

Background:

Draft minutes from the August 5, 2010 & November 3, 2010, Public Policy Committee meeting are included for review.

Public Policy Committee

Agenda Item 3.

Expected Action:

The Public Policy Committee will take action to approve the minutes.

**PUBLIC POLICY COMMITTEE MEETING
DRAFT MINUTES
August 5, 2010**

Thursday, August 5, 2010

COMMITTEE MEMBERS PRESENT

Rick Tisch, Chair	Lynn Blackmore, DARS	Clare Seagraves, HHSC
Marcia Dwyer, Vice-Chair	Mateo Delgado	Amy Sharp, TX A&M
Hunter Adkins	Sandy Graham, CDS - UT	Lora Taylor
Patty Anderson, AI	Jeff Kaufmann, DADS	
Kristine Bissmeyer	Cindy Johnston	

COUNCIL MEMBER PRESENT

Brenda Coleman-Beattie, Council Chair

STAFF MEMBERS PRESENT

Belinda Carlton	Angela Lello	Lucy Walker
Cassie Laws-Fischer	Melissa Rosser	Roger Webb

GUESTS:

Olivia Donelson	Ileene Robinson
Sally Feutz	Nona Rogers
Beverly Haywood	Charleen Searight
Rachel McClure, Texas Association of Centers for Independent Living	Katherine Yoder, Governor's Office of Budget, Planning, and Policy
Beth Mitchell, Advocacy, Inc.	Les Young
Sandra Reeves	

CALL TO ORDER

The Public Policy Committee convened on Thursday, August 5, 2010, in the Big Bend Room of the Hyatt Regency Austin, 208 Barton Springs Road; Austin, TX 78704. Committee Chair Rick Tisch called those present to order at 2:01 PM.

1. INTRODUCTION

Committee members, staff and guests were introduced.

2. PUBLIC COMMENTS

The Committee received public comments from eight individuals:

- Charleen Searight has a daughter at the Austin State Supported Living Center. She opposed the proposal to support a moratorium on admissions to State Supported Living Centers (SSLCs), where residents are watched and kept safe.
- Nona Rogers, who has a brother in a SSLC who is aging, stated her opposition to a moratorium on admissions to SSLCs. She commented that SSLCs provide an option for individuals who may not be ready to live in the community and encouraged the committee to preserve that choice for families.
- Ileene Robinson stated that individuals with developmental disabilities who live in the community do not always receive monthly breast cancer screenings, whereas individuals who live in the SSLCs have the opportunity for monthly breast exams. She recommended that the Council to work with Susan B. Komen or other organizations to detect breast cancer for individuals with disabilities.
- Rachel McClure, Texas Association of Centers for Independent Living, invited Council members and staff to attend the Invest in Community rally and press conference on September 1, 2010, at the Texas Capitol. The events will support direct services and

personal care attendants as well as expanding home and community programs by stopping cuts to health and human services programs.

- Olivia Donelson, whose son is a former resident at Travis State School and now lives at Austin SSLC. She is happy with the care he has received at both facilities and supports choice for individuals with disabilities and is opposed to implementing a moratorium on new admissions at SSLCs.
- Beverly Haywood has a sibling living at Austin SSLC who is now 78 and has lived there since he was a young man. She believes this is the best place for her sibling. She believes that everyone should have the same choice that her family had and is grateful to the State of Texas for supporting these centers.
- Sandra Reeves has a son at a SSLC and spoke in opposition to the proposed moratorium on SSLC admissions. She disagrees with the proposal that the state should strive to achieve the national average for enrollment in state supported institutions because Texas is much larger than the average state. She also expressed concern that a change in SSLC admission policy would make it difficult for family members to visit their loved ones.
- Chair Tisch distributed written comments from Marjorie Heaton who wrote in opposition to a moratorium on admissions to SSLCs.

The Chair offered Committee members an opportunity to address public comments. Lora Taylor expressed her support for Ms. Robinson's suggestion that the council look into helping ensure that individuals with disabilities receive proper health screenings.

3. APPROVAL OF MINUTES

Tisch asked for corrections or additions to the minutes of the May meeting.

MOTION: To approve the May 6, 2010, Committee meeting minutes as presented.

MADE BY: Lora Taylor

SECOND: Kristine Bissmeyer

The motion **passed** with abstentions from Marcia Dwyer.

4. 2010 BIENNIAL DISABILITY REPORT UPDATE

The Committee received an update from Public Policy Director Angela Lello regarding the preparation of the 2010 Biennial Disability Report. TCDD entered into a Memorandum of Understanding (MOU) with the Department of Aging and Disability Services (DADS) to use contact information of people who are on the interest lists for Home and Community-Based Services (HCS) and Community Living Assistance and Support Services (CLASS) waiver programs. TCDD contracted with the University of Texas survey department who refined a survey instrument developed by staff and converted it into a SCANTRON form. The results of the survey will be presented to the Committee in November. Staff may draft additional recommendations for the Biennial Disability Report based on survey results. The Council will make final decisions about recommendations at the November meeting.

5. REVISIONS TO TCDD POSITION STATEMENTS

The Committee discussed TCDD's Position Statements on Access to Healthcare and Community Living. The Committee recommended Council approval of revisions to both Position Statements.

MOTION: To recommend Council approval of the **Access to Healthcare** Position Statement with the revisions as presented.

MADE BY: Lora Taylor

SECOND: Mateo Delgado

The motion **passed** without opposition.

MOTION: To recommend Council approval of the **Community Living** Position Statement as with the revisions as presented, removing the word “parental” from the third paragraph.

MADE BY: Amy Sharp

SECOND: Patty Anderson

The motion **passed** with Lora Taylor opposed and abstentions by Lynn Blackmore, Jeff Kaufmann and Clare Seagraves

6. PUBLIC POLICY ITEMS

A. **82nd Legislative Session**

The Committee received an update on the 82nd Legislative Session from Public Policy Director Angela Lello. Lello asked Committee members to specify the issues they would like to advocate on themselves during the 82nd Legislative Session. Committee Chair Tisch informed members that they would be called upon to provide legislative testimony, meet with legislators, and write newspaper editorials with staff support.

B. **Moratorium on Admissions to State Supported Living Centers**

The Committee received a briefing from Beth Mitchell, Advocacy, Inc. (AI), regarding AI’s recommendation for a moratorium on admissions to State Supported Living Centers (SSLCs). Mitchell outlined the events leading to the U.S. Department of Justice’s civil rights investigation of all Texas SSLCs and highlighted concerns brought forth in the Monitoring Reports issued by the monitoring teams assessing each SSLC. Committee members discussed the issues identified in the reports and the ramifications of a state-imposed moratorium on admissions to SSLCs. Jeff Kaufmann (DADS) indicated that many of those now being admitted to SSLCs have complex medical and/or behavior needs, and the majority of recent admissions are a forensics population. Lora Taylor indicated that she has talked with some of the parents who support SSLCs and has visited Richmond State Supported Living Center. Taylor spoke in opposition to the moratorium. Most Committee members agreed it important to hold admissions of additional individuals until the state can assure the individuals are not at significant risk of harm or abuse. Council Chair Coleman-Beattie asked Committee members if they would like to talk with DADS Commissioner Traylor before making a decision. Committee members felt sufficient information was available to make an informed decision, and noted that the item was on the posted agenda. Members also felt it important to clarify that the state should provide other appropriate alternatives for individuals who might otherwise seek SSLC admission, including the HCS waiver program diversion slots funded by the 81st Legislature.

MOTION: To recommend that the Council support and join with Advocacy, Inc., and other disability organizations in a call for a moratorium on admissions to the State Supported Living Centers.

MADE BY: Kristine Bissmeyer

SECOND: Mateo Delgado

The motion **passed** with abstentions by Lynn Blackmore, Clare Seagraves, Jeff Kaufmann, Mateo Delgado, Lora Taylor and Amy Sharp.

C. Public Policy Priorities

The Committee discussed TCDD 2011-2012 Public Policy Priorities and provided staff guidance about specific areas of concern for the 2011 legislative session. Committee members discussed special education diplomas, special education training for teachers, and Early Childhood Intervention in addition to concerns on possible cuts in services as a result of the anticipated revenue issues. The Committee also discussed the effect of implementing a more narrow issue focus in the State Plan on the Council's public policy advocacy activities.

D. Texas Revenue Coalition

Public Policy Specialist Belinda Carlton reviewed with the Committee information about the Texas Revenue Coalition to explore the Committee's position on revenue matters. Committee members expressed an interest in learning more about the coalition and other coalitions that may be formed to specifically address state budget issues.

E. Federal Issues

Carlton provided an overview to the Committee of the implementation of the recently passed federal healthcare reform measure. Committee members discussed issues related to the Medicaid program, including timely provider reimbursement rates and the general impact of Medicaid expansion on the state's fiscal outlook and ability to serve individuals with developmental disabilities. The Committee also received an update on other federal policy issues from public policy staff.

7. PUBLIC POLICY REPORT

Committee Chair Tisch reviewed the Public Policy Report with the Committee and discussed recent public input provided by Public Policy Staff.

8. PUBLIC INFORMATION REPORT

Committee Chair Tisch reviewed the Public Information Report with the Committee and discussed requests for specific materials from TCDD and other outreach activities.

9. ADJOURN

There being no further business, Tisch adjourned the meeting at 4:54 PM.

Roger A. Webb
Secretary to the Council

Date

**PUBLIC POLICY COMMITTEE MEETING
DRAFT MINUTES
NOVEMBER 3, 2010**

COMMITTEE MEMBERS PRESENT

Rick Tisch, Chair	Mary Faithfull, AI	Jeff Kaufmann, DADS
Mateo Delgado	Leti Guevara, DARS	
Hunter Adkins	Cindy Johnston	

COUNCIL MEMBER PRESENT

Brenda Coleman-Beattie, Council Chair

COMMITTEE MEMBERS ABSENT

Marcia Dwyer, Vice-Chair	Kristine Bissmeyer	Penny Seay
Michael Benz	Frank Genco	Lora Taylor

STAFF MEMBERS PRESENT

Belinda Carlton	Melissa Rosser	Roger Webb
Angela Lello	Lucy Walker	

GUESTS:

Chris Adams, DADS

CALL TO ORDER

The Public Policy Committee convened on Wednesday, November 3, 2010, in the Pecan Room of the Marriott Austin South, 4414 South IH-35; Austin, TX 78745. Committee Chair Rick Tisch called those present to order at 10:30 AM.

1. INTRODUCTION

Committee members, staff and guests were introduced.

2. PUBLIC COMMENTS

No public comments were offered.

3. APPROVAL OF MINUTES

Tisch tabled the minutes from the August Public Policy Committee meeting. Staff were asked to expand the discussion concerning the proposed moratorium on admissions to state supported living centers.

4. SELECTION OF NOMINATING COMMITTEE REPRESENTATIVE

MOTION: To recommend Mateo Delgado as Public Policy Committee's nominee for the Nominating Committee Representative.

MADE BY: Rick Tisch

SECOND: Cindy Johnston

The motion **passed** with an abstention by Mateo Delgado.

5. 2010 BIENNIAL DISABILITY REPORT UPDATE

The Committee received a briefing from Public Policy Director Angela Lello on the survey completed for the 2010 Biennial Disability Report. TCDD entered into a Memorandum of Understanding with the Department of Aging and Disability Services (DADS) that provided contact information for individuals on the interest list for the Home and Community Based Services (HCS) and the Community Living Assistance and Support Services (CLASS) waiver programs. The survey results showed that the top three services people on the interest list need are respite, specialized therapies, and behavioral support services. Ten percent of survey respondents do not know which list they are on which indicates a lack of information. If the council is interested in more information about individuals on the HCS and CLASS Interest Lists, it would be necessary to conduct more in-depth research through focus groups and a more scientifically rigorous survey. Doing so would be at the direction of the Council and would require a significant financial investment.

6. UPDATE ON STATE SUPPORTED LIVING CENTER MONITORING ACTIVITIES

Chris Adams, Assistant Commissioner for State Supported Living Centers (SSLCs), Department of Aging and Disability Services (DADS), was invited to give an overview of DADS efforts to comply with the U.S. Department of Justice (DOJ) Settlement Agreement (SA). Adams emphasized that as the agency has entered into discussions on the SA, it is expected to be an iterative, slow, and deliberate process of coming into compliance. The DOJ and DADS established an approach of reaching compliance with the SA whereby they agreed on particular outcomes that must be achieved consistently at each SSLC location.

Adams indicated that compliance with the SA requires several elements. The facility must have a clearly stated policy and established protocol to achieve a desired outcome or set of outcomes. There must be clearly articulated instructions to SSLC staff that are responsible for carrying out policy in a consistent manner. And the facility must establish an objective mechanism to fulfill the requirements of the SA and making system change. Adams was thanked for his remarks and invited to visit with the committee further in the future.

7. GOAL AREAS FOR TCDD FY 2012-2016 STATE PLAN

Tisch invited members to discuss the goal areas for the TCDD FY 2011-2016 State Plan that were established in the Committee of the Whole Meeting on November 2, 2010. The Committee determined that the FY 2011-2016 State Plan goal areas encompass TCDD's Public Policy Priorities and that the goals relating to public policy issues will involve and be addressed by the Public Policy Committee.

Public Policy Committee Chair Rick Tisch departed the meeting at 11:07 AM. Mateo Delgado assumed the role as Chair for the remainder of the meeting.

8. TCDD PUBLIC POLICY PRIORITIES

Director Lello reviewed the proposed TCDD 2011 Public Policy Priorities and the framework that Public Policy staff utilize when determining staff activities. Lello asked whether members had any suggested revisions to the Public Policy Priorities, and none were proposed.

MOTION: To recommend Council adoption of the TCDD 2011 Public Policy Priorities.

MADE BY: Brenda Coleman Beattie

SECOND: Hunter Adkins

The motion **passed** without opposition.

8. PUBLIC POLICY ITEMS

A. Update on the 82nd Texas Legislative Session

The Committee discussed the outcome of the November 2, 2010, general election and the implications on TCDD public policy activities. Public Policy staff will work to make connections with new legislators. Member Hunter Adkins expressed an interest in meeting with her elected representatives. The Committee received an update from Lello on congressional activities.

B. Update on State Budget Issues

Public Policy Director Lello and Executive Director Roger Webb discussed the estimated budget shortfalls for the 2011-2012 biennium and highlights of the Legislative Appropriations Requests (LARs) submitted by the Department of Aging and Disability Services; the Department of Family and Protective Services; and the Department of State Health Services. Lello indicated that staff will monitor legislation pertaining to public school finance to determine how proposed changes to funding formulas affect special education services. Chair Delgado asked staff to keep Council members apprised of budget cuts that affect individuals with developmental disabilities via email.

8. PUBLIC INFORMATION REPORT

Lello reported to the committee that the Public Information staff has been working on a plan to increase connections and awareness as directed by the Council. The TCDD annual report is expected to be ready by the end of the year. It will be posted to the TCDD website and sent to Council Members.

9. PUBLIC POLICY REPORT

Director Lello reported to the committee that Public Policy staff testified and submitted comments to committees over the last quarter, with specific testimony available in the Council Member binder. The Committee discussed Council member Kris Bissmeyer's testimony before the Senate Finance Committee and future opportunities to testify at legislative hearings.

10. OTHER DISCUSSION ITEMS

Public Information Specialist Lucy Walker informed the committee about a publication produced by The Arc of Texas as part of a TCDD grant. The publications include a basic and advanced advocacy manual in English and in Spanish. The English version of the manual is available on the TCDD website, and the Spanish language version will be available soon.

9. ADJOURN

There being no further business, Delgado adjourned the meeting at 1:32 PM.

Roger A. Webb
Secretary to the Council

Date