

# **SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS**

## **MINUTES**

November 21, 2013

The South Carolina Commission on Disabilities and Special Needs met on Thursday, November 21, 2013, 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:

Fred Lynn, Chairman  
Christine Sharp, Vice Chairman – via teleconference  
Katherine Davis  
Katherine Finley  
Deborah McPherson  
Eva Ravenel

#### Absent

Harvey Shiver, Secretary

### DDSN Administrative Staff

Dr. Buscemi, State Director; Mrs. Susan Beck, Associate State Director, Policy; Mr. David Goodell, Associate State Director, Operations; Mr. Tom Waring, Associate State Director, Administration; Mrs. Tana Vanderbilt, General Counsel (For other Administrative Staff see Attachment 1 – Sign In Sheet).

### Guests

(See Attachment 1 Sign-In Sheet)

### Coastal Regional Center (via videoconference)

(See Attachment 2 Coastal Regional Center Sign-In Sheet)

### Pee Dee Regional Center (via videoconference)

(No one in Attendance)

### Whitten Regional Center (via videoconference)

(See Attachment 4 Whitten Center Regional Center Sign-In Sheet)

### York County DSN Board (via videoconference)

(See Attachment 5 York County Sign-In Sheet)

### News Release of Meeting

Chairman Fred Lynn called the meeting to order and Commissioner Katherine Davis read a statement of announcement about the meeting that had been mailed to the appropriate media, interested persons, and posted at the Central Office and on the website in accordance with the Freedom of Information Act.

### Invocation

Chairman Lynn asked the attendees to pause for a moment of silent prayer.

### Adoption of the Agenda

The Commission adopted the November 21, 2013 Meeting Agenda by unanimous consent. (Attachment A)

### Approval of the Minutes of the October 22, 2013 Commission Meetings

The Commission approved the minutes of the October 22, 2013 Commission Meeting by unanimous consent.

### Public Input

Mrs. Kathleen Roberts of Newberry, SC, spoke on behalf of the Whitten Center Parents Club.

### Report from DSN Boards

Mr. Jimmy Burton spoke on behalf of the SC Human Service Providers Association.

### Commissioners' Update

Commissioners Fred Lynn and Eva Ravenel spoke of events and meetings that they attended in their district.

### Waiting List Report

Mrs. Susan Beck provided a handout which included a layout of the rotation of the waiting list reports. She gave a report of the Community Supports Waiver Waiting List movement stating that 417 new waiver slots were awarded from July 1, 2013 to October 31, 2013; 607 new consumers were served in FY 2012 and 422 consumers were served in FY 2013, with a total of 1,029 for the last two-year timeframe. The year-to-date update was also provided for the other waiting lists. Dr. Buscemi stated that the \$600,000 allotted last year for waiting lists has helped with the movement. (Attachment B)

Medicaid Targeted Case Management (MTCM)/Waiver Case Management (WCM) Update

Mrs. Susan Beck gave an update on MTCM stating that multiple state agencies have been collaborating with DHHS for the MTCM policy manual revision and that a draft was reviewed late last week and input was provided. The draft included a precertification process that will be completed by DHHS to begin February 1, 2014 for approval for initial and continuing MTCM service provision. Mrs. Beck discussed the precertification process. The manual is scheduled to be published December 1, 2013. Training for agencies on the policy changes will take place in December 2013 and provider trainings will take place in January 2014. No contract for MTCM has been received to date.

Mrs. Beck gave an update on WCM stating draft documents for waiver amendments for the four waivers to add the WCM service have been reviewed and should be submitted shortly to CMS for approval. The goal date for CMS approval is March 2014. The WCM Training Work Group is meeting focused on the Waiver Case Manager training to meet the qualifications to be a WCM.

Mrs. Beck stated DHHS has indicated its intent to provide state match for the purpose of moving the Waiver Waiting Lists which is in addition to the HASCI commitment. Data is being collected to project the needs of the people in the first section of the waiting lists in order to plan service and to determine capacity issues.

Mrs. Beck stated that DHHS is seeking advice from their general counsel regarding the written financial arrangement to provide state match for Level 2 service expansion and the additional Waiver Slot funding. (Attachment C)

Olmstead Update

Mr. David Goodell gave an Olmstead Status Report presentation that included the history of Olmstead, Consumer Choice/Integration, post and pre and post Olmstead, Positive Olmstead Outcomes and future Olmstead issues. Discussion followed regarding the importance of family support. (Attachment D)

NASDDDS Update

Dr. Buscemi gave a briefing of her attendance at the 2013 NASDDDS Directors Forum and Annual Conference in Alexandria, Virginia, held November 12 – 15, 2013. She stated the conference gave her the opportunity to speak with various federal agencies that have significant influence on the service delivery system and to receive a wealth of information. Dr. Buscemi highlighted on the different areas of discussion which included making sure we are offering more integrated employment opportunities; stepping up our efforts on consumers moving from our public regional centers to a community setting; and building our infrastructure within the community. Dr. Buscemi stated the

Department of Labor Companion Rule that will go into effect January 2015 was also discussed in detail.

Approval for Funding for Interim Project/Bamberg County DSN Residential Renovations

Mr. Tom Waring presented information for Commission approval for funding for an interim project for renovations for two residential facilities in Bamberg County. Mr. Waring stated the needed renovations were identified after information was presented to the Commission in September. Discussion followed. On motion of Commissioner Eva Ravenel, seconded and passed, the Commission approved the capital improvement project presented for the renovations of two DDSN owned community residences in Bamberg County in the amount of \$195,000.00 be added to the capital improvement projects that were presented and approved in September. (Attachment E)

State Director's Report

Dr. Buscemi reported that DDSN has a process for assisting both boards and private providers with infrastructure needs every year; however, the agency realizes the provider network has delayed responding to many needs due to funding limitations. DDSN is currently examining options to distribute one-time funds to providers to address health and safety issues this year. Dr. Buscemi stated she hopes to have a plan for discussion at December's Commission Meeting.

Dr. Buscemi stated she met with the advocacy group regarding the provider performance data project. They suggested significant changes to the database. They strongly wanted a simple rating system. Some of these suggestions are inconsistent with what providers indicated they wanted. Because the IT Department will have to make significant changes, we will not be able to meet the original rollout date of January 2014. Dr. Buscemi would like to present and discuss the changes with the advocacy group as well as the providers prior to any final decisions. Most likely, it will be February 2014 or later before the data can be presented to the Commission.

Dr. Buscemi stated that Governor Haley recently visited Community Options, a private provider. The visit was very positive.

Next Regular Meeting Date

Chairman Fred Lynn announced the next regular Commission Meeting is scheduled for Thursday, December 19, 2013 with the starting time to be determined.

Executive Session

On motion of Commissioner Eva Ravenel, seconded and passed, the Commission entered into Executive Session to receive legal advice and to discuss a contractual matter.

Enter into Public Session

The Commission entered into Public Session. It was noted that no action was taken in the Executive Session.

Adjournment

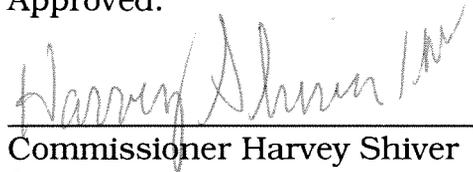
With no further business, Chairman Fred Lynn adjourned the meeting.

Submitted by,



Sandra J. Delaney

Approved:



Commissioner Harvey Shiver  
Secretary

SC COMMISSION ON DISABILITIES AND  
**Commission Meeting**  
 November 21, 2013

Attachment 1

**Guest Registration Sheet**

**(PLEASE PRINT)**

Name and Organization

1. LINDA VELDHEER
2. Macie Smith DDSN
3. JAY ALTMAN CLDSN
4. Jimmy Burtz Burtz Club
5. Mike Moss Calhoun DSNB
6. Lisa Weeks DDSN
7. Richard Wnek DDSN
8. Stephanie William Calhoun DSNB
9. KATHLEEN ROBERTS - SC PAPP - WHITTEN CENTER PARENTS CLUB
10. Nancy McCormick P+A
11. SUSAN YELVERTON P+A
12. D. Rotholz CDR
13. Dorothy Goodwin Community Options
14. Diane Eppert SCSCA
15. Dror Rano Colston - Calhoun BSN
16. Beth Bunge Bright Start
17. Camen M. Cutchman LAC
18. W.C. Hoecker F.C.
19. Joyce Davis BIASC
- 20.

SC COMMISSION ON DISABILITIES AND  
Commission Meeting  
November 21, 2013

Attachment 2

**Guest Registration Sheet**

**(PLEASE PRINT)** Name and Organization

1. Suzanne Johnson Parents & Guardians-Coastal Center
2. Linda Bodiford " " "
3. Rufus Britt DDSN
4. Melissa Mottley F.A. COASTAL
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SC COMMISSION ON DISABILITIES AND  
Commission Meeting  
November 21, 2013

**Guest Registration Sheet**

**(PLEASE PRINT)** Name and Organization

- 1. John King DPSN
- 2. Jennifer Brook - WCDSSW
- 3. Rob Jagan SCDSSW
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SC COMMISSION ON DISABILITIES AND  
Commission Meeting  
November 21, 2013

Attachment 5

**Guest Registration Sheet**

**(PLEASE PRINT)** Name and Organization

1. Manjula
2. JANICE FOWLER
3. Michelle Shaffer
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**SOUTH CAROLINA COMMISSION ON DISABILITIES AN**

**A G E N D A**

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

**November 21, 2013**

**10:00 A.M.**

1. Call to Order *Chairman Fred Lynn*
2. Welcome - Notice of Meeting Statement *Commissioner Harvey Shiver*
3. Invocation *Commissioner Harvey Shiver*
4. Introduction of Guests
5. Adoption of Agenda
6. Approval of the Minutes of the October 22, 2013 Commission Meeting
7. Public Input
8. Report from DSN Boards *Mr. Jimmy Burton*
9. Commissioners' Update *Commissioners*
10. Business:
  - A. Waiting List Report Update *Mrs. Susan Beck*
  - B. MTCM/WCM Update *Mrs. Susan Beck*
  - C. Olmstead Update *Mr. David Goodell*
  - D. NASDDDS Update *Dr. Beverly Buscemi*
  - E. Approval for Funding for Interim Project/  
Bamberg County DSN Residential Renovations *Mr. Tom Waring*
11. State Director's Report *Dr. Beverly Buscemi*
12. Executive Session
13. Next Regular Meeting Date (December 19, 2013)
14. Adjournment

**PLEASE SILENCE CELL PHONES DURING THE MEETING. THANK YOU.**

Planned Rotation of Monthly Commission Reports on Quarterly Waiting List Progress

FY 2014	Community Supports	PDD	HASCI	ID/RD
July (Annual Report)	X	X	X	X
August	X			
September		X		
October			X	X
November	X			
December		X		
January			X	X
February	X			
March		X		
April			X	X
May	X			
June		X		

\*Critical List updates will be provided monthly

## **South Carolina Department of Disabilities and Special Needs**

### **Waiting List Updates**

#### **Movement of Waiver Waiting Lists Interpretation Guide**

1. Column 2: For the given time period, # of slots were awarded to new consumers.
2. Column 3: As of the earliest date of this period, the next person awarded was # on the waiting list.
3. In general, some individuals on the waiting list were not able to be located, no longer wanted the slot or have been served some other way and so the list has moved more than the designated # of slots awarded when these individuals were removed from the list.

**MOVEMENT OF WAIVER WAITING LISTS:  
Community Support Waiver Waiting List Quarterly Report  
(July 1, 2013 TO October 31, 2013)**

<b>WAIVER WAITING LIST</b>	<b>NEW CONSUMERS SERVED (slot movement)</b>	<b>NEXT PERSON TO BE AWARDED A SLOT ON THE WAITING LIST WAS THIS NUMBER ON JULY 1, 2013</b>
COMMUNITY SUPPORT	417	323

**PREVIOUS FISCAL YEAR TOTALS:**

<b>COMMUNITY SUPPORTS WAIVER WAITING LIST</b>	<b>NEW CONSUMERS SERVED (slot movement)</b>
TOTAL FISCAL YEAR 2012 (July 1, 2011 to June 30, 2012)	607
TOTAL FISCAL YEAR 2013 (July 1, 2012 to June 30, 2013)	422
TOTAL FISCAL YEAR 2012 and 2013 (2-YEAR TOTAL)	1,029

**South Carolina Department Of Disabilities & Special Needs**

<b>Community Waiting List</b>			
	<b>6/30/12</b>	<b>6/30/13</b>	<b>10/31/13</b>
<b>Critical</b>	50	45	32
<b>Priority One</b>	321	297	292
<b>Other</b>	1677	1679	1659
<b>Total</b>	1998	1976	1951
<b>Day Supports Waiting List</b>			
	<b>6/30/12</b>	<b>6/30/13</b>	<b>10/31/13</b>
<b>Day Program (Center Based)</b>	987	968	969
<b>Job Coach</b>	183	175	174
<b>Other</b>	182	175	184
<b>Total - Unduplicated</b>	1288	1259	1268
<b>Regional Centers Waiting List</b>			
	<b>6/30/12</b>	<b>6/30/13</b>	<b>10/31/13</b>
<b>Priority One</b>	1	1	0
<b>Other</b>	23	21	20
<b>Total</b>	24	22	20
<b>Intellectual Disability/Related Disabilities (ID/RD) Waiver Waiting List</b>			
	<b>6/30/12</b>	<b>6/30/13</b>	<b>10/31/13</b>
<b>ID/RD - Critical</b>	0	0	0
<b>Autism - Critical</b>	0	0	0
<b>Total - Critical</b>	0	0	0
<b>ID/RD - Regular</b>	2726	3399	3693
<b>Autism - Regular</b>	614	856	926
<b>Total - Regular</b>	3340	4255	4619
<b>Total</b>	3340	4255	4619
<b>Head &amp; Spinal Cord Injury (HASCI) Waiver Waiting List</b>			
	<b>6/30/12</b>	<b>6/30/13</b>	<b>10/31/13</b>
<b>HASCI - Critical</b>	0	0	0
<b>HASCI - Regular</b>	393	385	368
<b>Total</b>	393	385	368
<b>Pervasive Developmental Disorder (PDD) Waiver Waiting List</b>			
	<b>6/30/12</b>	<b>6/30/13</b>	<b>10/31/13</b>
<b>Total</b>	812	1009	1139
<b>Community Supports Waiver Waiting List</b>			
	<b>6/30/12</b>	<b>6/30/13</b>	<b>10/31/13</b>
<b>Total</b>	3233	3787	3888

South Carolina Department Of Disabilities Special Needs  
 Critical List Activity For 9/30/2013 Through 10/31/2013

	As Of 9/30/2013	Added During The Period	Removed During The Period	As Of 10/31/2013
Coastal	3	9	7	5
Midlands	11	8	5	14
Pee Dee	3	4	4	3
Piedmont	12	7	9	10
<b>Total:</b>	<b>29</b>	<b>28</b>	<b>25</b>	<b>32</b>

## Medicaid Targeted Case Management and Waiver Case Management Update

### 1. MTCM

- Multiple state agencies have been working together to collaborate with DHHS for the MTCM Policy Manual revision.
- A draft was reviewed late last week and input was provided.
- This draft included a precertification process that will be completed by DHHS to begin Feb 1, 2014 for approval for initial and continuing MTCM service provision.
- Precertification Process is not Prior Authorization (no units)
  - DHHS takes information for a beneficiary needing MTCM
  - Puts in target group
  - Completes Freedom of Choice
  - Provider Accepts Referral and completes assessment and CM Plan for 180 days. 1 residential FTF within the 45 days of assessment and CMP dev't time period.
  - Before 180 days is up, if MTCM needs continue, justification has to be sent to DHHS for reapproval for extended MTCM.
  - A new plan every 360 days.
- The manual is scheduled to be published Dec 1 2013.
- Training for agencies on the policy changes will take place in Dec 2013. Then, provider trainings will take place in January 2014.

### 2. WCM

- The draft documents for Waiver Amendments for the 4 waivers to add the Waiver Case Management Service have been reviewed and should be submitted to CMS for approval shortly.
- Goal for approval by CMS is March 2014.
- WCM Training Work Group is meeting focused on the Waiver Case Manager training to meet the qualifications to be a WCM.

### **3. Waiver Waiting Lists**

- DHHS has indicated its intent to provide state match for the purpose of moving the Waiver Waiting Lists. This is in addition to the HASCI commitment and will focus on CS and ID/RD.
- Research data is being collected to project the needs of the people in the first section of the waiting lists in order to plan service and to determine capacity issues.

### **4. Financial**

- DHHS is seeking advice from their general counsel regarding the written financial arrangement to provide state match for Level 2 service expansion and the additional Waiver Slot funding.
- No contract for MTCM has been received to date.

**South Carolina Department of  
Disabilities and Special Needs**

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**Commission Meeting  
November 21, 2013**

**OLMSTEAD STATUS REPORT**

**Olmstead History**

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- US Supreme Court issued landmark "Olmstead" ruling in 1999
- Case involved two women with cognitive and psychiatric disabilities living in a Georgia psychiatric hospital who wanted to receive services in the community
- The Olmstead ruling was based upon the US Supreme Court's interpretation of the rights granted under the Americans with Disabilities Act which was enacted in 1990

**Olmstead History**

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- Olmstead ruling required states to support persons with disabilities in small community settings rather than larger facility settings when:
  - The individual/guardian chooses to be served in community
  - Treatment professionals believe that community services can safely and effectively meet person's needs
  - The provision of services in the community does not require a fundamental alteration of the existing service system
- Basically the Olmstead ruling promotes consumer choice in service setting and serving consumers in the least restrictive and most community integrated setting which can effectively meet their needs

**Consumer Choice/Integration – Pre-Olmstead**

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- Prior to the Olmstead decision DDSN promoted consumer choice in selection of service setting and least restrictive service setting for many years
- In 1992 DDSN implemented the Money Follow the Individual process
  - Assured funding transferred with individual when moving from Regional Center to community
  - Many states do not have such a process
  - The absence of such a process can inhibit consumers moving from Regional Centers to community settings when consumers desire to move

### Consumer Choice/Integration – Pre-Olmstead

- In 1995 DDSN established wage parity between Regional Center and community provider direct care staff
- No other state in the country has wage parity
- The absence of parity can inhibit consumers moving from Regional Centers to community settings when the consumer desires to move

### Consumer Choice/Integration – Post-Olmstead

- Governor Hodges created Olmstead Task Force which developed Olmstead Plan for South Carolina – DDSN was major participant
- Implemented systematic process to assess living preference of all individuals served in Regional Centers
- Regularly notify community providers of consumers living at Regional Centers who want to be served in community

### Consumer Choice/Integration – Post-Olmstead

- Increased the capacity of the private residential service providers which offers additional consumer choice especially for consumers living at the Regional Centers who desire to move to the community
- Developed more systematic and thorough transition process to assure consumers' needs are met when moving from Regional Centers to community residential setting
- Implemented more vigorous Regional Center admissions review process to assure only those individuals requiring the intensive services offered at Regional Center are admitted

### Consumer Choice/Integration – Post-Olmstead

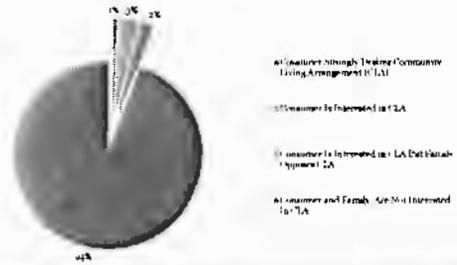
- Dr. Buscemi has convened statewide task force to develop more effective strategies for creating new community options for consumers living at the Regional Centers who desire to move to the community
- DDSN will be extending efforts to facilitate movement of consumers in community ICFs/ID into smaller living arrangements and serving individuals with complex medical/physical needs in the community ICFs/ID

### Consumer Choice/Integration – Post-Olmstead

- New Transition Coordinator has been hired to facilitate movement of both consumers in Regional Centers and community ICFs/ID into smaller living arrangements
- New Crisis Management Team is being developed which will assist community service providers better meet the needs of individuals with significant behavioral challenges

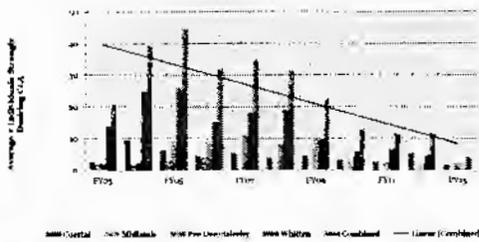
### Positive Olmstead Outcomes

DDSN Regional Center Performance  
Consumer Living Preference - 10/1/13



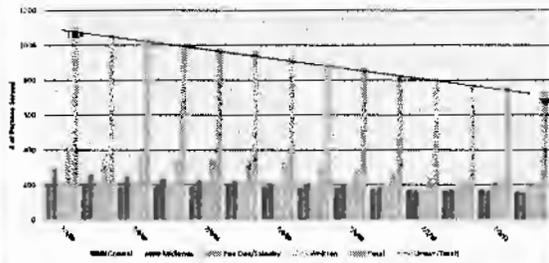
### Positive Olmstead Outcomes (continued)

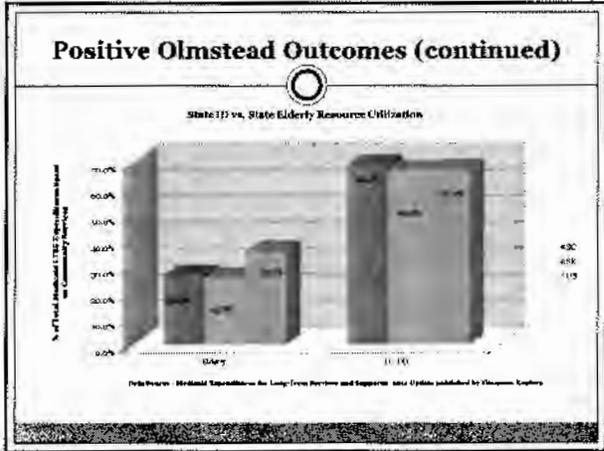
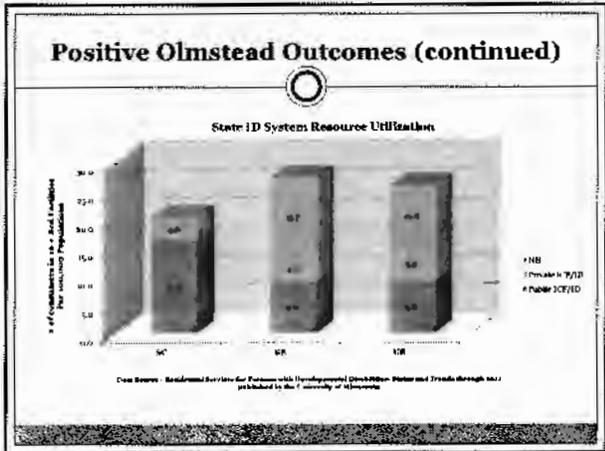
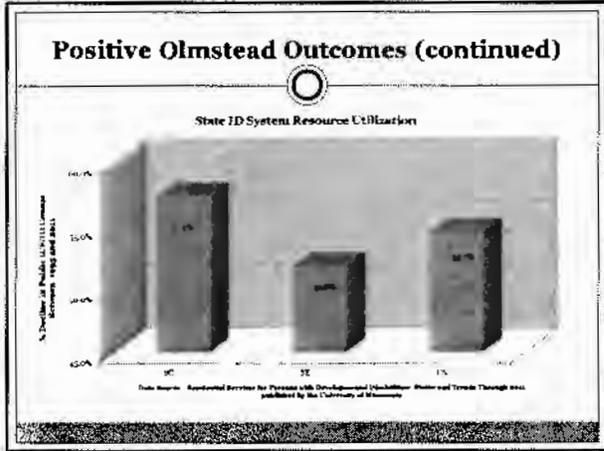
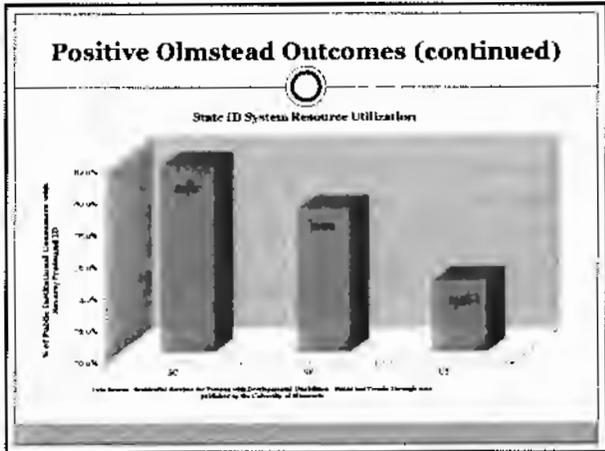
SCDDSN Regional Center  
Consumer Living Preference



### Positive Olmstead Outcomes (continued)

SCDDSN Regional Centers





### Future Olmstead Issues

- Prior to late 2009, the US Department of Justice (DOJ) had never filed any legal action strictly based upon the Olmstead case/ADA
- Since November 2009 the DOJ has filed 15 Olmstead/ADA Amicus/Statement of Interest briefs and 9 Olmstead/ADA Title II legal actions
- One of these DOJ court actions involves concern about community sheltered workshop compliance with ADA integration mandate, the first time such an issue has been raised

### Future Olmstead Issues

- Two of these ADA actions have involved individuals who are "at risk" of institutionalization, also the first time such an issue has been raised
- Two states have been forced to close nearly all of their public ICFs/ID as a result of DOJ ADA actions (Georgia and Virginia) resulting in significant cost increases
- For the first time DOJ has prioritized community transition in three CRIPA reviews since October 2009

### Future Olmstead Issues

- In numerous public forums, US Assistant Attorneys General made it clear that the Obama Administration places a much higher priority on Olmstead/ADA enforcement than previous Administrations
- While DDSN has been successful in supporting individuals in integrated settings, we need to continue efforts to reduce our utilization of large public ICFs/ID so we are more in line with other states and consistent with DOJ expectations

**FY 2013-2014 CAPITAL IMPROVEMENT INTERIM PROJECT REQUEST**

November 18, 2013

**Attachment E**

**1 Coastal Region -Hampton Street & Zeigler Street Community Residences - Renovations** **\$ 195,000.00**

This request is for an interim project to fund replacement of building components that require life cycle replacement, including sanitizers, old fire alarm systems that will include new code required carbon monoxide detectors, and other identified needs. Bathrooms must be adapted to provide accessibility for aging residents who need roll-in showers, as well as other accessibility improvements. Old lighting will be replaced with new more energy efficient lighting. Floor finishes, kitchen cabinet refurbishment, and countertop replacement are also required to maintain safe and healthy environments for those served.

**Total** **\$ 195,000.00**