

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

**COMMUNITY INCLUSION, SUPPORTS & SERVICES COMMITTEE
(CISS)**

MEETING MINUTES

Videoconference Host:

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

Meeting Date

Wednesday, May 24, 2023
11:00 a.m. – 12:30 p.m.

Council Members:

Corey Gilmore
Art Delaune
Margaret Evans
Ken Hamrick
Shelly Vendetti-Vuckovich
Jeanne Gerhardt-Cyrus

Guests:

Michele Girault, Hope Community Resources
Michael Bailey, Hope Community Resources
Kim Champney, AADD
Ian Casey, The Arc of Anchorage
Ric Nelson, Peer Power
Kelley Hartlieb, UAA CHD
Clara Muchunguzi, Restless Development, Tanzania
Erick Sande, National Council for Persons with Disabilities, Kenya

GCDSE Staff:

Robert Tasso
Rich Saville
Michael Stevenson

Prepared by: Sheila Garrant, Peninsula Reporting

CALL TO ORDER – 11:00 a.m.
ROLL CALL – Quorum established

WELCOME FROM THE CHAIR

Introductions, Announcements, and/or Good News

Corey Gilmore welcomed attendees to the meeting and opened the floor for guest introductions.

Shelly Vendetti-Vuckovich wished Corey Gilmore a happy birthday. Corey said it was nice to be celebrating his 23rd birthday again.

CONFLICT OF INTEREST DECLARATIONS

No conflicts of interest were declared.

APPROVAL OF AGENDA, MEETING MINUTES, and CORRESPONDENCE

Art Delaune **MOVED** to approve the April 2023 meeting minutes as presented, **SECONDED** by Shelly Vendetti-Vuckovich. Hearing no objection, the motion **PASSED**.

Shelly Vendetti-Vuckovich **MOVED** to approve the meeting agenda as presented, **SECONDED** by Ken Hamrick. Hearing no objections, the motion **PASSED**.

REPORTS

CHAIR REPORT

Corey Gilmore reported the following information:

- Disability Policy Seminar (DPS):
 - The group met with Senators Murkowski's and Senator Sullivan's office staff and in person with Representative Peltola.
- Peer Power:
 - Corey attended the Peer Power Summit. He noted that it was a good summit. Ric Nelson reported that there were approximately 90 in attendance. They spent a significant amount of time discussing the workforce crisis. Several recommendations were presented, including background check unit (BCU) flexibility, increasing DSP wages, participant-directed services, and raising awareness of the DSP's role.
- Corey Gilmore reported that he has reapplied for his position on the Council.

GCDSE STAFF

Robert Tasso reported that the Council has had several Council member resignations, and the process of filling seats is ongoing. Robert reported that the Council filled the

Program Coordinator I position, and Samantha Vetter will begin work at the Council on May 26th, 2023.

Robert Tasso reported that the DPS was a success. There was an e-mail exchange with the national representatives after the DPS, and the Council invited the Alaska delegation to the Council's fall meeting. During the hill visits, the group discussed topics of concern, including community living, Social Security, criminal/legal issues, disability funding, and marriage equality.

Robert Tasso reported that he and Rich Saville attended the Peer Power Summit. He remarked that the guest speaker from New York was fantastic, and the summit's outcomes were positive.

BUSINESS

DISCUSSION ON LEGISLATIVE UPDATES

Art Delaune shared the following legislative update:

The regular legislative session ended, and there was one day of special session. The special session was a budgetary session where the House and Senate negotiated the budget.

- State update:
 - SB 57- Adult Home Care and Medicaid Assistance was passed, and the Governor is looking for a venue to sign the bill.
 - HB 111/SB 143, Deaf Children's Bill of Rights, did not pass this session and will be brought forward again in the next session.
- State budgetary items:
 - The request for a \$15M increment for HCBS and childcare was cut in half.
 - The Centralized Accommodations Fund (\$100,000) remained in the budget.
- Federal update:
 - HCBS Access Act, SB 762/HB 1493 – The HCBS are optional in Medicaid, and this would make HCBS mandatory and reverse institutional bias.

Michele Girault asked for an update related to the budget increment of \$675M for the waitlist reduction that Key Coalition had requested. Council staff will follow up on that. Michele also asked if the Council is in a position to express formal gratitude to champions in the legislature, and Corey Gilmore responded that it is allowable to thank lawmakers for their support on issues important to the Council and the population they serve.

MEDICAID PROGRAM: ENSURING ACCESS TO MEDICAID SERVICES

Robert Tasso directed the members' attention to a document titled *CMS Proposed Access Rule* and highlighted the following information:

Five key points:

- Ensuring access to Medicaid Services and Medicaid and CHIP Managed Care Access, Finance, and Quality were made available to the public in early May.
- The rules cover various topics, including introducing a mandated wage percentage, reimbursement rates, and incident management system requirements.
- It is a new oversight, monitoring, quality assurance, and quality improvement strategy for HCBS programs.
- It is a complex issue requiring that 80% of Medicaid payments for certain services go to the direct care workforce.
- Public comments will be accepted until July 3, 2023.

Other notable key features of the rule:

- Strengthening person-centered service planning and incident management system in HCBS.
- Requiring states to establish a grievance system in FFS HCBS programs.
- Requiring states to publish the average hourly rate paid to direct care workers delivering personal care, home health aide, and homemaker services.
- Establishing an advisory group for interested parties to advise and consult on provider payment rates and direct compensation for direct care workers.
- Requiring states to report on waiting lists in Section 1915(c) waiver programs, service delivery timeliness for personal care, homemaker, and home health aide services, and a standardized set of HCBS quality measures.
- Promoting public transparency related to the administration of Medicaid-covered HCBS through public reporting of quality, performance, and compliance measures.

Robert Tasso noted that the CISS Committee will be the lead committee for the Council related to this issue. The Council will contact partners to join in responding to the proposed access rule.

Kim Champney, executive director of AADD, joined the meeting and shared an update from a national meeting she recently attended that focused on the CMS proposed access rule to Medicaid Services:

- There were 63 participants nationwide, mainly representatives from provider agencies.
- The general energy was one of great concern. The most significant piece for the provider community is the proposition that would require that for any Medicaid rate for particular service types, 80% would go to direct support compensation and limit the administration to 20%.
- There is a big push to extend the public comment period because of the rule's complexity.

- There was an extensive discussion about the need for increased DSP wages, but placing an additional burden or barrier on people trying to make things work better was unsuitable. The likely outcome will be that providers will stop providing services in many states and potentially go out of business under the 80/20 rule.
- One challenge will be addressing the expectation that there will be a lot of support for the proposal from national labor organizations. They will likely advocate for increased wages without understanding the logistics of the service system.

Kim Champney stated that developing a clear message and partnering with people who receive services and families will be essential. Engaging with state partners and collaborating on talking points for public comment will also be necessary. She remarked that many states are concerned and frustrated that the federal government would not allow states to create solutions for the workforce that are more customized to the environment in their state. Kim stated that the rule is specifically limited to personal care services, home health, and homemaker, but the preamble indicates an overall approach to HCBS. Kim added that a positive takeaway was that the rule adopts the HCBS quality measures, which measures the quality of actual meaningful life experiences.

Michele Girault commented that it is too soon after the strain of the pandemic to come in now and dictate at a time where collaboration is needed. She said that as an organization, Hope focuses on the workforce, which includes more than DSPs because of compliance expectations. Still, through salary and benefits, most of the money goes back to employees. That is a philosophy they operate under, but having it dictated or somehow penalized if they need to adjust priorities to meet needs is threatening. She said there would need to be pushback on some of the language and add flexibility. She remarked that agencies certainly need to elevate DSPs, but not in an arbitrary or dictated manner.

Ian Casey, with The Arc of Anchorage, remarked that the funding to address the rate rebasing will hopefully include DSP wages, allowing the rates necessary to provide DSPs a living wage, which is the rule's goal. He added that having a rate determination system that starts with a DSP living wage is an excellent point to make. Ian pointed out the factors of overhead and capital projects impacting the 80/20 rule. He remarked that the market is already dictating that agencies are paying more than they can afford to recruit and retain a workforce, which is a sustainability reality that must be addressed soon.

Kim Champney added that there's a follow-up meeting with the national group on June 7th, and she plans to reach out to the commissioner's office and ask if they are putting together comments. She noted that some states have committed that their comments will reflect their provider association's comments.

TRAINING OPPORTUNITIES

Corey Gilmore shared the following training opportunities:

- NACDD Conference in Florida in July.

EMPOWER HOUR

Corey Gilmore reported that the May 18th, 2023 Peer Power Empower Hour was a good meeting with great discussions. Ric Nelson shared that the Peer Power board is considering doing a Crip Camp Summit in Alaska in two years.

"I HAVE RIGHTS" SUBMISSION TO NACDD CONFERENCE

Robert Tasso reported that the Council's application to present "I Have Rights" at the NACDD Conference in Florida in July was accepted. Council staff will join Council members Corey Gilmore, Anna Attla, Jena Crafton, Sabrina Richmond, and possibly Heidi Lieb-Williams on the trip.

CISS PLAN OBJECTIVES AND ACTIVITIES FOR YEARS 3 AND 4

Corey Gilmore reported that the approval of the CISS plan's objectives and activities for years 3 and 4 are due at the end of July. As part of the activities, the committee is looking at incorporating the following actions:

- Survey on housing
- PSA
- Hiring a contractor to elevate supported decision-making agreements

PRESIDENT'S EXECUTIVE ORDER RELATED TO HOME AND COMMUNITY-BASED WAIVER SERVICES (DD Shared Vision)

Robert Tasso read the following summary of the portion of the Executive Order related to family caregivers:

- **Support family caregivers.** Without adequate resources, family caregiving can affect caregivers' physical and emotional health and well-being and contribute to financial strain. These negative consequences are felt most acutely by women, who make up nearly two-thirds of family caregivers and who drop out of the workforce at higher rates than men. To provide greater support to family caregivers, the Executive Order directs HHS to consider testing a new dementia care model that will include support for respite care (short-term help to give a primary family caregiver a break) and make it easier for family caregivers to access Medicare beneficiary information and provide more support to family caregivers during the hospital discharge planning process. Additionally, VA will consider expanding access to the Program of Comprehensive Assistance for Family Caregivers and provide more mental health support for caregivers enrolled in that program. These actions build on the 2022 National Strategy to Support Caregivers.

Robert Tasso noted that the Council will be watching for movement on this order, and he advised committee members to access the White House fact sheet for detailed information on the order.

PARTNER UPDATES/GENERAL ANNOUNCEMENTS

Kim Champney shared that there is a National Core Indicator presentation on May 25, 2023. The Center for Human Development (CHD) is doing a presentation at 11:00 a.m., and it is specifically focused on the DSP workforce highlighting two surveys, one from 2018 and one from 2021.

Corey Gilmore noted that there is a Shared Vision Collaborative meeting today.

TIME AND DATE OF NEXT MEETING

Corey Gilmore reminded the committee members that the Council meeting has been scheduled for June 1 – 2, 2023. There will not be a CISS Committee meeting scheduled in June. The next CISS committee meeting will be tentatively scheduled for July 19, 2023 from 11:00 a.m. – 12:30 p.m.

GOOD OF THE ORDER AND ADJOURNMENT

Robert Tasso expressed appreciation to the guests at the meeting who contributed to the discussions.

Art Delaune **MOVED** to adjourn, **SECONDED** by Shelly Vendetti-Vuckovich. Hearing no opposition, the motion **PASSED**, and the meeting adjourned at 12:40 p.m.