

**Family Support Council Meeting**  
**March 10 and 11th, 2023**  
**Zoom Meeting**  
**Meeting Minutes**

Members present: Amber Finnesand, Christine Kenser, Pat Norin, Brittany Norin, Jennifer Walker, Janet Whiting, Peggy Waltner, Michelle Powers, Diane Baumiller – joined late.

Members absent: Joanne Hairy Shirt, Bridget Leiseth, Krista Johnson, Krista Bau

Members of the Public: Marlys Feist, Jessica Lang, MaryKay Budmayr, Monica Konechne

DHS Staff: Jaze Sollars, Kade Anderson, Joey Younie, Jenna Howell, Shawnie Rechtenbaugh

**I. Call to Order and Roll Call**

Amber called the meeting to order at 6:04 pm MST.

**II. Approval of Agenda**

Discussion was had on agenda formats and rolling agendas. Michelle made a motion to amend the agenda and Tina seconded. ARPA funds to Division of Developmental Disabilities (DDD) update adding to upcoming DDD meeting. Motion passes with a voice vote. Pat made a motion to approve agenda as amended and Peggy seconded. Motion passes with a voice vote.

**III. Approval of Minutes**

Make correction to date and location. Make correction to Dianne to Diane. Michelle made a motion to approve as amended and Jen seconded. Motion passes with a voice vote.

**IV. Opening Round**

Discussion was had on what people appreciate about Family Support 360.

Diane joined the meeting.

**V. DD Council Update**

March is Disability Awareness Month. The council is working on an assessment of services for individuals with ID/DD and mental health challenges. First big meeting will be on April 13<sup>th</sup>.

Working with Unseen to do a documentary. Virtual screenings in mid-April and one screening in Sioux Falls for Partners in Policy Making.

Special Olympics Basketball will be March 25<sup>th</sup> and 26<sup>th</sup>. It will be in Sioux Falls at the Pentagon.

Disability Day at the Capitol was February 22<sup>nd</sup> and only 6 organizations were there due to weather. 35 legislators stopped down to speak to people there.

The date for next year, February 28<sup>th</sup>, will be Disability Day at the Capitol.

What is the best the thing the council has done this year and where are you going next?

Offering Partners in Policy Making is one of the best things the council does. Small number of people but it has a big impact. On Year 31 of Partners in Policy Making. During this fiscal year we were trying to focus on the assessment of services. Next year there will be more activities focused around mental health.

## **VI. DDD Updates**

**A. Grievances and Appeals** – DDD had 2 appeals since the last meeting, one was for Specialized Medical Equipment and Supplies and was for non-waiver training and education. The decision was upheld. DDD has had no fair hearings related to Family Support.

**B. SMART Data** – SMART is an online reporting system that DD uses. It has performance measures that they use to conduct monthly SMART file reviews. SMART is broken down into health and wellness and service plan categories. For health and wellness, the only category falling below 86% is ANE reporting. For the service plan, there are no areas falling below 86%. The lowest area is Individualized Service Plan (ISP) monitoring at 91%.

**C. Open Council Positions** – We do not have any new members appointed to the council. Still have two open positions. Have 6 members up for reappointment in June. Jaze will reach out to council members up for reappointment next week individually. Pat is at the end of her second term and so is Diane.

**D. Financial Assistance Guidelines** – DDD has been clarifying with coordinators the caps are soft caps. There is a process to exceed the caps. The family support coordinator would submit that paperwork to exceed the caps. There are hard caps on the recreational category at \$1,000 and Specialized therapies is \$1,500. DDD will be undertaking a review of the financial assistance guidelines with DSS and the Family Support Workgroup. DDD is working to increase some of these caps. The cap around companion care is one area of focus, more people are hitting the upper limit due to wages and due to inflation so DDD is looking to try and get that increased.

What percent of families ask for that increase to the soft cap? DDD did look at the data. Is is a very small percentage. Would families know that they can increase the soft cap? One of the requests DDD received from coordinators is a one pager on some information for families which would include the 1500 process. On DSS's website. The families can get a copy of the guidelines from their family support coordinator.

On number 9, the following guidelines are defined for allowable and non-allowable items. Are these updated annually? There are some rates that change annually. Family Support Waiver and ARSD both DD ARSD and DSS ARSD are applied. If there was a significant change we would talk about it with the coordinators in the monthly meeting.

Where are the financial assistance guidelines posted on DD's website? It is under Resources and then Family Support 360.

On buying equipment. If we have a denial from primary insurance and a Medicaid denial. Do we have to use the closest DME? You would not have to use the closest.

**E. RFP for CM System** – DDD has no update on who has been awarded that RFP. DDD is still in contract negotiations so we cannot disclose any information.

**F. Common Law Option** – DDD is very close to executing a contract with a fiscal management provider to provide the common law option. It should function similarly to the current AWC by functionality. The participant or designated representative would serve as the employer of record. The fiscal management services (fms) provider will provide more documentation. DDD

has some families that have expressed interest and want to work with this vendor. The application and the fms's system has a lot of the forms already completed. Does cover workers compensation insurance. The potential insurance option and shared living providers. When are the families hoping to go live? Depends on when the contract is executed. DDD is hoping for April 1<sup>st</sup>. The reason DDD is calling it a pilot is because it is a smaller first step into the common law service.

**G. Front Door to Supports** – DDD had the IT vendor who has a contract with our Intake system and do a live demonstration. It will be a portal and families can submit applications directly online to the Division of Developmental Disabilities, there will tracking features and be able to see which staff is working on their application. It should be a seamless process. There is also an option to submit just inquiries. DDD is also working on setting up a call center at DD. DDD will have the availability to have a chat bot and send text updates. The planned start date is June of 2023 but that is tied to the CHOICES waiver renewal. This is a tentative date.

South Dakota does allow school evaluations for eligibility. We have asked schools to provide clearer diagnosis criteria.

**H. ARPA** – One time funding for HHCBS services. There were two uses to target direct work force and equipment and supplies. All community support providers applied for and received ARPA funds. Since that time we are wondering if individuals have received funds? Providers are starting to give funds for that workforce focus. The providers have another year to use all of that funding.

**I. Specialized Therapies** – The council drove this service definition which includes Art Therapy, Hippotherapy, and therapeutic horseback riding. We are working with DSS on the backside to get these approved. That waiver limit for this service is a hard cap. This is a waiver service but when the service was designed it outlined in the waiver language of the Family Support 360 waiver. The cap for recreational funds is a general funded category and that is why it is a hard cap.

Jaze will follow up with DSS and OTs that are out of network.

Can this limit be increased? It would have to be done through a waiver amendment or a waiver renewal. The division will monitor the usage of this category to see if it is fully being utilized.

## **VII. Public Comment**

Monica Konechne – family support coordinator advised she always gives a copy of the financial assistance guidelines to families.

Marlys Feist – From years ago was a part of Family Support. Just wanted an update on how things were going with Family Support.

## **VIII. DDD Updates cont.**

**J. Per Diem** – Historically a stipend was provided. We were advised we needed to follow the State's guidance. The state reimburses for time spent going between the council meetings. The State will continue to cover meals at the standard state rates and housing. There is some processing time involved with that process. \$6 for breakfast \$14 for lunch and \$20 for dinner. Actual time left and then no lunch related to family support. Can put actual time but just note if there is time that is not related to family support.

Went on recess at 8pm MST with plan to return at 830am MST. Returned from recess at 8:36am MST.

Roll Call – Amber Finnesand, Janet Whiting, Diane Baumiller, Pat Norin, Brittany Norin, Jennifer Walker, Peggy Waltner, Michelle Powers, Christine Kenser

Absent – Krista Johnson, Krista Bau, Bridget Leiseth, Joanne Hairy Shirt

**K. Council Vacancies** – Currently 2 openings and in June we will have 6 more openings. Jaze will reach out next week individually to see if council members are interested in serving another term.

**L. Upcoming DDD Meetings** – Overview on DD website – Upcoming events Family and Self-Advocate Conversations flyer which has dates and times of the meetings along with the point of contact who is Carrie Geppert and the topics that will be talked about. The QR code will take you directly to registration. 2023 DDD Stakeholder Schedule, high overview of the upcoming meetings. Specific provider meetings, council, Community of Practice and Employment First Alliance. On DDD's current website they can't really track traffic. Would like to see the website a little more family focused in the future. The new website is supposed to go live this Summer. How do screen writers do with tables. We will make sure that this is tested by individuals.

**M. Planning List** – Gave update on current planning list numbers. Gave overview of the regional participant map.

#### **IX. Legislative Update and LRC Website**

Jenna gave an overview of the LRC website. Senate Bill 177 was tabled but there is agreement to work on it. There were a couple of special appropriations bills. Both houses and governor have agreed to give providers. Senate Bill 177 was the bill from senator Kolbeck. Appropriation bill to do a study on DD services. There is an agreement to go forward with the study and legislature agreed to go forward with the study.

How do we make services more available to families? DDD will review the financial assistance guidelines with DSS. Generally, the goal is not to say no but DDD has a responsibility to monitor compliance. DDD is committed to reviewing those guidelines. DDD is exploring new services. Why are some things covered and then further down a timeline, things are removed? The guidelines provide additional clarity. Fences did not comply with waiver definitions. DSS ultimately makes the decision if something is allowable. Our intent is not to be confusing but to make accurate determinations. DDD is learning along the way with DSS and other states as an example. CMS at one point allowed internet services and then further down the road they made change. It seems subjective. Not just a single person making the decisions and DSS takes their role very seriously. Another note on the sensory items and is another area of interpretation and area. DDD always share information from families, in regards to services with DSS. Family Support coordinators can write grants or reach out to other organizations to try and find alternative avenues of finding financial support. With specialized therapy services DDD got a lot of feedback and there was conflict with families using rec budget for specialized therapies. DDD did research they met with DSS and advocated with DSS to try and get approval to add this service. DDD got feedback from the Family Support Council on the service and then submitted the request with the waiver renewal. If there would be a large fiscal impact we would need it to go through appropriations.

#### **VIII. First Reading of By-law Amendments**

This is the first revision of the by-laws. Jenna went through the proposed changes to the by-laws. In regards, to a secret ballot can we do it in the same meeting? Can do a shoebox type method but DDD is looking to an anonymous way to do survey monkey where people are anonymous. When electing new people if there were 2 people were running for Secretary they would need 5 votes. Its based of parliamentary best practice. There are 70 reps and still need a majority to pass a bill. There is no requirement for a deadline. Specific to the family support council the executive

order just states the governor will appoint members. They will be asked to acknowledge but they are not required to respond. Why do we need to know who attends for the public meetings. This is a very off putting aspect to members of the public. If they speak, absolutely, they need to go into the minutes. Its not important to put in the record. Leave it as may and not will in Section 4.

Do you have any knowledge when executive order went from statute to executive order. The statutes were repealed in the 90s. There should be more than the executive order, it seems that the by-laws exclusively follow the Executive Order. The Secretary needs a role. The secretary could review the final draft. Has there ever been an annual report submitted to the Governor? Pat advised that to her knowledge, no. Michelle made proposed changes to the Secretary portion of the by-laws. Amber would like to add the annual report to the next agenda.

Page 1 "purpose of the council". Fulfill the duties set out in the Executive Order. Tina would like to keep the language in that section. Discussion was had in this area. Get executive order put into the documents. All the language is helpful in addition to the listed duties.

Jennifer advocacy is part of the job of council members and if we take it out seems we do a disservice to families. Advocacy is not a designated duty as set forth in the executive order.

Michelle is requesting that an agenda item for defining the principals and philosophy of the Family Support Council be added to the next meeting.

Section 4 resignation on page 2 – Why would we take out people remaining as members.

It is not typical that the appointments have taken as long as they have.

Could this go back into Statute?

Notice requirement aligning with codified law. Can the council request more time. Section 3 and section 8. Agenda supporting material shall be posted 10 days in advance. Section 3 – can we publish it earlier. I don't know if 3 days is adequate would like to see it at 5 days. Pat provided background on why it was originally 10 calendar days. Michelle and the Council would like to keep it at 10 calendar days.

The council went into recess at 11:48 AM MST until Noon MST.

Janet is no longer in the meeting.

Page 4 under section 4 election – We wouldn't be able to elect new members because new members haven't been appointed yet. Elections shall be held during the first quarter (July, August, September).

#### **X. Advisement from the Council to DDD**

It is ongoing part of the alignment with the Executive Order. DDD wanted to make sure that they provided the opportunity for council members can suggest ideas or ask questions. What solutions can the State get from the Council?

Tina advised on the financial assistance guidelines if DHS could advocate with DSS if somehow a specific request could put forward to DSS on getting fences back. Specialized therapies annual limit if that could be eliminated. Have a soft cap for the service and not a hard cap.

Michelle was thinking about some type of induction process for new members to the council. A synopsis for new members on what has been going on or just an overview of initiatives. Amber would be open to have a sub-committee on induction process for new members. Cheat sheet on what they need to do or acronyms. Peggy a newer member to the council advised it would probably be good to have a document to look over. Some history and current status and overall

role on being on an advisory council and a list of acronyms. One pager for the Family Support Council. Diane asked if DDD sent a binder to new members? They are sent via email in attachment format.

Accommodations for people with disabilities who sit on the Council. How to provide accessibility for the people we want to support and participate on Council meetings.

Amber appreciated the Division being accommodating and having a place open to the public to provide comment in person.

**XI. Next Meeting Date**

June 9<sup>th</sup> and 10<sup>th</sup> in Aberdeen is what is currently scheduled. We do not currently have rooms reserved for the meeting.

**XII. Share something you enjoyed from this meeting**

Council members and DHS staff provided something that they appreciated from the meeting.

Council members felt like the council was secure and trusted place where council members could share with no retaliation.

**XIII. Public Comment**

Arlene Poncelet – DD Council has openings on it as well. Community Service Provider position is open and support person of an individual with a disability.

**XXI. Adjournment**

Michelle made a motion to adjourn the meeting at 11:31 AM MST, Peggy seconded the motion. The motion passed with a voice vote.

**X**

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Krista Bau  
Secretary