

From: [Linguard, Christie](#)
Subject: Meeting Notice - The Commission of the SCDDSN - Commission Meeting - May 18, 2023
Date: Tuesday, May 16, 2023 4:38:25 PM
Attachments: [Commission Packet - May 18 2023.pdf](#)

Good Afternoon,

The South Carolina Commission on Disabilities and Special Needs will hold its regularly scheduled meeting in-person on Thursday, May 18, 2023, at 10:00 a.m. in conference room 251 at the SC Department of Disabilities and Special Needs, Central Administrative Office, 3440 Harden Street Extension, Columbia, SC. To access the live audio stream for the 10:00 a.m. meeting, please visit <https://ddsn.sc.gov>.

There will be very limited space in conference room 251 due to the employee appreciation ceremony; therefore, a separate conference room has been reserved for all visitors and guests.

Attached is the Commission Packet for the meeting.

For further information or assistance, contact (803) 898-9769 or (803) 898-9600.

Thank you.

SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS

A G E N D A

**South Carolina Department of Disabilities and Special Needs
3440 Harden Street Extension
Conference Room 251 (TEAMS)
Columbia, South Carolina**

May 18, 2023

10:00 A.M.

1. Call to Order *Chairman Stephanie Rawlinson*
2. Notice of Meeting Statement *Commissioner Robin Blackwood*
3. Welcome
4. Adoption of Agenda
5. Invocation *Commissioner Stephanie Rawlinson*
6. Approval of Commission Meeting Minutes
 1. Special Called Commission Meeting/Pubic Hearing – April 20, 2023 **Pages 2-3**
 2. Commission Meeting – April 20, 2023 **Pages 4-10**
7. Commissioners' Update *Commissioners*
8. Public Input
9. Programs and Services
SC State Museum *Ms. Laura Ybarra-Kane
Manager of Education and Interpretation*
10. Employee Recognition and Service Award Ceremony *Ms. Constance Holloway
Ms. Morgan Foster
Ms. Liz Lemmond*
11. Old Business:
 - A. Quarterly Incident Management Report **Pages 11-12** *Ms. Ann Dalton*
 - B. Update on Sage Squirrel Consulting, LLC & EdMetric, LLC *Harley Davis, PhD*
12. New Business:
Financial Update **Page 13** *Mr. Quincy Swygert*
13. Director's Update *Ms. Constance Holloway*
14. Next Regular Meeting - June 15, 2023
15. Adjournment

SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS
SPECIAL CALLED COMMISSION – PUBLIC HEARING ON REGULATIONS
MEETING MINUTES

April 20, 2023

The South Carolina Commission on Disabilities and Special Needs met on Thursday, April 20, 2023, at 12:26 p.m., at the Department for Disabilities and Special Needs, 3440 Harden Street Extension, Columbia, South Carolina.

The following were in attendance:

COMMISSION

Present In-Person

Barry Malphrus – Vice Chairman

Robin Blackwood – Secretary

Eddie Miller

Michelle Woodhead

Absent

Stephanie Rawlinson – Chairman

Gary Kocher, MD

David Thomas

DDSN Administrative Staff

Carolyn Benzon, Deputy General Counsel; Lori Manos, Associate State Director of Policy; Erin Oehler, Attorney; Robert McBurney, Emergency Operations and Special Projects; Preston Southern, Information Technology Division; and Christie Linguard, Executive Assistant.

Call to Order and Notice of Meeting Statement

Vice Chairman Malphrus called the meeting to order and Secretary Blackwood read a statement of announcement about the meeting that was distributed to the appropriate media, interested persons, and posted at the Central Office and on the website in accordance with the Freedom of Information Act.

Welcome

Vice Chairman Malphrus welcomed everyone to the Public Hearing for the proposed Regulations to go into the State Register.

Adoption of the Agenda

Discussion was held about Disability Rights South Carolina (DRSC) sending in their written comments and requesting a meeting of the Executive staff members in lieu of speaking at this Public Hearing today. Commissioner Blackwood made a motion to adopt the agenda as written with the amendment of the removal of DRSC commenting on the Agency’s Regulations. The motion was seconded by Commissioner Malphrus and approved by all four (4) Commission members present. (Attachment A)

The only agenda item was stricken from the approved amended agenda. There were written comments from Mr. Ralph Shenefelt from Health and Safety Institute in Eugene, Oregon and Disability Rights South Carolina. As mentioned, staffers will meet with DRSC to discuss their comments. Vice Chairman Malphrus noted that the Agency will receive the current draft of each proposed regulation and make any appropriate grammatical or classification edits before submission of the final draft to the legislature. (Attachment B)

Adjournment

On a motion by Commissioner Miller, seconded by Commissioner Blackwood and approved by the Commission, the meeting was adjourned at 12:33 p.m.

Submitted by:

Approved by:

Christie D. Linguard
Executive Assistant

Commissioner Robin Blackwood
Secretary

SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS

MINUTES

April 20, 2023

The South Carolina Commission on Disabilities and Special Needs met on Thursday, April 20, 2023, at 10:00 a.m., at the Department of Disabilities and Special Needs Central Office, 3440 Harden Street Extension, Columbia, South Carolina.

The following were in attendance:

COMMISSION

Present In-Person

Barry Malphrus – Vice Chairman

Robin Blackwood – Secretary

Gary Kocher, MD

Eddie Miller

Michelle Woodhead

Microsoft Teams

David Thomas

Absent

Stephanie Rawlinson – Chairman

DDSN Administrative Staff

Constance Holloway, Interim State Director/General Counsel; Harley Davis, Ph.D., Chief Administrative Officer; Quincy Swygert, Chief Financial Officer; Courtney Crosby, Internal Audit Director; Lori Manos, Associate State Director of Policy; Janet Priest, Associate State Director of Operations; Carolyn Benzon, Deputy General Counsel; Greg Meetze, Information Technology Director; Stephanie Turner, Autism Division Director; Andrew Tharin, Director of Engineering; Robert McBurney, Emergency Operations and Special Projects; Pacifico Perea, Public Information Division; Preston Southern, Information Technology Division; and Christie Linguard, Executive Assistant.

Notice of Meeting Statement

Vice Chairman Malphrus called the meeting to order and Secretary Blackwood read a statement of announcement about the meeting that was distributed to the appropriate media, interested persons, and posted at the Central Office and on the website in accordance with the Freedom of Information Act.

Welcome

Vice Chairman Malphrus welcomed everyone to the meeting this morning. Guests were asked to stand and introduce themselves. Vice Chairman announced that there will be a Public Hearing thirty (30) minutes after the adjournment of this meeting.

Adoption of the Agenda

On a motion by Commissioner Kocher, seconded by Commissioner Blackwood, the meeting agenda was unanimously approved as written by the Commission. (Attachment A)

Invocation

Commissioner Miller gave the invocation.

Approval of Commission Meeting Minutes

Commissioner Blackwood made a motion to approve the Commission Meeting minutes from March 16, 2023; this motion was seconded by Commissioner Miller and unanimously approved by the Commission. (Attachment B)

Commissioners' Update

Commissioner Blackwood attended the Laurens County Disabilities and Special Needs Board meeting and toured their facilities. She learned about sensory bags that were purchased and provided to law enforcement in the area. She announced the statewide conference on autism, Converge Autism Summit, presented by Springbrook Autism Behavioral Health in Greenville, SC. This Summit will take place on May 16 & 17, 2023.

Commissioner Woodhead noted that she attended the Collegiate National Wheelchair Tennis Nationals in Orlando, Florida. There are nine (9) universities in the United States that have established programs and five (5) emerging universities with this program. She also attended the Leisure Skill Clinic presented by Back to Independence Rehab in Charlotte, NC.

Vice Chairman Malphrus stated that he attended Disability Day at the statehouse last month.

Public Input

There was no public input.

Autism Awareness Month

Ms. Stephanie Turner began by defining Autism and explaining some of the behaviors. She gave statistics and updated the Commission on things the agency is doing to observe autism this month.

Programs and Services

A. United Cerebral Palsy of South Carolina

Ms. Rachel Sharp, Executive Director of the United Cerebral Palsy (UCP) of South Carolina, began by stating the mission of UCP and what they offer to the consumers of South Carolina. They provide services in five counties: Lexington, Richland, Greenville, Sumter and Clarendon. Their main office is in West Columbia. UCP provides support to all persons with disabilities. (Attachment C)

B. DHEC Division of Children and Youth with Special Health Care Needs

Ms. Shannon Grant is a Social Worker at the Department of Health and Environmental Control (DHEC). She began by stating that funding for the Children and Youth with Special Health Care Needs (CYSHCN) comes from the Title V program. They serve children between the ages of birth to 21 years old with certain qualifying diagnoses. Their primary goals are to provide care coordination to families and children as well as funding assistance for needed services and supplies. As children begin to age out, they also provide transitional services. They have six different programs within their division: Children's Rehabilitative Services (CRS) Program; Hemophilia Premium Assistance Program; Sickle Cell Services; Hearing Program; Orthodontia Program; and Special Formula Program. In addition, they also offer a residential summer camp for children, youth and young adults with disabilities called Camp Burnt Gin, which is held in Sumter County and is currently operating at 60% capacity after COVID. (Attachment D)

Old Business

A. Legislative Update

Mr. McBurney began by stating that the legislative session will be ending soon. Senate Bill 343, Crisis Stabilization, has passed the Senate and is now in the Medical, Military, Public and Municipal Affairs (3M) Committee. The Senate Finance Committee took up the budget on the floor this week. For the Agency's budget, the Senate funded everything the House of

Representatives funded for our budget with the additional funding for autism eligibility evaluations. They also fully funded the Federal Medical Assistance Percentage (FMAP) shortfall. Lastly, Mr. McBurney reminded the Commission of the upcoming Public Hearing on Regulations to take place thirty (30) minutes after the adjournment of this Commission meeting.

Interim Director Holloway gave a brief update on Senate Bill 602, as currently written. It was passed by the Senate on March 29, 2023, and referred to the Judiciary Committee in the House after being introduced on April 4, 2023. The six (6) sections of this Bill was discussed. (Attachment E)

B. Conflict-Free Case Management Update

Ms. Manos explained that conflict-free case management (CFCM) refers to an individual not receiving case management and direct services from the same provider. The transition for the Agency to move from CFCM began in July 2020. Phase 4 of the Transition Framework is underway by the Agency to meet the 100% CFCM benchmark deadline of December 31, 2023. A total of 5752 waiver participants were initially in conflict and as of February 1, 2023, there are only 1702 cases that remain in conflict. This represents the transition of 70.4% of the waiver participants to case management without conflict. Ms. Manos reported that the Agency is starting to see provider capacity issues centered around very complex cases. A focus group meeting with several providers was held earlier this week in an attempt to work through some of the capacity issues. The Agency is also working to recruit new providers into the system to assist with reaching the Agency's goal of 100% CFCM by the end of this calendar year. (Attachment F)

New Business

A. Annual Comprehensive Property Implementation Plan (CPIP) Five-Year Plan and Request for Approval for Year One Projects

Mr. Tharin began by explaining the need to present this Plan and approve year one. The five-year plan total approximate budget is \$42,910,000, with year one's budget approximately \$12,675,000. Commissioner Blackwood made a motion to approve the five-year Comprehensive Property Implementation Plan (CPIP) as presented, which includes starting on year one projects detailed in this Plan immediately. The motion was seconded by Commissioner Miller. There being no further discussion, both

the five-year and year one Plans were unanimously approved by the Commission. (Attachment G)

B. Financial Update

Mr. Swygert presented the FY23 Spending Plan vs Actual as of March 31, 2023. To date, the Agency has expended \$742M, of our approved spending plan of \$939.1M. The agency is currently 4.06% over budget. Commissioner Blackwood made a motion to approve the Financial Update, seconded by Commissioner Thomas and unanimously approved by the Commission. (Attachment H)

Mr. Swygert spoke briefly about the combined Audit Policy that went out for the 10-day public comment period earlier this month. At this time, the Agency will wait on the Department of Health and Human Services (DHHS) to release their timeline as well as any cost report manuals or guidance to the Disabilities and Special Needs (DSN) Boards before presenting a revised Audit Policy.

Director's Update

- Interim Director Holloway began by highlighting long-term staffer, Elisa Bess, who works at the Saleeby Regional Center. Ms. Bess is celebrating 35 years of service at the Agency. She started as a Direct Support Professional (DSP) at Pee Dee Regional Center for three years and then transferred to Saleeby Regional Center in 1991 to work in the Adult Rehabilitation Department as a teacher. She is currently working in the same Department as a supervisor. Ms. Bess recently stated that she enjoys working with the Agency to make a difference in the lives of the people we serve.
- Employment and Day Services Program recently sponsored Mr. Vic Gable, a subject matter expert in the successful employment strategies, to assist in training our provider network on strategies and various other mechanisms to increase employment. Additionally, staffers have been traveling across the state to participate in transition fairs, where they provide helpful employment resources to students with disabilities in order that they may find jobs once they graduate from high school.
- The Eligibility Division continues to handle a high volume of cases, processing approximately 800 cases per month. Additionally, the division has expanded the screening process so they can better serve applicants and has started streamlining services for those on the autism spectrum following face-to-face assessments.
- Interim Director Holloway spoke briefly about Autism Awareness Month and once again, highlighted some of the activities going on throughout the

Agency to bring more awareness. She highlighted Stephanie Turner and thanked her for working with the police departments throughout the state to bring awareness.

- Highlights from our Regional Centers include:
 - Coastal Regional Center's security gate project has been completed. Also, the Parents Group at Coastal organized a garage sale last weekend, which was highlighted in the Post & Courier Newspaper.
 - Whitten Regional Center recently worked with the blood connection on the blood drive at the cinema.
 - Midlands Regional Center is collaborating with the South Carolina State Museum on an effort to increase visibility for individuals who are disabled.
 - Each Center will be participating in the Agency's newly launched internship program. This initiative will provide on-the-job experience for college students across the state and hopefully boost our employment and retention efforts across the Agency.

Executive Session

Vice Chairman Malphrus announced that the Commission will go into Executive Session for the purpose of discussing a personnel matter and legal matter involving Poole v. South Carolina Department of Disabilities and Special Needs, et. al. At 11:36 AM, on a motion by Commissioner Blackwood, seconded by Commissioner Thomas, the commission voted unanimously to enter into executive session.

Rise Out of Executive Session

Commissioner Kocher made a motion to rise out of executive session. This motion was seconded by Commissioner Blackwood and unanimously approved by the Commission. Upon rising out of executive session at 11:50 AM, Vice Chairman Malphrus announced that no motions were made, no decisions made and no votes taken during executive session.

Action on Item(s) Discussed in Executive Session, if needed

Commissioner Blackwood made a motion to withdraw former Director Mary Poole's March 2, 2021, termination letter and in doing so, the Commission admits to no wrongdoing. Commissioner Thomas seconded this motion. Individual votes were taken with the following outcome: Commissioners Gary Kocher and Michelle Woodhead abstained from voting because they were not Commission members during the time the letter was written; Commissioners

Robin Blackwood, Eddie Miller, David Thomas and Barry Malphrus all voted aye.
The motion carried.

The Public Hearing on Regulations will take place thirty (30) minutes from now.

Next Regular Meeting

May 18, 2023 at 10:00 AM

Adjournment

On a motion by Commissioner Thomas, seconded by Commissioner Miller and approved by the Commission, the meeting was adjourned at 11:58 A.M.

Submitted by:

Approved by:

Christie D. Linguard
Executive Assistant

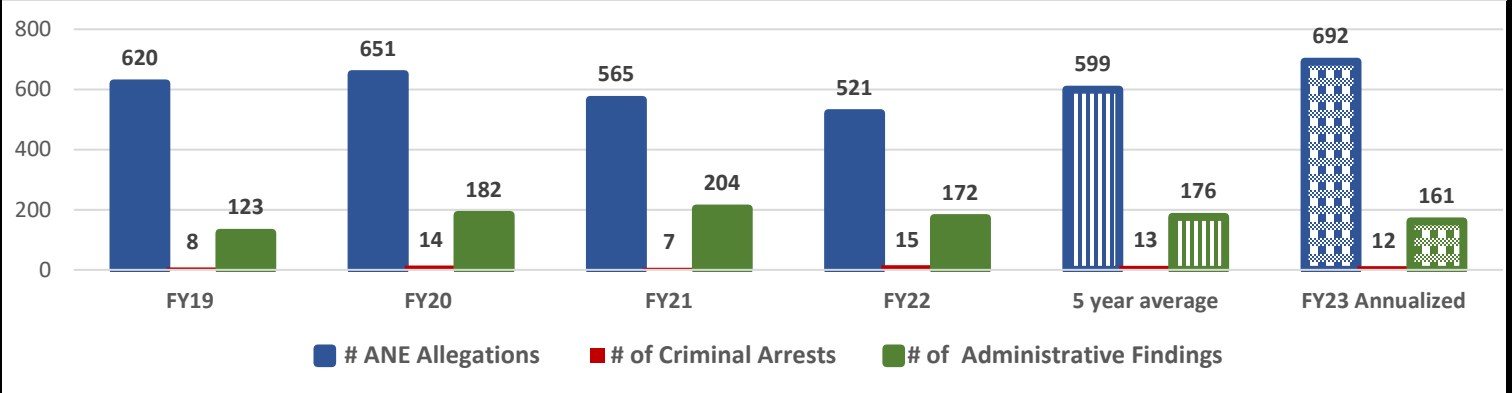
Commissioner Robin Blackwood
Secretary

SCDDSN Incident Management Report 5-year trend data DRAFT

for Community-Based Services (Includes Residential & Day Service Settings) Thru 3/31/2023

Allegations of Abuse, Neglect, Exploitation	FY19	FY20	FY21	FY22	5 YEAR Average	FY23 Annualized (Thru Q3)
# of Individual ANE Allegations	620	651	565	543	599	692 (519)
# of ANE Incident Reports (One report may involve multiple allegations)	415	436	388	389	416	472 (354)
Rate per 100	9.6	11.8	10.9	9.3	10.7	8.5
# ANE Allegations resulting in Criminal Arrest	8	14	7	15	13	12 (9)
# ANE Allegations with Administrative Findings from DSS or State Long-Term Care Ombudsman	123	182	204	172	177	161 (121)

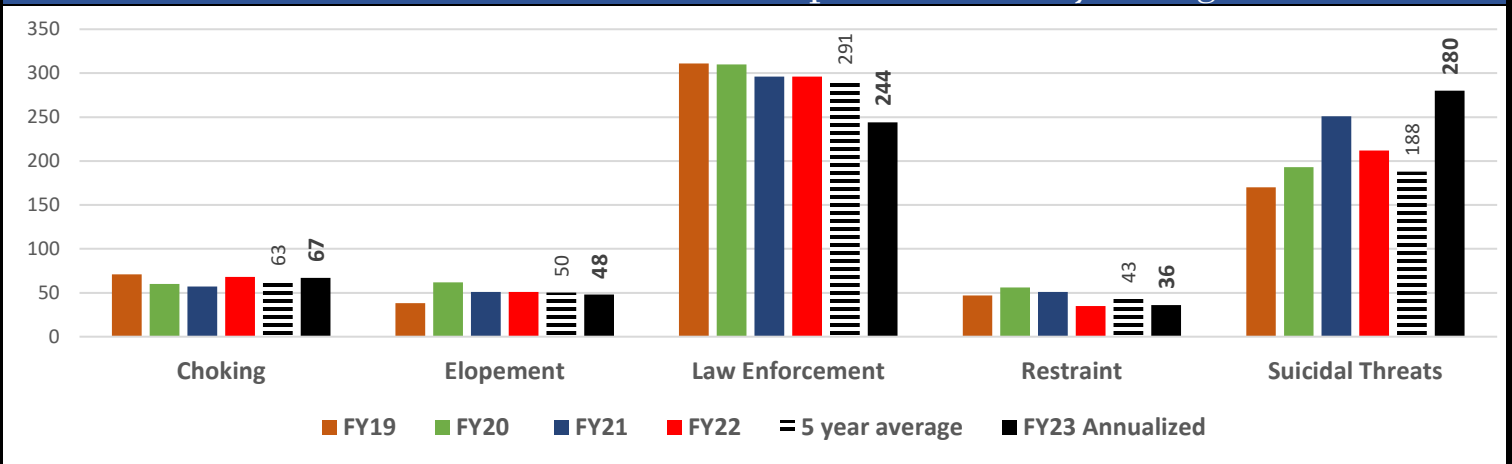
ANE Allegations: Comparison to Arrest Data & Administrative Findings



There were 2 ANE Reports for FY23 involving children under the age of 18. All other reports were for adults.

Critical Incident Reporting	FY19	FY20	FY21	FY22	5 YEAR Average	FY23 Annualized (Thru Q3)
# Critical Incidents	916	982	974	1245	1037	1096 (822)
Rate per 100	9.6	11.8	10.9	15.4	11.9	13.2
# Choking Events	71	65	57	68	64	67 (50)
# Law Enforcement Calls	311	310	296	296	291	244 (183)
# Suicidal Threats	170	193	251	212	188	280 (210)
# Emergency Restraints or Restraints w/ Injury	47	56	51	35	43	29 (22)

5 Year Critical Incident Trend Report- Community Settings



There was 1 Critical Incident Report for FY23 involving a child under the age of 18. All other reports were for adults.

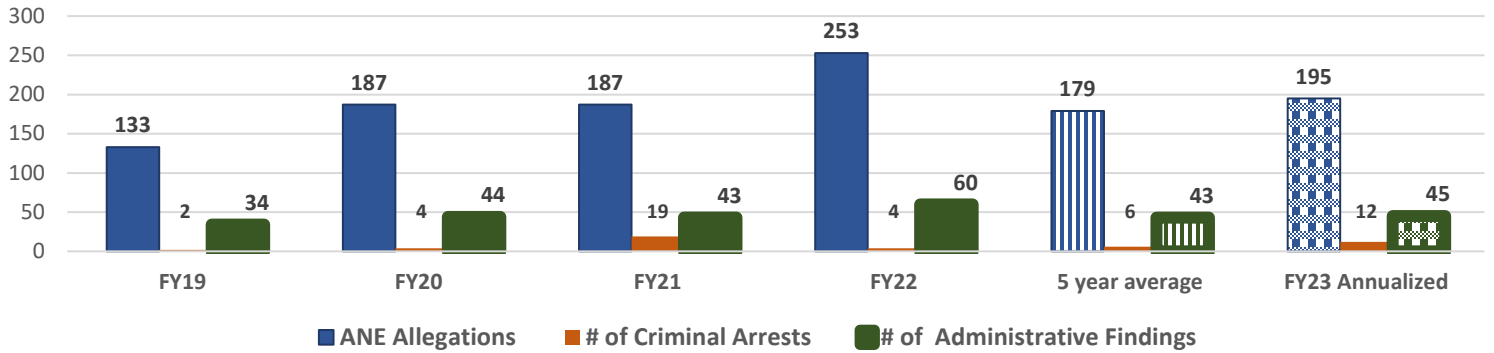
Death Reporting	FY19	FY20	FY21	FY22	5 YEAR Average	FY23 Annualized (Thru Q3)
# of Deaths Reported- Community Settings	78	86	130	102	94	105 (79)
Rate per 100	1.6	1.9	2.8	2.2	2.0	2.2

SCDDSN Incident Management Report 5-year trend data DRAFT

for Regional Centers *Thru 3/31/2023*

Allegations of Abuse, Neglect, & Exploitation	FY19	FY20	FY21	FY22	5 YEAR Average	FY23 Annualized (Thru Q3)
# of Individual ANE Allegations	139	187	187	253	179	195 (131)
# of ANE Incident Reports (One report may involve multiple allegations)	102	136	138	167	128	139(104)
Rate per 100	20.9	28.9	27.9	38.0	27.0	31.7
# ANE Allegations resulting in Criminal Arrest	2	5	19	4	6	12 (6)
# ANE Allegations with Administrative Findings from DSS or State Long-Term Care Ombudsman	34	44	43	60	43	45 (34)

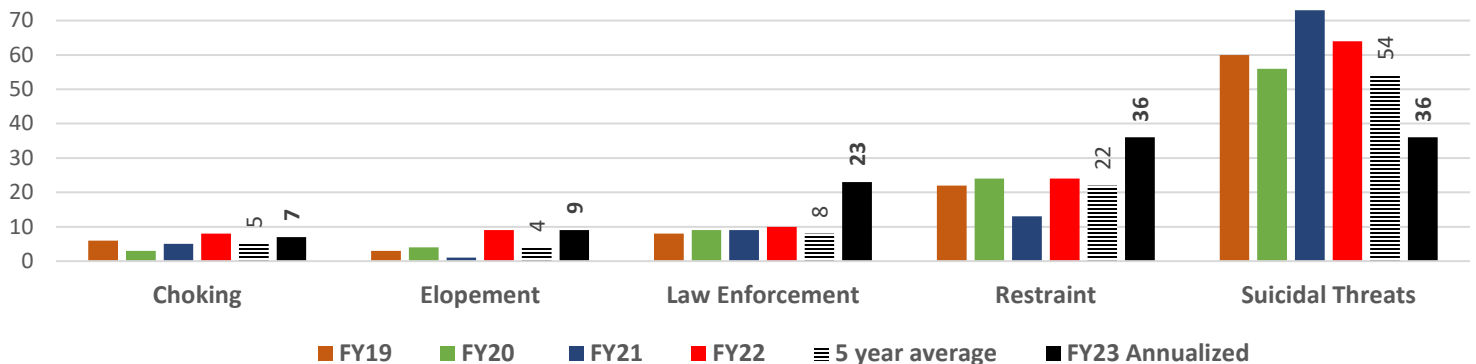
ANE Allegations: Comparison to Arrest Data & Administrative Findings



There were 0 ANE Reports for FY23 involving children under the age of 18. All reports were for adults.

Critical Incident Reporting	FY19	FY20	FY21	FY22	5 YEAR Average	FY23 Annualized (Thru Q3)
# Critical Incidents	132	135	124	160	139	152 (114)
Rate per 100	18.6	20.8	19.1	24.2	21.1	24.7
# Choking Events	6	3	5	8	5	7 (5)
# Law Enforcement Calls	8	9	9	10	8	23 (17)
# Suicidal Threats	60	56	73	64	54	36 (27)
# Emergency Restraints or Restraints w/ Injury	22	24	13	24	22	36 (27)

5 Year Critical Incident Trend Report- Regional Centers



There were 0 Critical Incident Reports for FY23 involving children under the age of 18. All reports were for adults.

Death Reporting	FY19	FY20	FY21	FY22	5 YEAR Average	FY23 Annualized (Thru Q3)
# of Deaths Reported - Regional Centers	33	22	48	36	33	23 (17)
Rate per 100	4.6	3.4	7.0	5.4	4.8	4.0

FY 23 Spending Plan VS Actual Expenditures - thru 4/30/2023

Category	Approved Spending Plan	Cash Expenditures YTD	SCDHHS Monthly "Wash" Expenditures with Revenue YTD *	Total Monthly Expenditures YTD	Remaining Spending Plan	Spending Plan Deviation with Actual
DDSN spending plan budget	\$ 939,135,153	\$ 271,189,607	\$ 546,325,446	\$ 817,515,054	\$ 121,620,099	REASONABLE
Percent of total spending plan remaining	100.00%	28.88%	58.17%	87.05%	12.95%	
% of FY Remaining					16.67%	
Difference % - over (under) budgeted expenditures					3.72%	

Methodology & Report Owner: DDSN Budget Division