

FINAL APPROVED MINUTES – Council Meeting
DEVELOPMENTAL DISABILITIES PLANNING COUNCIL
FRIDAY, AUGUST 24, 2018
625 SILVER AVENUE SW (DDPC CONFERENCE ROOM)
ALBUQUERQUE, NEW MEXICO 87102
9:00 AM -4:00PM

Members Present

Advocates

Amira Rasheed, Chair
Sergio Resendiz, Vice Chair
Hoskie Benally

Family Members

Elisheva Levin
Charlene Espinoza
Sandy Skaar, Past Chair

Attendants

2 Sign Language Interpreters
Derek Benally, Hoskie's attendant and youngest son

Agencies Present

Kathleen Hardy (CYFD)
Ellen Carpenter (DVR)
Pat Osbourn (CDD)
Jim Copeland (DOH/DDSD)
Joan Curtiss (DRNM)

Staff Present

Barbara Ibáñez, Interim Executive Director
Marylou Poli, Assistant AG/Council

Staff Present for Meeting Minute Purposes

Daniel Ekman, Program Manager

Staff Present for Reporting Purposes

Kathy Coates, CFO (for Financial Report)

Maria Bourassa, Program Manager (for Guardianship Program Update)

Daniel Ekman, Program Manager (for Center for Self-Advocacy Program Update)

Ana CallahanSegura, Federal Program Management Analyst (for Federal Program Update)

Advocates Absent

JudyAnn Sena

Family Members Absent

Theresa Apodaca
C. Dianne Griego

Agencies Absent

Deborah Dominguez-Clark (PED/SEB)
Kyky Knowles (ALTSD)
Cynthia Shelton (HSD)
Suzette Shije (IAD)

Public Guests

none

Call to Order/Introductions/Housekeeping/Mission Statement

Chair, Amira Rasheed called the meeting to order at 9:25 am. Roll Call, introductions and housekeeping were conducted.

Approval of Agenda – Action Item

Sandy Skaar shares to make the proposed changes to the Agenda: *Move Director’s report with just the financial report and operating budget section which encompasses the requested budget prior to Executive Session. Then, do the program updates after the break. NOTE: “Operating budget” should say “Requested budget” because it has not yet been approved.*

Sergio Resendiz moved to approve the Agenda as amended as recommended by Sandy Skaar. Joan Curtiss seconded. Unanimously approved. Motion carried at 9:36 am.

Approval of April 27, 2018 and May 29, 2018 Minutes

Mary Lou Poll noted grammatical changes from April 27, 2018 minutes including to take out the word “I” on page 2 before “affirm” in the sentence that says “...we are back on the record...” Kathleen Hardy moved to approve April 27, 2018 minutes as amended. Ellen Carpenter seconded. Approved with Jim Copeland, Elisheva Levin, Charlene Espinoza and Joan Curtiss abstaining due to lack of attendance on April 27th. Motion carried at 9:41 am.

For May 29, 2018 minutes, Sandy Skaar suggested that we remove the question mark on page 3 where it says in parenthesis “the same salary as the Executive Director” because the motion and decision was “with the same salary as the Executive Director.” Amira Rasheed shared that she seconded that motion on May 29, 2018 for Barbara Ibanez to receive the same salary amount as the Executive Director, which is not currently happening. Amira Rasheed opened a discussion. Sandy Skaar asked what the Council can do to support Barbara Ibanez receiving the same salary. Sergio Resendiz moved to approve the May 29 minutes as amended. Pat seconded. Approved with Elisheva Levin, Jim Copeland and Joan Curtiss abstaining. Motion carries at 9:45 am.

Introduction of Guests – Amira Rasheed, Chair

Derek Benally, introduced himself as Hoskie Benally’s youngest son and attendant.

Public Comment(s)

None.

Executive Director’s Report – Barbara Ibanez, Interim Executive Director

a. Financial Report

Kathleen Coates, CFO shared the Financial Report that was included in the Council notebook. Kathy shared that DDPC still has money for Federal drawdown from Federal budgets. Also, \$1,000,000 has been transferred from OOG to the Administrative Office of the Courts from the Office of Guardianship’s Fund Balance as determined by HB2. She shared that non-reverting is the language for the Office of Guardianship. In this odd year, there is a 50% rule which means that an agency cannot spend over 50% of their budget before December 31. She has to certify that this happened on December 1. Summary sheets in Tab D show details. There was a general fund increase in FY19. Federal stayed the same, but the Office of Guardianship increased in FY19 in part because of an approved expansion for a Compliance Officer.

In Guardianship for FY18, two term positions added: Paralegal and Social Worker. They started in April and will go for a whole year.

In January, DDPC will request the ability to use fund balance for this year. There is support from budget and LFC analysts. We are monitoring expenditures closely for the first half of the year because DDPC currently cannot use fund balance right now for the Office of Guardianship. In an emergency, we can request 5% off of OOG's fund balance, which comes out to about \$27,000 in response to a question from Joan Curtiss about emergency request for money.

There is an Audit for FY18 and we have been working with them since the end of June and they will be out for another week in the end of September. Audit submission date this year changed from November 1 to October 15. Then, after public comment, it was changed back to November 1

b. FY 20 Budget Request discussion and approval – Action Item

FY20 Budget Request was presented by Kathleen Coates, CFO. FY20 is a flat budget, so additional funding from State General Funds cannot be requested. Barbara Ibanez commented that for FY19, it will be a very tight budget situation with Guardianship contractors. She shared that the 5% restriction in HB2 for DDPC is causing the problem. We are in need of strategy to figure out how to address this problem. There was discussion about educating the Legislature and doing further research on HB2.

Charlene Espinoza moved for the DDPC to accept the Budget Request for FY 20. Elisheva Levin seconded.

There was Council member discussion regarding salaries regarding why Barbara Ibanez is not getting the money that the previous person was getting as the Executive Director, along with the fact that she is doing Interim Executive Director and Deputy Director duties. The Governor is only allowing a maximum of 15% salary increase, but not the whole amount as approved by the Council in May. Amira Rasheed said that she is working with the Federal people on a solution to provide a letter of support to the Governor's office to advocate for the full increase as decided by the Council. Amira Rasheed plans to meet with the Governor's office to discuss this situation and see why membership is stagnant and what is holding up the process.

Hoskie Benally wanted to know what has happened to the salary savings. They were used in Budget Adjustment Requests to cover additional contracts. Discussion ended.

Budget motion unanimously approved and carried at 10:47 am.

Executive Session: pursuant to NMSA Sec. 10-15-1(H) (2) & (7) Discussion of Limited Individual Personnel and Legal Matters

A motion was made by Joan Curtiss that the Council convenes in closed session as authorized by the limited personnel matters exception and to discuss litigation with the board's attorney as authorized by Section 10-15-1 (H) (2) and (7) as listed on the Agenda. It was seconded by Sandy Skaar. Motion passed unanimously by a roll call vote as follows. Record shows that the Council entered into Executive Session at 10:51am.

Amira Rasheed	Yes
Sergio Resendiz	Yes
Hoskie Benally	Yes
Elisheva Levin	Yes
Charlene Espinoza	Yes

Sandy Skaar	Yes
Joan Curtiss, DRNM	Yes
Kathleen Hardy, CYFD	Yes
Ellen Carpenter, DVR	Yes
Pat Osbourn, CDD	Yes
Jim Copeland, DOH/DDSD	Yes

Amira Rasheed stated to let the record show that the Council ended the Executive Session at 12:05 pm and it is affirmed that the matters discussed in the closed meeting were limited to those stated in the motion to close and on the agenda. She further attests no action was taken in closed session.

NOTE: Pat Osbourn, CDD, left the meeting at 12:00 pm.

Lunch

Executive Committee/Chair Reports

Amira Rasheed reported that Barbara Ibanez and herself went to NACDD, national convention, for six (6) days in Washington D.C. Amira spoke a lot about national numbers and emergency preparedness and self-advocacy. She shared that New Mexico is further along than a lot of other states with self-advocacy. Amira Rasheed shared that Barbara Ibanez testified in front of the Legislative Health and Human Services (LHHS) Committee on August 8, 2018. She has an understanding of where we want to go and she is proud of the new direction we are going.

Executive Director’s Report – Barbara Ibanez, Interim Executive Director

Barbara Ibanez introduced the Program Managers and Program Staff who provided the Program updates.

c. Program Updates:

Federal Program:

Ana CallahanSegura, Federal Program Management Analyst, provided the program update. Ms. CallahanSegura shared that we finished second year of Five-Year State Plan. Administration on Community Living (ACL) recently obtained OMB clearance for states to submit 2017-18 federal reports. As a result, Federal Program staff completed the online submission of the following reports to ACL: 2018 State Plan and Work Plan; 2019 Work Plan and 2020 Work Plan by the deadline. Federal Program staff are currently preparing data from the Quarterly Reports submitted by the Federal Program contractors and the Center for Self-Advocacy for completion of the Program Performance Report, which is due January 1, 2019 online using the ALC Reporting System. Ms. CallahanSegura passed around a copy of last one that was submitted. Ms. CallahanSegura referred to Tab C in the Council Notebook which has the DDPC Five-Year plan.

For FY19, there are thirteen (13) projects. A new project covers the ABLE Act training with Native Americans, in addition to a sponsorship for EPICS conference. Corry Consulting has a new contract that is conducting a Taskforce on Subminimum Wage as HB16 didn’t pass. In addition, we anticipate awarding \$10,000 to new Health Access Project proposed by UNM- CDD.

Center for Self-Advocacy (CSA):

Daniel Ekman, Program Manager, provided updates on the following CSA Activities: Advocate Leadership Academy, Expanded Rural Area Outreach and Other CSA Activities.

Center for Self-Advocacy (CSA): (Continued)

Advocate Leadership Academy:

Currently, the Fall 2018 class has nine (9) team leaders and twelve (12) fellows from across the state. Many of the Fellows have been recruited by past fellows. There continues to be lots of interest nationally on our model and how we are doing it. For Fall 2018 Class, we have increased team leader involvement in all parts of the Academy. Out of the forty-one (41) fellows, we have two (2) from the Southwest, three (3) from the Southeast, two (2) from the Northeast, two from the Northwest region. The rest are from the Central or Metro region.

Of the twenty-five (25) individuals that have graduated from the Academy program, eighteen (18) of them remain active as advocates in their local communities. Mr. Ekman provided a detailed list of how these advocates remain active, including participating in NMLEND program, Partners in Policymaking, as team leaders and co-team leaders, in the New Mexico Brain Injury community, serves as Vice Chair for the Council, serves on the Albuquerque ADA City Advisory Council, volunteers at her church, and developed a business plan for a disability train project to promote and raise money for disability-related organizations.

Out of town Advocate Fellows participate through “Go to Training” an online service. CSA has refined strategies to use “Go to Training” and CSA is now recording sessions and able to use it with multiple individuals in multiple locations. Right now, we have several individuals in Alamogordo and an individual in Gallup using “Go to Training.”

Expanded Rural Area Outreach:

DDPC/CSA collaborated with NM Allies for Advocacy, Inc. and Parents Reaching Out to conduct ten (10) outreaches statewide titled, “From Fear to Freedom” a Know Your Rights campaign project that reached out to parents of children with disabilities and educating them about the upcoming CMS Final Rule (Known as the Know Your Rights campaign). Currently, we are collaborating with Corry Consulting to schedule and conduct ten (10) outreaches statewide continuing with the momentum of Know Your Rights campaign. These outreaches are focused on educating people with disabilities (attending day habilitation), family members and interested community members on “Advocate Rights and Responsibilities.” We are doing this in collaboration with Corry Consulting and DOH/DDSD.

At the outreaches, CSA shares information on the Regional Support Networks to start the establishment of these self-advocate groups in each of the region. The Regional Support Networks are part of the Five-Year Plan.

Other CSA Activities:

CSA has started a Volunteer Program for advocates who want to continue being involved with CSA and the Academy. CSA created forms for the volunteers, held a meeting with volunteers and discussed tasks for volunteers such as: assisting in conducting a class or activity or starting to host different classes and activities. For example, with the Summer Fun Series, the last activity involved us going to Explora. Also, CSA did various activities that were focused on raising self-awareness through art and other activities. In addition, CSA Program Manager is working with the LEND program mentoring self-advocates LEND Fellows. CSA staff are participating in the New Mexico Disability Emergency Planning Advisory Council.

Guardianship Program

Maria Bourassa, Guardianship Program Manager, provided an update regarding the Guardianship Program. Here's an overview of the information that Ms. Bourassa shared:

- Went from 34 to 85 Family Protected Person appointed
- Went from 47 to 212 Corporate Protected Persons appointed
- Corporate Guardianship Services in FY 18 went between 895 and 911 per month
- Waitlist as of August 20 currently has 78 completed, 50 incomplete and 128 total
- Completed waitlist applications as of August 20 includes 46 family, 32 corporate and 78 total
- Incomplete waitlist applications includes 19 family, 31 corporate and 50 total applications
- Contractors include 23 attorneys, 14 court visitors, 25 corporate guardians and 2 monitoring contractors

Ms. Bourassa informed Council of the Outreach events conducted in fourth quarter of FY18. In addition, four pages of accomplishments in the 4th quarter of FY18 were shared with the Council. Ms. Bourassa shared the FY19 Guardianship Program goals as follows:

- Reduce Guardianship Waitlist
- Increase Contract Compliance (Person Served Services and Contractor Compliance)
- Invoice/Services
- Protected Person Visits
- Increase Outreach (Education/Training)
- Court Visitor Contractors – On Hold due to budget restrictions

The budget restrictions are due to HB 2 and the 5% rule that is what is currently limiting the allocation to 100 people needing guardianship services.

The Council discussed the monitoring visits, need for outreach in the Farmington area, the timeline for the RFP process for corporate guardianship contractors, and the difference in Tribal Guardianship Process.

Executive Director Overall Program Update:

Barbara Ibanez, Interim Executive Director, shared that currently DDPC is working with three (3) interns. Two interns are from the Social Worker program at Highlands University and one is from Walden University. This is a win-win situation for DDPC and the interns.

A retirement party was held for John Block, III on August 18, 2018 with 60 in attendance consisting of staff, Council members, contractors, friends and family.

During the transition to a permanent Executive Director, Mrs. Ibanez has the goal to strengthen teamwork and communication between all programs and to tighten infrastructure procedures to achieve excellent outcomes for the New Mexicans we serve. One strategy that Mrs. Ibanez is using to increase communication includes Weekly Updates sent via email to all staff. Also, Rachel Romero-Lovato is completing the IPRA training so that she will handle all IPRA requests.

DDPC is posting the attorney advanced position on August 27 and it will be posted for 2 weeks. Then, we will conduct interviews. DDPC appreciates the assistance from the Attorney General's Office in reviewing and approving contracts to form.

At 2:30 pm, Hoskie Benally left.

Program Committee Updates – Kathleen Hardy

Kathleen Hardy, Program Committee Chair, shared that Tanya Baker-McCue and Phyllis Shingle, UNM-CDD presented a proposal for the Committee on "Health Access." NOTE: Telehealth is now correctly referred to as "Health Access." The Council at the last meeting had agreed to review potential project proposals at this meeting. The only proposal received was from UNM-CDD. Kathleen Hardy provided an overview of the UNM-CDD proposal with this year, starting October 1st for \$10,000 and potentially increases to \$15,000 for the next two years. A hard copy of the proposal was disseminated to all Council members explaining the capacity of UNM-CDD to conduct this proposal and an action plan to implement it. Ms. Hardy asked for an Action Item on next week's Special Meeting Agenda regarding the Health Access Proposal from UNM-CDD. She mentioned looking at Survey Methodology for health survey and also shared that DDPC has unified reporting requirements and forms for all federal contractors.

Policy and By-Laws Committee Updates

No Report

Rule-making Committee Updates

Ellen Carpenter, Rule-Making Committee Chair, reviewed the discussion results of the Chapter 28, Human Rights, Articles 16 and 16A regarding the role of the Council. Ellen Carpenter stated that there several changes needed in the legislation as it is 25 years old and does not match with the Federal Law, The Developmental Disabilities (DD) Act. There was also discussion that the CMS Final Rule would also relate to this section. Kathleen Hardy recommended that we work with a Legislator to amend this section to become current with the DD Act. This legislation is going to have to be reauthorized with newer initiatives included. There is a need to get with a legislator who knows the history of this and needs to be rewritten. Mary Lou Poli would like to be notified of every Rule-making Committee meeting regarding this issue. The Council members discussed that DDPC has been trying to get the information for years without being able to get it from the other state agencies. We were told that HSD, DOH and DDPC needed to collaborate to get the information.

Comprehensive Review and Analysis Discussion

DDPC received some IPRA requests for the Comprehensive Review and Analysis Process for the Council. We shared the Comprehensive Review and Analysis from the Council's Five-Year plan. The Council members discussed multiple aspects related to this topic. The Rule-Making Committee will need to meet again soon to discuss and involve individuals who have the history of DDPC. The Attorney General's Office is holding an intergovernmental forum in the first week of October where these issues could be discussed.

Disability Rights New Mexico – Joan Curtiss, DRNM

Joan Curtiss shared specific information regarding the following:

- Boarding home licensure and oversight
- Subminimum wage
- Direct Care Task Force
- Division of Vocational Rehabilitation
- Competency Determination

- Supreme Court Ad Hoc Guardianship and Conservatorship Rules and Forms Committee
- Special Education
- DRNM impact on DDPC Planning

Center for Development and Disabilities (UCED) Report – Pat Osbourn, LISW

No Report

Member Announcements

Ms. Carpenter shared that DVR went back into active order of selection on August 13 and that WIOA 511 has 272 claims statewide. Sandy Skaar suggested that we add a DVR and DDSD update to council meetings.

Meeting Evaluations

Evaluations were completed by Council members and turned in.

Adjourn

Next meeting is November 30 from 9:00 am to 4:00 pm.