

STATEWIDE INDEPENDENT LIVING COUNCIL

September 10, 2020

Meeting Held Via Zoom

Face to face meetings have been postponed due to the COVID-19 outbreak.

MEMBERS PRESENT: CJ Moit, Patty Kuglitsch, Ronda Williams, Mark Sternhagen, Kyrsten Zimmerman, Eric Weiss, Alan Adel, Catherine Greseth, Tasha Jones, Mark Koterwski, Jen Red Bear and Syndee Jundt. **MEMBERS ABSENT:** Roger Bowie and Ben Wolf Necklace. **OTHERS PRESENT:** Matt Cain, Jennifer Lewis, Bernie Grimme and Colette Wagoner. Interpreters were Julie Paluch and Rick Norris.

HOUSEKEEPING ITEMS: Several items were reviewed by Colette, SILC support staff to include locations of the microphone (muting/unmuting) and the camera on the computer screen utilizing Zoom. Individuals were asked to identify themselves by name when speaking or asking questions as interpreters were being utilized.

OPENING ACTIONS: Welcome and Introductions: Alan Adel, Chairperson called the meeting to order at 9:05 AM. He welcomed everyone and asked him or her to introduce themselves. REVIEW OF VOTING PROCESS: Alan reminded members that any items requiring action that voting would be taken by roll call. APPROVAL OF AGENDA – Alan asked if there were any changes to the agenda. **MOTION TO APPROVE THE AGENDA AS DISTRIBUTED, MADE (M), SECONDED (S) AND CARRIED (C).** YEAS – Mark S, Mark K, Kyrsten, CJ, Catherine, Jen, Syndee, and Patty. NAYS - None. A question was asked about lumping several items together and utilizing one motion to vote on them in order to save time. A response was made that since the items are different (e.g., agenda and meeting minutes) to utilize separate motions. APPROVAL OF JUNE 2020 MINUTES – Alan asked for any changes to the draft June minutes, hearing none, **MOTION TO APPROVE THE JUNE MEETING MINUTES AS DISTRIBUTED, MSC.** YEAS – Mark S, Mark K, Kyrsten, CJ, Catherine, Jen, Syndee, and Patty. NAYS - None. APPROVAL OF AUGUST EXECUTIVE COMMITTEE MINUTES – Alan called for any changes to the draft minutes from the Executive Committee meeting. Hearing none – **MOTION TO APPROVE THE EXECUTIVE COMMITTEE AUGUST 5th MEETING MINUTES AS DISTRIBUTED – MSC.** YEAS – Mark S, Mark K, Kyrsten, CJ, Catherine, Jen, Syndee, and Patty. NAYS - None.

PUBLIC COMMENT PERIOD: Alan invited public comments. Mark S suggested that with future agenda items (i.e., meeting minutes) requiring action be lumped together on the agenda, especially if meetings continue using a virtual platform, as this will help save time.

EXECUTIVE SESSION: Alan asked if there was any need for the SILC to hold an executive session. This is a standing agenda item. The agenda includes a note that if there is a need for closed discussion to address any matter(s) that is sensitive/private or confidential the meeting agenda provides time to do so. Hearing no need for this item at this time, he moved the agenda.

SILC APPOINTMENTS: Eric recapped some information from the previous meeting, recognizing Roger, CJ, and Crystal as new members whose terms were effective July 1 and noted those who were reappointed. New members participated in the June meeting, but today is their first official meeting. Crystal submitted a letter of resignation effective July 16th. Eric noted the need for nominations for this vacancy and seeking persons with disabilities who are or who have received services from a Center for Independent Living (CIL). He encouraged nominations from the CILs and noted the nomination form is available on the Division's website. He discussed utilizing Zoom to host meetings, noting it was a good medium for SILC meetings. Several members echoed positive comments about utilizing Zoom e.g., less travel, makes it easier to coordinate with schedules, no worries about weather conditions/rescheduling. Alan referred to filling vacancies and the need to fill positions with consumers, as the SILC is a consumer driven entity. He encouraged the CIL directors to assist with identifying interested persons who are knowledgeable about centers for independent living and IL services.

DIVISION OF REHABILITATION SERVICES REPORT/CENTERS FOR

INDEPENDENT LIVING (CILs) QUARTERLY REPORTS: Jennifer provided this report and referenced the information that members received prior to the meeting. Consumer Satisfaction Survey Summary: The reporting period was June 1, 2019 – May 31, 2020, reflecting an entire year's data. Data reflects a statewide response rate of 31.08%, to include a total of 1243 total cases closed successfully; 414 cases closed unsuccessfully. The number of cases closed successfully and unsuccessfully were identified for each CIL. Overall, the written responses reflected individuals were satisfied with services i.e., availability and knowledgeable staff, explanation of services. Items noted as least helpful included the time to receive equipment, she emphasized the majority of responses did not match the question asked, thus there is a need to review the questions/format of the survey. This time period also included the COVID-19 pandemic, which limited in person contact for IL specialists. Jennifer noted that the survey questions would be updated to reflect information to be collected per the new goals and objectives once the SPIL is approved.

Status of CIL Contracts: the reporting period is for June 2019 – May 2020 (a full contract year completed). The percent of billable units show both CILs provided more than their projected service units, completing over 100% of expected goals (both CILs expended 100% of their budget). A comment was made about viewing the first

quarters' data (June through September) at the next meeting to realize the impact of the pandemic.

Independent Living Fund Sources: handout shows funds each CIL receives from the Administration of Community Living as Part C funds and funds through the Division's contracts (Part B, SSA reimbursement and VR Title I funds). The handout was updated and the COVID-19 Aid, Relief, and Economic Security Act (CARES Act) funds were added that each CIL received. CARES Act funds can be spent on COVID related needs, e.g., technology, COVID 19 supplies for both staff and consumers, life sustaining food for consumers, and some flexibility with wages (hazard pay) for staff. CARES Act funding need to be expended by September 30, 2021, there will be no carry over of these funds. Each CIL will be required to complete and submit a Program Progress Report (PPR) to the Administration for Community Living (ACL) for the CARES Act funds with instructions coming soon. Care Act funding is not factored into the CIL's state contracts.

CIL Quarterly Reports: Jennifer noted these reports provide information on progress towards accomplishing the SPIL goals and objectives. The reports contain a summary or description of events or activities that each CIL has participated in or conducted. These reports will be updated once the new SPIL is approved. This report outlines activities completed from March 2020 through May 2020. It was noted that some areas/activities slowed down due to COVID-19; or activities were organized/conducted differently utilizing Zoom meetings and mailings/ emails/phone type contacts increased. ILC served a total of 9,860 consumers; transitioned 38 individuals out of nursing homes and deterred 217 individuals from entering into nursing homes. WRIL served a total of 1,413 consumers. ILC has a total of 18 IL staff as compared to WRIL having five IL staff positions of which two are vacant. A question was asked of WRIL to include more information regarding the description of activity on the reports, i.e., presentation made, staff training. Jen agreed to add more information for future reporting. Questions were asked of SILC members regarding the type of information that would be helpful or identifying questions to obtain the information they are seeking. Again, it was noted the quarterly reports will be updated to obtain information pertaining to/tracking progress related to the goals/objectives of the pending State Plan. SILC staff will work on revising the quarterly report with SILC members and Division staff once approval is received on the State Plan. A question was asked about the average caseload size for each CIL. ILC staff serve an average of 60-80 consumers and WRIL noted the IL specialists serve 50 to 65 consumers. Caseload sizes vary with the type of service(s) being provided, for example if a consumer is seeking assistance with a home modification/adaptive devices this will take more time.

DIVISION OF SERVICE TO THE BLIND AND VISUALLY IMPAIRED (SBVI)

REPORT: Ronda reported that staff were working from home March through May and

now they are working with adjustments. The Division has implemented several temporary policies in order to provide services safely. The policies impact the VR counselors and the rehabilitation teachers. Normally, the rehabilitation teachers work with individuals directly in their homes. Due to COVID, a lot of their work has been carried out via phone/Zoom and mailing information to them. Now, if staff meet with consumers face to face, they must adhere to the CDC guidelines and it needs to be comfortable for both consumer and staff member. The Division has been conducting outreach efforts to increase contact with consumers to include contacting former recipient of services/offering services. Fact sheets have been created for both programs (VR and IL) for potential eligible consumers and referral sources to promote services. The Division has recognized the need to educate referral sources of what services are provided and who is eligible for services and when services are provided (not after treatment/medical restoration). These resources will be shared with members. She reported that the Division has a total of 216 CCTV units; of which 87 are being leased to consumers, 111 are out under the loan agreement with consumers (met financial need); 35 units need to be replaced and 18 units are available. A list of items was identified to educate consumers of what is available to support various needs during the pandemic (i.e., disposable magnifier kits). Zoom has been utilized with scheduling appointments with consumers; in addition to hosting other meetings. A statewide peer support group will be held on September 22nd. Under the VR program, the Division is reviewing its process of providing assistance with medical procedures which utilizes ½ of the budget (i.e., medical restoration) to provide better oversight which involves contracting with an ophthalmologist, utilizing in-state resources which will reduce the number of out of state procedures and costs.

BOARD OF SERVICE TO THE BLIND AND VISUALLY IMPAIRED (SBVI) REPORT:

Catherine provided this report in her role as a SBVI board member. She reported that the Board of SBVI met on June 5th via Zoom. Work continues on the recently approved State Plan (the Division's State Plan is a section of the Workforce Investment and Opportunity Act (WIOA) Unified State Plan). The Division is working with the Bureau of Information and Technology to work with the R911 reporting system utilized by the VR agencies to align data reporting requirements with the Department of Labor and Regulation. The National Federation of the Blind's State Convention will be held virtually October 23-24. Governor's Awards: the ceremony will be held September 15th in Pierre. A total of 34 nominations were received for all the categories. October is National Disability Employment Awareness Month and Rapid City is hosting a virtual event featuring a speaker from the Job Accommodation Network (JAN) on October 6th. The Board also recognized Ronda Williams for her 30 years of employment with state government. The Board of SBVI will meet again on September 25th.

CENTERS FOR INDEPENDENT LIVING UPDATES: Independent Living Choices (ILC) report was provided by Matt Cain. He explained that services continued

throughout the time period of March thru May when most businesses closed. The doors were closed but individuals were seen by appointment only. He felt the largest need was in the area of peer support and the need to be present and available to consumers. Staff are meeting with consumers face to face at a location of choice of the consumer. Staff are wearing protective equipment. ILC served a fewer number of consumers this contract year as compared with the previous year due to COVID-19. The Harley Davidson Raffle was finalized the end of July and the winner was from Sisseton. ILC is planning on conducting another raffle next year. Ticket sales were down a bit, as the majority of ticket sales are sold at a truck stop (less traffic during months of March – May). ILC hosted three summer transition classes in Sioux Falls, Watertown and Aberdeen which ended well. ILC received \$695,464 for CARES Act funding. ILC is planning on updating technology to include the purchase of laptops and update the telephone system in the main office and the expansion offices. The phone system will be Version One Talk - a plug and play system allowing staff to take their office phone to their home, and all calls come through the work-related phone number. This will allow staff to go remote at a moment's notice. ILC has purchased PPE for staff, consumers and for the personal attendant services program.

Western Resources for Independent Living (WRIL): Jen provided this report on behalf of WRIL. Person to person appointments have continued. The Rapid City office requires that all doors be locked because they share building space with Catholic Social Services. Consumers can be seen by appointment only. IL specialists are meeting with consumers; they are being cautious and wearing PPE. WRIL purchased PPE bags for staff to utilize, the bags include masks, gloves, wipes, and hand sanitizer. Services have included the purchase of emergency dialers, assistance with Social Security related questions, and the Security Deposit Assistance Program. IL specialists have been providing IL skills training which has involved time on the phone with consumers. WRIL purchased laptops for staff to utilize with CARES Act funding, and updated part of the phone system. She believes that Catholic Social Services will open the doors to the public effective October 1st to walk in traffic. In response to a question raised about the greatest need or service being requested during these times included: WRIL: the largest needed item or service being requested during this time voiced by IL specialists is the need for nonperishable food items and regular food items. WRIL is exploring how best to meet these types of requests (i.e., purchase of care packages). Matt stated that ILC has an increase in demand for peer support services, especially peer support group services. He added that there has been an increase in requests from individuals residing in more populated areas vs remote areas; and increase in the need for services for those who identify with mental/emotional disabilities.

CIL FY20 ANNUAL REVIEWS: Bernie Grimme provided this report. He explained the Division is the Designed State Unit in the Independent Living System which includes

federal requirements of accountability of the IL funds and services. The Division conducts annual reviews of ILC and WRIL. Areas of the review included: appropriate use of Part B, state and other funds, eligibility, case files for quality assurance, review of billings for IL services, compliance with federal regulations, state policies and contract requirements, reconciliation of consumer satisfaction survey information, compliance with State Plan for IL, and other contract requirements. The CILs contracts are from June 1 to May 31st. Reviews are typically done on site; however, this year WRIL's review was conducted electronically due to COVID. The review consisted of Division staff. There are twenty-five areas addressed in reviewing IL cases e.g., eligibility, IL waivers, Home Modifications and Assistive Devices/Telecommunication Assistive Devices, services provided in a timely manner, and reason for closure.

Review of ILC: A total of 99 cases were reviewed with no significant findings. Review of Consumer Satisfaction Records had no findings. Review of billings identified overbilling of service units which did not result in overpayment as ILC expended over 100% of their contract. In response to the corrective action, ILC submitted a quality control measure to correct this problem in the future. The review also included a review of the Home Modification expenditures and the provision of a minimum level of IL services. ILC exceeded expenditures in both areas.

Review of WRIL: Seventy-two cases were reviewed. Findings included: differences in case work between IL specialists (one caseload specifically had findings), significant lags in contacts and meaningful IL services with one caseload, some cases had both the IL plan and IL waiver. WRIL needs to submit a corrective action plan to address training and implement quality controls which are acceptable to the Division. WRIL submitted a corrective action plan to rectify procedures to ensure their confidentiality policy. WRIL had a total of \$61,079.29 for HMAD (each center allowed to set aside 15% of their combined Part C funds and state contract for HMAD). At the time of the review WRIL showed \$4,700 was spent. WRIL continued with HMAD services until the end of the contract year, and then they were to send the Division a report on total HMAD expenditures and given until July 15th to process payments. The final approved amount HMAD resulted in WRIL repaying \$18,728 by August 31, 2020. To date this repayment has not been paid, resulting in payment on the current contract being withheld until this amount is repaid. WRIL also needs to submit a corrective action plan to the Division if HMAD funding is to be utilized. WRIL exceeded their contract by 8.5%, the new contract for SFY 2021 has a 2% inflation increase. The new contract is to provide 19,469 service units and WRIL chose to set no dollars aside for HMAD services. After three months of services, they are projected to fall short of their contract by 55% (approximately \$89,000), a significant amount of these funds could have been used for HMAD. Bernie finished and there were no questions for him at this time.

BREAK

STATE PLAN FOR INDEPENDENT LIVING UPDATE/ANTICIPATED SPIL

REPORTING CHANGES: SILC staff reported that word was received from Regina Blye, Administration for Community Living staff that we should receive official notice on the status of the draft State Plan for Independent Living (SPIL) by September 30th. Members were reminded that once the State Plan for IL is approved the quarterly report will be updated to reflect questions to assist the SILC with monitoring progress made towards achieving the SPILs goals and objectives. SILC staff will work with the SILC Committee to update the quarterly report which is one tool utilized to monitor progress being made. Eric reiterated the language of the Rehabilitation Act and the duties and responsibilities of SILC members of monitoring, reviewing, and evaluating the implementation of the state plan. SILC members need to take an active role with creating and monitoring the reports in order to evaluate the state plan's effectiveness. Alan commented that each SILC member needs to identify at least one committee to serve on, that the majority of work is accomplished through the use of its committees. Staff can assist the committees with scheduling and hosting meetings via Zoom meetings or conference calls. to assist members with their work.

BOARD OF VOCATIONAL REHABILITATION (BVR) REPORT: Eric provided this report explaining that the BVR is the advisory council to the Division on the vocational rehabilitation program. The BVR met on June 25th via Zoom. He reviewed a number of agenda items during the last Board's meeting i.e., VR initiatives, data on students with disabilities from the Department of Education, Business Specialist update, and the election of officers. He identified the new members - Vicki Kerkvliet, Jonathan Englund, Jennifer Trenhaile and Lisa Merchen – who all participated during the June meeting, prior to their official start date. A new board member orientation will be held soon most likely via Zoom. The next meeting will be held September 29th. Several upcoming agenda items will include an update on the Transition Services Liaison Project, case file review of VR cases, and NDEAM events.

REVIEW OF SILC COMMITTEES: Alan noted again that each SILC member should serve on at least one committee. If a member has not identified a committee, they should expect a call from him to discuss where they would like to serve and put their talents to great use. SILC staff reported that there are six current committees and the activities that have been worked on by each. Membership for each committee was outlined. Alan asked each committee to identify a chairperson and provide this name to Alan as SILC Chair. If any member knows of other individuals who would be willing and able to assist on a given committee, individuals can be added. Please let Alan know the committee chairperson's name by the end of September.

SILC DRAFT BYLAWS: The Bylaws/Policies/Procedures Committee reviewed the Bylaws and were recommending proposed changes. The bylaws with the suggested changes were forwarded to the full SILC for review prior to this meeting. The proposed

changes were noted in red ink. Staff identified and read out loud the current language for amending the bylaws and what is needed to be done and timeframe involved. Staff drew attention to the language and what is required for a quorum and asked questions of those who have served longer on the SILC. A question was asked about history and the difficulty the SILC had with obtaining attendance of “voting members” at a given meeting to meet a quorum. Discussion continued on these areas, several members asked about referring the proposed changes back to the committee for final review and consideration prior to taking action. **MOTION TO REFER THE PROPOSED BYLAW CHANGES TO THE BYLAWS/POLICIES/PROCEDURES COMMITTEE FOR FINAL REVIEW AND PRESENT FINAL CHANGES TO THE FULL SILC AT THEIR NEXT MEETING, MSC.** YEAS – Mark S, Mark K, Kyrsten, CJ, Jen, Syndee, and Patty. NAYS - None.

CHAMPION OF INDEPENDENT LIVING (IL) AWARDS: Mark K addressed this topic. He explained that no nominations were received for the Champion of IL awards this year, thinking this is largely due to COVID. He is hoping that the SILC receives nominations next year. He indicated this was discussed during the SILC’s Executive Committee and there was agreement that the SILC would attempt to solicit nominations next year, identify a recipient and an event to honor the individual or organization.

FALL CONFERENCE/CIL STAFF TRAINING OPPORTUNITIES: Eric explained there are funds in the current staff support agreement to support CIL staff training opportunities. A few years ago, the Division built in an IL track into the Fall Conference to support the training needs of IL specialists. This year the Fall Conference will be held virtually on October 20—22, and sessions will be held in the mornings. Dr. Christiana Bratiliotis will address hoarding i.e., understanding behavior; how to help: strategies to support clients who hoard. Staci Jonson will address adverse childhood experiences (ACEs): next steps towards resiliency. Lisa Boyd will address how to manage our implicit bias in the workplace. The registration fee has been reduced to \$50 per person. He encouraged SILC members to attend if they are interested as well. Information has been disseminated to members regarding registration. A question was asked if the Division has seen an increase in registrations since the event will be held virtually. Eric responded that it is too early to know as registration only recently opened. Mark K suggested that if interpreters are needed for any conference participants that they be pinned in order for the attendee to view the interpreter along with the presenter.

NATIONAL COUNCIL ON INDEPENDENT LIVING (NCIL) ANNUAL CONFERENCE ON IL: Patty thanked the SILC for allowing her to participate in the NCIL’s annual conference held in August. The conference was held virtually over a three-week period with morning and afternoon sessions. Topics included: COVID-19; Black Lives Matter,

Persons of Color, housing, health care, voting, recruitment of new SILC members, and policies for hiring practices. Patty noted that NCIL has information on its website and other resources. Colette thanked the SILC as well for allowing her participation. She shared her screen and scrolled through the agenda to show the variety of topics. She noted the ability of any registered attendee, to return and watch sessions as everything has been archived. PowerPoints and the text were available for the majority of agenda topics. Colette highlighted a few other topics: ADA, marginalized groups, curriculum for youth with disabilities, racial injustice, IL History and Philosophy, barriers in higher education. NCIL was going to offer access to the archived sessions at a discounted price and this information will be shared once its posted. Patty talked about some of the presenters, and the possibility of utilizing them for future training efforts. Alan noted that both Patty and Colette inquired about attendance, and this was forwarded to the SILC's executive committee for consideration and approval.

SILC POLICY “A PROCESS TO VERIFY CENTERS FOR INDEPENDENT LIVING ARE ELIGIBLE TO SIGN THE STATE PLAN”:

Alan and Colette addressed this agenda item, noting it was discussed at the last meeting. Questions were asked about the policy and it was referred back to the committee for further work. Alan outlined language that was added that defined a Center for Independent Living. Staff noted that Matt, Jen, and Jennifer worked on adding language outlining how the SILC would determine a CIL eligible to sign the State Plan. The proposed language was highlighted in yellow and outlined that the SILC would utilize a copy of the CIL's annual Notice of Award (NAO) for Part C funds from ACL to determine the CIL's eligibility. Draft language continued outlining that each CIL would submit a copy of the NOA to the SILC annually. There were no questions, no further discussion. **MOTION TO ADOPT THIS POLICY AS PRESENTED, MSC.** YEAS – Mark S, Mark K, Kyrsten, CJ, Jen, Syndee, and Patty. NAYS - None.

SILC STAFF REPORT: Governor's Awards Ceremony: Plans continue to host the awards ceremony in person on September 15th in Pierre. The ceremony will be held in the Rotunda of the Capital with a reception following. Seven award recipients will be recognized by the Governor. The Department of Human Services issued a press release a few days which was forwarded to all members. National Disability Employment Awareness Month (NDEAM) Update: staff reported that the majority of NDEAM events needed to be restructured from in person events to hosting them virtually. Contracts needed to be re-written with several speakers in order to remove travel related expenses. Aberdeen/Mobridge/Pierre will address “The Power of Culture” and utilize Think 3D Solutions for the October 7 event. Brookings/Madison/Sisseton will host Haley Moss to conduct three separate sessions with different topic areas with dates and times to be defined. Volga school district has opted out due to COVID related reasons. Rapid City/Sioux Falls/Yankton/Mitchell will feature a presenter from the Job Accommodation Network on October 6th. Watertown is

continuing with original plan to recognize area employers/businesses and individuals with disabilities and conduct social media and newspaper articles highlighting success stories. SILC Budget Update: expense areas were noted under Staff training and SILC member travel where the registration fees for the NCIL training were coded. Meeting expenses reflects remaining expenses for outgoing member gifts and the SILC's share of costs for the Zoom account. The budget report also reflects the \$100 credit which is the refund from the SD Coalition of Citizens with Disabilities for the membership dues that were returned. There were no questions regarding the budget report: **MOTION TO APPROVE THE SILC BUDGET REPORT, MSC.** YEAS – Mark S, Mark K, Kyrsten, CJ, Jen, Syndee, and Patty. NAYS - None.

OTHER BUSINESS: The need to host a new member orientation will be scheduled once a date is identified. Matt asked permission of the Chairperson to ask a few questions regarding a previous agenda item, which was granted. First, he noted as a CIL director, he posed a question to the Division of what happens with a CIL's contract funds, if there are remaining funds from a previous year, what happens to this funding? Eric replied that in regard to Part B funds, if there are remaining funds; funds are reverted/returned to the Federal Government at the end of the second carryover year. If there is a contract with a CIL that is annually underspent, the Division can consider moving funds to a different CIL's contract that can expend the funds.

Second, Matt inquired with WRIL whether they are providing HMAD services or not, and if not, what is the state's expectation of ILC in providing these services. Jen replied that WRIL's board of directors will be meeting soon to discuss the HMAD services, which includes applying for grants, etc. She will update the SILC regarding WRIL's board's direction. Matt asked what the Division's expectation is when ILC receives calls from consumers from territories they do not serve. The Division's response was that it does not expect a CIL to serve consumers in another CIL's territory. If a CIL does, it is fine, but it is not the expectation.

CLOSING ACTIONS: Future Agenda Items: there were no items offered at this time. Scheduling Next Meeting: SILC staff will forward a doodle poll to members identify a date for the next meeting to be held in late November or early December. Alan asked if there was anything else/other business; there was none. Adjournment: The Chairperson adjourned the meeting at 12:40 pm.