

# Olmstead Council Meeting

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**Friday, February 10, 2012**

**10:00 AM – 2:30 PM**

## **Meeting Minutes**

**Approved by the Council on April 17, 2012**

**Members Present:** Karen Davis, Jeannie Elkins, Linda Maniak, Jan Derry, Rachael Fetty, Roy Herzbach, Ann McDaniel, David Stewart, Vanessa VanGilder, Steve Wiseman, Brenda Hellwig, Bitsy Shaw, Laura Friend, Elliott Birckhead, David Sanders, Marcus Canaday, Suzanne Messenger

**Member Proxies:** None

**Members Absent:** Darla Ervin, Cathy Hutchinson, Kevin Smith, Nancy Fry, Clarice Hausch,

**Public:** None

**Other:** Tina Maher, Olmstead Coordinator and David Bishop, Inspector General

## **WELCOME & INTRODUCTIONS**

The Olmstead Council meeting was held at the Summit Conference Center in Charleston, West Virginia. The Chair was not available, and David Stewart chaired the meeting. David Bishop, Inspector General was in attendance.

## **APPROVAL OF THE MINUTES**

Stewart introduced the draft minutes from the October 18, 2011 Council meeting. Ann McDaniel made a motion to accept the minutes, and Brenda Hellwig seconded the motion. Stewart asked whether there was any discussion. No discussion was held. A vote to accept the minutes was taken with no abstentions or dissenting votes.

## **NOMINATING COMMITTEE REPORT**

McDaniel provided the Council with the Nominating Committee report. The Nominating Committee met at 9:00 AM on February 10, 2012. The Nominating Committee recommended a slate for officers, committee membership and vacant Council positions. The Nominating Committee recommended continuing officers and committee members for an additional 2 year term while filling vacant officer/committee positions. The recommended slate is as follows:

- Officers: Nancy Fry, Chair and Suzanne Messenger, Vice Chair
- Nominating Committee: David Stewart, Elliott Birckhead, Ann McDaniel; Karen Davis; and Laura Friend
- Executive Committee: Nancy Fry, Suzanne Messenger, David Stewart, Cathy Hutchinson, Brenda Hellwig, Steve Wiseman, and Jeannie Elkins
- New Council Members: Ardella Cottrill, Mental Health Planning Council Representative; Mark Knabenshue, Hancock County Senior Citizens, Inc./ADW Provider Representative; Mark Drennan, WV BH Providers Association/Mental Health Representative; and Tomi Burnside, Nursing Facility Representative

No nominations were made from the floor. A vote to accept the slate of officers, committees, and new members was taken separately with no abstentions or dissenting votes.

The Council continues to have the following vacancies for Council membership: 2 individual members (or immediate family members); 2 vacancies for disability or advocacy organizations not otherwise named in the by-laws; the State ADA Coordinator; and a housing representative.

The Council anticipates the Money Follows the Person CMS grant Housing Coordinator would fill the position of housing representative.

Maher will contact new members and schedule an orientation prior to the April Council meeting.

## **OLMSTEAD PRIORITIES & OBJECTIVES FOR 2012**

Maher reviewed the Olmstead Priorities and Objectives for 2012 and will provide copies for members for distribution upon request. Maher will also re-send this document electronically to members.

## **GENERAL OLMSTEAD UPDATES**

### **National Olmsted Updates**

Maher reviewed a summary of the following reports with members.

1. 2010 Annual Money Follows the Person Evaluation Report by Mathematica.  
<http://www.mathematica-mpr.com/health/moneyfollowsperson.asp>

2. Raising Expectations, A State Scorecard on Long-Term Services and Supports for Older Adults, People with Physical Disabilities, and Family Caregivers by AARP  
<http://www.aarp.org/relationships/caregiving/info-09-2011/ltss-scorecard.html>

Discussion was held on this report due to the low ranking of West Virginia in the area of consumer direction. Maher will research what data was factored into this ranking and report back to the Council.

3. Medicaid Expenditures for Long Term Care Services and Supports: 2011 Update  
<http://www.hcbs.org/files/208/10395/2011LTSSExpenditures-final.pdf>
4. Medicaid 1915(c) Waiver Expenditures: 2011 Update by Thomson Reuters.  
<http://www.hcbs.org/files/208/10395/2011LTSSExpenditures-final.pdf>

Maher reviewed the following four (4) recent Olmstead class action suits/DOJ settlement agreements with members.

1. Class action suit filed in **Oregon** concerning sheltered workshops.  
<http://www.disabilityrightsoregon.org/news/class-action-lawsuit-seeks-an-end-to-segregated-sheltered-workshops>
2. DOJ Settlement in **Virginia** to close four I/DD training (residential) centers.  
<http://www.vaboard.org/>
3. Lawsuit settlement in **Louisiana** stopped the state from reducing the maximum amount of personal care services recipients can receive. <http://phinational.org/archives/cuts-to-medicaid-programs-avoided-due-to-ada-compliance-issues/>
4. A preliminary injunction has been issued in **California** in a lawsuit challenging the states 20% reduction in personal care services provided through the State's In-Home Support Services program. <http://phinational.org/archives/cuts-to-medicaid-programs-avoided-due-to-ada-compliance-issues/>

Members discussed sending information on DOJ and class action to the Governor's Office as information sharing. The Executive Committee will take action on this issue. Maher reported that this information has been shared with the Secretary's Office.

### **State Olmstead Updates**

1. The SFY 2013 Improvement Package for Olmstead was not submitted to the Governor's office for inclusion in the proposed SFY 2013 budget. An ad hoc committee will meet to discuss strategies for advocating the need for additional funding to support the

Olmstead Transition and Diversion Program. Steve Wiseman, McDaniel, Rachael Fetty, and Karen Davis volunteered for this ad hoc committee.

2. Members discussed introduced legislation for this 2012 regular Legislative session. Discussion was held by members.
3. Marcus Canaday provided members with an update on the Take Me Home, WV MFP Grant, and an update on the new TBI Waiver Program. Members asked questions and discussed these initiatives.
4. Maher provided members with a synopsis of the WV Supreme Court of Appeals November 2011 decision in Hardy v. Benjamin H. This case states when “WVDHHR seeks to reduce or terminate benefits that a claimant is receiving under the WV I/DD Waiver Program, the WVDHHR has the burden of proof to show a change in circumstances warranting such action.” <http://www.courtswv.gov/supreme-court/docs/fall2011/101540.pdf>
5. Members had a discussion about the reduction in services to minor and adult children residing with their family and receiving Waiver services, and the increase in denials for annual re-certification.
6. Maher provided members with a summary of the wait list information for the I/DD Waiver and the AD Waiver.
7. Maher provided a report on the new self-directed option of the I/DD Waiver.
8. Maher provided members with information on the development of a new 8-bed ICF/MR in Princeton, proposed community forensic transition services (up to a 9-bed group home) for individual with intellectual disabilities and co-occurring conditions, and the Home of Your Own Program’s proposal to develop 8-beds group homes in McDowell county. Maher contacted BHHR on the proposed forensic program and will report to the Council on the outcome of any discussion.
9. Maher gave members an overview of the Transition Navigator Program outcomes for SFY 2009 – 2011.
10. Maher provided members with an overview of the Olmstead Transition and Diversion Program year-to-date outcomes for SFY 2012.
11. Maher presented members with information about how the SAMHSA Olmstead Initiative Grant will supplement the Olmstead Transition and Diversion Program to support people to transition from Bateman and Sharpe hospitals to community settings. Elliott Birkhead asked if this would be available to those in diversion hospital settings.

People receiving treatment in the diversion hospitals will be eligible to participate in this program.

### **OLMSTEAD PLAN UPDATE**

Maher discussed the need to work as a whole Council to complete the revision/update of the Olmstead Plan. McDaniel suggested we dedicate a whole meeting to get started on the update, and to use a facilitator to guide us in our work. Julie Pratt was recommended by Stewart as a possible facilitator. Members chose March 30, 2012 from 10:00 – 4:00 to dedicate to working on the plan update.

### **OTHER BUSINESS/PUBLIC COMMENT/ ADJOURNMENT**

No other business.

No public comment.

Meeting adjourned at 2:35 PM.

### **Next Meetings:**

March 30, 2012: Special Council meeting to work on the update/revision to the Olmstead Plan. The meeting will be held from 9:30 – 3:30 PM with the location to be determined.

April 17, 2012: The next regular Olmstead Council meeting is scheduled from 1:00 – 4:00 with the location to be determined.