

**Statewide Independent Living Council  
(SILC) MINUTES  
August 28, 2014  
AmericInn, Ft. Pierre**

**MEMBERS PRESENT:** Margot Burton, Monte Tschetter, Matt Cain, Clarke Christianson, Shelly Schock, Isabel Trobaugh, Gillian Plenty Chief, Dave Scherer, Craig Eschenbaum, Steve Stewart, David Miller, Kathleen McOwen, Sarah Rush, Bernie Grimme, Sandy Neyhart, Vona Johnson and Tammy Kabris. **OTHERS PRESENT:** Gaye Mattke, DSBVI; Ronda Williams, DRS; Francine McOwen; Shelly Pfaff, SILC Staff; Julie Paluch and Rachel Hatle, Interpreters; Rich Eschenbaum, interested observer; Vicki Kerkvliet, Independent Living Choices and Lindsey Bruckner, SD Housing Development Authority.

**OPENING ACTIONS:** WELCOME & INTRODUCTIONS – Margot, Chairperson, called the meeting to order at 8:30, welcomed everyone – newly appointed and re-appointed and continuing members – and she invited all in attendance to introduce themselves. MEETING PROTOCOL – Margot referred to the meeting protocol and reminded all to follow it throughout the meeting. She also spoke to the difference between ‘voting’ and ‘non-voting’ members, as well as the process for who can and cannot make and second motions. APPROVAL OF AGENDA – Margot confirmed members had copies and called for changes or additions. Hearing none, **MOTION TO APPROVE THE AGENDA AS PRINTED – MADE (M), SECONDED (S) AND CARRIED (C).** APPROVAL OF MINUTES – After confirming everyone received and reviewed a copy of the May minutes; Margot called for changes/additions; hearing none, **MOTION TO APPROVE THE MAY 2014 MEETING MINUTES – MSC.** Margot then called for action relating to the August 2014 Executive Committee meeting minutes, **MOTION TO APPROVE AUGUST 2014 EXECUTIVE COMMITTEE MINUTES AS PRINTED – MSC.**

**PUBLIC COMMENT:** Margot called for any public comments. Isabel shared that she and her family have recently encountered two physicians who have, without notice or referral to another practitioner, stopped providing service to a family member. She inquired if others are having, or hearing of, similar experiences. No one shared knowing of such at this time.

**ASSISTIVE TECHNOLOGY (AT) AND PEOPLE WITH INTELLECTUAL/ DEVELOPMENTAL DISABILITIES:** Allan Ray, President/CEO of SimplyHome

of Asheville, NC presented on this topic via conference call and PowerPoint presentation (see attached). Allan had planned on being present, but due to an injury he was not able to travel to Pierre. He spoke to the work they are presently doing with the SD Division of Developmental Disabilities and the Department of Human Services, exploring how AT can be used to support people living in the community more independently; and how Medicaid waivers can be written to cover the cost of this technology. Allen addressed the motivation for going down this road of service development and delivery; common applications for the type of AT they are utilizing; how it is being used in other states and why now might be the time to make it happen in SD; an inclusive definition of technology; and ways in which they encourage states and providers to 'try' this technology and see what opportunities it can create for people seeking to live more independently. Allan entertained questions, and then he offered to interact more at any time on the subject as the SILC might want to continue the conversation. The SILC thanked Allen for his presentation. Margot called for a short break at this time. The meeting resumed after about 15 minutes.

**CIL PERSPECTIVE ON THE IMPACT OF AT IN IL:** Vicki Kerkvliet, Director of Independent Living Services at Independent Living Choices, provided this presentation. She began by sharing statistics on the types of equipment their agency provides to eligible individuals through the Telecommunications Adaptive Devices (TAD) program and the Home Modifications and Adaptive Devices (HMAD) program. Vicki spoke to the 'traditional types' of AT these programs have provided and some newer items being provided. She highlighted some new technology, including applications for iPhones and iPads that are helpful to people with disabilities as they seek to live independently. She shared some examples of newer AT: greatcall – a medical alert device; First-Then – a visual schedule mobile application; visual assistant, everyday skills and way finder – three mobile applications that can be used to teach and assist people with everyday tasks and skills; touch memo pen; Pilot One environmental control unit; and TextMinder – a mobile application that allows a person to schedule text reminders to be sent to their Smartphone at the days and times they specify. Vicki indicated that often a barrier to people accessing technology is cost. Some items are relatively inexpensive; while others have a significant cost associated with them. She recommended that the TAD and HMAD programs need to move into the use of newer technologies that can support more people living independently in their homes and communities. A SILC member cautioned that it is important that as we look at new AT, we not put too much emphasis on one source of technology e.g., Apple since there are other sources e.g., Google,

Android that have similar applications and uses that can equally benefit people with disabilities and may result in cost savings in some situations. More importantly, not limiting to one source provides for consumer choice – a key IL principle. Margot thanked Vicki for her presentation.

**DIVISION OF REHABILITATION (DRS) REPORT:** Bernie Grimme explained that DRS seeks to provide the SILC with information that will help them make informed decisions relating to the State Plan. He also invited SILC members to let them know if there is information they are not providing which they would like to have made available to them. RAMP REPORT – Ronda presented this report, which was sent out prior to the meeting. She reviewed both the number of ramps installed and needing to be installed. CONSUMER SATISFACTION SURVEY REPORT – Bernie reviewed this information, which was sent out earlier, providing a brief history of its development and revision. He also highlighted the timeframe for the included data. CIL IL SERVICES REPORT – Bernie referenced the report sent out earlier. He explained the various service categories, how the data is provided to DRS, and additional report categories for travel and direct IL services staff turnover. Then he referenced a second report, which showed services by contract units. He addressed some areas of attention such as the variance in service categories such as I & R and HMAD/TAD. He explained that due to changes made to the billing procedures for I and R and HMAD/TAD services, he expects there will be some shifts reflected in the next reporting period. A couple of questions were asked in regard to the units of service and expenditure of contract for Native American Advocacy Project (NAAP). Bernie indicated that he would be addressing this under the agenda next item. CONTRACT REVIEWS OF CILS – Bernie reported that all reviews have been completed. Three DHS staff participated – Bernie, Ronda and one fiscal staff person. ILC had no findings. WRIL’s review was without findings except they need to have another quarter of their consumer satisfaction surveys reviewed to assure that all staff is using the correct form. NAAP’s review resulted in six corrective actions. Consequently, DRS only entered into a 6-month contract with them, and a follow-up review will take place within that timeframe. Following are the corrective actions and NAAP’s responses:

1. Consumer satisfaction surveys were not being conducted or reported accurately. NAAP will comply with related contract requirements.
2. Their current facility is not accessible. NAAP will be making their facility accessible by the end of September.

3. Lack of services to Native Americans living on reservations north of I-90. NAAP will be establishing one FTE to serve individuals on the Cheyenne River and Standing Rock Reservation areas by August 18<sup>th</sup>.
4. Five thousand nine hundred and ninety-four dollars of HMAD equipment was funded in 2013, but there was no proof of equipment being purchased or provided to consumers at the time of the review. NAAP has provided DRS with proof of purchase and documentation of individuals acknowledging receipt of equipment.
5. Case files did not meet requirements established in regulations and DRS policies. NAAP has hired a consultant to do quality assurance (QA) of all their files, with QA reports being sent to DRS on a quarterly basis.
6. There were questionable units of service being billed. More detailed instructions on billings and related documentation has been provided to all CILS, as well as DRS has held a webinar for CILs on contract billing changes.

Changes that have been made to the 2015 contracts with all the CILs are:

- a) Required reports are identified in Attachment 1 and payments will not be made if a CIL has pending reports.
- b) Report previously made to the SILC is now part of the contract and provided to DRS on a quarterly basis; DRS will forward these to the SILC.
- c) Service descriptions have been updated. I and R is the only service that can be billed for a non-IL consumer. As of 2015, I and R service is limited to 15 minutes. Travel time must be documented, and it cannot exceed 15 minutes over MapQuest generated time. Case documentation must reflect the amount of time billed for service delivery.
- d) The rate will increase 3% per unit.
- e) Group activities need to be pro-rated out for billing purposes.

INDEPENDENT LIVING FUND SOURCES SFY 2015 – Bernie had sent out a one-page chart showing this information. RSA funds the three CILs directly with \$839,761 in Part C funds for the provision of IL services and operation of their centers. DRS receives \$303,951 in federal Part B funds, and these are matched with state funds (10%). DRS contracts with the CILs a total \$302,192 in federal Part B funds and state match, \$305,000 in SSA Reimbursement funds, and \$53,793 of extra state funds. DRS funds SILC support – staff and activities – with a combination of federal Part B funds, state match and Title I vocational rehabilitation funds. HMAD FUNDING CHANGES – Ronda explained that in the

past, if there were funds remaining in this program at the end of the year, DRS amended the CILs' contracts to pay for HMAD equipment. This meant that people were put on a waiting list, and often did not benefit from the equipment when it became available. The process has been changed to where funds have been set aside in advance. CILs will now submit a request to Ronda for approval. Once the request is approved and equipment purchased and provided to the consumer, the CIL is reimbursed; thus the individuals no longer have to wait for needed equipment. VOCATIONAL REHABILITATION REPORT – Bernie invited SILC members to participate in the Fall Conference. He reported the last BVR meeting was in June and some key agenda items were: Director's Report, Employment Works Initiative, Appeals process/hearings, State Plan submission and Council updates. Their next meeting is scheduled in Pierre on September 11<sup>th</sup> and 12<sup>th</sup>. DRS has issued a contract to Epicosity for a marketing campaign. They will be issuing contracts to the Sioux Falls Business Research Network and the Workforce Diversity Network of the Black Hills for employer led initiatives. DRS has also hired Kim Hoberg as the Business Specialist identified in the Governor's task force report, and she will be working out of Aberdeen. ASSISTIVE DAILY LIVING SERVICES – Ronda had provided a written report for an earlier mailing. She highlighted that a total of 44 cases were reviewed on-site at all 3 provider agencies. The reviewers were the ADLS Waiver Manager – Ronda – and a DHS Budget and Finance staff person. Overall the results were positive. Future annual reviews are going to be moved to the Fall of each year. Provider training was held in July, and it was well received; plans are to hold such training on an annual basis. DHS UPDATES – Bernie shared that the department has a new Facebook site for those interested in social media. He also referenced information sent out earlier on public forums focusing on Autism services and the administrative rules hearing held yesterday relating to changes resulting from HB 1166 becoming law. Margot thanked Bernie and Ronda for their reports. Due to the time, a break was taken for lunch.

The meeting reconvened at approximately 12:30 PM.

**DIVISION OF SERVICE TO THE BLIND AND VISUALLY IMPAIRED (SBVI) REPORT:** Sandy Neyhart provided this report. OLDER BLIND INDEPENDENT LIVING SERVICES – Sandy shared some history and updates on the CCTV Lease/Loan Program. They have ordered 47 additional 24" HD CCTVs. Currently the program has 212 units in its inventory; of those 74 are leased to individuals and 102 are on loan. Older units have been provided to nursing homes, assisted living facilities, municipal libraries and senior centers statewide

as a service to the wider community. Sandy reported that five iPads have been ordered for their rehabilitation teachers and rehabilitation counselors. The intent is for staff to become familiar with these devices, since routinely they find themselves serving individuals who are utilizing this technology. The Division feels that their staff being familiar with the technology and apps will enable them to be of greater assistance to consumers. Sandy then reported on the assistive technology training for people with low vision which is being provided at the South Dakota Rehabilitation Center for the Blind by JoMarie Laughlin. They held training in May, June and August. JoMarie will be presenting on September 20<sup>th</sup> at SDAB's state convention on the accessible features of the iPad. Instruction on Apple 'i' products is expected to continue for the October 25<sup>th</sup> class due to high interest and demand. The November 15<sup>th</sup> class will cover how to use Zoom Test screen magnification software. BOARD OF SERVICE TO THE BLIND AND VISUALLY IMPAIRED – Sandy reported that Julie Briggs has been re-appointed to a second term. They are awaiting word on re-appointment of Bruce Micheel and appointment of Tim Neyhart. Their next meeting will be September 18<sup>th</sup> at the Holiday Inn City Centre in Sioux Falls.

**AT AND PEOPLE WITH MENTAL DISABILITIES:** Shelly introduced Jarod Giger, Asst. Professor at the Department of Social Work with the University of South Dakota. Jarod brings both professional and personal perspectives to this topic, and he expanded it to include informal caregivers. Jarod's presentation (see attached) began with basic information relating to the nature and occurrence rate of serious mental illness (SMI). He also spoke of how it functionally impacts a person's ability to perform basic activities of daily living (ADLs) and instrumental activities of daily living (IADLs). He went on to address the potential use of technology in mental health care in order to improve access and coordination of such care, as well as facilitate recovery and support people in attaining their greatest level of self-care, employment, interpersonal relationships and community integration and participation in the least restrictive environment. Jarod also addressed the impact that people's attitude towards AT will have on the usage of AT e.g., if a person sees it as useful and easy to use, they are more likely use it. A period of questions followed, and Jarod offered to provide follow-up on an individual or group basis if so desired. Margot thanked Jarod for his time and presentation. The SILC took a short break at this time.

**WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) – REAUTHORIZATION OF THE REHABILITATION ACT:** Bernie and Shelly co-presented on this topic. Bernie started by referencing information received from

the U.S. Department of Education. He explained how the authority for the SILC and CILs are part of the Rehabilitation Act, and the Rehabilitation Act is one part of WIOA, previously known as WIA. This law was supposed to be reauthorized 10 years ago; it was just completed and signed by the President on July 22<sup>nd</sup> of this year. Different agencies and organizations have different versions or analysis of what reauthorization will mean e.g., U.S. Department of Education, National Council on Independent Living. What is known is: (a) Rehabilitation Services Administration (RSA) will continue to be under the U.S. Department of Education; (b) the RSA Commissioner will continue to be appointed by the President; (c) vocational rehabilitation counselor qualifications were lowered – can accept degrees in non-counseling fields; (d) increased emphasis on transition services for youth; (e) some changes to how Order of Selection is implemented; (f) some changes to performance indicators; (g) added section 511 identifying requirements that must be met with youth before they can be paid less than minimum wage; (h) repealed the following programs – in-service training, Migrant and Seasonal Farmworkers, Recreational Programs and Projects with Industries; (i) moved the Independent Living Program, which includes the CILs and SILC, and related funding to the U.S. Department of Health and Human Services, Administration of Community Living; and (j) moved the Assistive Technology Program and related funding to the U.S. Department of Health and Human Services, Administration of Community Living. Bernie concluded his comments by sharing that it is anticipated that it may take 2 – 3 years before regulations will be available to provide more concrete guidance on these changes. Shelly then spoke more specifically to Reauthorization as it relates to independent living. She referenced two documents – one from NCIL and the other from the U.S. Department of Health and Human Services, Administration of Community Living (ACL). Shelly affirmed that there is a lot of talk about what these changes will mean, and she cautioned that until regulations or more concrete guidance/training is available from oversight sources, it is important to consider what we hear and read carefully. The move to the ACL elevates the independent living program to being in a newly established Independent Living Administration (ILA), which advocates believe strengthens the focus and attention of the program. The ILA Director will be appointed by the Secretary of Health and Human Services, and they cannot have worked for RSA in the prior year. Some other key changes for independent living are: (a) the 'Designated State Unit' will be referred to as the "Designated State Entity (DSE)", and "states will determine the DSE..."; (b) the State Plan for Independent Living will now be signed by "(i) the chairperson of the SILC, acting on behalf of and at the direction of the Council; (ii) the director of the designated State entity described

in subsection (c); and (iii) not less than 51 percent of the directors of the centers for independent living in the State.”; (d) the SILC “may conduct resource development activities; (e) no more than 5% of Part B Funds can go to the DSE for the fiscal agent. And no more than 30% of Part B Funds can be used for the costs associated with the SILC; (f) there is a minimal increase authorized for Part B; and (g) Independent Living Services for Older Individuals Who are Blind remains with vocational rehabilitation and will now be called Older Blind Services. Shelly then pointed to the handout from ACL and encouraged people to go out to the website and see where IL will now be residing in order to get a ‘lay of the land’ of its new location within federal government. She stressed the importance of watching for training that the SILC can participate in to learn as much as possible as to what these changes will mean to how they have been functioning and how they will be functioning as a result of reauthorization. A SILC member asked about whether there would still be the ability to use SSA Reimbursement and vocational rehabilitation innovation and expansion funds to support IL activities, including SILC staff support. For the short term (next year to two years), the answer seems to be ‘yes’ – after that it depends on the regulations and guidance that will be forthcoming. Margot thanked Bernie and Shelly for the information. Consensus was that as soon as training opportunities are identified, they will be shared with SILC members so they can participate and learn more about the changes ahead.

**STATE PLAN FOR INDEPENDENT LIVING:** Bernie explained how the SILC had held public meetings in order to amend the SPIL, and then the SPIL amendment was submitted to RSA for review and approval. The amendment addresses what would happen if a Part C CIL in the state would relinquish their funds – a process for redistribution of those funds. The only “official word” received on the approval of the amendment is an email from Kimball Gray, RSA staff, to Ronda Williams, DRS staff, dated August 18, 2014 affirming that the amendments have been “approved to the SD SPIL.” Mr. Gray went on to say that “I’ll go ahead and approve the SPIL now. Nothing else needs to be done on your part.” To date, no further word has been received from RSA on SPIL approval.

**WORKGROUP UPDATES:** Margot asked for updates from each workgroup. The AT workgroup has concluded its presentations and will now be working on recommendations for the SILC to consider. The other workgroups had no updates at this time.

**SILC STAFF REPORT:** SILC BUDGET REPORT – This had been mailed out prior to the meeting. No questions were raised at this time. REGIONAL SILC CALLS UPDATES – Shelly reported that the recent calls she has been a part of have focused on reauthorization and speculation as to what it means. Ronda was on the last call, and she confirmed that was the primary topic of that call. RFP FOR STAFF SUPPORT – Shelly reported that the Division of Rehabilitation Services will be issuing a request for proposal to provide staff support to the SILC and BVR early in the New Year.

**OTHER BUSINESS:** STATUS OF SILC APPOINTMENTS – Appointments and re-appointments have been made except for the completion of Monte’s due to an incorrect address used to send his paperwork. Monte reported that he has received and returned his paperwork to the Governor’s office; thus we expect his re-appointment will be completed very soon. ILC REPORT ON USE OF STRATEGIC PLANNING FUNDS – This report was sent out prior to the meeting. Consensus was that the funds were used as proposed and effectively. A question was asked if ILC gets releases for the photos, since once they were shared with the SILC in the report, they became part of the public record. Staff agreed to contact Matt, ask this question and report back to the SILC. COALITION LETTER OF MAY 19<sup>TH</sup> – Margot declared a ‘conflict of interest’ and asked Dave, as Vice Chair, to take over the meeting. Dave explained that the letter was sent to all of the Coalition’s organizational members, and the SILC is one of those members. Bernie expressed that he felt the SILC could not provide financial support in response to the letter for two reasons: (1) it appears to be in support of operational costs, and the SILC declined an earlier request from a CIL for operational costs; it would seem to go against a precedence already set by the SILC in an earlier decision; and (2) uncertain that what the Coalition does fits anywhere under the services within the State Plan for Independent Living. Dave agreed that the 1<sup>st</sup> point is a valid one, and for that reason he cannot support providing funds in response to the letter. He disagreed with the second point, indicating that the Coalition’s involvement and activities statewide are truly systems advocacy and when you read the SPIL, the activities reflected on behalf of the SILC would not be as comprehensive if not for the Coalition’s activity. Bernie reaffirmed his points. Dave asked for other input. One SILC member asked if the SILC is paying enough for staff support provided by the Coalition. Shelly asked to step out of role, and she was granted that ability. As Coalition ED, she indicated that she feels the annual negotiations have been fair. This agreement has been on a budget basis, and we are hoping to move it to a fee for service basis. We also are pondering how we more fully involve the SILC and

BVR in this process since even though the agreement is between DRS and the Coalition, the services provided under it are for the SILC and BVR. Another SILC member asked Shelly if her board had considered seeking additional financial support from its individual members or by increasing their membership dues. She indicated that they have not, and he requested, as a Coalition member, that she bring these ideas forward to that board. Shelly agreed to do so, and then she then asked to step back into her role as SILC staff. Dave asked for any further comments or actions; seeing none, he handed the gavel back over to Margot.

**CLOSING ACTIONS:** FUTURE AGENDA ITEMS – Margot asked for any items for the next meeting’s agenda. Bernie recommended having a presentation on the Karen community in Huron and the challenges faced in serving them. Steve recommended having an update on the Agribility Project application. SCHEDULING OF NEXT MEETING – Margot suggested December 3<sup>rd</sup> as the date for the next meeting – location in Pierre/Ft. Pierre. Consensus was that this date will work. Staff will work on arrangements, and they will confirm the date and location as soon as arrangements have been made. ADJOURNMENT – Margot thanked everyone for being present and participating. She wished all safe travels and then called for a motion to adjourn – **MOTION TO ADJOURN – MS.** Meeting adjourned at approximately 3:30 PM.