

DEVELOPMENTAL SERVICES QUALITY COUNCIL
MEETING MINUTES
SEPTEMBER 14, 2010

Attending Members: Kathy Bates, NH Council on Developmental Disabilities; Robin Carlson, Enhanced Family Care Provider; Dick Cohen, Disabilities Rights Center; Matthew Ertas, Bureau of Developmental Services; Debra Hopkins, Private Provider Network; Janet Hunt, People First; Chrystal Johnson, People First; Jan Larsen, ABLE NH; Debra McClure, Family Support Council – Region V; Kirsten Murphy, Area Agency Board – Region II; Mary Schuh, Institute on Disability; Cathy Spinney, Area Agency Board – Region X; and Carol Stamatakis, NH Council on Developmental Disabilities

On Conference Call –Michelle Jarvis, Autism Society of NH;

Absent Members – Laurie Giguere-Thomas, Family Support Council – Region X; Cynthia Mahar, Community Support Network, Inc.; Jennifer Pineo, Family Support Council – Region I; John Richards, Brain Injury Association; and Barbara Wilson, Direct Support Professional

Facilitator – Susan Covert

The agenda for the Developmental Services Quality Council September meeting included: 1) acceptance of August minutes, 2) follow up on August action items, 3) election of Quality Council officers, 4) report from Janet Hunt and Kirsten Murphy on the National Reinventing Quality Conference, and 5) other business.

MEETING MINUTES

Dick Cohen moved, Deb McClure seconded, and the Council unanimously voted to accept the August meeting minutes.

UPDATES

BDS EMPLOYMENT POLICY – Matthew Ertas reported that BDS has been working in collaboration with Area Agencies and vendors to complete a draft of the BDS Employment Policy; the policy should be ready for public comment this fall. The purpose of the policy is to provide a rationale for increasing employment opportunities for individuals with disabilities. Having a policy in place will make it easier for BDS to move funds from unproductive day programs and increase its budget for employment supports and services. Once the draft is ready, Matthew will bring the proposed policy to the Quality Council for review and comment.

QUALITY COUNCIL ACTION ON HE-M 202 – Cathy Spinney asked member how the Council should inform the Joint Legislative Committee on Rules (JLCR) about the Council's vote to support BDS's recommended revisions to the He-M 202 regulations on client rights. Matthew informed the Council that BDS will hold public hearings and accept written testimony on these rule changes. The Council agreed to submit an official letter both to BDS and to JLCR concerning the Council's vote; the letter will include an introductory paragraph about the Quality Council and will outline the process the Council used in reaching its decision on this issue. Cathy Spinney volunteered to draft this letter. Dick

Cohen made a motion, Deb McClure seconded, and the Council vote unanimously to empower the Council Chair to submit a letter and, if needed, to provide testimony, to JLCR about the Quality Council's decision to support BDS's recommended revisions to He-M 202.

DRIVERS' LICENSE REQUIREMENT – At the August meeting, Kathy Bates raised concerns about the He-M 202 regulation requiring complaint investigators to have a valid NH drivers' license, as this requirement has nothing to do with the ability of an individual to be a competent investigator and is in violation of the ADA. Matthew reported that he has looked into this issue and that BDS has made a full commitment to consider *all* qualified applicants, including those who do not have a license. He did note, however, that the job does require investigators to travel and conduct face-to-face interviews. Asked if the regulation itself will be changed, Matthew said the Department's lawyers are looking into this. He will report back to the Council about their decision.

ANNUAL MEETING AND COUNCIL MEMBERSHIP

According to its by-laws the Quality Council's annual meeting and election of officers is held in September. Matthew Ertas moved, Debra Hopkins seconded, and the Council unanimously voted for Council Chair Cathy Spinney and Vice Chair Kathy Bates to serve another year. Each year, a third of the Council membership is up for reappointment. The following members have been reappointed – Robin Carlson, Enhanced Family Care Providers; Michelle Jarvis, Autism Society of New Hampshire; Chrystal Johnson, People First; Jan Larsen, ABLE NH; Cynthia Mahar, CSNI; and John Richards, Brain Injury Association. Changes in membership include the following appointments: Barbara Wilson to represent Direct Support Professionals (she is taking Jan Bevacqua's place), Mary Schuh as the IOD representative, and Carol Stamatakis and David Ouellette who will share the responsibility of representing the NH Council on Developmental Disabilities. CSNI still needs to appoint an Area Agency Board Member to fill the vacancy created by Susan Gunther's resignation.

NATIONAL REINVENTING QUALITY CONFERENCE

Janet Hunt and Kirsten Murphy reported on what they learned at the National Reinventing Quality Conference held in Washington, DC this August. Janet went to workshops directed towards self advocates; these included: Cost of Freedom, Quality According to Whom?, and All about Co-ops. Kirsten selected workshops that looked at Medicaid regulations. She reported that Medicaid is working to make consumer direction a national priority. There is also an increased emphasis on quality within longterm care, however, it appears that Medicaid is using a medical model as a measurement of quality. Cathy asked how New Hampshire fits into what is happening nationally. Kirsten said she thought our state was a bit more progressive than center. Janet said that New Hampshire is ranked 4th nationally in terms of employment. Matthew observed that this says more about how little is happening nationally than it does about New Hampshire. Janet recommended that the Council visit the conference website to listen to the conference keynote address and workshop presentations. (<http://www.reinventingquality.org/past/>)

PREPARING FOR REGIONAL MEETINGS

From late October through February the Council will hold ten regional meetings across the state to introduce the Council, answer questions, identify issues, and solicit ideas from a broad range of stakeholders, including individuals with disabilities and their families, area agency staff, vendors, and interested community members. The Council's planning group for the regional meetings (Dick Cohen, Matthew Ertas, Cathy Spinney, and Denise Sleeper) met in August. Cathy shared the revised Regional Meeting power point with the Council and asked for comments and suggestions. Kirsten Murphy said it was important to hand out the Values Statement developed by the Council and to highlight this in the presentation. Deborah Hopkins suggested that there be a slide to indicate how people could learn more about the Council – i.e. contacting Denise to sign up for the Council's e-newsletter. Other recommendations included: 1) noting that the Council was established by the legislature; 2) making language changes to include *individuals* with disabilities, as well as families; 3) referencing the SB 138 and Workforce reports; and 4) adding BDS's website information.

Kirsten recommended that at each Regional Meeting the audience be asked to respond to five standard questions – this would give the Council a sense of how different regions of the state perceive issues. Dick Cohen suggested that the Regional Meetings could be used to raise families' expectations about the quality of services. Janet Hunt wondered if there would be follow up at the regional level on issues that are raised in the meetings.

Jan Larsen said she will write an article about the Quality Council for the fall issue of the Challenge and will ask readers to contact their area agency to find out the date of their regional meeting. Cathy Spinney asked if it was possible for the Quality Council to have its own email address. Matthew said he would look into this.

REVIEWING THE DECISION MAKING PROCESS FOR HE-M 202

The Council discussed the decision making process that it used in considering changes to He-M 202. Comments from members include the following:

- Taking two meetings to discuss the changes, gave the Council ample time to consider the issue.
- It helped to have a full explanation of the proposed changes and to bring in all sides to talk about the issue.
- In the future, it would be important to do outreach to ensure all views are heard.
- Going through this process elevated the status of the Quality Council in the disability community.
- We need to strive for a neutral attitude when we present information about an issue to our constituencies.
- We should consider adopting a Code of Ethics for the Council; the Region X Area Agency Board has one we could look at.
- I abstained from voting because the group I represent, ABLE NH, was split on this issue.
- There is a question about allegiances – I am appointed by CSNI, but as an Area Agency Board member am I representing families, the community, or CSNI.
- As Chair, Cathy Spinney provided calm leadership.

- We created an atmosphere that was civil and respected differences.
- I felt it was important to go out and get feedback from other Direct Support Professionals and Enhanced Family Care Providers.
- The Council gave due diligence to this topic.
- CSNI brought in good points that we should watch out for – i.e. If we go to a central authority we may have a time delay in completing investigations.
- While we should look at all sides, I don't see a need for neutrality. Once you've gathered all the information and thoroughly considered the issue you should advocate for what you think is right. It is OK to be passionate about what you believe in.

The Council agreed that it would be helpful to adopt a Quality Council policy for reviewing regulations. Kirsten Murphy, Janet Hunt, and Deb McClure volunteered to draft a policy that could be discussed at the October meeting.

OTHER BUSINESS

Kirsten Murphy reported that on Friday September 17th the Governor will be signing HB 569, Connor's Law, regarding insurance coverage for autism services. Kirsten noted that the issue is far from settled; a lot of work will need to be done to insure the successful implementation of this law.

Robin Carlson invited people to the celebration of Direct Support Professional Appreciation Day, Friday September 17th on the State House lawn.

Mary Schuh and Jan Larsen invited the Council ABLE NH's organizing event on Sunday November 21st in Concord. Email invitations will be sent to Council members.

Dick Cohen said Disabilities Rights Center will be holding forums in Manchester and the North Country to discuss agency priorities.

Janet Hunt reported that 25 members of People First of New Hampshire will be attending the national People First Conference in Kansas City. Members of the New Hampshire chapter will be doing a presentation on the closing of institutions.

PUBLIC COMMENT

No members of the public attended the September meeting.

EVALUATION OF THE MEETING

What worked – We finally got a quorum.

What didn't work – Too many members arrived late.

What would be helpful for future meetings? – Be on time.

AGENDA ITEMS FOR THE SEPTEMBER MEETING

- Approve September minutes
- Updates
 - Report on what lawyers say about regulation requiring NH drivers'

- licenses for complaint investigators – Matthew Ertas
- Final review of power point and planning for Regional Meetings
- Status of Employment Taskforce – Denise Sleeper
- Review and Discussion of Draft Policy for responding to regulations – Kirsten Murphy, Janet Hunt, and Deb McClure
- Review and Discuss of Code of Ethics – Cathy Spinney
- Other Business

ACTION ITEMS –

All Members – 1) Share information about the Quality Council with your networks.
2) Email any language changes for power point to Denise Sleeper.

Dick Cohen – Meet with work group to plan Regional Meetings

Matthew Ertas – 1) Report back about the lawyers’ decision on changing the regulation requiring complaint investigators to have a valid NH drivers’ license. 2) Look into whether or not the Council can have its own email address. 3) Work group to plan Regional Meetings.

Janet Hunt – With Kirsten Murphy and Deb McClure draft a policy concerning the Council’s role for participating in the review process for developmental services rules and regulations.

Jan Larson- 1) Do an article about the Regional Meetings for the NH Challenge. 2) Email Council members invitation to ABLE NH’s November event.

Cynthia Mahar – Arrange for CSNI to appoint an Area Agency Board Member to fill Susan Gunther’s vacancy

Kirsten Murphy – With Janet Hunt and Deb McClure draft a policy concerning the Council’s role for participating in the review process for developmental services rules and regulations.

Deb McClure – With Janet Hunt and Kirsten Murphy draft a policy concerning the Council’s role for participating in the review process for developmental services rules and regulations.

Denise Sleeper – 1) Meet with work group to plan Regional Meetings. 2) Contact Cynthia Mahar about CSNI appointment of representatives to replace resigning Council member. 3) Contact Area Agencies to set times for the Regional Meetings.

Cathy Spinney – 1) Draft letter to BDS and JLCR regarding Council decision on He-M 202 regulations. 2) Meet with work group to plan Regional Meetings. 3) Post Region X Code of Ethics on E-studio.

THE NEXT MEETING IS TUESDAY OCT. 12TH – WE WILL BEGIN PROMPTLY AT 11:00