



Legislative & Public Policy Committee Meeting Minutes

August 17, 2020 -- 10:00 AM – 12:00 PM

Zoom Only (no in-person meeting)

MEETING AGENDA:

1. Convene, establish quorum, introductions of LPPC members and members of the public Ali
2. Review/modify today's proposed agenda LPPC members
3. Old Business:
 - a. Review/approve July 20th meeting minutes Ali
 - b. Update on Council collaborative request for day service surveillance testing Bob
 - c. CDDC Committee attendance LPPC members
 - d. Status of next COVID-19 federal legislation Bob
4. New Business:
 - a. Election of Committee Chair (term September 2020-August 2021) Ali/Bob
 - b. Ideas on LPP Committee future agenda items Ali
 - c. Additional items? LPPC members
5. Confirm date for next meeting LPPC members
6. Decision Items Ali & Bob
7. Public Comment Public
8. Adjourn Next Meeting: September 21st 10-Noon

Discussion:

1. Ali called the meeting to order at 10:05 am.
2. Updates to agenda: None at this time.
3. July 20, 2020 Meeting Minutes:
 - Cami made a motion to approve. Lisa seconded. Membership approved.
4. Surveillance Testing Issue Background and Updates:
 - Ali presented the letter that Joelle and she worked on to advocate for surveillance testing in response to the elimination of retainer payments for Medicaid Wavier day services. The loss of retainer payment revenue has resulted in an increased emphasis

on re-opening congregate day programs to provide onsite services for individuals with IDD during the COVID-19 pandemic.

- Bob expressed concern that while the Department of Health Care Policy and Financing has provided day program safety measures which exhibit current best-practice for infection control (please see: [HCPF Operational Memo 20-070](#)), it will be challenging to implement considering likely staffing ratios and the challenge of assuring social distancing and face mask wearing for participants knowing that some participants may not fully understand the necessity of following the guidance. Thus, as more day programs open it is feared that COVID-19 outbreaks are likely to occur in these congregate environments.
- The Colorado Residential Care Strike Team, which is co-chaired by Council-member Bonnie Silva, has been successfully fighting the spread of COVID-19 within congregate residential settings since April. The following comes from the online description of the strike team and its activities:

The goal of the Residential Care Strike Team is to mitigate the spread of COVID-19 in all high-density environments serving older adults and people with disabilities. The Strike Team is working to achieve this goal through five key strategies:

- Proactive and reactive monitoring and testing
- Infection control enforcement and education
- Providing personal protective equipment (PPE)
- Ensuring separation and isolation of residents and workers with COVID-19
- Helping stabilize staffing at facilities

In addition to these strategies, the Strike Team also formed Rapid Response Teams to support facilities when an outbreak occurs to:

- support testing of residents and staff to inform infection control efforts
- collaborate with local public health to provide guidance on isolation, infection control, and cohorting (housing positive residents separately from the general population)
- provide support with staffing stabilization.

The Residential Care Strike Team is committed to helping residential care facilities provide safe care in the least restrictive way possible and recognizes that the mental health of residents is equally as important as their physical health.

(Above accessed August 31, 2020 from:

<https://www.colorado.gov/pacific/cdphe/residential-care-strike-team>)

- The letter written to the Governor is based upon the logic that state-sponsored surveillance testing is helping to reduce the spread of COVID-19 within Colorado's congregate residential settings and that the same practice should be adopted for Colorado's congregate day programs. The letter that was written by Angie, Ali and Joelle from the Colorado Developmental Disability Council to the Governor's office. Additional signers joined this collaborative effort to expand state-sponsored surveillance

testing resulting in a total of two dozen signers requesting to be added to the letter. The signers included: Colorado Cross Disability Coalition, ADAPT, Alliance Colorado, Disability Law Colorado, JFK Partners, Arc of Colorado, and a number of the local Arc chapters and Centers for Independent Living in Colorado.

- Ailsa mentioned that many different local Arc chapters and other Colorado organizations responded and signed on to the letter in a short amount of time.
- Bob will check with the Governor's office and follow-up to determine their response to the letter.

- ADDENDUM: Alliance Colorado has confirmed increasing financial pressure on Colorado's day service programs serving people with IDD and this Disability Scoop article (accessed 8.30.20) confirms the increasing negative impact of COVID-19 on day and employment programs for people with IDD:

<https://www.disabilityscoop.com/2020/08/24/covid-19-may-shut-many-disability-programs-for-good/28795/?fbclid=IwAR19Zulj-yW2fIEP3TAxyTAN0awvFHnze06wBgdCueZvgly1UTBC1CR-RKQ>

5. Council bylaws or policy on Council committee attendance:

- Ali informed the group that the Bylaws Workgroup has recommended that a specific attendance policy be developed by the Membership Committee. It has been proposed that committee members not attending and not requesting excused absences after three meetings would be removed as voting members. This will allow for other members to continue to vote on committee business and not have committee work held up because of lack of quorum.
- Lisa suggested that this policy will apply to all the standing committees within the Council.

6. Federal Legislation Action Alerts:

- There has been numerous Action Alerts on the Council's website and Facebook pages related to the latest COVID-19 federal relief legislation. The main issue the Council has been advocating for is increased and dedicated (meaning the program would no longer be optional) funding for Home and Community Based Services (HCBS).
- The HBCS program presently funds the HCBS-DD ("comprehensive" or "residential") waiver and the HCBS-SLS (Supported Living Services") waiver programs serving adults and the HCBS-CES (Children's Extensive Supports) and HCBS-CHRP (Children's Habilitation Residential Program) waiver programs serving children with IDD. Additionally, Colorado's ten HCBS waiver programs, serving a variety of disability populations in the state (including the aforementioned as well as the HCBS-EBD - Elderly, Blind and Disabled waiver, used by many people with IDD) are at risk for being cut due to the state budget crisis resulting from significantly lower tax revenue caused by the impact of the COVID-19 pandemic. Colorado's expected reduction for FY 2020-21 is just over 3 billion dollars out of the 12 billion dollars of general fund allocated for this year.

- If federal legislation were to provide “dedicated funding” for HCBS programs the risk for program reductions at the state level would be significantly reduced.
- The Heroes Act that was passed by the House back in May includes HBCS funding while the Heals Act passed by the Senate a few weeks ago doesn’t.
- The LPPC reviewed a document comparing the two bills and plans to continue to advocate for the extended, dedicated HCBS funding and other services for individuals with disabilities.
- Lisa spoke to the group about special education funding now that many schools districts are back in session. Many students with an Individual Education Plan (IEP) are being left out of the loop for focused goal achievement due to distance learning expansion as a result of the pandemic. Expansion of special education funding nationally would help students and allow special educators to improve educational services and IEP implementation during the pandemic. The federal funding goal under the Individuals with Disabilities Education Act (IDEA) is to provide 40 percent of the average per pupil expenditure. Current funding falls far short of this level (see: <https://ednote.ecs.org/is-the-federal-government-short-changing-special-education-students/#:~:text=The%20funding%20goal%20in%20current,educating%20all%20special%20education%20students>). Lisa encouraged committee members to reach out to their state and federal representatives and educate them about this issue.

7. Election Committee Chair:

- Bob explained to the group that back in April 2020, Ali was elected to become the Interim LPPC Chair by fulfilling the term of office from April 2020 until August 2020. Christine had requested in absentia that Ali be nominated to a new annual term as the LPPC chair. Cami seconded. Other nominations were called for and none were forthcoming from committee members. Members unanimously voted to approve Ali for a September, 2020 through August 2021 term as the CDDC Legislative and Public Policy Chair.

8. Ideas for LPP Committee future agenda items

- Benu is interested in doing interagency collaborations with other organizations on different projects in the future.
- Lisa informed the groups that the Arc does their legislative planning for the 2021 year in late summer/early fall.
- Ailsa suggest inviting Christiano Sosa or Abigail Negley of the Arc of Colorado to an upcoming LPPC meeting to discuss 2021 legislative priorities.
- Bob could reach out to Christiano to see if he is available for September or October meeting. It was suggested that perhaps it made sense for Christiano make a presentation to the entire Council as had occurred in past years. Ali indicated she would bring this issue forward at the next Executive Committee.
- Ailsa talked about the upcoming Final Setting Rule meetings for public input with HCPF. The next HCBS Final Settings Rule Rights Modification Stakeholder Input meetings will be on:

- Sept. 14th at 9:30-11:00 am
 - Oct. 14th at 12:00-1:30 pm
 - Bob let the group know that these meetings are open to the public and he will send out invites to individuals that want to participate in those meetings.
9. Next meeting date: September 21st, 10 AM until noon.
 10. Public comment: None at this time.
 11. Meeting adjourned at 11:31.

Motions:

1. Cami made a motion to approve July meeting minutes. Lisa seconded. No abstained. Membership approved.
 2. Christine made a recommendation in absentia to nominate Ali to chair the LPP Committee. Cami seconded. No other nominations made. Membership approved Ali as the new Committee Chair unanimously.
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Actions:

1. Ali and Joelle would give the letter a final look to give send to Angie, the Council Chair, to present to the full Council for final approval.
 2. Bob will do a follow up check with the Governor's office of their response to the letter.
 3. Ali will bring a suggestion forward to the Executive Committee that the Arc of Colorado, represented by Cristiano or Abigail, present their 2021 legislative priorities for the upcoming Council or LPPC meeting.
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Attendance:

Council Committee Members Present: Ali Thompson, Cami Renfrow, Joseph Morrone, Lisa Franklin, Benu Amun-Ra

Council Committee Members Absent: Christine Owen

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

Guests: Ailsa Wonnacott, Executive Director of the Association for Community Living of Boulder & Broomfield Counties

Staff Present: Robert Lawhead, Tina Trammer