

Statewide Independent Living Council (SILC)
MINUTES
March 19, 2015
AmericInn, Ft. Pierre

MEMBERS PRESENT: Dave Miller, Tammy Kabris, Sarah Rush, Vona Johnson, Sandy Neyhart, Clarke Christianson, Matt Cain, Isabel Trobaugh, Katie McOwen, Monte Tschetter, Margot Burton, Bernie Grimme, Dave Scherer, Steve Stewart and Gillian Plenty Chief **MEMBERS ABSENT:** Shelly Schock and Craig Eschenbaum. **OTHERS PRESENT:** Gaye Mattke, DSBVI (Division of Service to the Blind and Visually Impaired); Shelly Pfaff, SILC Staff; Julie Paluch and Rachel Hatle, Interpreters; and Francine McOwen.

OPENING ACTIONS: WELCOME & INTRODUCTIONS – Dave (Miller), Chairperson, called the meeting to order at 8:35, welcomed everyone and invited all in attendance to introduce themselves. APPROVAL OF AGENDA – Dave 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 December minutes; Dave called for changes/additions; hearing none, **MOTION TO APPROVE THE DECEMBER 2014 MINUTES – MSC.** Dave then called for action relating to the March 2015 Executive Committee minute. Bernie provided a brief explanation for Ronda’s presence at this meeting; he reaffirmed that at future Executive Committee meetings, he would be representing DRS (Division of Rehabilitation Services) and DSBVI. **MOTION TO APPROVE MARCH 2015 EXECUTIVE COMMITTEE MINUTES AS PRINTED – MSC.**

PUBLIC COMMENT: Dave called for any public comments. Isabel spoke to recent issues she and her family has been having in relation to the denial of insurance coverage for prescriptions, which they’ve been covering for many years, and the loss of physicians without notice. In terms of the medications, she has learned that you can appeal and win. You need to keep documentation and fight. In terms of doctors leaving without notice, this is a more difficult problem. Dave asked other SILC members if they are having similar experiences or if CILs (centers for independent living) are hearing of similar experiences from consumers. Margot confirmed that she has had a similar experience. Matt indicated that it is not necessarily a new problem for some of those they serve.

Dave suggested that access to healthcare may be an issue the SILC will want to consider in the new SPIL (State Plan for Independent Living), as it is not something they have taken on recently. Hearing no other public comments, the public comment period drew to a close.

DIVISION OF REHABILITATION SERVICES (DRS) REPORT: Dave indicated that DRS Director Weiss had been invited but was unable to attend due to schedule conflicts. Bernie took the lead on this report, first turning to Steve to have him address the Department of Human Services (DHS) Americans with Disabilities Act (ADA) Self-Evaluation Initiative. DHS ADA SELF-EVALUATION – Steve explained how this initiative is resulting from the Governor’s Employment Works Initiative Task Force. DHS is working with Meeting the Challenge to complete a self-evaluation, and part of that process will be gathering public input. Meeting the Challenge will be working with the SD (South Dakota) Coalition of Citizens with Disabilities to facilitate the public input. The current plan is to host a DDN (Dakota Digital Network) opportunity with various sites statewide for input, with facilitated conversation at each site; use of website (Facebook, listservs) to seek input on the DHS ADA policies; and contacting persons with disabilities, family members and consumer organizations seeking their completion of a survey to provide input on access to DHS programs and services. Steve invited the SILC to provide any other ideas for public input, indicating they would be seeking the same from the Board of VR (Vocational Rehabilitation) and the Board of SBVI next week. Dave asked if SILC members would be receiving the survey, and Steve said they would be included in the outreach for the survey. CONSUMER SATISFACTION SURVEY REPORT – Bernie provided some background on this report (mailed out), highlighted a few items and explained that the comments are only for the last quarter. HOME MODIFICATIONS AND ADAPTIVE DEVICES REPORT (mailed out) – An explanation was given that these funds are often used for things such as door widening, shower chairs, reachers, lowering counters and there is a \$5,000 limit per consumer; a question was asked about the final column. Bernie will check into it and report back. IL (Independent Living) SERVICES REPORT (mailed out) – Bernie highlighted portions of this report, and he reported that “other funds” are also used in support of the provision of these services e.g., Part C. INDEPENDENT LIVING FUND SOURCES – Bernie handed out this report (see attached). He had shared some of this information on a different occasion. At this time he added some additional notes relating to total CIL Awards, items funded by Part C funds, and a few comments of how CILs identify some expenditures under differently budget categories. A question was asked if HMAD

(Home Modifications Assistive Devices) funds were reflected in this information, and Bernie indicated that they are not. SSA (Social Security Administration) reimbursement and state funds are reflected in the amounts on this handout. 704 DATA SUMMARY – Bernie reviewed the contents of this summary (mailed out). He noted some variances between CILs e.g., use of IL Plans vs. waivers. An observation was also made by a SILC member that these numbers do not include the consumers receiving IL services via the Division of SBVI or via services for people who are Deaf and/or hard of hearing – thus noting that more is being done than reflected in these numbers. Bernie indicated that the total number of consumers served has gone down a significant number and most of this decrease was with Independent Living Choices (ILC). Matt provided an explanation for ILC’s drop in number of consumers served e.g., different approach to provision of emergency dialers; retirement of two long-term staff. IL CONSUMERS SERVED BY COUNTY – Bernie referenced two reports (mailed out) – one listing all counties, populations, percentage of population served; the other a map showing the 10 counties with the lowest number/percentage of people being served by IL services. Dave asked if they could provide this same information over a four year period, as it would be helpful in determining if there is a trend in the provision of services. Bernie said they would work to provide this information. Dave also commented that a positive in the data is that consumers in the “home counties” of the CILs do not appear to be any more likely to be served than consumers in outlying counties. Bernie concluded by inviting the SILC to let the Division know of other data they would like, and staff will work to provide it to them. CIL QUARTERLY REPORTS - Bernie referenced these reports (mailed out). Some discussion followed that there may be a need to provide some additional training or instructions in how to complete portions of the report e.g., outreach to minorities – be more specific; computation portions; generally commented that this is a much better report than used in the past – better aligned with the SILC’s needs and the SPIL. CIL REVIEWS – Bernie shared that part of the DSU’s responsibilities are to monitor contract compliance. They complete annual reviews of CILs, and the team is typically comprised of Ronda Williams, Bernie and one of the DHS fiscal staff. They review a sample of case service reports, three months of billings, three months of payroll, a sample of case files and other reports. Once a draft report has been issued, a CIL has two weeks to respond. Once the CIL responds, a final report is issued. **WRIL (Western Resources for Independent Living)** – This review was completed on February 3 & 4 and a draft report has been issued. Noted positive work done via the use of Federal Home Loan program funds for home modifications; some staff doing excellent case work; majority of cases have an IL Plan rather than a

waiver. In relation to the provision of transition services, WRIL needs to be better able to assess the students IL needs; unsure how utilizing the Adult Day Services program as a 'training' site fits for these students; also did not see these services being coordinated with the school and the student's IEP process. Found some issues related to billing e.g., duplicate billings to DDD (Division of Developmental Disabilities) and DRS for same services; billing families for IL services when the State Plan does not allow billing individuals for services, duplicate billings with IL and Department of Social Services (DSS) Adult Day Care and VA (Veterans Administration) and private pay for Adult Day Care. Because some of these situations involve Medicaid funded agencies, the Department of Human Services is required to report these issues to Medicaid Fraud Department. In addition, Medicaid Fraud, DHS and DSS is now involved in a comprehensive review of billings from November 2012, when the Adult Day Care started. Question for the SILC to consider is if Adult Day Services fits the independent living picture – it is a respite service for families to allow them to go to work or attend functions. The service does not promote independent living for the individuals... WRIL also is assisting individuals to get on benefits and then takes a % of their back payment – the question that arises is if this fits with the SPIL (State Plan for Independent Living)? **ILC** – This review was completed February 24 & 25, and DRS staff is working on the draft report. Peer support is a very strong service/program at ILC; also have additional fund sources going towards the provision of HMAD services. One question raised from review is how long should IL services continue e.g., peer support? If peer support is main service being received long term, does a case remain open? One question raised of the potential of duplicate billing of services from DRS IL and VR funds. These amounts paid by the VR program will be adjusted from the IL billings. ILC can diversify their funding, but if IL funds are used for the positions providing the service, the CIL needs to track this income and reuse it back in the IL program. **NAAP (Native American Advocacy Project)** – This review has not been scheduled yet. Bernie reminded the SILC that the initial contract was for six months due to findings last year. At the conclusion of that timeframe, progress had been made towards addressing those findings, so another six month contract was put into place. It was reported that someone has been hired to provide IL services on the Standing Rock and Cheyenne River Nations (and possibly Sisseton Wahpeton Nation). Bernie shared that DRS has been meeting regularly with the Tribal VR Programs, and Marla Bull Bear is going to be invited to participate in these meetings. SILC leadership stressed that it is not acceptable to have Native people continue to be underserved, and the SILC needs to be sure that this gets addressed in a timely and effective way. BOARD

OF VOCATIONAL REHABILITATION (BVR) – Bernie reported that the Board was scheduled to meet December 15 & 16, but due to weather, that meeting was postponed. It was held via DDN on January 6th, and he highlighted some of the agenda items. Their next meeting is scheduled for next week – March 26 & 27 – in Sioux Falls. He shared that they will be having new member orientation at this meeting. He also indicated that the Board will need a SILC representative as Matt Cain’s term is expiring.

DIVISION OF SERVICE TO THE BLIND AND VISUALLY IMPAIRED REPORT: Dave welcomed SBVI Director Gaye Mattke to the meeting and invited her to share her comments. **DIRECTOR’S COMMENTS** – Gaye began by speaking to the nominations process for the BSBVI, BVR and SILC and her appreciation for the collaboration on this process. She shared the names of individuals who will be leaving their board, as well as perspective individuals who may fill the vacated positions, if appointed by the Governor. She also indicated that they, too, will have need for a SILC representative on their board. Until such time that a SILC representative is appointed, all agreed that Sandy Neyhart, acting as a liaison between the Board of SBVI and SILC is an excellent way to proceed. Sandy agreed to continue doing so. Gaye reported that Amy Chapelle, who has been running the coffee shop at the Kneip Building and vending machines in the Capitol complex for many, many years, is retiring. She will be training the new vendor for a while, who just moved to Pierre in the past month. Gaye continued by sharing information about their plans for public meetings. SBVI has scheduled a DDN public meeting from 4 – 6 pm (CDT) on April 30th; a face-to-face public meeting in conjunction with NFB SD in Rapid City on May 1st; and a face-to-face gathering on the Sinte Gleska University Campus on April 28th from 11 a.m. to 2 p.m. Gaye invited the SILC to join them for the event at Sinte Gleska. She then reported that the Board of SBVI is meeting March 27th in Pierre. Her final comments were some reflections on the Special Olympics State Basketball Tournament in Pierre last weekend, and the support provided by DHS personnel and other community members, as well as acknowledging that the tournament broke last year’s record for number of teams participating. **PUBLIC MEETINGS** – At this point, Sandy took over the reporting and continued with further details on the public meeting scheduled at Sinte Gleska University. Her key contact has been Burdette Clifford, and if the SILC wishes to participate she asked that they contact her so table space can be reserved for them. An alternate date for the meeting is April 29th in the event of inclement weather or other need for cancellation. She also handed out a flyer for the event (see attached). **ACTIVITIES/INITIATIVES/ TRAININGS** – Sandy reported that they will

be holding training for 21 of their staff on diabetic management and low vision. She also provided an update on the training provided related to AT (assistive technology) via staff at the SD Rehabilitation Center for the Blind - monthly on the 1st Friday of the month and call-in opportunities; they see this training continuing for the time being. Sandy also spoke of the AT Access Project, a collaboration with DakotaLink staff, which assists people accessing built-in accessibility options on their computer, smartphone, tablet type devices; 32 people were referred and 21 have finalized the training. Sandy reported that SBVI has done extensive outreach in relation to the TAD (Telecommunications Adaptive Devices) program changes, with nine of their staff participating in training provided on the program changes. A total of six new applications from people with blindness/visual impairments were received for the TAD program – three have received devices and 3 applications are still pending. Dave commended SBVI for branching out with the use of smartphones as an IL aid/device for people with blindness and visual impairments. OLDER BLIND IL UPDATE – Sandy shared that the CCTV (closed circuit tv) program is moving towards being called the Electronic Video Magnification Program; she reported on the number of units leased (78) and loaned (25) also explaining the difference between the two approaches. Sandy reported that the number being served under the Older Blind IL program is on target to be similar to the number in 2014. She shared that staff has been contacted to provide training to staff of agencies e.g., Good Samaritan Society who work with individuals who have limited vision. A question was asked if SBVI has considered offering on a pilot basis handheld magnification devices to see how they might impact persons with vision loss living independently – possibly on a loaner basis. Gaye indicated that looking at new areas on a pilot basis is always worth considering as a way to explore new avenues of meeting consumer needs within limited resources.

SILC STAFF REPORT: BUDGET REPORT (mailed out) – Shelly explained a couple of categories and reasons for expenditure levels. Hearing no questions, she moved on with other items. NOMINATIONS PROCESS (mailed out) – She provided an update on the process e.g., number of nominations received; deadline for receipt of nominations and encouraged submission of nominations. 2015 CIL STAFF TRAINING (see attached) – Shelly handed out the draft agenda for the training, as well as provided some explanation of the reasons for the topics included on the agenda. Registration information will be going out soon, including the ability for others to register and reference to the registration fees set by the SILC at their last meeting. 2015 YLF (Youth Leadership Forum) REQUEST FOR STRATEGIC PLANNING FUNDS (mailed out) – Shelly referenced

information sent out and provided historical perspective of the SILC providing financial support in previous years. **MOTION TO PROVIDE \$2,000 OF STRATEGIC PLANNING FUNDS IN SUPPORT OF THE 2015 YLF EVENT – MS.** Comments were made that this is a very valuable venture and support is definitely a good use of these funds in support of SPIL goals relating to transition age youth. **MC.** BHSSC (Black Hills Special Services Coop) REQUEST FOR LETTER OF SUPPORT FOR WIPA GRANT APPLICATION (mailed out) – Shelly directed people to the WIPA brochure, indicating that this request is for a letter of support for this program. **MOTION TO PROVIDE A LETTER OF SUPPORT TO BHSSC APPLICATION FOR THE WIPA GRANT – MSC.**

At this time the meeting broke for lunch. The meeting reconvened at 12:30.

MONEY FOLLOWS THE PERSON (MFP) UPDATE: Sara Spisak, SD MFP Program Coordinator with DSS, was introduced at this time and provided this update. She handed out three pieces of information (see attached) – (1) SD MFP brochure; (2) MFP Fact Sheet; and (3) MFP Demonstration Services. Sara reviewed some basic eligibility information and then reported that their goal in the first year was to transition 11 individuals, and in the six months that the program was implemented during that year, they transitioned 10 individuals. The goal for year 2 is 20 and as of the first quarter they have transitioned seven. She reported that people’s ages have ranged from 19 to 93; they have been transitioned from nursing facilities, SD Developmental Center. The most used service has been transition services; a few have made use of transportation services; a couple have made use of behavior crisis intervention services. The provision of services is expected to continue through 2018 with the wrap-up of expenditures, data collection and reporting by 2020. A question was asked of the 10 transitioned last year, how many continue to be successful, and Sara reported that 8 continue to be so. Dave thanked Sara for her report, and she offered to provide an update at any time in the future.

2015 SILC CONGRESS: Dave shared that he, Ronda and Shelly all participated in this event. Some key observations were that with WIOA (Workforce Improvement Opportunity Act) the DSE (Designated State Entity) can be selected and in some states that appear to not have a positive relationship with their current state agency; they are looking forward to selecting a new DSE. It was estimated that about 1/3 of the states have a very good relationship with their DSE, another 1/3 have an OK relationship and the remainder have a very tense relationship. Other changes resulting from WIOA is that the SILC

potentially has an expanded role in the area of advocacy; the SILC Chair, majority of CILs and the DSE all sign off on the SPIL; and the SILC has the authority to develop its own resources e.g., pursue grants, raise funds. It was also noted that some SILCs move their meetings around the state, targeting communities where CILs home bases are located. There is also some work being done on drafting of standards and indicators for SILCs. Additional points shared were that ACL (Administration for Community Living) staff said that they are moving forward with the law even if regulations are not in place yet. Department of Health and Human Services regulations traditionally are more concise than Department of Education regulations. ILA (Independent Living Administration) is under the Center for Policy and Evaluation within ACL. Dave recommends that a SILC member attend the SILC Congress annually. Shelly shared that next year it will be held in Phoenix, AZ.

MOVING FORWARD WITH REAUTHORIZATION/STATE PLAN: The next SPIL will be due July 2016, and it will be for FFY17 – 19, so it is not too soon to begin working on gathering input into its development. Dave suggested the SILC needs to reach out to the CILs and see how they would like to be engaged in the SPIL process. Consensus was that the SILC Chair should contact the CIL directors about this and invite their participation. It was suggested that the June or September meeting would not be too soon to meet with CIL directors. Dave will be in touch with them on this topic. Bernie asked that Reauthorization/State Plan be a standing agenda item for upcoming SILC meetings.

BYLAWS REVIEW COMMITTEE REPORT: Dave asked Shelly to provide an overview of the proposed changes since the SILC cannot act on proposed changes until their next meeting. Shelly explained that Margot, Sarah, Ronda and she were on the committee. Shelly drafted changes; they were then reviewed and edited by Ronda and Bernie. Once their changes were incorporated, they were sent to Margot and Sarah for their input. She highlights major changes and the rationale behind them. The SILC asked that the election of officers be noted to take place at the 1st meeting of the calendar year. Shelly was directed to send out a copy of the bylaws without the overstrikes and underlines so they are easier to read. SILC members were asked to submit to Shelly any edits they'd like to see made to this draft document. Bernie stated that DHS legal staff have been contacted for technical assistance if NAAP would meet the requirement of the new language in the act. The plan will be to act on bylaw revisions at the next meeting.

WORKGROUP UPDATES: HOUSING – Vona provided this update. They met very informally and reviewed a 2010 survey identifying impediments to Fair Housing. She spoke to the absence of a Fair Housing agency in South Dakota, and its impact in our state. She identified some of the housing issues being raised and referenced a Housing Tenant Liaison from Sioux Falls. Vona also shared information about upcoming training in Rapid City, Pierre and Sioux Falls on Fair Housing. Finally, Vona announced that DSS/DHS/CSP of SD (Community Support Providers of SD)/ SDHDA (SD Housing Development Authority) worked together on a grant application for an 811 Grant, and it has been funded. It will provide \$3 million over 5 years. There was some dialogue on the impact of availability of transit services has on housing options both in larger and smaller communities. OUTREACH/PUBLIC AWARENESS – Sandy referenced the notes of their last meeting (mailed out), and indicated they were seeking direction from the SILC on how to move forward. **MOTION TO HAVE THE OUTREACH/PUBLIC AWARENESS WORKGROUP SOLICIT NOMINATIONS FOR AN IL CHAMPION FROM EASTERN, WESTERN AND CENTRAL SOUTH DAKOTA AND BRING THOSE TO THE SILC – MSC.** At this time the Project Director for SD ASPIRE joined the meeting, so the remaining workgroup reports were delayed until after the SD ASPIRE presentation was completed.

SOUTH DAKOTA ASPIRE: Mary Livermont, Project Director, spoke briefly about the inception, purpose and design of this project, and then showed a video promoting it. She also handed out three pieces of related information – (1) ASPIRE brochure; ASPIRE fact sheet; and ASPIRE Powerpoint presentation (see attached). It is exploring how to best support youth on SSI and their families in facing challenges they encounter due to reliance on SSI. Mary explained that the goal is for SD to enroll 120 individuals in the project (SD ASPIRE is a research project), and presently 64 individuals have been enrolled – half in the control group and half in the test group. The control group receives the “usual services” whereas the test group receives the “usual services” and “ASPIRE Services”. They are working closely on four of the Native Nations – Standing Rock, Oglala (Pine Ridge), Crow Creek and Wahpeton/Sisseton. This project is due to conclude in 2018.

WORKGROUP UPDATES (CONTINUED): ASSISTIVE TECHNOLOGY – Dave directed the SILC members to the draft document he developed (mailed out), and he expressed that he believes this is the kind of work the SILC needs to be doing to impact the needs of people. He asked other workgroup members for their thoughts on the document, since they received it at the same time that

other SILC members received it. Comments were that the document does not include some information they thought would be included; others felt it contained more information than had been talked about during their meetings. Consensus was SILC members will review the document and provide SILC Staff and the AT workgroup with any edits by April 19th. Then the AT Workgroup will schedule a time to meet and consider those edits, as well as edits they would like incorporated, and the workgroup will bring a revised document to the SILC at their next meeting. A question was asked about what would happen to this document once it was completed; it was suggested that it would be sent to the Secretary of DHS, Governor and others who might be appropriate e.g., Secretary of DSS. Consensus was that action on this would be completed by the next meeting. CONSUMER SERVICES – Margot spoke to the difficulties in locating examples of ILS (independent living specialist) job descriptions for the development of core competencies. Conversation led to the ability to come up with a list of 5 to 7 core competencies e.g., ethics, confidentiality; Bernie said he might have some examples of documents that could be used as a starting point. In addition, it was agreed that this workgroup could begin looking at several items raised during the CIL reviews that call for further dialogue on the part of the SILC e.g., charging for services; use of waivers vs. ILPs (independent living plan). Bernie will take a leadership role with this workgroup since Margot is due to term off the SILC once new appointments are received from the Governor's office.

OTHER BUSINESS: Dave asked if there were any other business. Staff was asked to send out a current list of workgroups and their respective memberships. Dave asked people to review that list and let staff know if they wish to remain on their workgroup or move to a different one.

CLOSING ACTIONS: FUTURE AGENDA ITEMS – It was agreed that the SILC will not seek presentations from outside due to the work that is going to be needed resulting from reauthorization and SPIL development. SCHEDULING OF NEXT MEETING – It was agreed that the next meeting will be held during the week of June 15th in Sioux Falls. SILC Staff will work with Matt to see if ILC can provide meeting space, and once a date has been determined, lodging and other arrangements will be completed as appropriate. ADJOURNMENT – **MOTION TO ADJOURN – MSC.** Meeting adjourned at approximately 3:30 p.m.