

Family Support Council Meeting
March 1st and 2nd, 2024
Zoom Meeting – Sioux Falls, Comfort Inn
Meeting Minutes

Members present: In-Person: Christine (Tina) Kenser, Haley Coss, Brittany Norin, Peggy Waltner, Krista Johnson, and Bridget Leiseth. Virtual: Melissa Rickett, Ruth Conway, Julie Flowers, Joshua Jones, Janet Whiting

Members absent: Jennifer Carda, Jennifer Walker, and Tina Two-Crow-Slow Bear

DHS Staff: Kade Anderson, Jaze Sollars

1. Call to Order and Roll Call

Bridget called the meeting to order at 6:01 pm CST.

2. Approval of Agenda

Josh made a motion to approve the agenda and Haley seconded the motion. Motion passed with a voice vote.

3. Approval of Minutes

Tina made a motion to approve the December minutes and Brittany seconded the motion. Motion passed with a voice vote.

4. Opening Round

Share a waiver service that has had a positive impact. Council members shared a waiver service that has had an impact on their families.

5. Council Elections

Open positions would be chair and vice chair. Bridget is currently vice chair but serving as chair since Michelle Powers resigned.

Krista made a motion for Bridget to remain chair until next elections. Haley seconded the motion. Motion passed with a voice vote.

Vice chair. Haley voiced that she would be willing to serve in that role. Tina made motion to elect Haley as vice chair. Peggy seconded. Motion passed with a voice vote.

6. Agency with Choice

Family Support 360 is a Medicaid waiver allowing self-direction. It has a model that supports Agency with Choice (AWC). It is also known as the co-employer model. AWC is a way for families to pay their care staff for personal care, companion care, respite care and supported employment. There are 5 contracted AWC providers in South Dakota. They are all Community Support Providers. Families received a letter from these 5 providers informing families that they would no longer be providing AWC. These 5 providers had a variety of different reasons for wanting to end AWC but one key component was Secure Act 2.0 which is related to retirement

benefits and the number of hours an employee works being reduced to 500 hours and then they have to receive retirement benefits.

The Division of Developmental Disabilities (DDD) is working with providers to make the transition as easy as possible for families. DDD will be having ongoing conversations with Family Support Coordinators (FSC) to keep them informed of the most current information. DDD and the AWC providers have already had 3 townhall sessions for families around this topic. DDD is willing to negotiate and speak both with in-state and out-of-state providers.

The 2nd townhall session was recorded. The Community Support Provider's (CSPs) are the owner of the recording but it should be made available soon so families can listen to that. DDD is taking questions from the townhalls and creating a FAQ document from that.

Families' providers will likely have to reapply when the new AWC provider comes on board. DDD is committed to making it as seamless as possible. The new AWC provider will be a new business and may require certain items or paperwork that the previous AWC provider did not require. DDD does have some flexibility in negotiating with a new AWC provider but there are certain items that are required for contracts. DDD is willing to contract with multiple providers. Individuals whose services are ending first would likely be given preference if a new provider is found.

The goal of the new AWC process would be to implement a permanent solution that does not include a 20-hour cap or issue with benefits.

There are certain legal obligations that are needed. The State needs to offer a model that offers self-direction which the State currently does have through the common-law option.

The question was asked from the council if the CSPs would be willing to renegotiate their contracts? The State did offer the CSP's more money around AWC but there were other factors on why the CSP's are not willing to renegotiate their contracts.

Just the 4 services may be disrupted: personal care, companion care, respite care and supported employment. Just the AWC contracts are ending. As an example, if a LifeQuest participant has a LifeQuest FSC and LifeQuest AWC just the AWC is ending so they will retain their LifeQuest FSC.

Around AWC and the DD system in general there is specific language and lingo. Not all families understand the lingo. How do we make families aware that the AWC letter came from the CSPs? The letter was sent by both email and snail mail. DDD is putting an AWC section on the Department of Human Services (DHS) website. Emails will also be sent out through DDD's listserv. DDD will also be having weekly meetings with FSCs. The council made a suggestion that FSC's have a conversation with families regarding AWC to make sure all are aware of the changes that are going to occur. They would recommend that the FSCs report back to the State on their results.

If families are considering switching to Acumen, they should do that sooner rather than later.

Some examples of communication between FSC's and families around the AWC topic, Teri B. With Benchmark advised that communication is key, the more communication the better. All 11

Benchmark programs are directly contacting their families. Most families have attended one of the townhalls. Over half of families have been responsive to communication, all families are concerned and paying attention. Kristi H with BHSSC contacted all the people that had AWC services and discussed with each family. They had to go a step further and explain to families that it was just the AWC piece that was ending. They have had some families want to switch to Acumen or Shared Living. Monica K with LifeQuest advised that she has sent emails and made phone calls. Very few have not responded.

Overall, 300 people attended the townhalls.

What should families know about Acumen?

It is not perfect. It can be a difficult process. The paperwork was cumbersome. Some families have trouble speaking to an actual person. Families must consider carefully who they choose to be the representative as it can change the nature of their relationship. The representative really doesn't have to do much and not much time required. The provider can do everything off of their phone. The process does work smoothly, eventually once you get through the enrollment process.

Acumen was originally a pilot but has scaled up quickly due to the AWC letters. Acumen does have recorded trainings. DDD is working with Acumen so coordinators can better manage budgets. Coordinators likely need more training with Acumen to better support participants.

DDD's next steps: They are working with Acumen to offer more self-direction sessions, one lunch and one evening session, DDD will distribute through all channels. Having weekly meetings with coordinators which begin next Thursday. Scheduling additional townhall sessions the week of March 25th. A section was created on the DHS website just related to AWC. Continuing to get new vendor for AWC. There are funds available to find someone to move forward with the initiative. Potential to grow Family Support by finding a qualified vendor which could be an improvement.

More information on Agency with Choice can be found here <https://dhs.sd.gov/en/division-developmental-disabilities/Agency-With-Choice>.

7. **Public Comment**

B.S. AWC pleased there is commitment to give families options. Single families and adults living by themselves Common Law can become a very large responsibility. With the new AWC system it may be possible to share providers. With the FS360 study it was recommended to clarify appeals process and problem resolution. B.S. went through the appeals process, and it was a daunting process. B.S. wants a clearer appeals process that is more transparent. LTSS has an ombudsman so maybe that could be an option down the road.

8. **Recess**

Went into recess at 8 PM.

9. **Recall to Order**

Bridget called the meeting back to order at 8:31 AM.

Roll Call – Jennifer Carda – Out, Haley Coss – Here, Julie Flowers – Here, Bridget Leiseth – Here, Brittany Norin – Here, Melissa Ricketts – Here, Tina Kenser – Here, Jennifer Walker – Out, Janet Whiting – Here, Peggy Waltner – Here, Ruth Conway – Here, Joshua Jones – Here, Tina Two Crow Slow Bear – Out, Krista Johnson – Here,

10. Family Support 360/Shared Living Study Next Steps

<https://mylrc.sdlegislature.gov/api/Documents/254894.pdf>

Comprehensive review was completed in the fall of 2023. The State contracted with Alvarez and Marsal. Alvarez and Marsal met with stakeholders, providers, and families. Collected data and made comparisons with other states. They were looking for improvements in Family Support 360 and Shared Living.

Next steps – Quick wins

Page 58 of the report. Hosting meetings at different times of the day. Stakeholder engagement on website. Most hosted sessions by DDD have moved to more accommodating times for families. Recorded sessions will be made available on DDD's website.

Let's Talk sessions – good conversations and they are smaller groups. Last one was on a meaningful day. Ambassadors lead the meetings. There is a Facebook page for them. It is an open floor for public comment.

There is a section on the DHS website where there is an opportunity to sign up for DDD listservs found here <https://dhs.sd.gov/en/division-developmental-disabilities>. Also has a list of upcoming DDD events. Application and guidance are on the DHS website. DDD is working hard to get the participant portal up and running. They have shared information on the new Assistive Technology service. DDD created written guidance and conducted meetings with Case Managers and FSC's. More plain language materials are currently being generated. The Front Door process is being promoted with sister agencies. DDD presented at B-3 conference and DD conference. DDD did also have a booth at the SPED conference.

We have reviewed Shared Living denials for last 5 years. Drafted Memo for FSC and Case Managers to increase access for Shared Living. Case Managers and FSC's are the drivers for obtaining these services. The Memo was sent in December of 2023. Shared Living was one of the most expensive services offered through the CHOICES waiver. DDD revised the reimbursement structure for the program, so more people could access the service.

3-6 Month Goals

DDD met with DSS multiple times to revise the financial assistance guidelines to include fences. Guidelines were on page 48 of the study.

Individual goods and services category. It would include sensory equipment and would have a capped amount annually. The addition of this service would be a longer-term goal.

Charting the LifeCourse – DDD is continuing to commit to this with self-advocate involvement, self-advocate leadership retreat, have seen some buy in with South Dakota Parent Connection and Disability Rights. Still funding available and please reach out to Carrie Geppert with questions. She can be reached at 605-773-3438 or Carrie.Geppert@state.sd.us.

DDD is currently pursuing a self-advocate to join the Family Support Council.

Within 6-9 months

DDD is developing a plan to share plans

The AWC situation is a good example on how DDD is trying to partner with families.

DDD is discussing on how to increase capacity for FSC's. DDD is looking for suggestions in this area from the Council. Maximum but no minimum on participant numbers of coordinators can have. Part-time coordinator. Identify what barriers exist for providers. It may be possible for CSP's to come to a meeting in the future. Add CSP's attending as a June agenda topic.

11. DDD Updates

- A. Grievances and Appeals/ALJ – 4 appeals and 2 of those were for SMAES. One was upheld and other was paid for using general funds. The other 2 were IDEA school district issues. Working with DOE around funding. No requests for a fair hearing.
- B. SMART Data – SMART data was discussed, and handouts were went over. Overall SMART data looked on track.
- C. Financial Assistance Guidelines – Fences were talked about in previous section. DDD has met with DSS multiple times and is working on updating the guidelines.
- D. Regional Map of Participants – Handout was went over with update of current participants and participant number changes to areas of the State.
- E. Unified Case Management System – Working on participant portal currently with RSM. Will get basic portal up and then work to expand additional features. We will be moving away from FOCOS to RSM but that will likely not occur for some time. Likely, end of 2024.
- F. Front Door to Supports – Everyone is welcome to apply but there are certain criteria that has to be met. Intake specialists have processed 300 eligibility determinations since the front door has opening in June. Refining the eligibility and referral process, working establishing a centralized waiting list, families should receive contact from the division if they are going to be put onto a waiting list. Some questions around que times for callers to the Front Door. New intake supervisor position was posted. There was a suggestion for an interactive map for families to see openings across the state. DDD is also partnering with DOE and TSLP. Other suggestions were for SDPC Navigator program, SPED Conference, rural community health care workers, and healthcare conferences.

DDD did have a booth at the SPED conference.

- G. FS360 Brochure – There is a correction to be made to the brochure and then it will need to be redistributed. DDD will distribute the brochure to anyone, should be available on DDD's website, available at any conferences. Request made to reach out to Dr. Keppen at Sanford Children's Castle.
- H. Legislative Session Update – HB1202 would have limited timeliness on appeals process. This bill was specific to the CHOICES waiver. It essentially allowed for emergent terminations. It died on the Senate floor. During the Senate Floor hearing, concerns were shared that the bill wasn't in compliance with federal authorities. Waivers utilize federal funding and therefore must stay in compliance with all federal regulations related to Medicaid and waiver authority.

12. DD Council Update

March is Disability Awareness Month. The theme is “A World of Opportunities”. There was a day of mourning on March 1st for Autistic Advocacy Network. Tuesday, Wednesday and Thursday self-advocate retreat. Wednesday was Disability Day at the Capitol. Had fruit cups and had about 40 legislators meet with advocates. A large amount of DHS staff attended. DD Council is looking for council members. There are openings on the DD Council, Family Support Council and Structured Independent Living Council. Meetings are quarterly for DD council. October 2024-April 2025 Arlene will retire.

13. Advisement from the Council to DDD

Additional info on being equitable and changing diversity and what are we doing to address these needs is requested for the June meeting.

More language options and greater translation abilities. Devices and funding for translation services. DHS’ new website can be translated into multiple languages.

14. Share something you enjoyed from this meeting

Council Members and State Staff shared something they enjoyed from the meeting.

15. Public Comment

M.K. Has been a FSC for 20 years. Very daunting on what FS can cover. They need to find out what a family is struggling with and try and help with the issue. Program specialist consistency is important. Considering to monthly billable service being unavailable due to AWC. It will create strain for FSCs. Requesting additional funding for a van lift and is wanting State to approve it in a timely manner.

A.F. Last fall annual meeting stair ramp for house modification had to go through ILC. There is a 12 month to over a year wait to go through ILC. Are there other options besides going through ILC? Does the waiting list mean funding is not available.

16. Adjourn

Peggy made a motion to adjourn the meeting at 11:53AM CST, Brittany seconded the motion. The motion passed with a voice vote.

X

Krista Johnson
Secretary