

IDAHO COUNCIL ON DEVELOPMENTAL DISABILITIES  
*Draft PUBLIC POLICY COMMITTEE MEETING MINUTES*  
**Thursday, April 23, 2009**  
**10:45 a.m. – 12:15 p.m.**

**Committee Members:** James Steed (Chair),  
 Jim Baugh, Shiloh Blackburn, Julie Fodor,  
 Bob Jackson, Corinne Johnson, Joni Sullivan, Leslie Clement

| COUNCIL ON DEVELOPMENTAL DISABILITIES<br>Public Policy Committee Meeting<br>April 23, 2009<br>Time: 10:45am to 12:10pm |   |
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| <b>Call to Order – Opening Statements</b>  | Tracy Warren welcomed members and began the meeting in place of Chair James Steed who was unable to attend the meeting. Corinne Johnson is in England and unable to attend.<br><br>Tracy read the meeting ground rules and called the meeting to order          |
| <b>Roll Call</b>   | Members Present: Shiloh Blackburn, Julie Fodor, Jim Baugh, Joni Sullivan, Bob Jackson<br>Guests: Ike Gayfield for Leslie Clement<br>Staff: Tracy Warren, Christine Pisani   |
| <b>Perfection of Agenda/ Announcements</b>   | Additions to agenda: Christine suggested we add a discussion about legislation related to AT devices under New Issues. She shared the story about Alonzo's wheelchair theft.  |
| <b>Approval of January 29, 2009 Minutes</b><br><br><b>Action ⇒</b>   | The committee reviewed the minutes from the January meeting.<br><br><b>Bob Jackson moved to accept the minutes for January 29, 2009.</b><br><br><b>Shiloh Blackburn seconded the motion.</b><br><br><b>There were no objections, the minutes were approved.</b> |
| <b><u>2009 Legislative Report</u></b>  | The group reviewed the latest legislative report: Tracy mentioned that the legislative report is temporarily up to date because the Governor has been vetoing bills and things are still changing.  |

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| <b>Preserving Community-based Services</b> | <p>Priority 1 Items:</p> <p>Preserving Medicaid community-based services – this was effected through rule and appropriation. The rules to cut back DDA service hours passed and the funds to increase rates for community service provider rates was cut from the final appropriation.</p>   |
| <b>ICDD State Funding</b>                  | <p>DD Council State Funding – our appropriation was under consideration today in the legislature. The Legislators’ idea of combining the DD Council and the State Independent Living Council was not discussed further, but may be revisited in the future. We have work to do to educate the Governor and his staff about the differences and importance of both Councils.</p> <p>Discussion of what options might be considered if all of our state money was cut and we needed to make our federal match.</p> |
| <b>Vocational Rehabilitation Rules</b>     | <p>Priority 2 Items:</p> <p>Vocational Rehabilitation Rules – we opposed the proposed rules and certain parts of the rules were rejected based on our testimony and input.</p>   |
| <b>ISSH Name Change</b>                    | <p>Priority 3 Items:</p> <p>Idaho State School and Hospital Name Change – this legislation was never introduced.</p>   |
| <b>Cystic Fibrosis Program</b>             | <p>Other Issues:</p> <p>Cystic Fibrosis Program – legislation to eliminate this program was discussed at length in committee. Funding was restored for this program and legislation passed to review other funding and resources to help patients meet their needs with medications, labs, and hospitalizations.</p>   |
| <b>Assisted Living Facility Costs</b>      | <p>Assisted Living Facility Costs – this legislation allows providers to bill for incidental costs and do “a la carte” billing. The bill was amended to not include Medicaid recipients. We provided testimony with concern and there was much testimony in support from providers. The bill passed with instruction for stakeholders to meet to develop rules.</p>  |

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| <b>Medical Consent</b>  | <p>Medical Consent – Jim Baugh provided an overview of related activities and meetings with medical providers and. The bill had passed through the Senate, but was discovered by representatives from the “Right to Life” coalition who opposed it as a “euthanasia law.” This group was able to convince the Speaker of the House and the House H&amp;W Committee to hold the bill so that it would not get a hearing.</p> <p>Many hours of meetings with the various stakeholders were not successful in coming to an agreement, so the bill died. The intent is to continue working with stakeholders to find some common ground.</p> |
| <b>Residential Habilitation Lawsuit Against Medicaid</b>                                      | <p>The group discussed the lawsuit brought by a group of residential habilitation affiliation providers against Medicaid for changing the method for billing by these agencies. Affiliate providers claim the new billing method in 15 minute increments will drastically reduce their income. Residential habilitation affiliate organizations provide oversight and some training to residential habilitation providers.</p>   |
| <b>Guardianship Bills</b>   | <p>Bob Jackson asked why the guardianship bill - 1048 did not pass. Tracy explained that there was concern about minutia of legal process by legislators who are attorneys that prevented the bill from passing this year.</p> <p>Bob Aldridge, who brings a lot of guardianship bills, has offered to help with future legislation related to guardianship. Jim Baugh mentioned that Bob has not been forthcoming in the past.</p>  |
| <b>Medicaid Appropriation Intent Language</b><br><b>Cost Sharing in Katie Beckett Program</b> | <p>Christine asked Ike Gayfield about HB322 (Medicaid Appropriation) and how Medicaid would determine cost sharing for the Katie Beckett program. Ike said that he wasn’t sure Medicaid had the authority to do this and they would make recommendations for cost sharing that would go back to the legislature to decide. Jim Baugh pointed out that the intent language tells Medicaid to “implement cost sharing” with the program,</p>   |

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| <p><b>Service Provider<br/>National Accreditation</b></p>  | <p>giving Medicaid the authority to do so. Jim also said that federal regulations include severe limitations on what kinds of cost sharing you can impose on children in Medicaid.</p> <p>Another question about national accreditation for service providers. This would mean a cost savings because agencies would register with a national group that would survey the agencies rather than state surveyors. Medicaid encourages this activity. If a service provider doesn't choose to go the national route they would continue to be surveyed by the state. Jim Baugh pointed out that this current intent language doesn't really mean a change because the state can already do this.</p> |
| <p><b>Review Assessment<br/>Process</b></p>  | <p>Reviewing the assessment process means looking at the process for Medicaid programs to make sure it is not overly cumbersome. Ike mentioned this includes cutting the IAP contract in fiscal year 2010 to only do the assessment. Plan review and authorization will be done by state staff. Intent is to streamline the process.</p>  |
| <p><b>24-hour Personal Care<br/>Services for Children</b></p>  | <p>24-hour Personal Care Services for Children – the Center for Medicare and Medicaid Services (CMS) issued a report asking Idaho Medicaid to correct the billing method for this service to be billed in 15-minute increments. The CMS report cited payment for services they considered therapeutic foster care and do not fit the definition for this service. PCS home providers are saying they cannot provide the service at the reduced rate. The concern is what happens to children using these services if those providers do not provide the care.</p>   |
| <p><b><u>New Issues</u></b></p> <p><b>Guardianship Position<br/>Paper and Future<br/>Legislation</b></p> | <p>Tracy introduced the information and recommendations from the Consumer Leadership Caucus about guardianship. Shiloh Blackburn talked about the years of work the CLC did in preparation. She mentioned the intent of the group to educate the public about the alternatives to guardianship. The group reviewed the recommendations and then discussed.</p>  |

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|                                      | <p>Bob Jackson said that the recommendations don't talk about the alternatives to guardianship. Tracy noted that recommendations #15, 16 and 19 speak to education and information around alternatives to guardianship. Bob is concerned that we don't say what the alternatives are and perhaps we need a separate document that would be available.</p> <p>Julie Fodor mentioned recommendations #8 and 18 and felt we should be cautious about asking for implementation of programs like court reviews that would be very costly – she feels it is a good idea to set up a system for review of guardianships, but to be careful about this. Jim Baugh mentioned that costs for things like reviews may be passed on to the individual. Jim also said there have been improvements in statute related to the responsibilities of the guardian ad litem.</p> <p>Julie Fodor talked about changing language from saying “most adults” to “many adults.” She suggested we need to pay attention to subtle details in language that effect meaning.</p> <p>The group felt the recommendations from CLC are very well written and come close to a draft now based on the recommendations provided. Discussion about changing some of the language that includes mandates for programs/systems, etc. Members agreed to provide feedback and communicate about the paper via email before the next Council meeting.</p> <p>Tracy told the committee about the staffing change that will take place at the next Council meeting. Christine Pisani will be staffing the Public Policy Committee starting in July.</p> |
| <p><b>Review of Action Items</b></p> | <p><u>Action Items</u></p> <ul style="list-style-type: none"> <li>✓ Tracy will draft a guardianship position paper and email it to the committee for review</li> </ul> <p><u>Future Agenda Items</u></p> <p>Review and approval of position paper on</p>   |

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|                  | guardianship.<br>Review and discuss possible legislation on guardianship. |
| <b>Adjourned</b> | There being no further business, the meeting adjourned at 12:25 pm.       |