

**GOVERNOR'S COUNCIL ON DISABILITIES AND  
SPECIAL EDUCATION**

**Executive Committee  
MINUTES**

**Videoconference Host:  
Governor's Council  
550 W. 7<sup>th</sup> Avenue, Suite 1230  
Anchorage, Alaska**

**Meeting Date**  
Friday, November 6, 2020  
12:00 p.m.

**Attendees:**

Corey Gilmore - Chair  
Jeanne Gerhardt-Cyrus  
David Kohler  
Alex Gimarc  
Molly McMananmin  
Art Delaune

**Staff:**

Kristin Vandagriff  
Lanny Mommsen  
Jess Doherty  
Anne Applegate

**Guest:**

Sheryl Matney (NACSS ITACC)

**Prepared by:** Sheila Garrant, Peninsula Reporting

**CALL TO ORDER – 12:00 p.m.**  
**ROLL CALL – Quorum established**

### **WELCOME FROM THE CHAIR**

#### **Introductions, Announcements, and/or Good News**

Corey Gilmore welcomed committee members to the meeting. No announcements were made, nor good news shared.

### **CONFLICTS OF INTEREST DECLARATIONS**

No conflicts of interest were declared.

### **APPROVAL OF AGENDA AND APPROVAL OF PAST MINUTES**

#### **Approval of Meeting Minutes**

Jeanne Gerhardt-Cyrus **MOVED** to approve the October 2, 2020 meeting minutes, **SECONDED** by David Kohler. Hearing no opposition, the motion **PASSED**.

#### **Approval of the Agenda**

David Kohler **MOVED** to approve the agenda with an amendment to move reports to after the first item under business, **SECONDED** by Art Delaune. Hearing no opposition, the motion **PASSED**.

### **REPORTS**

#### **Chair Report**

Corey Gilmore reported that he is in the process of relocating to Anchorage. He noted that it has been a difficult move, and he asked for prayers and uplifting as it was a decision not made by choice.

#### **Executive Director Report**

Kristin Vandagriff reported the following items of interest:

- The Council has submitted the State FY 22 budget narrative to DSDS.
- Corey Gilmore and Kristin Vandagriff plan to attend the Trustee meeting on November 18<sup>th</sup> and 19<sup>th</sup>, where they will do a Council presentation on Medicaid and home and community-based waiver services.
- Corey Gilmore will serve on the Trustee nomination panel in late November/early December.
- The Council posted a job vacancy for a Program Coordinator I position that closes on November 9<sup>th</sup>.

Kristin Vandagriff reported that Council staff had sent out the program performance surveys and reminded the committee of the importance of filling out the survey. It is vital for the Council's federal reporting.

Kristin Vandagriff shared that she will be taking some time off from the Council next month around Christmas break. She noted that the staff will be busy in the next couple of months working on the end-of-year reporting, which is a time-consuming effort for the entire team.

## **BUSINESS**

### **State Five-Year Plan Development Update and Discussion**

*Periodic Required DD Act Review of Designated State Agency (DSA) Fit and Review of Assurances Process for State Five-Year Plan*

Kristin Vandagriff directed the members' attention to the documents titled *DSA Review Questions for Council* and *Five-Year State Plan Assurances* and opened the floor to discuss concerns voiced by members at the last meeting. The main concerns brought forward included the travel budget cuts, staff furlough, and SDS representation on the Council as DSA through DHSS.

Sheryl Matney, with the Information and Technical Assistance Center for the National Association of Councils on Developmental Disabilities, joined the discussion and stated that the Council must periodically review the DSA, which is different from looking at a Council member who is representing the DSA on the Council. The federal funding source, the Administration on Community Living, views DSA people serving as a

Council member as tending to lean towards a conflict of interest. The question the Council must ask is, is the DSA representing one of the required programs that the DD Act requires for membership on the Council? The Council needs to be clear on the designation. The ACL does not want to restrict the Alaska Council, but they need to make sure that the Council has representation consistent with the DD Act and does not add members to the Council that may not be required. Kristin Vandagriff noted that currently, based on the Boards and Commissions roster, the role that is filled by SDS is satisfying two of the title roles within the DD Act, representation for Medicaid and Maternal Child Health Programs. Sheryl stated that then their role on the Council is not DSA. Their role has to stay consistent with participating in program planning and offering an opinion on Medicaid and input on Maternal and Child Health programs. If they veer off into DSA operations, that would be a problem for the Council. That is where the funding source gets concerned that they are not representing a program or a required program area.

Kristin Vandagriff directed the committees' attention to the *Five-Year State Plan Assurances*, a preliminary draft modeled on prior MOUs for other arrangements between departments included in the meeting packet. Anne Applegate noted that the draft document merges the MOU and assurances. Sheryl Matney stated that the law requires assurances. Functionally, if the Council lodges a complaint related to the DSA, the feds will ask for a copy of the assurances. Sheryl noted that she had not seen a combined MOU and assurances document, but it doesn't mean it is allowable or not allowable. She stated that it comes down to who will sign off on it if the agreement with the DSA is part of the assurances. Anne Applegate shared that the Governor would sign with regards to the assurances because the assurances are from the state. Then the Commissioner and/or the SDS director who is the DSA would sign. The Council chair and Council executive director would then sign because it serves as both the MOU and assurances.

Sheryl Matney stated that it is essential to make sure the Council is clearly delineating and assigning roles and responsibilities. The Council is given the authority to put a request forward to the Governor, in this case, the legislature, exploring changes to where the Council could be best served when the DSA is not supporting the Council in an agreed-upon way. Councils exist within a state government structure. Councils are not authorized to set aside state policies and procedures, but the Council's role

and structure need to be supported. That is why these agreements are so crucial for DD Councils and why they ask Councils to review it each year and ensure that agreements are in order.

Kristin Vandagriff reported that the Council staff would continue to work on the draft assurance document and schedule initial meetings before the legislative session begins. She noted that Corey Gilmore has committed to attending the various meetings, starting with meeting with SDS directors and their financial department, and then continuing up the DHSS chain.

Anne Applegate commented on potential pushback. She noted that the Council wanted to clarify that the DD Act protects activities impacting the five-year plan. The articulation of goals and objectives went through the plan's process and what is required to reach the outcomes that the Council planned to do and that the federal government funded the Council to do. Anne commented that it is important to keep in mind that there is a difference between GCDSE DD Council and GCDSE's other four roles. The Council maintains the different parts siloed. They keep them apart from each other in terms of the work plans, funding, and staff designation. When you get pushback about state authority over the Council, keep in mind that what they are talking about is the other roles. The DD Act work, which includes the five-year plan, is what the Council is talking about regarding both the assurances and non-interference. The state is also not allowed to burden the DD Council work with state objectives or state programs, because it will take away from those resources that focus on the five-year plan.

Corey Gilmore asked for time to review the document in detail, because he has concerns about the DD Vision and home and community-based services being incorporated into the document's language. The Executive Committee members agreed to move forward with finalizing the document and bringing it to SDS leadership once Corey has an opportunity to meet with Kristin Vandagriff for a final review.

### ***Discussion on Next Steps for Public Comment and the Plan***

Kristin Vandagriff reported that the draft Five-Year State Plan would be available for public comment until December 5<sup>th</sup> at 5:00 p.m. A public comment survey link can be found at <https://www.surveymonkey.com/r/JS6WF3H>. The notice for public

comment has been widely distributed, including postings on the Governor's Council website, social media, and email lists. Currently, 20 people have taken the survey. Kristin encouraged Council members to take the survey and distribute it through their networks. Once the comment period ends, Lanny Mommsen will analyze the data and report to the Council at the February meeting.

### **Possible Committee Change Opportunities to Best Match Goals**

Kristin Vandagriff asked the committee to review the document titled *Goals and Objectives and Possible Committee Graphic* included in the meeting packet. She tabled the discussion regarding the prospectus until the December meeting. Kristin reminded the members that changes to committee structure would require a bylaw change.

### **Developmental Disability Registration and Review (DDRR) Feedback and Recommendation**

Kristin Vandagriff directed the members' attention to the document titled *Council Draft Recommendation Letter to SDS Regarding the DDRR* contained in the meeting packet. She reported that the DDRR Workgroup asked that the workgroup's work be brought to the Executive Committee to ensure they receive direct stakeholder input. Kristin Vandagriff highlighted the information in the document as follows:

#### Behavior:

- Question 1: Behavior leading to justice system involvement. Within the last five years, arrested, charged, jailed, or placed on probation; continues to engage in behaviors likely to result in further involvement in the juvenile or adult justice system. (Y/N)
  - Weight = 9
- Question 2: Behavior which causes physical harm to self or others. Injures self (scratches, bites, etc.) or physically assaults others. (Y/N)
  - Weight = 8
- Question 3: Behavior which interferes with home and/or community life. Frequent, challenging behavior resistant to interventions. (Y/N)
  - Weight = 6
- Question 4: Behavior which results in significant lack of progress or in regression of personal life goals. (Y/N)
  - Weight = 4

### Medical needs:

- Question 5: Experiences complex, chronic medical condition, which requires on-going care and frequent attention by medical professionals. (Y/N)
  - Weight = 7
- Question 6: Experiences complex, chronic medical condition, that requires routine supervision regarding medical needs. (Y/N)
  - Weight = 4
- Question 7: Experiences co-occurring mental health challenges. (Y/N)
  - Weight = 4

### Personal Safety:

- Question 8: Victim of psychological, physical, sexual, and/or financial abuse. (Y/N)
  - Weight = 9

### Housing:

- Question 9: Homeless; no fixed, regular, and adequate night-time residence. Spends nights at a supervised shelter providing temporary living, or at a public or private place not intended to be used as a night-time residence for humans; or is facing discharge from an institution within 60 days, but has no residence or resources to obtain shelter. (Y/N)
  - Weight = 7

### Stability of caregiver/caregiving:

#### Lack of Caregiver/Caregiving:

- Question 10: Death of primary caregiver within the past 12 months. (Y/N)
  - Weight = 10
- Question 11: No long-term caregiver available to assist with daily care needs. (Y/N)
  - Weight = 8
- Question 12: Discharge from foster care/Office of Children's Services within a year. Living in foster care, but will be 18 within a year, and is at risk of being homeless because no caregiver has been identified. (Y/N)
  - Weight = 8



### Primary Caregiver Challenges:

- Question 13: Caregiver unable to provide adequate care. Age, health, physical or psychological condition affects ability to continue providing care. (Y/N)
  - Weight = 10
- Question 14: Caregiver unable to meet behavior or health needs of applicant. Insufficient supports, skills, or training; or has other dependents with significant care needs. (Y/N)
  - Weight = 7
- Question 15: Caregiver unable to get or hold a job. Needs of applicant interfere with caregiver ability to find or keep employment; resources and options for applicant care during workday have been exhausted. (Y/N)
  - Weight = 7

### Immediate or impending major life changes:

- Question 16: Applicant is caring for children or will be parent within eight months. (Y/N)
  - Weight = 7
- Question 17: Applicant has a spouse with significant care needs or who is eligible for services from SDS. (Y/N)
  - Weight = 3

### Institutionalization, risk of institutionalization or out-of-home placement:

- Question 18: Current residence is a nursing home, psychiatric treatment facility/hospital or Intermediate Care Facility for the Intellectually or Developmentally Disabled (ICF/IDD). (Y/N)
  - Weight = 10

The committee recommended the workgroup continue the conversation regarding the weight of scoring at 0-10 or 0-5. Kristin Vandagriff noted that the DD Committee would be doing a detailed review of the draft at their December meeting.

### **GCDSE Logo Refresh Update on Options**

Kristin Vandagriff reported that staff provided the Executive Committee's input related to the Council logo to DHSS's public information team staff. The feedback included options on how to move forward concerning the new logo. They advised that a logo contest is fun, but notoriously tricky.



Ultimately, a contest's most significant challenge comes from the needed resolution, quality in the logo design, and logos that need to be used on many different products. They noted that it is also ideal to make the logo simple, clear, and uncluttered. Kristin recommended presenting logo options to the committee at the December or January meeting to choose the top three to bring to the February Council meeting. The committee members agreed to the recommendation.

## **Legislative/Budget Update**

Kristin Vandagriff reported that the Alaska Emergency Declaration would expire on November 15<sup>th</sup>. She said that AADD put forth a letter to the Governor, cc'ing the Senate President and Speaker of the House, expressing the importance of a state declaration to keep the Appendix K flexibilities for waivers in place.

Kristin directed the members' attention to a letter titled *Commissioner Office Standards and Expectations* in the meeting packet for review. The letter states the importance of an extension of the state declaration.

Following is a summary of committee comments:

- Alex Gimarc remarked that he is uncomfortable with asking for an extension of the emergency declaration for the state, because if the state extends the emergency order, it gives the Anchorage Assembly an excuse to continue to do what they have been doing to Anchorage since March. He doesn't think that's in anybody's best interest. If flexibility is needed, why not just ask for flexibility rather than get it from an emergency declaration? Also, he noted that some of the legislators cc'ed on the letter may change by January.
- Jeanne Gerhardt-Cyrus commented that she appreciated Alex Gimarc's remarks. The Council should ask for an extension of the declaration because it is not just for Anchorage; it's statewide. She remarked that she thinks the process of getting flexibility without the declaration could be more involved and take a considerable amount of time.
- Corey Gilmore agreed with Jeanne Gerhardt-Cyrus and believes that for right now, the extension is necessary. He recommended abbreviating the first paragraph and including a direct request.

- Molly McManamin agreed with Jeanne Gerhardt-Cyrus. She would appreciate clarity by adding a line that explicitly asks for an extension.
- Art Delaune remarked that an extension of the declaration is needed to ensure the critical Appendix K flexibility. In order to continue those flexibilities, there needs to be an extension. He agreed with putting in a direct ask.
- David Kohler recommended language stating that the Council views it in the stakeholders' best interest to continue the extension.

Art Delaune **MOVED** to approve the draft letter with the addition that the ending paragraph would include a sentence that states, "The Council views it in the best interest of stakeholders for an Alaska Emergency Declaration to be continued," **SECONDED** by David Kohler. A roll call vote was taken, and the motion **PASSED. (4/0)**

### **COVID-19 Update** **COVID-19, Council Response**

Kristin Vandagriff reported that the state positive COVID-19 case counts are increasing. Lanny Mommsen continues to be a part of the Emergency Preparedness meetings, and she continues to bring stakeholder concerns forward. Kristin has worked with Corey Gilmore to extend the staff telework agreements through the end of February.

### **ACL Living Well Grant Update**

Kristin Vandagriff briefly reported that the Council submitted the ACL Living Well semi-annual report and worked on a carryover.

### **DATE OF NEXT MEETING**

The Executive Committee's next meeting is scheduled for December 4, 2020, from 12:00 – 1:45 p.m.

### **ADJOURNMENT**

Jeanne Gerhardt-Cyrus **MOVED** to adjourn, **SECONDED** by Art Delaune. Hearing no objection, the motion **PASSED**, and the meeting adjourned at 1:52 p.m.