

**Family Support Council Meeting
September 8 and 9th, 2023
Zoom Meeting – Sioux Falls Ramkota
Meeting Minutes**

Members present: Bridget Leiseth – virtual, Josh Jones – virtual, Michelle Powers – virtual, Julie Flowers – in person, Ruth Conway – in person, Melissa Rickett – in person, Jennifer Carda – in person, Krista Johnson – in person, Tina Kenser – in person, Brittany Norin – in person, Peggy Waltner – in person, Haley Coss – in person

Members absent: Jennifer Walker, Janet Whiting, Tina Two Crow Slow Bear

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

1. Call to Order and Roll Call

Michelle called the meeting to order at 6:00 pm CST.

2. Approval of Agenda

Tina made a motion to add items to the agenda, Discussion on how individuals get onto the Family Support Council and the possibility of a DSS staff attending the council meeting. This would move between 15 and 16. Jen Carda seconded the motion. Motion passes with a voice vote.

Peggy made a motion to approve agenda. Tina seconded the motion. Motion passes with a voice vote.

3. Approval of Minutes

Krista Johnson made the motion to approve minutes with these changes; removal of members of the public, addition of location to the header, full names listed on section 9, capital U in University in section 13 and Peggy seconded the motion. Motion passes with a voice vote.

4. Opening Round - Introductions

Council members made introductions to other council members and state staff.

5. Council Elections

Three positions to elect; chair, vice chair, and secretary. Roles were described for the council by the chair.

Chair – Tina nominated Michelle for chair. Peggy seconded. Bridget made a motion to elect Michelle and Tina seconded. Motion passes with a voice vote.

Vice Chair – Jen Carda made a nomination for Tina. Krista seconded that motion. Tina declined the nomination. Bridget nominated herself for vice chair. Tina seconded Bridget's nomination. Motion passes with a voice vote.

Secretary – Krista Johnson nominated herself for secretary. Peggy seconded Krista's nomination for herself. Motion passes with a voice vote.

6. Overview of open meeting laws and by-laws

Jaze Sollars with the Division of Developmental Disabilities (DDD) supplied information on open meeting laws, the by-laws, and the Executive Order. The By-laws expand the executive order. Some of the highlighted areas discussed were elections are to occur in the first quarter of the State of South Dakota's fiscal year, the council must meet quarterly, the State has to post notice of the meeting, The Boards and Commissions website <https://boardsandcommissions.sd.gov/> is where information on upcoming and past meetings is kept, establishing sub-committees,

Advisory Council handout was discussed.

More information on open meeting laws can be found on this State website, <https://sdlegislature.gov/Statutes>. Laws relevant to the Family Support Council are cited in the by-laws.

Anyone is welcome to attend a Family Support Council meeting by zoom or in person.

Any council discussion with a quorum of members present (8) can be considered an open meeting.

All open meetings are subject to the same laws.

7. Family Support Council

- A. Principles and Philosophies** – Family Support Doc was discussed and is also listed on the Boards and Commission site. Bridget advised new members used to be given a binder of information. Purpose section of the by-laws was discussed. Preserve the culture of the council but also be open to change were a possible direction the Council would like to go. Michelle would like to appoint some individuals to collect older material to redefine principles and philosophies. Bridget and Jen Carda volunteered to gather information for the next council meeting. Shawnie brought forward information in the Executive Order.
- B. Annual Report** – Jaze looked at other Boards in the Department of Human Services and some of those reports were very long and extensive. Executive Summary, included public information, council meeting dates and locations. Michelle was thinking this project could happen in the spring. Tina recommended showing a comparison of the cost of Family Support 360 and CHOICES waivers. Tina also had a recommendation to include planning list numbers in the report.

8. Family Support 360

- A. FS360/ SL Study** – Joey Younie gave information on the study being conducted by the vendor Alvarez & Marsal. The vendor has been doing listening sessions, surveys, and interviews. Lots of different layers to the study. Data is being gathered as well about DDD services and peer states. They are trying to identify gaps in DDD services and areas where DDD is doing well. It will wrap up in November. The vendor is going to present the report to legislative meetings including GOAC and JCA. The Department will also make that report available once completed. The vendor is also doing work in regards to different regions of the state.

How did the Shared Living portion get pulled into the FS360 study? Shared Living is part of the CHOICES waiver and is about 4-5 years old. It is a 24 hour residential service so wouldn't be available through FS360.

Next meeting may be beneficial to have overview of different levels of care and different services available to the ID/DD population. High level here are the different programs. Jaze agreed to give presentation on different service options available.

B. FS Workgroup – This group has been meeting since January, focusing on key areas of Family Support. The next meeting is scheduled for September 20th and these meetings are held virtually. There is intentional space in this meeting for feedback from constituents. In the next meeting they will be talking about common law, front door to supports, Dakota at Home redefining their image, and administrative rule changes for Family Support 360. Group size is about 35-40 people consisting of state staff, family members, and legislators. There is opportunity for a council member to join the workgroup.

9. **Public Comment** – Moved to after DDD Updates Section C.

- P. M. – Music Therapy was approved in the last year. This service has been very beneficial to her daughter. Had positive comments about the service.
- P. N. – Starting last year P.N.'s daughter Brittany came onto Family Support. If they lived a certain distance from a town the State would not approve hotel. P. N. requests the state look into increasing participation for individuals with a disability. Looking for help trying to find accommodations for families. P.N. would like the State to consider this issue and provide an explanation. Limited reimbursement as a care provider. The State can follow up, in regards, to these concerns. Some rules are set by ARSD.

10. **Recall to Order** – Michelle made a motion to go into recess at 7:53pm and readjourn at 830am. Motion passed with a voice vote.

Michelle recalled back to order at 830am.

Roll Call – Michelle Powers – virtual, Bridget Leiseth – virtual, Joshua Jones – virtual, Julie Flowers – in person, Haley Coss – in person, Ruth Conway – in person, Melissa Rickett – in person, Tina Kenser – in person, Jen Carda – in person, Brittany Norin – in person, Krista Johnson – in person, Peggy Waltner – in person.

Not present Tina Two-Crow-Slow Bear, Janet Whiting, Jennifer Walker.

11. **DDD Updates:**

- A. New Website – The Department of Human Services has been working to revitalize Department's website for over a year. As a collective Department. This website will be going live soon. DDD will send out notification of that. Vendor was Maximus. The accessibility should be much higher than what we have had in the past. Will the notification go out to just council members, or will it go out on a wider scale? It will likely be a soft launch, but the State is still working on that part of the launch.
- B. Grievances and Appeals/AIJ – Over the last quarter DDD has received one appeal in SMAES, that appeal was overturned, and the item was approved. Is there any follow up with the

family on how was the appeal? There is not necessarily a survey or follow up with the family.

- C. SMART Data – The State gave an overview of what SMART is and how it is used by them. Since 2011 the State has utilized the SMART system. The State uses SMART data to report to Centers for Medicaid and Medicare Services (CMS). Are there national performance measures for waivers? Currently no. There is a rule to implement standardized performance measures but is not in effect yet. HW stands for Health and Wellness and SP stands for Service Plan. Most of the paperwork that State staff look at are paper files and some data in the FOCOS system. Is the SMART data stored somewhere else that is accessible? On CHOICES side the QA manager shares information with providers, but there is no centralized location to share data. The target percentage is 86% for the performance threshold. Anything below 86% is considered deficient. We are reporting on last fiscal year. Jaze Sollars went through the SMART data handouts. HW trended very well and no performance measures were below 86%. The SP section was reviewed but the ISP section is not required for reporting purposes to CMS. Both CHOICES and Family Support are reported separately.
- D. Regional Map of Participants – DDD went over the map and data related to the map.
- E. Financial Assistance Guidelines – Both billing guidelines for FS360 and CHOICES are under review. Any significant changes will likely occur after the study is completed with Alvarez and Marsal. Tina Kenser brought up concerns about fences and sensory items. Ongoing review with DSS and awaiting study results.
- F. Unified Case Management System – The request for proposal (RFP) was awarded to RSM. If you were to Google RSM it would bring up an accounting firm, but RSM has a branch that works with HCBS programs. RSM is the vendor that we have awarded two previous contracts. Implementing IT systems can be very time consuming, DDD is using a phased approach. This system will be utilized by both CHOICES and Family Support Waivers thus creating one system that includes both waivers. First phase was more for billing, There will be a CIR branch, option for families and participants to log into the system. Timeline is likely after the 1st of the year. Best guess would be in the Spring. The system is based off a Microsoft system so is user friendly. There will also be training before the system goes live. The timecard portion in FOCOS can be frustrating as families have to use a desktop, with the new system should have a mobile option. DDD will be gathering information from stakeholders, and it will be an efficient system. The RSM system will replace the FOCOS system. DDD can explore the possibility of an app.
- G. Common Law Option – Historically in family support in supporting self-direction we used an Agency with Choice (AWC) model, which is a co-employer agreement. That AWC was the employer of record so that employer was the agency on all the paperwork. There was a broad policy across all the AWC providers limiting the number of hours that an employee could work. DDD decided to move forward with the Common Law option as an alternative for families. The provider selected was Acumen. In the common law option, the employer of record is the family member or designated person. With this service employees can work 40 hours a week. Two families are currently enrolled, and we have more that are completing the paperwork to become enrolled. There were sessions hosted by Acumen for self-direction and how to complete the paperwork. Acumen uses a different system called DCI to input provider hours. This is the link that Acumen provided for trainings they have conducted. <https://acumenfiscalagent.zendesk.com/hc/en-us/articles/17123097280141-South-Dakota-Training-Materials>. DCI is Acumen's mobile timecard entry system. One council member shared that they are one of the two families who have been approved for

the common-law option. Has been working very well for the family so far. The paperwork process was comprehensive but Acumen staff was helpful.

Public Comment- Pat Norin advised they are working through the process right now as well. Pat Norin's daughter will be the agent of record. DDD will be bringing this feedback to Acumen. Acumen did hire a staff to have a physical presence in South Dakota.

- H. Front Door to Supports – DDD has been working towards this initiative for years. It was a very cumbersome process to get it started. DDD wanted single point of entry into DDD services for families. It was a great learning process. DDD has hired 4 intake specialists spread across the state. A portal is being created for families to access the system is something that is currently being worked on. Around 70 eligibility determinations have been worked through so far.
- I. Service denials – During the previous fiscal year: There were 288 service denials in the FOCOS system. Highest number of denials was related to specialized medical adaptive equipment and supplies. 8,087 service goals were approved.
- J. Specialized therapies – We currently have 154 participants that are authorized for the service. Average budget is \$1,122. DDD has received positive feedback from many families. There have been some questions on that limit of \$1500. DDD is monitoring if the maximum needs to be increased. If DDD were to increase the limit it would require a waiver amendment. Is it possible that we aren't getting accurate data if there is that \$1500 limit if people were hitting the max but still needed more? DDD will continue to monitor this new service. A key requirement for this service is that certification is required.

12. DD Council Update

Arlene Poncelet with the DD Council shared some updates.

DD Conference was held Wednesday and Thursday. There were about 300 people between attendees, presenters, and vendors. Heard a lot of good feedback. Happens every two years. The DD Council has just completed a report on transition services. Arlene will get to Jaze to distribute. Transition State Team has been meeting.

One Grant with SDPC will be working with Sioux Falls School District. Created a series of sessions to assist teachers with the process of transition. As time goes on will try and incorporate more schools into the training.

The documentary "Unseen" has been being shared. Had a session at the conference where 90 people attended. Shows the daily life of a family with a person supported. Arlene has access to the documentary until February of 2024. Brandon Valley School did a screening, LEND trainees, September 24th at 8pm will have another virtual screening, those sessions are open to everyone.

Arlene is going to be retiring, it will not be for about 12-18 months.

13. Administrative Rules of South Dakota (ARSD)

All administrative rules are publicly available. To get rules changed there is rule promulgation. Right now, DDD is presenting the rule changes informally. There is a formal process as well which will come later. There is a specific hearing that the rules will be taken to and presented on. The rules will be posted for public comment. Currently, still in the informal phase. The rule changes should mirror the changes that occurred in the waiver.

Went over handout on Draft Proposal of Administrative Rule Changes. 46:11:09 covers family support. 46:11:09:01 are definitions. Added definition for Agency with Choice. Adding Common-law definition. Financial Management Services and Financial Management Services Provider.

46:11:09:07 requesting to repeal. Reworking the rules and how they read.

46:11:09:07.01 is for adding the new rule including 46:11:09:07. Expands on Agency with Choice and Common Law.

46:11:09:10 adding specialized therapies to Administrative Rule.

46:11:09:20 review of qualified provider. Requesting to repeal this rule. Outlined in waiver and already have administrative rule covering this. Should not be any programmatic changes.

How often are rules promulgated? It can vary. Can be relatively quickly or can take years. Last time rules were promulgated in Family Support was 2019. DDD regularly receives feedback on rules that may need to be changed and keeps record of the feedback.

Grievance process was discussed.

14. START Survey Update

The START Survey is an activity in an agreement between the DD Council, DDD, Center for Disabilities, and Disability Rights. DDD has been working for several months on this activity. Looks at gaps in our system especially relating to mental health conditions and/or an intellectual or developmental disability. Started initially with over 125 surveys that were completed, also looking at State data to factor into their review. Next steps are a final report. Draft report will likely be out sometime next month. Will have a stakeholder meeting in Pierre. The report will give the DDD system ideas of where improvement can be made. The data is looking at individuals in our waivers, Medicaid claims data, and is looking at specific categories.

Dual diagnosis numbers? Historically it has been around 50% actual data suggests it should be closer to 65 to 70%. Overall individuals who are receiving DD services have some overlap with other services. The gap occurs when someone is in need of acute or intense treatment. Specialized training for individuals working with individuals with dual diagnosis.

<https://centerforstartservices.org/locations/new-hampshire> is the link to more information on START services and what they are. Morning of December 1st the results will be shared. A zoom link will also be provided as it becomes available.

15. Process of getting onto Family Support Council

This was discussed in last family support council meeting. Applications are initial sent Department of Human services and are then passed on to the Governor's Office. This is a Governor's appointed council. Individuals who are not appointed to the council receive notification that they were not appointed, but that their application will remain on file for future openings on the council. There is no time limit on applications, however someone who applied a while back may be contacted to see if they are still interested in serving on the council. Individuals can find out about the council through various means, they can learn more on the DDD website, hear about the council from other individuals, or receive information from DDD directly on how to apply to the council. Reappointments are contacted by DDD staff to see if

they would like their application to remain valid. To be reappointed all applications are sent to the Governor's Office for review. There is no priority given to reappointments or new applicants. The council is currently full. The Executive Order outlines the composition of the council.

16. Adding member of DSS to the council

The Council has discussed some specific items where approval is needed by DSS. Hard cap for specialized therapies, for example, where it would be beneficial to have a member of DSS attend the meetings. Request can be made to DSS to see if they could have someone attend. There are many layers at DSS. DDD has shared input to DSS on the concerns that the Council has brought forward. Michelle believed it would be a good suggestion to invite DSS but would need some topics to discuss if they were to attend. There is an interagency agreement between DSS and DHS and a Memorandum of Understanding is completed between the two departments. Dispute resolution information in that memorandum? Joey advised she would check into that. At the CMS level how do we determine if something is allowable or not allowable. Each waiver can be different. What caused the change to no longer allow fences? The Council wants specifics on why DDD can no longer cover fences. Understanding of the policies can change. Is there an avenue to address the issue to cover fences, other options that Council members could use? When DSS changed their view point on fences, was their a causal factor? Were rights restrictions a causal reason for the removal of fences? The State does not believe this was an issue.

17. Advisement from the Council to DDD

Do we know how many families are on Strengthening Families? There are currently 350-400 participants on Strengthening Families. Strengthening Families is a general funded program. 100% state run and state funded. Offers similar services to Family Support 360. No service coordination, Medicaid, or care services would be the big differences. DDD also has the state funded Respite Care program to assist families. Requirements are not as strict as Family Support 360. We can support more individuals on Strengthening Families as it uses the federal definitions of a developmental disability.

Bridget and Michelle offered to assist any new members if they have questions.

Joshua had a question on Charting the Life Course material. The ISP process did change and this was piloted with Family Support Coordinators. Wanted families to have conversations about the future and not just follow a checklist. The HCBS Settings Rule also had a requirement for person centered service planning. The change had two parts more in depth planning and meeting federal regulatory requirements. How are service coordinators accepting this change? Joey explained that at the DD Conference was a presentation on how Person-Centered approaches changed service planning. In theory it was good. It sounded like it was overwhelming for Josh's coordinator. Josh's experience was more regulatory and not a fluid conversation. Be creative and intentional with the conversation.

Turn on captions for next meeting.

18. Next Meeting Date

December 1st and 2nd in Pierre. Plan out next year's schedule for meetings.

19. Share something you enjoyed from this meeting

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

20. Public Comment

C.U. – Appreciated the work that was put into the DD Conference. Ambiguity about the scope of the open meeting laws. Clarification or sense or scope of purpose of open meeting laws. Get a better understanding of why they are important and what they do.

A.P. – The Council does offer transportation assistance. Lodging could be billed for the reading of the findings from the START Survey through DD Council.

Rehab conference is October 23rd-25th. Travel assistance is limited to \$300 a year. Partners in Policy making applications are due October 2nd. They have priorities for the next year outlined on their website for public comment.

Legacy Foundation – Durable medical equipment reuse and recycle program.

Self-advocate and family panel. Changing South Dakota. Including adult changing tables in Sioux Falls Areas.

21. Adjourn

Peggy made a motion to adjourn the meeting at 11:48AM CST, Julie seconded the motion. The motion passed with a voice vote.

X

Krista Johnson
Secretary