

DAIL Advisory Board Meeting Minutes
July 12, 2018
Sally Fox Conference Center, Waterbury

ATTENDEES:

Board Members: Robert Borden, Nancy Breiden, Terry Collins, James Coutts, Kim Fitzgerald, Matthew Fitzgerald, Mary Fredette, Kenneth Gagne, Joseph Greenwald, Jeanne Hutchins, Laura MacDonald, Nick McCardle, Nancy Metz, Virginia Milkey, Delaina Norton, Steven Pouliot, Beth Stern

Guests: Tim Bradshaw, Lynne Cleveland-Vitzthum, Mike Firkey, Toby Howe, Sean Londergan, Ross McDonald, Peter McNichol, Jill Olson, Jackie Cassino, Stephen Falbel, Katie List, Patti Monahan, Barbara Donovan, Deidra Jarvis, Marie Zura, Virginia Renfrew

State Employees: Fred Jones, Camille George, Monica Hutt, David Sagi, Liz Perreault, Angela Smith-Dieng

Motion to Approve Minutes: June 14, 2018 minutes: Approve: Jeanne Hutchins
Seconded: Nancy Breiden
Abstained: Nick McCardle

Minutes are approved.

Advisory Board Updates:

Robert Borden-

- Reminder to the advisory board of the importance of regular attendance at DAIL Advisory Board meetings to effectively advocate for those you represent.
- Judy Petersen has resigned to focus on the work at the VNA. This resignation does not put the board out of compliance. Under statute, the advisory board is allowed up to 24 members with a minimum of 19 people. The advisory board still has the required representation. However, the board can still accept new applications.
- **NO MEETING IN AUGUST!**

Delaina Norton-

The Howard Center is hosting “Zoe’s Race” fundraiser for making homes accessible on Sunday, August 26. The link for more information is: <http://www.zoesrace.org/>

Conversation with the Commissioner:

Monica Hutt, DAIL Commissioner

Commissioner Hutt asked the board if there were any topics that they wanted to discuss that was not on the agenda. Beth Stern wanted to discuss the possible University of Vermont Medical Center (UVMMC) nurses strike and how that would affect the populations DAIL serves, if at all. UVMMC has been communicating with the department and they have a plan to cover the staffing deficiencies if the strike does occur.

Budget Update-

The legislature passed the budget bill without the Governor's signature. To recap, the Choices for Care (CFC) increase in caseload was funded and the reduction to Developmental Disabilities Services was not accepted so it is fully funded for this coming fiscal year. The Attendant Services Program (ASP) General Fund (GF) budget was originally proposed for elimination, but the language in the budget reads that there cannot be a reduction in an enrolled individual's level of services in SFY 19 and that AHS shall ensure that adequate funding is available to DAIL to operate the program. In addition, DAIL is required to assess ASP GF consumers to see if they qualify clinically and financially for CFC or other appropriate programs. Fifty percent of the GF portion of the proposed cut was put back into the ASP budget which still leaves the program with a deficit that will have to be absorbed by the rest of the DAIL budget in order to comply with the budget language of not cutting ASP funds. Commissioner Hutt will get the exact amount of the reduction to the board.

To help with the work of assessing ASP consumers and whether they qualify for other programs or not, Area Agencies on Aging staff are working with the consumers to do a pre-qualifying exercise before going through the laborious process of the Medicaid application. The AAAs are compiling the list of consumers that can move to other programs and the ones who can't in order to be ready to present to the Legislature on September 15, 2018.

The question of how to lift the freeze on the ASP budget was raised because the program meets the needs of consumers who don't qualify for Medicaid and it allows spouses to be paid as caregivers. In order for the freeze on the program to be lifted the language of the budget would have to be changed through session law. Additional funds would also need to be appropriated in order to provide services.

Commissioner Hutt will invite Bill Kelly, Financial Director, to speak with the board about the details of the budget at a future meeting.

Marijuana-

That State of Vermont has legalized the personal use of marijuana and there have been many discussions about how that effects the work DAIL and partners do with consumers, if at all. Providers have reached out to DAIL for guidance on questions that have come up and the advice that is given so far is for providers is to obtain guidance from their legal staff. It is important to establish policies

for the staff to have guidance. Each provider will have to individually address each unique scenario they work within. The Agency of Human Services is also working on creating general guidance for providers and on how to work within the contradicting Federal and State law.

An example of where it is important to have policies in place is when a caregiver is in a person's home where technically it is legal for the consumer to partake in using marijuana. However, the caregiver may not be comfortable being exposed to the substance. In a case like that it would be beneficial to have clear practices in place, so the caregiver knows and understands their rights and the rights of the consumer.

Commissioner Hutt encouraged the advisory board to share with her any thoughts they have on this subject.

Caregivers and workers are still prohibited to work impaired, just like before this law was passed. If there is suspicion of a worker being under the influence of a substance, it should be reported to the employer. Because marijuana is federally prohibited, workers are not allowed to assist a consumer in obtaining, inhaling or ingesting marijuana.

CFC Personal Care Audit-

The Vermont State Auditor's office has completed the Choices for Care (CFC) audit and held an exit conference with DAIL, AHS and DVHA staff. DAIL/AHS/DVHA will next receive a draft report that staff will have an opportunity to respond to within a tight time frame. The final report will include DAIL/DVHA/AHS's responses to the findings. As soon as the report is complete the DAIL Commissioner's office will share the document and it will be on an agenda for a walk through.

The audit is specifically looking at self, or surrogate, directed care and how those employees are handled and if billed services are being given. The State Auditors looked for odd, suspicious claims and when those were found, the Auditor forwarded information to the Attorney General's office. One AAA has already been contacted and asked to provide consumer records; however, the AG's office was clear that they were not looking at the AAA's services, but those that are consumer-directed.

State Strategic Meeting with Secretary Gobeille-

Secretary Gobeille asked Commissioner Hutt to present DAIL's top three initiatives. The following are the initiatives that were presented:

- 1) Strengthening DAIL's infrastructure by looking at what needs to be done internally to do the work better. Identifying how to be more efficient given the constant level funding that creates added pressures and negatively impacts program capacity. Some identified systems that could counteract the pressures include adding positions, looking at IT options that can streamline our work by creating systems that are consistent across division and using the outcomes and measures to gauge our progress. It is important for the department to move slowly and deliberately through this process to ensure the best possible outcomes.

- 2) Payment and service reform for programs. Currently Developmental Disability Services (DDS) is in the throes of reform and the lessons learned from this process can be used across the department to improve consistency across programs. It is vital for DAIL to ensure that payment and services are on par with each other.
- 3) Health disparities for older Vermonters and people with disabilities compared to the rest of the population. There are disparities in the likelihood of falling, substance use, suicide and oral health for these two populations. It is a priority for DAIL to look at preventative measures, caregiving and workforce support that can be improved.

Commissioner Hutt found going through the exercise of having to focus on three top priorities very helpful in sussing out the priorities of the Department.

ADA and Accessibility:

David Sagi, ADA Program Manager for VR and Fred Jones, Director of DBVI

David Sagi, ADA Program Manager for Vocational Rehabilitation (VR), presented an overview of the history of the creation of the Americans with Disabilities Act (ADA) and his personal journey to doing this work. Having been injured in his early 20s, David was paralyzed and needed the use of a wheelchair. David found that the world in the early 70s was not an accessible world for people who used wheelchairs. At that time most public buildings had steps, sidewalks lacked curb cuts and doors were narrow. Through the creation of the ADA in 1990, requirements were put in place that new construction and large renovations had to adhere to in order to make buildings and services more accessible.

David's role at VR is helping consumers with identifying and acquiring needed accommodations to be successfully employed. David is a member of the Human Resources Accommodation Committee that oversees state employee's requests for accommodations. He also fields complaints that come into the state under Title II. There aren't many complaints because Vermont does a pretty good job at resolving concerns quickly and avoiding issues from escalating to the level where he would have to investigate. David also provides trainings to employers about how to make a workplace more accessible. Most employers want to do the right thing and have reached out to have these trainings.

Within the ADA there are titles I through V, David discussed titles I through III with the advisory board:

Title I – Title I addresses fair employment and giving the Equal Employment Opportunity Council (EEOC) enforcement authority over employers ensuring they are providing equal opportunity and reasonable accommodations. This is a Civil Rights law and employers are investigated when a person files a complaint.

Title II – Title II requires all local and state programs and services to be accessible to people, regardless of disability. Since the implementation of this law, the accessibility of our community spaces like playgrounds, recreation areas and other public areas has greatly improved.

Title III – Title III addresses privately owned commercial spaces and services adhering to accessibility laws and regulations. If a commercial space is newly constructed, it must follow the specifications outlined to provide reasonable accommodations. If a commercial space undergoes a large reconstruction, 20% of the renovation budget must be used on improving accessibility. Existing structures built prior to January 26, 1993, fall under “readily achievable” modifications to improve accessibility. The term “readily achievable” is subject to interpretation and changes depending on a business’ available resources.

Fred Jones, Director of the Division for Blind and Visually Impaired, spoke to the DAIL Advisory Board about how he has benefitted from accommodations in school and work for sight impairment since he was very young. Fred shared how technology has changed the world for the sight impaired substantially and in recent times, exponentially. Fred demonstrated a free app he has on his phone called Voice Dream that can read documents on his phone. There is also an app called KNFB Reader that will convert a picture of a document into audio or braille for blind, low-vision and other individuals with print disabilities.

Most phones have voice dictation available that works well. Dragon Speak is another piece of software that students often use in a school setting. There are constant upgrades and the program keeps getting better at preparing documents. Dragon Speak does not read documents.

Another app that is helpful to employers is Mobile Workplace Accommodation Case Management App. This app was developed to help businesses create inclusive workplaces for employees with disabilities. The app is easy to use and walks you through a 4-step process. Step one asks you to identify impairment; step 2 – choose limitation; step 3 – choose what the job task is trying to do; step 4 – pick from a list of possible accommodations that can help.

The most common accommodation that businesses provide their employees is flex time which is little to no cost to the employer. For most other accommodations the average cost is approximately \$250.00.

Some best practices for writing emails and documents for people who are visually impaired is to avoid using any Serif font and use Ariel instead. Having clean, strong contrast between background and text is helpful as well.

The advisory board asked if there was any way for the State of Vermont to leverage better prices for people who need to purchase a van for wheelchair accessibility. At this time there is no way to pool buying power. The market only has a couple of suppliers and the it keeps the prices higher.

For assistive technology a person can go to the Try-Out Center at the Waterbury State Office Complex to identify what works for their individual needs. For more information on accessibility guidelines, laws and regulations, go to: ADA.gov

Transportation 101:

Peter McNichol, DVHA; Ross MacDonald, VTrans; Tim Bradshaw, VTrans

Transportation is a barrier that many Vermonters face. People who are older or live with disabilities have an even harder time getting around. The Department of Vermont Health Access (DVHA) and Agency of Transportation (VTrans) are both working on ways to improve access to transportation for Vermonters.

The Go! Vermont Trip Planner Tool is a complete map of bus routes across the state. This planner is better than the Google Trip Planner because it includes more information about local transportation including bus flag downs and deviations from route and access to DIAL-A-Ride information if there are no relevant bus route options. When you visit this site, there is an opportunity to give feedback and you are encouraged to do so. Having this option helps to make the site even more useful to its users.

DVHA coordinates the Non-Emergency Medical Transportation (NEMT) which is “a covered service for members enrolled in Medicaid and Dr. Dynasaur programs. NEMT is a statewide service for providing transports for eligible people to and from necessary, non-emergency medical services. It is provided through a contract between the State of Vermont, Department of Vermont Health Access (DVHA) and the Vermont Public Transportation Association (VPTA), which is comprised of a regional network of public transit providers.” Peter McNichol provided a tip sheet to the advisory board as a resource for riders. If there are any questions or for more information, contact Vermont Public Transportation Association: 833-387-7200 or go to DVHA’s website: <http://dvha.vermont.gov/providers/transportation>.

Currently, VTrans is updating the Public Transit Policy Plan that is required every 5 years and is a 10-year working plan. It is a wonderful opportunity to change and improve policy, look at future needs, streamline services and create better coordination of services. There is a spot on the planning committee for an AHS representative. This representative can bring the knowledge of the unique needs of the people we serve and be part of the conversation of what the best practices are.

This plan is not intended to have detailed bus routes but to look at the bigger picture of what resources are available, what resources are needed and how to implement them. There are four main tasks in the plan:

1. Existing conditions assessment – identifying best practices, looking at the transit network, program and partners and taking into consideration the aging population, loss of economic opportunities in our small communities, the rise of Uber/Lyft, technology and housing location and its impact on mobility.

2. Needs assessment – looking at needs and gaps in those needs by considering transit propensity, travel flows and gaps for human service transportation clients among other needs.
3. Meetings and outreach – The types of meetings and outreach that will happen are project meetings, stakeholder interviews, public workshops, online participation and various other avenues to gather input.
4. Recommendations and implementation – Once the information is gathered, it will be used to revise policies, goals, objectives and actions.

The timeline is to begin the process of gathering information in July 2018, have the existing conditions by early fall 2018, complete the needs assessment by early spring 2019 to have the final report completed by the summer of 2019. There will be ongoing meetings and public outreach throughout the project and those meetings will be coordinated by Jackie Cassino from VTrans. Jackie is the person to contact if there is interest in more information about participating in upcoming meetings.

Working Group Appointments:

Advisory Board

Robert Borden, DAB Chair, was asked by the advisory board to reach out to Diane Novak and Christine Scott to see if one of them would be interested in joining the Nursing Home Oversight Working Group. The advisory board suggested that Robert reach out to Diane first. Diane accepted the appointment to the working group.

The advisory board was required by statute to appoint four members to the Older Vermonter Working Group; two older Vermonters from different regions of the state and two-family caregivers of older Vermonters, one of who is a family member of an older Vermonter and one of whom is an informal provider of in-home and community care. After accepting applications Marie Zura was a fit for the family caregiver slot. We then took a vote on the two applicants we should appoint for the older Vermonter slots. Gini Milkey and Jim Coutts were appointed. Leaving one slot still to be filled for the family caregiver. *Post Script: After the meeting, it was identified that Jim Coutts could fill either the family caregiver or an older Vermonter seat on the working group. Deputy Commissioner George then sent out via e-mail (with Jim's agreement) a proposal to appoint Jim to fill a family caregiver seat and then the next higher vote getter who fit as an older Vermonter, Hope Lindsay, could be appointed. This would fulfill the DAIL Advisory Board's obligation to appoint 2 older Vermonters and 2 family caregivers. 18 DAIL Advisory Board members responded in agreement with the proposal, 0 responded in disagreement. Therefore, Hope Lindsay is appointed to serve on the working group.*

Meeting adjourned: 1:55

DRAFT