

Disabilities Advisory Council Minutes



Meeting: Disabilities Advisory Council
Date: 10/27/2015
Start Time: 2:00 P.M.
End Time: 4:00 P.M.
Location: Conference Room 1020C
Multi-Agency State Office Building
195 North 1950 West
Salt Lake City, UT 84116
Type of Meeting: Regular Monthly Meeting

Members:	Present:	Absent:	Members:	Present:	Absent:
Peggy Augustine	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Shane Sadler	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Joseph Taggart	<input type="checkbox"/>	<input type="checkbox"/>	Paul Smith	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Westling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Dustin Erikson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deborah Bowman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Marsha Colegrove	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Krissie Summerhays	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Kristen Chapman	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Josip Ambrenac	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

Other attendees:

Guy Thompson, Joyce Dolcourt, Ryan Carrier

Welcome and introduction:

The Chair opens the meeting at 2:00.

Motion to accept minutes:

Council approves the September 2015 meeting minutes.

Update on USDC items:

USDC began construction on the Ash Building. It's 25,000 square feet safe facility that replaces outdated buildings. The building design had a lot of input from people being served. Footings are being poured this week, and it is believed the building will be complete sometime in the fall next year.

The outpatient basic dental program at USDC is underway for people not receiving services at USDC. A total of \$5,000 has been spent for 15 people so far. USDC has an application on its webpage (<http://usdc.utah.gov/featherstone-ridge-dental-clinic/>). The program is currently offered to those in services. If the legislature were to fund this program ongoing, USDC would certainly look forward to serving other folks.

Question: What is the waiting period like?

Answer: Typical wait time is been quick, no longer than 30 days.

At the request of the Advisory Council, the Division investigated and has expanded the USDC respite program to younger folks.

Question: Could home health care help dispense meds?

Answer: It would likely depend where they are located. It might be possible to get a contract with a home health agency. However, State Plan services have to be utilized first.

Question: Does the 14 day admittance rule apply to USDC?

Answer: The average respite stay is over a weekend. The Division will check with Health on this item.

Question: Are courts and judges placing people into USDC?

Answer: No. All civil commitments go to DSPD, and they determine placement. No court is saying a person will be “sentenced” to USDC for a length of time.

Request for Proposal for 2015 General Session Appropriations:

DSPD received \$50,000 on inclusive schools and work places. The Division also received \$500,000 for “capital development assistance.” Those at the General Session will recall these request were on behalf of efforts by Best Buddies and Turn. However, the descriptions for the appropriations were too vague to apply only to those two parties. Therefore, DSPD arranged a workgroup with people who did not hold contracts with DSPD and who would not submit an RFP. The stakeholder group came up with recommendations and the Division used these recommendations for the draft RFP. The RFPs will be out on Bidsync.com in the next several weeks. The Division will provide an update next meeting.

Department of Labor Home Care Final Rule:

Since the last meeting, the Department of Labor Final Rule was all but codified in regulation. A lot of states, Utah included, have been waiting to see this process through the court system. The Division completed an analysis on what it would mean for the State of Utah after examining fact sheets, webinars, teleconferences, and DOL analysis. DSPD provided the analysis to the Attorney General’s office for review. DSPD does not have a final decision yet.

The Division’s analysis indicates the State of Utah is not a third party employer. This has to do with the Self-Administered Service mode. DSPD gives people a budget of hours, but it is the participant that tells the worker when they will be working. However, this indicates the service recipient or representative is the employer. This means the person or their representative has to pay the worker to Fair Labor Standards Act benefits. In the SAS model, the rates are paid in daily units that do not break down to minimum wage. The Division will likely have to move the rate to an hourly rate.

For host home and professional parent services there are several questions. What is the relationship between the host family and the professional? Is it independent or is there a relationship? The service description allows for the companies to have regular direct involvement as providers need to be there to support the families. But yet, they could be putting themselves in as the role of employer.

Employment:

Alan Bergman is the consultant working with DSPD from the Department of Labor’s Office of Disability Employment Policy (ODEP). Alan presented his recommendation to the State during a meeting attended by providers and sister agencies to the Division. The Division will review these recommendations.

Items for next meeting:

There is a question about a letter from the Department of Health regarding the settings rule.
Revisit the Labor Rule