stated that in the past, the Council held forums across the state in afternoons and evenings. This has been a great way for the Council to gather information and educate people about the Council. The staff will not be able to do that this year due to the pandemic. Usually the Council would also be able to hold stakeholder forums at various conferences across the state. Those conferences are not being held in person at this time. The Council typically has a retreat to discuss the Plan more in April. A lot of the work could be done by sending out information ahead of time. The Council will have some decisions to make in April and July because we will submit the plan in August. Steve asked members to look at our current Plan on the website. He believes we will need a consultant to help in the writing of the new plan.

**Other:** Brandy shared about the New Chairperson training by the national Information and Technical Assistance Center for Councils on Developmental

Disabilities she attended (via Zoom). Brandy stated that the training gave an overview of the DD Act, meeting tips for Zoom, basic responsibilities for being a member, and how to handle the Chair and Director relationship. Brandy stated that it was helpful to hear from other chairs across the nation. She stated as being a new Chair that she has never chaired an in-person Council meeting. That is a big job in itself, but managing one virtually is challenging. Brandy said they did little polls and used a thumbs up/thumbs down method. It was a great training, and she hopes to attend an in-person training once the pandemic is over.

Steve announced that the new director of the Administration on Disabilities Office of Intellectual and Developmental Disabilities is David Jones. Steve has been in a couple virtual meetings with Mr. Jones and has spoken on the phone with him. He came to the OIDD from the Department of Labor and is working on employment issues.

**Presentation: How individuals with IDD and their services are being affected by the pandemic; proposed changes to IDD Waiver - Randy Hill, Director, Home & Community Based Services, WV Bureau for Medical Services (BMS)**

Randy stated that test results are reported to the Bureau for Public Health and the Office of Health Facility Licensure and Certification (OHFLAC). He did not have the number of “positives” for people with intellectual and developmental disabilities (PWIDD) in general but will get that information. There have been some outbreaks in intermediate care facilities (ICFIDD group homes). BMS is not aware of any deaths of PWIDD in those facilities. BMS was informed by OHFLAC that 340 tests were administered. Randy reported that in the IDD Waiver program five people tested “positive” while 355 were negative. Two deaths due to COVID were reported of people served through the Aged and Disabled Waiver program and one death of a person on the Traumatic Brain Injury Waiver. The risk of exposure is greater in these populations. Randy stated it is a pleasant surprise that the numbers have been significantly lower than other states across the country.

The Centers for Medicare and Medicaid Services (CMS) has worked closely with BMS. There are certain guidelines states must meet to have an approved waiver. The purpose of Appendix K is to spell-out how a state will deal with a public health emergency or disaster. WV is using Appendix K for case management.

Under Appendix K, service coordinators do not have to do in-person monitoring but are contacting members monthly by phone and through virtual meetings. Kepro assessments are being done by phone. Randy stated that it has gone much smoother than expected. WV's Appendix K is in place through March 31, 2021. The federal government has extended the emergency declaration through January 21, 2021. Another change under Appendix K BMS implemented was the closure of day habilitation programs. They remained closed through August 1, 2020. These programs were significantly financially impacted by those who attended the programs. One exception WV made was to allow those who attended day habilitation programs to now receive extended respite or person-centered supports. Day habilitation programs were able to receive retainer payments since their income was cut off. Day programs could receive retainer payment for 90 days per person. Some day programs have reopened. BMS is not mandating members to go back to the day programs.

BMS is in the process of amending the current waiver. BMS was able to delay the submission from July 1<sup>st</sup> to January 1<sup>st</sup>. The biggest change is Conflict Free Case Management (CFCM). This means that case management, formerly called "service coordination," cannot be from an agency that provides other service. BMS will post comments they received on the application along with their response. Many of the comments are families who do not want to change their providers. Randy understands the comment and understands that it is more convenient. He said that when BMS staff read these comments, they had a conversation with CMS to ask if families could sign a disclaimer or be grandfathered in. The answer was, "No." The only exception approved is if there is only one agency in the area. Electronic Visit Verification (EVV) was scheduled to go into effect January 1<sup>st</sup>, however approval was just received, and it will be in effect April 1<sup>st</sup>. Some other comments resulted in changes. EVV is a federal requirement. BMS has secured HHA Exchange as the vendor. One service agency is already familiar with this software and is using it. This is like punching a time clock. WV is requiring the minimal requirements be met. Parents will not be required to use EVV. Primarily respite workers and agency staff will use this. Not all employees will have to use it. If a staff person forgets their phone there will be ways to manually enter it. Randy stated it is unclear whether they will be able to get through the start-up requirements by January 1st.

**Completion of the Feedback Forms** - Brandy asked Linda to do a poll for the membership feedback form. Linda shared the results of the poll of those who participated by computer. Feedback forms will be mailed to those who participated by phone.

**Chairperson's Comments** - Brandy stated at the last meeting an Education Workgroup was set up to submit questions to Susan Beck. The questions and answers were included in the packet. She also thanked the Council members who responded to requests.

**Adjournment:** Rhonda moved to adjourn, and Jessica seconded the motion.