

Olmstead Council Meeting Minutes

Thursday, February 1, 2018 10 a.m. – 3 p.m.

Bureau of Senior Services, Charleston Town Center Mall

Attending: Dave Sanders (for Elliott Birckhead), Angela Breeden, Sally Blackburn, Marcus Canaday, Ardella Cottrill, Joyce Floyd, Mark Fordyce, Laura Friend (phone) Nancy Fry, Stephanie Thorn (for Susan Given), Roy Herzbach, Amber Hinkle, Ann McDaniel, Michael Meadows, Suzanne Messenger, Rebecca Nicholas (phone), Teresa McDonough (for Pat Nisbet), Kim Nuckles, Meredith Pride, Paul Smith, Richard Stonestreet, Jenni Sutherland (by phone), Richard Ward, Steve Wiseman, Jim Womeldorff (by phone), and Vanessa VanGilder,

Chairperson Mark Fordyce chaired the meeting, which began at 10 a.m. Rich Ward read the mission statement.

Welcome and Introductions

Members were welcomed and introductions were made.

Approval of November 2, 2017 meeting minutes

In looking at the minutes, there were a couple of entries that members requested clarification for. One concerned the Benjamin H decision and the other was concerned OHFLAC regulations that were out for public comment. There was also concern about the statement that a guardian can admit a person without going through the mental hygiene process. It was decided to check for clarification on those two items before approving the minutes.

Public Forum

No one from the public was in attendance.

Take Me Home WV Update

Marcus Canaday reported that in calendar year 2017, there were 92 people transitioned and that so far in CY 2018 they have transitioned 7 people. Referrals and intakes are up and the plan is to transition the demonstration transition services to the AD and TBI waivers on January 1, 2019. The services will be similar but the budget will be less. Marcus also reported on Take Me Home's sustainability plan and some of the projects that are in it. He explained about the online case management system pilot, the telehealth pilot, the No Wrong Door plan, training, the incident management system, the electronic visit verification system and possible funding for Olmstead forums. There was also a short discussion about pending national legislation to the program another 5 years.

Thanking Cindy Tucker

Chairperson Mark Fordyce reported that Olmstead Council member Cindy Tucker had turned in her resignation. Cindy was recently selected as chairperson of the WV SRC, which meets at the same time at the Olmstead Council. Mark thanked her for the time she was able to give to the Council.

Approval of November 2, 2017 meeting minutes

Clarification was received concerning two items in the November minutes. The Benjamin H case has been dissolve, rather than sun setting and the OHFLAC regulations were out for public comment in October of 2017. There has been no word on any revisions that have taken place following the public comment period. After some discussion, it was determined that the statement about guardians and mental hygiene was correct. Following discussion, Ann McDaniel made a motion to approve the minutes with the corrections and Nancy seconded it. The motion passed.

2018 AARP Priorities and Legislative Agenda

Rich Stonestreet, president of WV AARP, spoke about AARPs priorities for the current legislative session. He spoke of the importance of being present at the legislature and relationships with legislators and others. He talked about important legislation that has been passed in the past few years including the Patient Care Act in 2015, legislation to give nurse practitioners limited authority to write prescriptions in 2016 and access to broadband in 2017. In 2018, they are working on a caregiver tax credit, a palliative care bill, access to affordable health care, financial exploitation and livable communities.

Legislative Update

Ann McDaniel gave a legislative update and highlighted several bills. There was discussion on some of the bills including House Bill 4035 which will study palliative care. Senate Bill 11 is the Return to learn bill, which will benefit students with traumatic brain injury. There are also bills about misrepresentation of a service animal, mandatory immunizations, photo ID's for public benefits and several supplementary appropriation bills. Some of those bills take money from DHHR and reappropriates them to other agencies in state government. Other bills concerned hunting for people with disabilities, tax credits for home modifications, eliminating the Department of Education and the Arts and education savings accounts. Steve Wiseman spoke about House Bill 4366 which would add 24 additional ICF/ID bed and possibly other beds at the discretion of the secretary of DHHR. Steve made a motion that the Olmstead Council oppose any expansion of ICF/ID beds. He said that to do so would be a violation of the letter and intent of the ADA and the Olmstead Decision, especially the most

integrated setting mandate. Ann McDaniel seconded the motion. The motion passed with Roy Herzbach, Suzanne Messenger, Rebecca Nicholas, Marcus Canaday, and Rich Ward abstaining. Stephanie Thorn and Teresa McDonough are not voting members of the Council but abstained for the person they were representing. To implement the motion, a letter from chair will be sent to members of the legislative concerning House Bill 4366 as soon as possible.

Guest Speaker

Sally Blackburn, the new director of the Aging and Disability Resource Network gave a presentation to the Council. She spoke about demographics of the state and the history of how the ADRN came about. She reported that there are 4 offices in the state and the training that the resource counselors receive. She talked about the resource website, www.wvnavigate.org and the various resources that are available on it.

Membership Update

Membership chairperson Ardella Cottrill reported that we have two vacancies for people with disabilities or immediate family members, 1 person that is knowledgeable of housing and a vacancy for People First. Ardella and Vanessa are going to reach out to Christina Smith to see if she has selected someone for the People First position.

Election of Officers

A slate of those interested in the Olmstead Council Executive Committee was presented for voting. The slate of Mark Fordyce, chair; Suzanne Messenger, vice chair, Joyce Floyd, Ardella Cottrill, Rebecca Nicholas and Meredith Pride was presented. Chair Mark Fordyce called for nominations from the floor. No one was nominated so Nancy made a motion to enclose nominations and Joyce seconded it. Ann made a motion to elect the slate of officers as presented and Ardella seconded it. The motion carried. Nancy Fry will continue to serve as past chair.

Grant/Budget

We recently received notification of our grant. For the Transition and Diversion program, we will have \$194,000. We also have funding for educational activities and stipends for Council members.

Transition and Diversion program

There was a discussion of what is imminent risk along with the possibility of considering a sliding scale. There was other discussion on how we might be able to get the Medicaid rules changes so that items such as lift chairs are covered. There was also talk about getting a denial from Medicare and/or a prescription from a physician. Council members also suggested contacting policymakers and other decision makers to educate them about the importance of keeping people in their homes.

Vanessa reported that right now there are 93 applications to be reviewed and that anyone who wants to stay after the meeting to review them is welcome.

Revising the Olmstead Plan

Vanessa reported that right now we are waiting to hear from the Take Me Home West Virginia program to see if there is funding for public forums. They will be sending in their budget on February 10.

Open Discussion/Announcements

Dave gave an update on the previous discussion on the OHFLAC regulations that were out for public comment at our November meeting. He said that there was discussion on revising and cleaning up language but not any substantial changes. It has been put on hold at this time.

Nancy spoke about the importance of letting discharge planners to know about the Olmstead Transition and Diversion program and she invited Vanessa to come to a meeting of CED workers on Friday, February 23 at 9 a.m. at the Huntington City Mission.

Ardella announced that the PAIMI Advisory Council through Disability Rights West Virginia is looking for members. They have consumer slots and a slot for a primary care giver of a minor. They also have openings for mental health professional and knowledgeable community members.

Steve reported that the roll out of West Virginia's ABLE Program will be held on Friday, February 9 at 10 a.m. in the lower rotunda at the Capitol. The event is sponsored by the West Virginia Treasurer's office. Steve briefly explained the program and who would be eligible to participate.

The meeting adjourned at 14:28 p.m.