

SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS

MINUTES

March 19, 2020

The South Carolina Commission on Disabilities and Special Needs met on Thursday, March 19, 2020, 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:

Gary Lemel – Chairman

Robin Blackwood – Vice Chairman

Lorri Unumb – Secretary – Via Teleconference

Barry Malphrus

David Thomas

DDSN Administrative Staff

Director Mary Poole; Mr. Pat Maley, Deputy Director; Mr. Chris Clark, CFO; Mr. Rufus Britt, Associate State Director, Operations; Ms. Susan Beck, Associate State Director, Policy; Ms. Constance Holloway, General Counsel, Mr. Robb McBurney, Legislative Liaison; Ms. Sandra Delaney, Administrative Coordinator (For other Administrative Staff and Guests see Attachment 1 – Sign In Sheet).

Guests

(See Attachment 1 Sign-In Sheet)

Notice of Meeting Statement

Chairman Lemel called the meeting to order and 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.

Adoption of the Agenda

Chairman Lemel reported that agenda items 12.A. and 12.B were cancelled at this time in accord with trying to reduce the number of people who are in attendance. On motion of Commissioner Thomas, seconded by Commissioner Malphrus, the Commission unanimously adopted the March 19, 2020 Meeting Agenda as amended. (Attachment A)

Invocation

Commissioner Thomas gave the invocation.

Approval of the Commission Meeting Minutes

On motion of Commissioner Blackwood, seconded by Commissioner Thomas, the Commission unanimously approved the minutes of the February 20, 2020 Commission Meeting.

Public Input

There were no requests for Public Input.

Commissioners' Update

Commissioners Blackwood, Thomas, and Lemel spoke of their participation in events and activities relating to Commission matters.

Finance and Audit Committee Update

Committee Chairman Blackwood gave a report of the March 4, 2020 Finance and Audit Committee Meeting which Mr. Pat Maley provided an update on the contractual compliance issue. DDSN will put together clear directives, for Commission approval, on how to move forward with DHHS on this issue of recoupments.

Directive 275-04 Procedures for Implementation of DDSN Audit Policy for DSN Boards and Directive 275-06 Procedures for Implementation of DDSN Audit Policy for Contracted Service Providers– Committee Chairman Blackwood and Mr. Clark spoke on the directives. Discussion followed. Committee Chairman Blackwood made the motion from the Committee to approve Directives 275-04 and 275-06. With the motion coming out of the Committee, and no further discussion, the motion passed unanimously. (Attachments B and C)

Policy Committee Update

Committee Chairman Malphrus reported the Policy Committee met March 10, 2020 with the following statements. “The committee has two policies that are now on the internet for public review. We have extended that comment period until April 8th due to the virus situation. The first directive has to do with the electronic communication policy. There is very little change to that except for the length of public comment, which we'll get into the reasons for that more later in the next policy committee meeting. The second policy relates to the maintenance policy of the contract houses and a few day programs that DDSN owns. It's about sixty facilities total. The purpose of the consideration of changes for this policy is some people would say is to make things more fair. I

don't like the word fair because I really don't think anything in this world is fair I don't think it's fair that I have a disability. I don't think it's fair that anybody has a disability has nothing to do with truly to me, the word fairness is the wrong word to use. To me, it's much better to use the word impartial and the committee is very concerned about these policies being impartial as much as possible, henceforth, that is the primary reason for changes and the word impartial simply means treating all equally and in this policy we have 55 providers total that are in our network that relate to residential programs. As far as I understand, 27 of them benefit from this policy but the others don't. That is 6.3 percent of the facilities that benefit from this maintenance proposal and the rest don't and that is not impartial in my definition of the word impartial and we need to be impartial not only to all providers but all the clients that we serve. A final draft of the policy will be hopefully and expected to be available for vote at next month's meeting and obviously we will be working on this policy at the next policy meeting, the second Tuesday of the month. The last thing is if we did agree on a list of priorities for the directives and we are working through those as diligently as possible understanding that it could be changes to that list from time to time depending on the severity of need to address a certain issue or another and don't expect all those policies to be done overnight. There's a lot of them and a lot of work to do."

Old Business

A. Case Management Update

Mrs. Manos shared a PowerPoint presentation that provided information on Case Management. Discussion followed. (Attachment D)

B. Early Intervention Update

Mr. Britt reported that the Fairfield County DSN Board is terminating EI services, which currently serves 11 children. Mr. Britt stated that there are enough providers in that area and DDSN will work with the Board in transferring these individuals to those providers.

C. Legislative Budget Update

Mr. Maley provided an update on the budget stating out of the 11 requests, the Governor approved all except the funding for the CTHIIs (\$2.8 M). The House Ways and Means Committee and the House added funding for the CTHIIs, but did not approve funding for the HACSI Waiver Slot increase (\$1.4 M), the Post-Acute increase (\$500,000), or the Electrical grid for the Coastal Center (\$1.5 M). The budget will go to the Senate Finance Committee in the next two weeks.

New Business

- A. Self-Advocate of the Year Award - Cancelled
- B. Brain Injury Awareness Month - Cancelled
- C. Financial Update

Mr. Clark provided an overview of the agency's financial activity and the agency's current financial position. The document listing the funded programs will be provided each month in the Commission Meeting binders. Mr. Clark spoke of the Families First Coronavirus Response Act that was recently signed by President Trump. The biggest thing that is in the Act that the agency needs to digest for our provider network is paid sick leave and things of that nature. The main issue is they are going to increase the federal match by 6.2 percent nationally. Discussion followed. Mr. Clark stated the agency will look at anything to help our provider network and will bring suggestions to the Commission for approval. Discussion followed as to whether there has been any legal interpretation given to who is a health care provider under this act. Commission Unumb will forward any information she receives. Commissioner Thomas made the motion to accept the financial report as presented. Commissioner Malphrus seconded and the motion passed unanimously. (Attachment E)

- D. Coronavirus (COVID-19) Update

Mr. Maley shared a PowerPoint presentation that provided a situational report of the impact of the COVID-19 on the DDSN delivery system. Discussion followed. Director Poole stated with the Day Programs being our biggest revenue loss right now, and we are encouraging providers to serve the service units in another manner. We are doing this with DHHS' guidance. The Boards continue to receive the band even though they are closed. Typically, in the past they have closed for only a couple of days at a time for weather related issues. Technically, we can recoup for attendance being lower than 80 percent, but we do not want our providers going out of business.

Mr. Britt stated if a consumer at a regional center contracts COVID-19 the protocol is to treat in place. The individual could be isolated/quarantined if needed. The centers have physicians and nurses to provide medical assistance. (Attachment F)

State Director's Report

Director Poole reported on various topics. (Attachment G)

Executive Session

An Executive Session was not held.


Next Regular Meeting

April 16, 2020

Adjournment

On motion of Commissioner Thomas, seconded by Commissioner Malphrus and passed, the meeting was adjourned.

Submitted by,



Sandra J. Delaney

Approved:



Commissioner Lorri Unumb
Secretary