

Next Meeting – September 18, 2006
Appoquinimink State Service Center – Middletown, DE

**STATE COUNCIL FOR PERSONS WITH DISABILITIES
FULL COUNCIL MEETING MINUTES**

June 19, 2006 – 2:00 PM
Delaware Public Archives
Dover, Delaware

MEMBERS PRESENT

Daniese McMullin-Powell, Chair; Rita Landgraf, Vice Chair; Brian Bard, Consumer; Norwood Coleman, Sr., DSCYF; Lisa Furber, State Rehabilitation Council; John Goodier, BIC; Brian Hartman, DLP/DDC; Charlotte Herbert, LDAF; Bonnie Hitch, DTC; Tony Hortsman, Parent; Christine Long, DDDS/DHSS; Miranda Marquez, DOL/DVR/DET; Dan Muterspaw, AAB; Bob Osgood, Past Chair; Loretta Sarro, DODHH&CODHHE; Liz Schantz, Consumer; Wendy Strauss, GACEC; Sandy Tuttle, Easter Seals; Kyle Hodges, Staff; Linda Bates, Staff

MEMBERS ABSENT

Cookie Austin, Parent; Regina Byers, GCAAPD; Adam Fisher, DOE; Janet Leitch, Consumer; Rita Marocco, NAMI-Del; Ann Phillips, Parent; Jamie Wolfe, Consumer

INTERPRETER

Shirley George

GUESTS

Eileen Reynolds, Consumer
Nancy Bard, Parent

CALL TO ORDER

The meeting was called to order at 2:10 PM.

ADDITIONS TO THE AGENDA

- Kyle and Bonnie will update us on the paratransit guide.
- Rita Landgraf will give an update on the Medicaid Buy-In.
- Brian will give an update on the Worker's Compensation bill.
- John will give a brief report on the BIAD.

APPROVAL OF MINUTES

Motion was made, seconded and approved to accept the April 24, 2006 meeting minutes as submitted.

BUSINESS

Hard of Hearing Issues—Linda Heller

Linda is representing the Hearing Loss Association of Delaware (HLADE). Linda reviewed the hand-out that was distributed:

- HLADE represents more than 87,000 persons with a hearing loss in Delaware.
- Our mission is to inform, educate, support and advocate for either children or adults with a hearing loss or who are deaf.
- In Delaware, there are between 1,000-2,000 children and adults who are considered to be culturally deaf. There are about 5,742 children with a hearing loss in Delaware. As of now, 148 are enrolled at the Delaware's State School for the Deaf (DSD), formerly the Margaret S. Sterck School for the Hearing Impaired.
- The DSD is where the children go for their educational assessments whether they are deaf or hard of hearing.
- About 308 children in the Delaware schools are designated as deaf or hard of hearing. These children have been identified as requiring extra services; however, we know that there are more in the state that have not been identified.
- When a child is born deaf in Delaware, we have a successful newborn screening program. Of the children between the ages of 0-3 that are identified, they are referred to the Child Watch program. This program does an assessment, and if the child is identified as having a hearing loss and needs special help, they are referred to the State Assessment Team of the DSD. The State Assessment Team evaluates the referred child and, along with the parent and all the professionals, determines what the educational task will be for that child.
- Within the past couple of years, the HLADE has been contacted by more parents of kids with hearing loss, and more professionals and therapists who are concerned that deaf and hard of hearing children are not receiving appropriate, independent assessments and therefore are not receiving the most appropriate educational options. There are no a lot of experts within the local school districts.
- There is a tremendous amount of technology coming out for children with a hearing loss. The Hearing Loss Association of Delaware feels that Delaware has not caught up with other states as to how to look at these children and make decisions.
- When the Child Watch program refers children to the DSD, the DSD Assessment Team is made up of the staff of the school and some other professionals. A school district may attend if available. Therefore, the majority of the people on the assessment committee to make a decision for a child are from DSD.

- HLADE would like to see Delaware do an immediate assessment of evaluating children with a hearing loss and their needs from independent consultants outside the State of Delaware who have no vested interest or bias in what is occurring in Delaware. The assessment should also determine what is going on with the assessment and the placement of children in Delaware schools.
- Local school districts need to have more control of the assessment process for children in the state and the DSD could be involved to add input.
- Regarding the Newborn Hearing Screening Manual, the Hearing Loss Association would like this to be independently evaluated.
- The current records of deaf and hard of hearing children need to be evaluated as part of that independent consultant's assessment so that it can be determined what level of awareness and education parents of deaf and hard of hearing children have received.
- The Hearing Loss Association would like the Governor's Advisory Council on Exceptional Children and/or the State Council for Persons with Disabilities along with the Department of Education oversee this process and help guide it to completion.
- Linda explained that cochlear implants are an option now to about 80-85% of children who are born deaf or hard of hearing. This has changed the field of education.
- Loretta added that she is a staff member, along with various representatives from medical facilities, of the Advisory Council's DE Infant Hearing Assessment and Intervention Program under the Division of Public Health that has developed a free educational manual for parents of children who are deaf or hard of hearing.
- Linda added that the cost per student at the DSD is \$60,000 versus a child who is mainstreamed with the proper support. Linda added that it is time for Delaware to look at the assessment process, especially that used by Child Watch and by the State Assessment Team and determine what is best for Delaware's children.
- Rita asked who would pay for the assessment process. Linda is hoping that funds can be secured from various sources. Chris offered to make contacts for statistical information to pass on to Linda.
- Linda is asking that SCPD support HLADEs policy paper. This is also on their website at: www.hlade.org.
- The Council agreed that this will be a part of our "Summer Projects". Kyle, Chris, Wendy and Loretta will be part of a sub-group for review of this position paper and a possible path forward.

SCPD Elections

Daniese and Rita asked that members please complete the election ballot and give to Linda by the end of today's meeting.

Kyle reminded all that the Chair and Vice Chair automatically go to the Executive Committee. So please pick five others—three need to be consumers. Please keep that in

mind when you are voting. Kyle said that we will tally the votes and send out the results via e-mail.

SCPD Department/Move Update

Kyle stated the following:

- As some of you may recall, the SCPD is currently housed in the Department of State. The Developmental Disabilities Council (DDC), the Council on Deaf and Hard of Hearing and the SCPD are all housed in the Office of Disability Affairs. The DDC is a federally funded Council with a mandate that they cannot be housed under a department that offers services to people with disabilities. The Department of State, in which we are all housed, supports the “Library for the Blind and Physically Handicapped; therefore, it offers services to people with disabilities. The DDC has recommended that they be moved to a different department and SCPD subsequently also requested such a move since it makes sense to keep all the disability related groups together in one department. At this point, it looks like we are going to be housed in the Department of Safety and Homeland Security. The Office of Management and Budget has indicated that SCPD and CODHHE will be moved physically. Kyle will verify with the Budget Office that this is the case.

Governor’s Commission Update

Rita gave us an update:

- The Governor’s Commission will be meeting this Thursday in Dover at the Agricultural Museum. The focus at this point is to continue to work through our goals. The Center for Disabilities Study is providing full-time staff support to the Commission. The goal is to have the product launched in July 2007 which would capture five year comprehensive plan with goals and objectives. The plan would include a fiscal note on enhancing community alternatives for persons with disabilities.
- The biggest initiative that the Commission worked on this legislative session was Medicaid Buy In (MBI). Unfortunately, it appears it will not go into the FY 07 budget. The cost for the first year is \$215,000 which includes \$167,000 for infrastructure and the remaining amount for 4th quarter implementation. Instead, there is epilogue language that the Office of Management and Budget, the Controller General’s Office and DHSS will conduct a study and cost analysis due to them by November. There are 33 states that have already implemented a Medicaid Buy-In Program.
- Rep. Bethany Hall-Long may be interested in introducing a resolution to implement and fund MBI. Kyle, Pat Maichle, Ed Tos and Rita came together today to try and draw up some draft language for a resolution to present to Rep. Hall-Long.

- Rita believes the concern is not so much about the philosophy of Medicaid Buy-In, but that people view it as a Medicaid growth initiative which is a concern at the state and federal level.
- Kyle reported that MBI has been studied. Medicaid had an infrastructure grant a few years ago and there are reports from the Lewin group that have looked at other states and provided cost modeling for Delaware.
- Rita noted that it is really an employment initiative. It affords people the right to go to work if they so choose to go to work. In addition, it enables them to access private insurance through their employer, and only use Medicaid for those things that the private insurers do not pay. States can have some controls on how fast that Program could grow, and perhaps they are not aware of that so we want to educate our policymakers.
- There will be more regular communication from the Commission now that the Center for Disabilities Studies (CDS) is staffing them. The Commission will be put on the CDS' website as well as minutes from the sub-committees, the full Commission and updates and meeting notices for the future meetings. This should enhance their communication with the community.

RCSC Grant

Kyle gave an update on this 5-year grant:

- The Center for Disabilities Studies has applied for a Real Choice Systems Change Grant. They are calling it the DISC (Delaware Implements Systems Change) which is to overcome barriers in the Delaware Social Service System.
- They are addressing about 4 goals:
 - Improve access to long term care services, part of which is to develop a one stop system.
 - Development or enhancement of self-directed service delivery system.
 - Transformation of information technology support systems change.
 - Creation of a system that more effectively manages the funding for long term support for most community living options.
- CDS has included all the appropriate agencies. They reference the Governor's Commission often in their application in addition to SCPD, DD Council, NAMI-DE, and the Arc.
- Joe Keyes coordinated the effort, but it was decided that CDS should apply to, in part, keep it cross-disability.
- This ties into the Money Follows the Person (MFP) initiative in Delaware. A grant notice is to be coming out in August for the MFP.
- Linda said that grant is going to require that all the divisions to work together to begin a basis for a quality framework. The whole idea of a one stop system is a national trend. This will be a direct impact on the services to the individuals and their families and will help transitioning people into long term supports and services.

Accessible Parking Outreach

Daniese and Brian addressed the hand-out included in today's materials. Kyle asked for Council approval to submit it for publication to make people more aware of the intended purposes and need for van accessible spaces. John Goodier suggested sending this to the editor of the Health Section of the News Journal paper. Also, maybe have a reporter interview people. Kyle suggested that we may need a shorter version for public service announcements. Brian suggested contacting the Comcast local news network to possibly interview Brian and Daniese to see what it is like to be stuck outside on a 93 degree day with a shopping cart of groceries. Rita suggested that the Commission Transportation Sub-Committee be contacted and there is a Paratransit newsletter publication. Brian suggested that another option is to contact the AT Messenger/Beth Mineo. AARP was also suggested as a possibility for publication.

Send any changes or additions to this hand-out to Kyle and he will distribute to Brian and Daniese.

Summer Projects

Kyle shared the following projects that may need to be addressed:

- Preferred drug list—a definition of “mental health drug” for purposes of those drugs that are exempt from the preferred drug list. A meeting will be held with Harry Hill on July 28th.
- Status of the Personal Attendant Services Waiver. A July 14th meeting is scheduled.
- The Personal Attendant Services regulations that Jamie has worked on with Easter Seals input. According to Lisa Scheiffert/DHSS, that is a summer project for them also.
- HB 190 regulations are going to need to be developed. This bill licenses and regulates personal assistance services agencies, which exclude attendant services.
- Update SCPD website.
- Issues about relatives being paid as attendants. A meeting is coming in July to try and get Delaware to pay certain relatives for personal attendant issues.
- Accessible parking issue.
- HLADE issue—Linda Heller.
- Brian Bard attended the VR Public Hearing. Brian is concerned that Delaware is not using an order of selection. There is no priority for most significant disabilities. If you run out of money in the state VR service, you are supposed to use the order of selection beginning with the most significant disabilities and then other disabilities. Lisa Furber has the statistical information about who is being served--the percentage of people with most significant disabilities versus the other disability groups and will forward it electronically to Kyle who will forward this to Brian.
- Architectural Accessibility Code.
- Joint Retreat—Kyle will review for follow-up and send the report to all.
- Video Conferencing meetings.

Luncheon

- Consistent with past protocol, we have had a luncheon at the September meeting along with awarding the “Custie” award. The cost for the luncheon in the past was about \$1,500. In addition, we have a speaker to talk about “hot topic/s”.
- Daniese recommended a sparse agenda with sandwiches and drinks at one of the regular meeting locations. Kyle and Linda will follow-up.

Committee Reports

- Brain Injury Committee (BIC)—John Goodier reported that Jim Burcham is the Director and Francina Rhoades is the Administrative Assistant now for the Brain Injury Association of Delaware (BIAD). A 1-800 phone number is being installed. Brian reported that an update was given on the State’s implementation grant which is supporting the BIADs office. There was a favorable report on the meeting with the DOE on the presentation of supervisor’s of special education wanting more training in TBI. Kyle, Wendy and Jane met by phone and they are receptive for one or two trainings. Kyle said that in July, the BIC will be meeting with the DSAAPD consultant on the brain injury waiver. The Director of the Interscholastic Athletic Association will be attending our next BIC meeting to discuss distribution of our concussion cards that we have coordinated with AI DuPont. These cards will help coaches, athletic trainers, etc to become aware of players with a concussion or a brain injury and how to treat and manage the injury. The date of the next meeting is July 12th at the Bear Library.
- Housing Committee—Sandy reported that the committee is working diligently on their report to the Commission. Kyle said that the Committee will be revisiting our current and past objectives to come up with the 5 year Strategic Plan. Sandy said that they are pleased with the work that the Delaware State Housing Authority has been doing. They are incorporating people with disabilities into the housing needs assessment. Daniese said that she had just received an e-mail that Delaware will receive an additional 100 plus vouchers for people with disabilities as long as they can verify the need.
- Policy and Law Committee - Kyle reviewed the following hand-outs:
 - HB 355—An Act to Amend Title 29 of the Delaware Code Relating To the Division of Services for Aging and Adults with Physical Disabilities. This bill eliminates the problematic provision in the Code which allows DSAAPD not to provide services if someone is receiving services from a myriad of other divisions. It has passed the House. Senator Blevins is the prime sponsor in the Senate.
 - SB 58—An Act to Amend Title 21 of the Delaware Code Relating to Child Helmet Requirements which raises the age from up to age 16 to up to age 18 in which a person is required to wear a helmet when riding a

- HB 489--An Act to Amend Title 21 of the Delaware Code Relating to Medical Certification for Accessible License Plates and Parking Permits. This bill would permit advanced practice nurses, in addition to physicians, to sign applications and renewal applications for accessible license plates, and temporary and permanent accessible parking permits. This bill will be heard on the House floor on Tuesday.
- HB 443—An Act to Amend Title 11 of the Delaware Code Relating to the Delaware Police Training Program. This bill will require special training for police officers concerning individuals with a mental illness, mental disability, and/or physical disability. Additionally, the bill will require that police officers are trained in regard to interacting with minors that have a mental illness, mental disability and/or physical disability. This bill has passed the House and Senate and awaits the Governor’s signature.
- HB 317 w/HA 1—An Act to Amend Title 31, Delaware Code Relating to Public Assistance. The purpose of this Legislation is to ensure that agents used to treat mental illnesses, HIV/AIDS and cancer are available for physicians to freely select the most appropriate product for their patient. It has passed the House, but does not have much promise in the Senate.
- HB 190 w/SA 2—An Act to Amend Title 16 of the Delaware Code Relating to a Personal Assistance Services Agency Act. It establishes a system through which minimum standards of consumer protection, abuse reporting, and service evaluation are adopted and enforced by personal assistance services agencies and the DHSS Division of Public Health. It passed the Senate and will need to go back to the House.

Chris Long added that HB 258 has passed the House. The bill has been around quite a few years and changes the statute so the involuntary commitment to Stockley is not allowed. It was also more specific about informed consent - people who were receiving services from DDDS have to give informed consent - it gives a clearly spelled out list of what that means. It also changes the title of the Director of the Stockley Center from Superintendent to Executive Director. It also removed a lot of outdated language. This bill passed on the consent calendar last Tuesday and is now awaiting the Governor’s signature. Chris thanked Kyle and Pat Maichle for their support on the passage of this bill.

Brian commented on the Worker’s Compensation bill. The Governor supports it and there is support among the Senate Democrats. Brian critiqued the bill at the Policy and Law Committee and sent it to Kyle who sent it to the Executive Committee to endorse or comment. The bill is still in Committee.

Brian also commented on the Equal Accommodations bill which is still pending. We provided some information to the Human Relations Commission on Rep. Smith’s amendment. Kyle said that we need to follow up with the Director of the Human Relations Commission, Juanita Fuentes-Bowles.

Other Business

- Bonnie Hitch had forwarded a draft of the Paratransit Information Guide to Kyle. Kyle sent an email to the full Council. Any comments on the guide should go to Bonnie. For easier reading, a magnetized laminated one page basic information card is being developed. This will be sent to all existing customers also.

Bonnie also passed out a Joint Sunset Committee Recommendations list. One highlight is that 22 additional driver positions have been recommended and approved. Also, a voice system to make cancellation trips easier was approved. This would allow customers to cancel trips without needing a live person. They can call 24-7 and it will automatically take their trip out of the system. Also, there may be a system for calling customers two days in advance to remind customers of their scheduled trips.

- The SCPD recognized Norwood Coleman's retirement for his long time commitment to Council and people with disabilities.

ADJOURNMENT

The meeting was adjourned at 4:37 PM.

Respectfully submitted,

Kyle Hodges
SCPD Administrator

SCPD/minjun06.doc