



## Legislative & Public Policy (LPP) Committee Meeting Minutes

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

Chancery Conference Room Second Floor

Denver, CO 80203

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### MEETING AGENDA:

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- 1) Convene, establish quorum, introductions (Hal)
- 2) Introductions of LPPC members and members of the public (All)
- 3) Revisit Agenda
- 4) Old Business:
  - a. Review, modify and approve November 2018 meeting minutes (LPPC Members)
  - b. Update on meeting with HCPF regarding the Waiver Implementation Council (Bob, Hal)
- 5) New Business
  - a. LPP Committee procedures for passage consideration today (Hal)
  - b. Structure and Operation of the Legislative/Public Policy Committee
  - c. Delegated Authority to the LPPC to Take Positions on Legislative and Public Policy for the Developmental Disabilities Council
  - d. LPP Committee procedures for future passage consideration (Hal)
  - e. Testifying Before a Committee of the Colorado General Assembly
  - f. Incurring Obligations or Expenses and a Policy Committee Budget
  - g. 2019 Council legislative priorities DRAFT (Bob& Hal)
  - h. Federal policy and legislative updates (Bob)
- 6) Action items (group discussion)
- 7) Public Comments (group discussion)
- 8) Adjourn

Next Meeting: January 7, 2019

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## DISCUSSION:

1. Hal called the meeting to order at 10:00 am.
2. Introductions were made.
3. Revisit Agenda:
  - No changes were suggested
4. Old Business:
  - November Minutes: Michael made motion to approve minutes. Kristen seconded. Unanimously approved.
  - Update on meeting with HCPF regarding the Waiver Implementation Council, which has been disbanded and is now referred to as process involving Waiver Redesign Stakeholders.
    - The HCBS-DD (Home and Community Based Services for People with Developmental Disabilities, also known as the "comprehensive" or "residential" program) waiver and the HCBS-SLS waiver are being combined into one program. One of the issues that has come forward is that an individual may lose resources if the amount of resources between programs becomes averaged (the average annual per person expense for the HCBS-SLS program is \$15,000, while the average annual per person expense for the HCBS-DD program is \$73,000).
    - Bob, Hal, and Joelle have met and had ongoing communication with Bonnie Silva, Interim Director of the Office of Community Living within HCPF, to release a statement to ensure families concerned with the potential for a resource reduction may be reassured. More funding will most certainly be needed in order to ensure the resources are not reduced.
    - The intention behind the waiver redesign process is to simplify waiver services into a single HCBS waiver for adults with IDD and potentially eliminate the wait list.
    - Bob asked the committee to consider the following statement from HCPF's Bonnie Silva: "The waiver redesign work will not result in a reduction of resources available to people currently receiving services. The goal of the waiver redesign work is to create a new service package that allows for better individualization and minimizes the impact any changes (not reductions). The proposed service package is being created in collaboration with stakeholders. It is anticipated this work will have a fiscal impact, therefore funding will need to be approved by the General Assembly. If the General Assembly approves funding, the Department will seek federal authority to implement the new services. Stakeholders will have many opportunities to provide input into this process in the coming years."
      - Joe made motion to support the HCPF language contained within of the December 17th email to the Legislative Public Policy Committee. Kristen seconded the motion. The Committee would like to post this statement on the CDDC website. Bob will inform Bonnie Silva and HCPF.
5. New Business:
  - Hal stated that the new Colorado House of Representatives are younger than we have seen before, majority female, and more minorities. The new Joint Budget Committee seems like a group of individuals positive about the issues affecting people with developmental disabilities.

- Hal suggested three things the Community and Council need to focus on:
  - Engagement
  - Legislation
  - Litigation
- 2019 Legislative Priorities Review:
  1. Appropriation to reduce the HCBS-DD wait list – Strongly support.
  2. Reintroduction of HB 17-1210 School Discipline for Preschool through 2<sup>nd</sup> Grade – Strongly Support, although stakeholder discussion is not scheduled to begin until early December.
  3. Sub-minimum wage elimination bill – Support for 2020 session.
  4. HRC bill – Oppose as currently drafted.
  5. Appropriation on Employment First (Priority R-16) – Strongly support.
- 6. Employment First Appropriation: This is item number five for the priorities list listed above. Has both Employment First initiatives and waiver services. The appropriation, as recommended within the governor's November 1<sup>st</sup> budget proposal, provides funding to eliminate the wait list for state-funded SLS services but does not remove people from wait list for the HCBS-DD Waiver. It also:
  - Establishes an Office of Employment First, responsible for information, training and technical assistance to various publics, including people with disabilities and families, through a contract between DVR and JFK Partners (Colorado's University Center for Excellence in Developmental Disabilities, UCEDD).
  - Provides funding for four full time staff for the DVR:
    1. Training and Curriculum Development Specialist: This position would focus on creating sustainable curriculum and training delivery for state agency staff focused on clients with the most significant disabilities, with a particular focus on addressing the Employment First Advisory Partnership (EFAP) recommendation.
    2. Business Outreach Specialist: This position would be dedicated to making the State of Colorado a model employer for Colorado citizens with disabilities.
    3. Benefits Planning Coordinator and Educator: This position would develop, coordinate, train, and lead DVR's efforts to provide braided benefits planning services to clients.
    4. Program Manager: This position would ensure effective and high-quality performance of the increasing number of supported employment and competitive integrated employment (CIE)-focused contracts that follow the Individual Placement and Support (IPS) model.
  - A motion was made to engage in legislative advocacy to get the Employment First appropriation funded during the 2019 legislative session. Joe made the motion and Julie seconded. The motion was unanimously approved.
- 7. Community Center Board Audit:
  - State performance audit was presented to the Legislative Audit Committee on December 3<sup>rd</sup>.
  - Oversight issues revealed in the December 4, 2018 Denver Post with a front page, top of the fold headline reading, "Audit: State's Care Flawed." 19 out of the 20 Community Center Boards were found to not be following up with the individual clients and their families every quarter as required by law. Case managers were reportedly systematically charging for more than 24 hours of work by a single case manager in single day (12 of 20 CCBs engaged in this

practice). Case managers are reportedly submitting incorrect billing or billing unsupported by backup documentation. HCPF and CCBs have provided responses to the audit. Hal suggested asking Bonnie Silva to brief the committee on the statement response from HCPF.

8. Draft Letter to the Honorable Jared Polis (drafted by Alliance with collaboration from Arc of Colorado, Disability Law Colorado and JFK Partners):
  - Bob does not feel he can act alone on this and would like the committee support behind this. His concern is that the Colorado Cross Disability Coalition (CCDC) is planning to recommend creation of an Office of Disability and that they would perceive a recommendation for an Office of Developmental Disability (as presently requested in the draft letter) to be in opposition of the broader concept.
  - Lisa suggested looking at the letter CCDC wrote to view and use similar language.
  - Benu suggested "Office of Disability" be suggested instead of an "Office of Developmental Disability."
  - The committee voted and gave Bob the authority to negotiate the narrative for the letter to Governor elect Polis Jessica made the motion and Joe seconded. The motion was unanimously approved
9. **Public Comment:**
  - Steve: The creation of new models do not have to eliminate old models when working with the disability community.
  - Donna: Recommended reading Enabling Acts: The Hidden Story of How the Americans with Disabilities Act Gave the Largest US Minority Its Rights by Lennard J. Davis. Also, on Netflix a documentary called Out of Many, One.
10. Meeting adjourned at 12:04 pm.

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### **Motions Made:**

1. November Minutes: Michael made motion to approve minutes. Kristen seconded. Unanimously approved.
2. Joe made motion to support the HCPF language on waiver participant resource stability during waiver redesign as documented within the December 17th email to the policy committee. Kristen seconded. The motion was approved. The Committee would like to post this statement on the CDDC website.
3. Joe made motion to engage in advocacy to get the 2019 Employment First budget appropriation funded. Julie seconded. The motion was unanimously approved.
4. Jessica made a motion to give Bob the authority to negotiate the letter to Governor-elect Polis. Joe seconded. Committee unanimously approved.

### **Actions:**

1. Bob will send out the letter from Advocacy Denver regarding the Community Center Board Audit to individuals on the phone.
2. Bob will get a copy of the letter CCDC wrote to The Honorable Jared Polis. ADDENDUM: It was determined that CCDC did not write a letter but has created an informal proposal that has not yet been presented. Bob will need to add a sentence to the letter to governor elect Polis.

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Council Committee Members Present: Hal Wright, Kristen Erby, Julie Schleusener, Jessica Howard, Joseph Morrone, Deborah Marks Williams

Council Visiting Members Present: N/A

Community Committee Members Present: Michael Hoover (disability rights representative and past Colorado Developmental Disabilities Council member), Benu Amun-Ra

Guests: Donna Downing (past-president of the National Autism Committee), Steve Miller (Blue Spruce Community), Klaus Weickmann (Blue Spruce Community)

Staff Present: Vanessa Hernandez, Robert Lawhead

Council Committee Members Absent: Millie Segura, Senator Irene Aguilar

## MEETING DOCUMENTS

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Meeting Agenda

November Meeting Minutes

CCB Performance Audit Report 12/17/2018

CDDC 2019 Legislative Priorities Draft

Federal Policy Update

HCPF Statement on Resource Stability

IDD Stakeholder Letter to Polis

R-16 Employment First Initiatives and state programs for people with IDD Final