

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

**Legislative Committee
MINUTES**

Videoconference Host
Governor's Council
550 W. 7th Avenue, Suite 1220
Anchorage, Alaska

Meeting Date
September 29, 2022
12:00 p.m.

Committee Members:

Art Delaune, Chair
Jena Crafton
Don Enoch
Shelly Vendetti-Vuckovich

Absent:

Jeanne Gerhardt-Cyrus
Corey Gilmore
Director Duane Mayes
Charles (Mack) McAnally
Senator Peter Micciche

Guests:

Myranda Walso

Staff:

Patrick Reinhart
Jamie Kokoszka
Lanny Mommsen
Rich Saville
Michael Stevenson

Prepared by: Sheila Garrant, Peninsula Reporting

CALL TO ORDER – 12:00 p.m.
ROLL CALL – Quorum not established

WELCOME FROM THE CHAIR

Art Delaune welcomed the attendees to the meeting.

Introductions, Announcements, or Good News

Patrick Reinhart reminded committee members to contact Ian Miner for arrangements to attend the Council retreat from October 13th – 15th, 2022.

Jamie Kokoszka shared that the executive director position is expected to be posted in the upcoming weeks. She noted that Council members are encouraged to share the job opening within their networks.

Jamie Kokoszka reported that the Council staff is involved in reporting season. The Mental Health Trust report has been completed. The Living Well Grant reporting is due October 31st, the Performance Progress Report (PPR) is due December 30, 2022, and the last report due before the end of the year is the Annual Report.

Jamie Kokoszka shared the following events:

- September is FASD Awareness Month
- October is National Disability Employment Awareness Month
- Aging & Disability Summit – October 4 – 5, 2022
- SEAP Meeting – October 4, 2022, 10:00 a.m.

Declarations of Conflict

No conflicts of interest were declared.

APPROVAL OF AGENDA AND APPROVAL OF PAST MINUTES

Tabled due to a lack of quorum.

REPORTS

Chair's Report

Art Delaune shared that he's been involved with voter training for the last couple of weeks.

Staff Report

Patrick Reinhart reported that the Council often gets asked to sign letters of support for various things. Some requests are brought before the Legislative Committee, and others are a judgment call by the Council as to whether the issues fit the Council's position.

The Council received a letter from Council member Corey Gilmore related to power seat elevation and standing systems for chair users. He noted that Medicare and Medicaid do not cover the cost of the standing power chair. He shared the usefulness and importance of elevating power chairs. He requested the Council draft a letter of support.

Jamie Kokoszka shared Corey Gilmore's letter and a sign-on letter to CMS seeking Medicaid coverage of both power seat elevation and power standing systems and requesting a timeline for consideration of Medicare coverage for power seat elevation systems consistent with the existing body of clinical evidence within rules and regulations and the plan to open a National Coverage Analysis (NCA) for power standing systems.

Patrick Reinhart stated that this is a reasonable request to support. The Council would add its traditional introduction, use the template's body, and add signatories of Art Delaune as legislative chair and himself as the executive director. The committee members agreed and directed the Council staff to move forward with a letter of support.

Patrick Reinhart reported that the bill signing of the repeal of the subminimum wage statute was held at Special Olympics in Anchorage. Council Chair Heidi Lieb-Williams, Senator Micciche, and Governor Dunleavy spoke at the event. Patrick noted that the Governor signed the ABLE Act improvement without any fanfare.

BUSINESS

Joint Advocacy Report

Patrick Reinhart directed the members' attention to the document titled *Joint Advocacy Report 2022 Final* and encouraged committee members to review the report.

Voting Information and Issues

Patrick Reinhart reported that issues related to the use of new assistive technology for voting have come to the attention of the Council. He noted that Division of Elections representatives were present at the Statewide Independent Living Council Conference offering a demonstration of the new assistive technology for voting. Patrick noted that the Council doesn't get involved in voting other than informing stakeholders what technology is available at the polls and sharing information on issues from state and national groups.

Art Delaune reported that WallBusters and Access Alaska joined together and contacted the Division of Elections requesting a demonstration of the assistive technology available at polling places. The demonstration will be held at the state building on October 17th, 2022.

Art Delaune reported he has been talking with Jason Grenn about producing a statewide Zoom on ranked-choice voting.

Discussion of Legislative Priorities

Patrick Reinhart shared a list of priorities on the radar of the Council for discussion and consideration for the upcoming legislative session as follows:

Workforce – Update on the DSP wage increase

There was a significant increase in funding available for DSP wage increases that SDS has been working on getting to provider agencies. The Council submitted a request for information related to SDS's plans for the funding, emphasizing the importance of getting the increase directly to the direct service professionals. The expectation is that the legislature will be asking for the results of the funding. The Council and its partners will need to be prepared to respond.

Self-Determination Waiver

There have been ongoing discussions on self-determination waivers, and it has gained steam with multiple groups, not just DD agents but seniors, veterans, and others. Ideally, a self-determination waiver would give individuals a budget after an assessment, and that individual can direct the services they choose to improve their lives.

Art Delaune noted that last year's Legislative Committee members wanted to make self-determination waivers an ongoing agenda item as they felt it was an important issue. Patrick Reinhart agreed that self-directed services become more relevant as the state struggles to find direct service providers.

Direct Service Workforce

The direct services workforce issues are related to the wage increase and the self-determination waiver. There is a crisis in the workforce, and there are just not enough people to meet the demand for services. Some ideas could be explored, such as symbiotic caring and other innovative ideas.

Community and Public Transportation

The issues related to community and public transportation include asking the Department of Transportation to put language in their statute that sets transit and community and public transportation squarely in its responsibilities. It is widely believed that public transit has not had attention for decades. Legislative advocacy will open a discussion of whether or not the state should put state funding into public transportation. Besides the Alaska Marine Highway, the state does not currently fund public and community transit programs.

Art Delaune reported that the Community Inclusion, Supports, and Services (CISS) Committee brought forward a list of items they would like to have the Legislative Committee discuss aside from the above items. The other items include:

- People with disabilities cannot operate a business from a group home/assisted living home. They have not determined if it is a legislative fix or a policy issue.
- Home and Community-Based Services (HCBS) and Home and Community-Based Services cost savings. In 2021, HCBS and HCBS cost saving were Nos. 2 and 3 on the Council's position papers. Patrick Reinhart noted that SDS was asked to report to the legislature

by December 15, 2022 on what it would cost to eliminate the DD waitlist. He assumes that when that report is done, it will be the basis for other legislation the Council may support that would offer opportunities to be creative and address issues. Art Delaune noted that one of the issues with eliminating the waitlist is what happens to the people who become eligible for waivers when there is a shortage of direct service workforce. They could be moved from waiting at one door to waiting at another.

- Adult foster care. SB 98 was introduced last session and stalled.
- HB 253, SB 2, and SB 3 were introduced last session and were related to police escalation. They didn't make much progress. The issue is that while the Disability ID bill required training at the police academy, a large percentage of police officers have not had the training. The training is given once at the academy level, and there is no requirement for a refresher. There are incidents of escalation by law enforcement due to inadequate de-escalation training.

Patrick Reinhart stated that many of the issues brought forward would require research to determine whether they are legislative or policy/administrative fixes and what other agencies would fit as partners on individual matters. The Council will also be looking at other bills that are brought forward that have an impact on the DD community.

Update on Federal Items

Art Delaune noted that the federal bills the Council has had on the watch list since 2018 have not moved, and the Council will continue to track bills on the national level.

TIME AND DATE OF NEXT MEETING

The next Legislative Committee meeting is scheduled for November 10, 2022 from 3:00 – 4:30 p.m.

GOOD OF THE ORDER AND ADJOURNMENT

Don Enoch shared that DEED is working towards a regulation change on 4 AAC 52.250 related to the supervision of paraprofessionals. The key change is allowing for virtual supervision once a month as it will give better support and care to the paraprofessionals doing the job and the students

they are serving. He noted that the effort is stalled due to the school board being bogged down with creating regulations related to the Review of Existing Evaluation Data (REED) Act that was just passed.

Jamie Kokoszka noted that the Women's, Children's, Family Health Unit is looking for support and advocacy for a program they are initiating related to children's assessments. She will forward more information when it becomes available.

Art Delaune expressed appreciation for the committee members' time, and the meeting ended at approximately 1:00 p.m.

DRAFT