



## Legislative & Public Policy Committee Meeting Minutes

September 17, 2018 -- 10:00 AM – 12:00 PM

Chancery Conference Room Second Floor

Denver, CO 80203

---

### MEETING AGENDA:

---

- 1) Convene, establish quorum, introductions (Hal)
- 2) Approval of August meeting minutes (Group)
- 3) New Business
  - a. Update on HCPF'S Waiver Implementation Council, and other HCPF-related input opportunities (Bob)
  - b. Update on the Employment First Advisory Council (Bob)
  - c. Potential legislation on suspension and expulsion of early childhood to 2nd grade students (review of HB 17-1210 & 1211)
  - d. Procedures to guide the LPPC (Hal) Example: When members of the public have not attended nor communicated with the Committee for two consecutive months they will be removed from the Committee email distribution list.
  - e. Federal legislative updates (Bob)
  - f. Kavanaugh nomination information recommendation (Bob)
- 4) Action items (group discussion)
- 5) Public Comments (group discussion)
- 6) Adjourn

Next Meeting: October 22, 2018

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/397289869>

You can also dial in using your phone.

United States (Toll Free): [1 877 309 2073](tel:18773092073)

United States: [+1 \(224\) 501-3217](tel:+12245013217)

Access Code: 397-289-869

First GoToMeeting? Let's do a quick system check: <https://link.gotomeeting.com/system-check>

### Discussion:

1. Hal called meeting to order at 10:10 am.
2. Introductions were made.

3. August Minutes: Bruce made an amendment to the August minutes in the attendance section. He is listed as a committee member, which is incorrect because he is a visiting Council member and should not count towards quorum. Kristen made motion to approve August minutes as modified. Michael seconded. August minutes unanimously approved with changes.
4. HCPF'S Waiver Implementation Council (WIC): Bob gave updated on the WIC which is a stakeholder group which advises the Colorado Department of Health Care Policy and Financing (HCPF). The meeting purpose of this Council is to redesign the two adult waivers programs for people with developmental disabilities. The Home and Community Based Services Supported Living Services Waiver (HCBS-SLS) provides nonresidential supports with an annual average expenditure of approximately \$15,000 per person. The residential or comprehensive ("comp") waiver program (HCBS-DD) provides for an average annual per person expenditure of around \$75,000. The 2018 General Assembly added 300 resources to the residential waiver (through HB 18-1407) which, combined with 168 new resources that came through the appropriations process, helped a number of individuals come off the comprehensive services waitlist. There are currently approximately 3,000 people remaining on the waitlist.

The WIC is looking at how the waivers will work when they are combined together. The current date for getting this out is July 1, 2019. Bob believes that the \$75,000 average resource currently provided for the comprehensive program will need to be reduced as both waivers are combined. This effort could reduce or eliminate the wait list but would mean taking resources away from those presently accessing the comprehensive waiver. While HCPF seems to be uncomfortable with the use of the term "service rationing" in conjunction with these efforts, staff has not been able to respond to the question about the potential for comprehensive program resource reduction that may be associated with the process. The services people receive in these two waivers are being redefined through the WIC process. Bob provided a handout describing WIC purpose and recently appointed members. The purpose is described as follows:

"To provide guidance and advice to the Department on the development and implementation of a redesigned waiver to support adults with intellectual and developmental disabilities. The redesigned waiver will offer an array of services and supports that are flexible to the needs and preferences of the individuals who receive them, are available when and where they are needed, and incorporate the following principles:

Freedom of choice over living arrangements, social, community, and recreational opportunities

Individual authority over supports and services

Support to organize services in ways that are meaningful to the individual receiving services

Health and safety assurances

Opportunity for community contribution

Responsible use of public dollars"

(from: <https://www.colorado.gov/pacific/hcpf/DIDD-Redesign>)

A group of six of the new members, all of whom are family members of someone with a developmental disability, plan to meet with HCPF staff on September 20<sup>th</sup> to discuss WIC member roles, member orientation, member feedback process and meeting process. Bob has indicated his support for gaining clarity around these issues. The WIC meetings fall under the open meeting statute so the public is welcome. In fact, Bob had participated in WIC meetings for 15 months as a member of the public prior to being appointed this to the group this summer.

Hal asked:

Should the DD Council devote time at a Council meeting regarding this waiver implementation? Committee said yes and Alicia will add this in a Council meeting agenda.

Last year we had a goal of strategic partnerships and if the committee wants to make an impact, partnerships will need to be a focus. Combining these two waivers is a serious concern and the committee needs to be vigilant.

5. Update on the Employment First Advisory Partnership (EFAP): The "lead agency" for implementation of Senate Bill 16-077 is the State Rehabilitation Council, which is a council within the Division of Vocational Rehabilitation, Colorado Department of Labor and Employment. The State Rehabilitation Council is responsible for forming and administering the EFAP. The applicable website is found at:  
<https://www.colorado.gov/pacific/dvr/employment-first-advisory-partnership>.

The initial strategic plan of the EFAP was written November 1, 2017 and had eight basic recommendations to improve employment outcomes for individuals with disabilities and specifically individuals with developmental disabilities. While 65% of the general population is employed, only 18% of people with disabilities are. Meetings of the EFAP are open to the public and there is time at the end of each meeting for public comment. These meetings typically occur on the third Tuesday of the month from 10:00 to 2:00. The next meeting will be held Tuesday, September 18<sup>th</sup> and the CDLE building located at 17<sup>th</sup> and California (633 17th St., Denver, CO 80202) from 10:00 to 2:00. The EFAP is composed of approximately 25 members. A guiding principle of the EFAP is that anyone can be employed if they want to be employed with person-specific training, accommodations and support services. Central concepts include breaking down barriers and implementing best practice employment services for individuals with developmental disabilities. Employment First is addressed within goal #2 of the Council's Five Year plan.

6. Potential legislation on suspension and expulsion of early childhood to 2nd grade students: Two bills were run in the 2017 legislative session that were related to suspension and expulsion within the Council's Five Year Plan: House Bill HB 17-1210, School Discipline for Preschool Through 2nd Grade and HB 17-1211, Educators Professional Development Discipline Strategies. There has been research linking early suspension and expulsion from grade school to incarceration in adulthood. This effect has been shown to disproportionately impact people of color and people with disabilities. The lack of cultural competence among teachers and school administrators has been shown to a central explanation for why suspension and expulsion occurs at higher rates for people of color.

House Bill 17-1211 passed without a funding allocation from the state. Instead funding for the bill was required to come from independent grants, gifts, and donations. Bob verified with the Colorado Department of Education legislative liaison that grants, gifts, and donations had not been received for bill implementation. Alicia suggested HB17-1211 meets goal #3 of the Council's Five Year Plan and members may decide to consider grant opportunities.

7. Procedures to guide the LPPC: There are five procedures Hal would like to work on as a committee and implement. He has a goal of working on these over the next month.
  - a. Description of the Committee including purpose, function and governing documentation.
  - b. Committee authority to take positions.
  - c. Committee structure and operation including assistant co-chair position, committee membership, meetings, public forums and leadership continuity.
  - d. Committee testimony before the Colorado General Assembly.
  - e. Budget for the Committee and authority to incur expenses.

Hal provided the Committee with an outline of these procedures.

8. Public Comment: Klaus Weickmann representing Blue Spruce Community shared that he and Steve Miller are working on having multiple housing options for people with I/DD.

BACKGROUND: It is Bob's understanding that Blue Spruce Community members are concerned with the types of housing options that may be disallowed by implementation of the HCBS final setting rule. Their specific concern is that residential models sometimes referred to as "planned communities" or "intentional communities" may not be considered to be integrated as required by the rule. If these kinds of congregate residential models are found to not be consistent with community integration, the residential model proposed by Blue Spruce Community may not be permitted to use HCBS waiver funds.

Mr. Weickmann and Mr. Miller indicated that they would like the Committee to advocate for allowing all housing options to be funded by HCPF and the Centers for Medicare and Medicaid Services (CMS).

9. Kristen made motion to move the next meeting to October 22<sup>nd</sup>. Michael seconded. Committee approved to move the next meeting from Monday October 15<sup>th</sup> to Monday October 22<sup>nd</sup>.
10. Hal made motion to adjourn meeting at 11:55 am. Michael seconded the motion. The motion passed.

---

---

### **Motions/Actions:**

1. Alicia plans to add waiver program redesign/combination updates in a DD Council meeting agenda.
  2. Kristen made motion to approve August minutes. Michael seconded. August minutes unanimously approved with changes.
  3. Hal will present the nomination of Community Committee Member for Benu Amun-Ra to the Executive Committee for a vote.
- 
-

- 
- 
4. The Committee should plan revised meeting dates when holidays fall on already approved LPP meeting dates in 2019 (January 21<sup>st</sup> in Martin Luther King Jr. Day; February 18<sup>th</sup> is Presidents Day.)
  5. Alicia suggested an ad hoc committee be formed to revise policy and procedures for the Council and committees.
  6. Hal suggested Joelle review with other DD Council executive directors regarding their policy and procedure.
  7. It was suggested that Sue and Paulette be invited to a future committee meeting to provide an update on initial steps to create the next Five Year Plan.
  8. Bob requested approval to write letters of support for H.R. 6611. This bill's purpose is "to amend the Public Health Service Act to expand and improve health care services by health centers and the National Health Service Corps for individuals with a developmental disability." This would identify people with developmental disabilities as a "medically underserved population," which would expand access to healthcare, increase related medical research and provide higher provider rates. Jessica made motion to approve. Michael seconded. The motion was unanimously approved.
  9. Kristen made motion to move meeting to October 22<sup>nd</sup>. Michael seconded. The motion was unanimously approved.
  10. Vanessa will check the conference room availability for the October 22<sup>nd</sup> meeting.
- 
- 

Council Committee Members Present: Hal Wright, Kristen Erby, Julie Schleusener, Jessica Howard.

Council Visiting Members Present: Alicia Eakins, Bruce Cline.

Community Committee Members Present: Michael Hoover (disability rights representative and past Colorado Developmental Disabilities Council member).

Guests: Donna Downing (past-president of the National Autism Committee), Mary Leathers (parent), Steve Miller (Blue Spruce Community), Klaus Weickmann (Blue Spruce Community), Cat Nash, Benu Amun-Ra

Staff Present: Vanessa Hernandez, Bob Lawhead.

Council Committee Members Absent: Millie Segura, Senator Irene Aguilar, Joseph Morrone, Deborah Marks Williams.

## MEETING DOCUMENTS

---

Meeting Agenda

August Meeting Minutes

Waiver Implementation Council Information Sheet

Federal Legislative Updates

1210 & 1211 Bill Summaries

Recommendation to post Kavanaugh nomination disability rights groups positions

Annotated bylaws of the Colorado Developmental Disabilities Council (from Hal)