

FAMILY CARE COUNCIL FLORIDA
Pauline Lipps, Chairperson
March 21, 2015, Meeting Minutes
Embassy Suites, Orlando Airport

MEMBERS PRESENT:

Pauline Lipps, FCCF Chair, FCC SC East
Mary Smith, FCCF Vice Chair, FCC 4
Dan Bayley, FCCF Treasurer, FCC7
Betty Kay Clements, FCCF Secretary, FCC13
Jean Sherman, FCCF Past Chair, FCC 10
Patty Houghland, Chair FCC 1
Margie Garlin, Rep. FCC3
Patricia Oglesby, Chair, FCC 8
Karen Oberg, Chair, FCC 9
Gilda Pacheco, Co-Chair, FCC10
MES, Rep. FCC 11
Chris Spears, Rep. FCC12
Karen Huscher, Chair, FCC 13
Melody Hearn, Chair, FCC15
Ann Graybeal, Rep. FCC SC East
Paula James, Rep. FCC SC West

GUESTS:

Joseph Young, FCC 12
Brenda Hayes, FCC 15
Howard Fetes, FCC 7
Susan Thiele, FCC 3
Ruth Wingate, FCC15
Donna Rauber, FCC 7
Lois Smith, FCC 7

Stephanie Rogers, APD FCC Liaison
Clarence Lewis, APD Central ROM

GUEST SPEAKERS:

Karen Hagan, APD Chief of Staff
Deborah Linton, CEO Arc Florida
Lucy Mohs, Public Affairs DOE-VR

CALL TO ORDER: FCCF Chairperson, Pauline Lipps, called the meeting to order at 8:40 am. She welcomed everyone, and had all in attendance introduce themselves. She acknowledged the recent FCC Governor Appointments in Area 2, 4, 8, 9, 12, and 14. Two new appointees from Area 12 present were welcomed.

The contents of the FCCF information packet include:

- FCCF March 21, 2015 Agenda
- FCCF January 17, 2015 Meeting Minutes (Draft)
- FCCF FY 2014/15 YTD Spending Plan Expenditures
- FCCF 2015 Summary Balance Report by Region and Area Council
- Family Care Council Florida 2015 Booklet (WE ARE PART OF YOUR COMMUNITY)
- Motivational Quote-Make Things Happen!
- FCCF 2015 Meeting Information
- Reminder-Monday 3/23/15 iBudget Rule public hearing
- AHCA Medicaid Alert, Non-emergency Transportation Eligibility Verification
- FDDC Free Training -Power-point access and other advocate training documents
- Article regarding concern about Senate bill 802 regarding Vocational Rehab
- FCCF 2015 Legislative Platform and Talking Points
- Articles- Lessons from Geese, and Twelve Commandments for People Who Work With People

II. BUSINESS:

January 17, 2015 Meeting Minutes: Draft minutes sent to members prior to the meeting were reviewed. **A motion to accept the minutes as written was made by Patty Houghland. The motion was seconded by Patricia Oglesby. Motion passed.**

FCCF Budget Report: Howard Fetes reporting for Treasurer Dan Bayley stated that the FY 2014/15 spending plan shows expenditures of \$10,243.24, indicating a budget balance of \$4,756.76. Vice Chair Mary Smith made a request for FCCF to consider funding her to attend CAFÉ. **Patty Houghland made a motion to approve up to \$500 for Mary Smith to attend CAFÉ. The motion was seconded by Melody Hearn. Motion passed.** Mary will give a report to FCCF following CAFÉ. There was a discussion of ordering more 2015 FCCF booklets. FCC's wanting to purchase booklets will do so through their FCC budget. Stephanie will follow up and get pricing quotes. She asked FCC's to advise her of the number that they desire to order by Monday April 24, 2015. Stephanie advised that June 16, 2015 will be the APD financial services end date for purchasing supplies and equipment. Purchases must be deliverable prior to June 30, 2015. She also stressed that June 30, 2015 is the end date for travel expenses this fiscal year. The actual invoice date must be prior to June 30, 2015. Chair Pauline cautioned regarding late CAFÉ vouchers, as the monies will come out of next year's budget.

III. APD UPDATES: Chair Pauline welcomed Karen Hagan, APD Chief of Staff. She expressed how much she is learning in her new position and how pleased she is to be with the FCCF on behalf of Director Palmer. She shared the following updates from Operations and Programs of APD, with discussion as she spoke:

APD Legislative Update: Developmental Disabilities Day at the Capitol was a success she said. The Governor's budget for APD represents much of APD's goals. The APD Legislative Budget Request (LBR) furthers the goals in the APD Long Range Plan (LRP) by: Increasing employment opportunities for clients; increasing access to community based services, treatment and residential options; Improving management and oversight of Agency and provider services; and Managing the Agency budget within fiscal allocation.

She noted that Director Palmer has met with 52 legislative members this session, sharing and advocating APD's goals and vision for the future. She shared the Governor's recommendations for the Agency that include:

- \$2M fund shift to existing budget authority that will enable the Agency to fully utilize their staffing positions and budget for the administration, oversight, and delivery of services to clients
- \$8M to offer Waiver enrollment to 400 individuals on the waiting list with critical needs
- \$2M to continue the Employment Enhancement Project (EEP)
- \$2.9M to implement the Client Data Management System (CDMS)
- \$101K to update the Questionnaire for Situational Information (QSI); Train staff administering the QSI; and contract for psychological assessments and eligibility determinations for Waiver services
- \$1M to develop rates and conduct pilots for new service delivery models to improve client outcomes and reduce future client costs

Extended Foster Care: Director Palmer and the APD staff have been working with legislators to allow the individual in Foster Care to remain in the Foster Care system if they choose, and receive waiver services that they are not receiving from another state agency. Senate Bill 7048 would allow that to occur.

Suggested Proviso Language for Developing a Plan for Downsizing the Institutions: The Florida Developmental Disabilities Council (FDDC) is working with legislators on Proviso language to develop a plan for downsizing the institutions. A five year plan would be developed by APD to reduce the number of individuals residing in Florida's remaining institutions. There would be a broad workgroup of representatives from the criminal justice system, state agencies, community based providers, individuals with DD, families and other stakeholders, who would be appointed by the Director of the Agency for Persons with Disabilities.

Update on Litigation and Regulations: Karen Hagen outlined the history of the July 2014 **iBudget Court decision** invalidating the Agency's rules that allowed the iBudgets of individuals to be set below the algorithm:

- In September 2014 APD filed an emergency rule, and the iBudgets of about 14,000 individuals were increased by over \$120 million to their algorithm amounts. Services had to be requested and approved based on medical necessity. Expenses continue to be monitored, and utilization tracked to determine

the potential fiscal impact and projections. As of Dec. 1, 2014, increases have amounted to \$8.8million. Section 29 of the 2014 General Appropriations Act reappropriated last year's unspent waiver funds to address the impact of litigation and the U. S. Department of Labor rule.

- **iBudget Rule Making-** The emergency iBudget rule expired in December 2014. A public workshop was held by APD in November 2014 and a Notice of Proposed Rule was filed to begin the rule making process in December 2014 for the permanent rule. A public hearing was held January 8, 2015 and another hearing is scheduled for March 23, 2015.
- **Moreland Court Decision-** In November 2013 an Appeal Court ruled that the APD's notice to customers, of reductions in their iBudgets, was not sufficient. In January 2014, APD increased the iBudgets of roughly 6,500 customers by \$30million. There was little change in expenditures through June 2014, and the first quarter of this fiscal year was \$1.7 million higher than the same period last fiscal year.
- **U.S. Department of Labor (DOL) Fair Labor Standards Act to Domestic Service Rule-** In Oct. 1 2013 DOL issued a final rule altering the application of the Fair Labor Standards Act (FLSA) to domestic service effective Jan. 1, 2015. The new Home Care Rules changed who may claim "companionship" and "live-in domestic service employee" exemption for minimum wage and overtime. On January 14, 2015, the DOL's definition of companionship services and the new Home Care Rule was invalidated in its entirety by the US District Court. The Department of Labor has appealed the District Court ruling.

APD PROGRAMS UPDATE:

Algorithm - A public meeting, March 23, 2pm-4pm, will discuss the tentative model for use in the future.

iBudget Rule - A public hearing will be held, March 23, 10am-12pm, using the current algorithm, to be updated when a new algorithm is determined for implementation.

iBudget Handbook Rule - AHCA has a public hearing April 15, 2015 10am-noon. It is on their website.

iBudget Florida Informational Web Series - These are being held for FAQ from families and providers. Send Email recommendations to Art Barndt or comment on iBudgetFL.org

Train Learning Management System with Department of Health - APD has an agreement for required training of providers and staff. Trainings will be available for parents and self advocates as well. FCCF members are requested to contact Denise Arnold with suggestions of trainings they would like to see on this system.

Self-Advocacy Initiative - APD website has added a page to identify resources for self advocates and to highlight self advocacy groups. Suggestions are welcome.

Delmarva- Provider Discovery Review (PDR) and Person Centered Review (PCR) tools revision focuses more on quality performance and outcomes. The scoring process has changed. The reports include a section of issues that WSC and Providers need to address, called "Discovery for Potential Follow up." Another section is titled "Discovery for Information purposes." It lists findings that may not have been previously known. The PCR will focus on the summary results of interviews with the individual, WSC, and the WSC record review. Providers working with the individual, except for WSC, will not be part of the PCR review.

OPERATIONS UPDATE:

Carlton Palms Update - Ongoing Reviews and monitoring have been positive based on the implementation plan that APD directed. A settlement has been agreed upon and the moratorium lifted this week. Agency staff will continue to monitor according to the terms of the settlement. The quarterly meetings will continue and the next meeting is April 22, 2015. Patty Houghland will be attending for Disability Rights and Betty Kay will attend for FCCF and Area 13 FCC. Asked about monitoring, Clarence Lewis said that they will continue to monitor and have access 24-7 as part of the settlement. He said there is more transparency. The Statewide Director has retired, and the Medical Director and RN roles have changed.

Waiting List to Waiver Offers - A third wave of offers have been postponed due to budget projections.

Employment enhancement Project (EEP)-An updated overview of the project was distributed. As of Tuesday, March 17, 108 individuals are competitively employed. Concern about monies being pulled too quickly created a problem for some individuals, a couple members advised. Karen will take that information back to the office.

Family Care Council Appointments-Governor Scott has now appointed more than 105 members to the FCC's. A current FCC membership overview was distributed and Stephanie is to be advised of inactive members.

Family Care Audits-Currently audits are taking place with auditors reporting vast improvements. It was stressed that all travel authorizations must be approved prior to departure.

APD Chief of Staff Karen said she has learned a lot from the discussion today. She was thanked by all.

IV. PRESENTATION OF WEBSITE POSSIBILITIES: Stephanie Rogers gave an overview of the proposed website by Weebly. For the FCCF two year fee, each FCC could have a free page. If more than a page was desired, the FCC would need to purchase for the \$159 rate. **Patty made a motion to go forward with the Weebly website for FCCF for a cost of \$159 for two years. Karen Oberg seconded the motion. Motion Passed.**

V. LEGISLATIVE UPDATES: Deborah Linton, CEO Arc Florida and Lucy Mohs Public Affairs DOE-VR addressed the attendees. Lucy Mohs reported on SB 802 filed by Senator Gaetz. It addresses repealing the Division of Vocational Rehabilitation (VR) subject to a legislative review of a required report and initiation of a performance improvement plan with specified goals. There would be a pilot program of improvements with an effective date of July 1, 2015. An identical bill in the House has not been heard yet. Advocates testified before the committee stressing how VR had changed their lives with jobs, but bill was still passed unanimously. She stressed that VR is committed to and continues to work on positive outcomes for their clients. The Division of Vocational Rehabilitation continues to meet with senate and house sponsors. Deborah Linton said that there are strong opinions on both sides. There have been recommendations that VR be moved from the Department of Education (DOE) to the Department of Economic Opportunity (DEO). Deborah shared that the federal match for VR is 80%, and the HCBS Waiver is 60%.

Deborah gave an overview of the Arc Legislative tracking sheet, and reported that ABLE Act bills are moving quickly. The Florida Prepaid College Board is to set up the pre service plan. More direction will be coming from the Federal Regulations in September, 2015. She explained SB 380. It requires the Agency for Persons with Disabilities to allow an eligible applicant, whose parent or guardian is a member of the Florida National Guard or the United States Reserve Forces, to receive Medicaid HCBS program services. It would apply when waitlist funding is available, she said. Guardianship bills, Employment First, missing persons and initiatives regarding registration of individuals were discussed. Registration mechanisms have been controversial she said, but some parents like them and they are voluntary. She said the Senate has funding for up to 2000 persons coming off the waitlist. The Senate budget has an increased rate for WSC's and direct personal supports, but the House does not. Arc will continue to work on rates with legislators. However, she said, the low income pool (LIP) for hospitals is a major issue that is not resolved between the House and Senate, and could affect the budget. Budgets are due by Monday at 1:30pm. The Senate budget has \$125,000 for the Florida Department of Health (FDOH) line management program, TRAIN. TRAIN is a free program and Arc will work with APD to accomplish this continuing project. By June 30, 2015 it is hoped that required trainings can be posted. The \$125,000 will be used for a help desk and subscriptions to national training groups. Transcripts will be maintained and certificates printed. Arc will be present on Monday for the iBudget handbook hearing she said. They have submitted recommendations and have a concern with the iBudget rule safety valve. She acknowledged that some suggested changes have been made.

Deborah also spoke about the Arc dental program that is being funded for 6 months. She had sent a link to a short video on the Arc dental program that was shown at the meeting. It was a moving portrait of individuals and families and the impact on quality of life. It pulled together a picture of all that it took to get the services to individuals. The average cost was \$1900/person; 1 of every 5 persons needed sedation; and jawbones have actually been rebuilt she said. Arc Florida has researched purchasing private plans and are revising and looking

at a grant that would assist this issue. They are looking at routine dental visits to show how it cuts down on costs. She said that more Medicaid dentists are needed but the processes continue to be a problem. Deborah Linton and Lucy Mohs were thanked by all for sharing their information.

VI. 2015-16 FCCF EXECUTIVE ELECTION NOMINATING COMMITTEE: Karen Huscher spoke for the committee and presented the 2015-16 slate selection as follows: **Chairperson- Pauline Lipps; Vice Chairperson- Mary Smith; Treasurer -Dan Bayley; Secretary- Laura Edmunds.** Nominations from the floor and election of officers will be held at the May 16, 2015 FCCF meeting.

VII. CITIZENS TIME: Lois Smith, FCC 7 member spoke about her 48 yr old daughter who is on the waiver, is non verbal and has 24-7 staff. Recently she had aspirated after a dental procedure. Upon entering the hospital they learned that the waiver staff could not be paid at the hospital as that was considered double billing. They paid staff to continue to care for her, and they were there as well. Lois's concern is for those who could not afford to do so or who work. She shared other stories she knew about where restraints were used, and the lack of staff who understand persons with developmental disabilities. Discussion from attendees agreed that the hospitals have some responsibility, and with ADA must provide adequate adaptations. Training of hospitals and staff would be significant, so advocating to hospital boards would raise the issue statewide. Going with solutions to the problem would be the key. Waiver providers and other related issues were discussed with Clarence Lewis, ROM Central Region. A recommendation was for Area 7 FCC to form a task force, and develop a plan to talk to hospital patient advocates, and administrators. They will return to FCCF to discuss this issue further.

VIII. COUNCIL INPUT/MISC. INFORMATION: FCC 10 is looking at the DD education in Broward County, and also working on an issue regarding an existing ESE advisory group. FCC 11 is putting together an event and requesting advice on what works best, and the overall organizational needs and costs. FCC 13 has an event on May 9, 2015, and looking forward to an annual meeting with Citrus County Student Transition and Resource Team (START) on April 13. FCC15 is participating in a 4 county teacher's conference, autism month walks, a proclamation for Martin County Down syndrome month in Martin County, a DD Day type press conference on courthouse steps event in August, and other activities. FCC8 is connecting with the Board of Education and with CARD on the Promising Pathways event. Stephanie Rogers distributed a flyer on the "No Wrong Door Initiative" that gives the dates of site visits with Aging and Disability Resource Centers (ADRC) across the State. They are seeking dialogue from stakeholders who use long-term services and supports.

There being no further business, the Chair adjourned the meeting at 3:40 PM.

Respectfully submitted,

**Betty Kay Clements,
FCCF Secretary**

The next meeting is May 16, 2015

Embassy Suites Orlando Airport, Orlando, Florida