

Disabilities Advisory Council Minutes



Meeting: Disabilities Advisory Council

Date: 11/16/2021

Start Time: 2:00 P.M.

End Time: 4:00 P.M.

Location: Conference Room 1020B
Multi-Agency State Office Building
195 North 1950 West

Salt Lake City, UT 84116

Google Meet joining info

Video call link: <https://meet.google.com/wgo-xngd-caz>

Or dial: (US) +1 617-675-4444 PIN: 833 466 952 0660#

More phone numbers: <https://tel.meet/wgo-xngd-caz?pin=8334669520660>

Type of Meeting: Regular Monthly Meeting

Members:	Present:	Absent:	Members:	Present:	Absent:
Angella Pinna	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Open Seat	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Stephanie Roach	<input type="checkbox"/>	<input checked="" type="checkbox"/>	John Shoemaker	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tamera Dalton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Jordyn Peterson	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shirlee Draper	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Carla Thorne	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Neil Allred	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mary Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Susan Blamires	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Open Seat	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Welcome and introduction:

Began at 2:05 pm, asked if a quorum was in attendance. Mary Jones stated that her term has ended on the council and we will follow up on her appointment. Discussion about when voting for a new chair and vice chair of the committee will occur, which will be the next meeting in February.

Motion to accept minutes:

August minutes were reviewed. A motion to approve was given by Susan Blamires and seconded by Jordyn Peterson.

Meeting Agenda Items:

Ombudsman Update by Tyler Black, DSPD

- Thanked Tamera for her work on the steering committee for the Disability Ombudsman study. They have been working on the study since December 2021. They interviewed other states, sent out a survey with 800 responses from people with disabilities, families, and professionals in the field. The survey results were reviewed in the August meeting and at that time everyone was invited to a public comment meeting in September.
- In October they presented to the Health and Human Services interim committee and provided the draft report. Because there were not many substantive comments on the draft report from public comments the final draft will be fairly similar. It is available on the DSPD website by going to dspd.utah.gov then under the tab 'About' click on

'Legislative Info'.

- Representative Daily-Provost, who sponsored the House Bill 378 in the 2020 General Legislative Session authorizing the study, anticipates running a bill in the upcoming legislative session to establish a Disability Ombudsman agency. We will see what happens there.

New DAC webpage by Amy Huppi, DSPD

- Amy gave a demonstration of the proposed website layout and function. She also showed the new application form that would replace the requirement to submit a resume. This new webpage and application would replace the current process through the Boards and Commissions website. That goal is to make the information and application process simpler and more accessible. The application asks for basic contact information and what position the person is applying for on the council. There are two open ended questions on the application form that include "Why are you interested in being a member of the Council?" and "What do you feel like you would bring to the Council? (i.e. interest, experience, knowledge, skills, etc.)". Council discussed the application form and agreed that it was the right information to ask and was much simpler.
- A motion was made to approve the new application and webpage by Tamara Dalton and was seconded by Susan Blamires. All in favor.
- Recommendations were given to add the new webpage under the 'About' heading, to make sure it was searchable if the website had a search bar, and to list the current council members on the webpage.

American Rescue Plan Act by Josip Ambrenac, DOH and Chad Midgley, DSPD

- The American Rescue Plan Act or APRA funds were approved by the Centers for Medicare and Medicaid Services (CMS) to provide a 5% supplemental payment to Home and Community Based Services (HCBS) providers. Providers were required to sign an attestation that they would use funds to address the workforce shortage and enhance HCBS. If they sign the attestation before March 31, 2021 they can receive payments retroactively back to April 1, 2021. They can sign after March 31, 2021, but cannot receive retroactive payments. DSPD has been working with DOH to put this in place. Payments are run through the CAPS payment system. Payments are completed quarterly and have been going for about a month. Since we were behind three months, or a quarter, we did payment runs every two weeks to catch up and process those retroactive payments. We will run these payments through March of 2024. Roughly \$6.9 million in payments have been completed to providers evenly split between the last two quarters. Payments were made to 95 providers. Of those 95 providers, 87% were paid in October and 13% in November.
- Question: Who is a provider? Does this impact Self-Administered Services (SAS)?
 - o Yes, the payment and attestation go through the Fiscal Agent and then they are working on how to distribute the funds.
 - o So the person using SAS or the employer does not need to complete the attestation?
 - o Not the fiscal agent does.
- Comment: Thank you. We, as in providers, have been anticipating this money coming

and already started developing ways to use the money, like sign on bonuses. With the 5% we can pay \$12.50, up from \$11.50 per hour to new staff. We appreciate that and hope it will help to keep employees around a little longer. We are still in a bad way, but this helps. We see this as part of the process and not the end. We appreciate all the effort that went into obtaining and distributing these funds.

- DSPD, DOH, and the Office of Fiscal Operations (OFO) all cooperating together to make this happen.
- Anything we can do to retain staff is helpful.

DSPD administrative rule updates by Angie Pinna, DSPD

- DSPD has gone through the process of reviewing all of our administrative rules to make sure that they are streamlines, still relevant, and easy to follow. The most substantial changes are on R539-4 Behavior interventions. It has been a long time coming. We have worked with a workgroup to make it more current and understandable. A support coordinator, not a behavior specialist, commented on how they were able to understand it and implement it much better than the current version of the rule.
- All rules will be out for public comment before they become effective. This should happen by January 2022. There will be a banner announcement on the DSPD website and a direct notice to Council members when the public comment period begins so that council members can give their feedback.

Public comments.

Neil Allred - Continue to reiterate the situation we are in with staffing. Providers have been talking and thinking about how services were rolled out 30 years ago. There were large settings that were isolating. Early in the 1990's they were reduced to smaller settings with a focus on person-centered planning so that people were getting services they needed and accessing the community. Continuing to progress. This situation with lack of staff is causing us to go backwards in leaps and bounds. It is affecting the people we serve. We thought during the pandemic it was the worst of the worst. People couldn't get out and were isolated. Now as we move forward, we are seeing more issues than during the pandemic. Staff are so limited. We have consolidated 10 homes, moved people, served notice, or reach out to families for support. This is just one provider. We are experiencing consolidation panic and not knowing how to serve people in the community. This will push people into justice system and homelessness. The Utah Association of Community Services (UACS) is making a strong push for \$40 million from the Utah State Legislature to pay \$17- \$18 per hour wage to simply preserve services. If we don't get money to give and bringing employees, it is scary what services in the state will look like. If something isn't done we won't have services in the future.

Mary - USDC is experiencing the staffing crisis too.

Neil - Exactly, if HCBS can't serve someone and USDC can't, people will have nowhere to go.

Shirley - Is there a legislative will to support the funding ask? Is there traction since there doesn't seem to have been money in the past to support this.

Neil- UACS is bringing in 2 more lobbyist. We are looking at the constitution amendment that allows the use of income tax money for disability services and tying the request into that pot of money as well to save service in Utah.

Shirley – Is there anyone they are talking to in appropriations committees?

Neil: We are still building a group to advocate.

Shirley- It may not see the light of day if not submitted by the end of December.

Neil - We are working on it now.

Shirley - Good to find a champion

Neil – We have been working with Senator Anderegg.

Closing Comments:

Future topics for the next agenda:

- Chair election
- Update on legislative session

Next meeting is February 22, 2022. Neil Allred motioned to adjourn, Mary Jones seconded. All in favor.

Meeting Adjourned at 2:55 pm

DRAFT