



2018 Legislative Planning Committee

12/18/18 Minutes

Meeting Locations:

Legislative Hall
Senate Hearing Room
411 Legislative Avenue
Dover, DE 19901

Total Members:

Required Quorum:

Members Present:

Members Present: John McNeal (Chair); Kathie Cherry (GACEC, **obo** Wendy Strauss); Susannah Eaton-Ryan (ARC); Nick Fina (SCPD, Chair); Terri Hancharick (DDC/SCPD & EPIC); Kyle Hodges (SCPD); Emmanuel Jenkins (DDC, **obo** Stefanie Lancaster), Daniese McMullin-Powell (DDC/SCPD & ADAPT); Vanessa Rodriguez (DE Family Voices **obo** Ann Phillips); Laura Waterland (CLASI/DLP), Despina Wilson (IRI);

Members Absent: Moni Edgar (SCPD/UCP) Karen Gallagher (DDC); Stefanie Lancaster (DDC); Nancy Lemus (DDC & Parent Advocate); Beth Mineo; (U of D, Center for Disabilities Studies); Ann Phillips (DE Family Voices); Wendy Strauss (GACEC);

Support: Dee Rivard

Additional Attendees: William Powell

Introduction of Members

John called the meeting to order at 10:05 a.m., inquiring if there was anyone new at today's meeting. Hearing none, we eliminated the round table introductions since everyone present knew each other from past meetings, Developmental Disabilities Council or State Council for Persons with Disabilities meetings. All in attendance were voting members or the designee of voting members.

Minutes

Review of selected topics

John began the meeting by reminding everyone that one of the things this committee previously discussed was assigning lead representatives to each legislative or advocacy topic. He advised everyone that we will get to assignments after voting. It is very challenging to do a wide approach of identifying 10 issues to try to pass legislatively during one session. It is better to try to focus on 4 priority issues. The challenge before the committee today is that we currently have

5 or 6 items that committee members ranked as a 4 for priority focus. John felt that it was best to discuss each issue of the voting topics to see how everyone would like to move forward.

Elimination of Sub-Minimum Wage – What is the number of entities currently offering sub-minimum wage? Committee members could only think of Elwyn and Chimes. Kyle shared that the sub-minimum wage is not currently a priority issue with the Employment First Oversight Commission (EFOC). Do we know if Elwyn and Chimes are working to move away from sub-minimum wage? Are they working on other possibilities? The ARC does not support closing sheltered workshops and won't be able to sign-on to the Legislative Agenda if it is included because their board members feel strongly about closing these facilities and putting some people with disabilities out of the only work opportunity that they have. Susannah Eaton-Ryan shared that the ARC is the only organization in the room that actually does employment. People coming out of high school are not being placed in sheltered workshops because the movement of people from sheltered workshops toward regular employment has not been very well initiated. Other committee members felt that this is still a good focus issue whether or not there is a legislative path forward. Advocacy is not advocacy if everyone agrees on it. This committee cannot avoid picking a topic that is an issue for persons with disabilities because it will cause a problem with a few committee members. Sixty-five percent or more of people surveyed in sheltered workshops want out. Susanna agreed to return to her board to make them aware that this legislative issue is not trying to close sub-minimum wage entities, they are advocating for them to pay the individuals with disabilities minimum wage. She will let Dee know her board's decision by the week of January 4.

- As of 2017 there were 3 sub-minimum wage entities in Delaware because KSI was still a part of sub-minimum wage at that time. There were 423 persons with disabilities receiving sub-minimum wage in 2017. Susannah agreed to reach out to the board to clarify the "Elimination of Sub-minimum Wage" issues since she believes that they will have a majority of the board at their next meeting. ARC has 22 board members.
- Since this issue received the highest number of votes, committee members felt strongly that it should remain as a part of the 2019 Legislative & Policy Agenda. Kyle suggested that perhaps inviting KSI and ARC Board members to attend an EFOC meeting might help both parties understand the other's concern. Kendra Johnson, the Executive Director of Elwyn is now a part of the Delaware Legislature.
- Nick Fina inquired who the customers of the goods and services made by the sheltered workshops were. No one seemed to know the answer to that question; however, all thought that it was an excellent idea to find out. If the consumers of the products decided that they were not going to purchase from a sheltered workshop that pays sub-minimum wage it would have a profound effect on these sheltered workshops. Jason Crouse has not shared what they have done and their success with other agencies. What other groups could EFOC invite? Laura Stremel offers a day training. The loss of jobs because of forcing an organization to pay minimum wage in supported employment is a huge concern. The EFOC is all about making competitive employment the **first choice**. It doesn't say that you can't be in sub-minimum wage employment it just wants people to have a choice.

- EFOC will invite KSI and ARC Board members to attend a meeting. SCPD and EFOC will assume lead responsibilities on this issue.

Access to Quality Dental Care for Persons with Disabilities -- This issue used to be Tim Brooks high priority issue. Lt. Governor Bethany Hall-Long used to introduce legislation on this issue every year to keep it alive and in the forefront of legislator's thoughts.

- The Governor's Commission talked about this at one of their last meetings and prioritized this issue.
- Committee members liked the idea of handing out toothbrushes to members of the legislature. This issue received the second most votes. Who could lead this?
- We need to convince Medicaid to add a state dental plan; however, then you still have individuals who receive SSDI.
- This initiative would have to be state funded since there is money involved. Are the fiscal notes accurate? There is a lot of stuff in health literature that states that dental care is extremely important. However, it is a net cost and the challenge is to convince legislators that there is a fiscal benefit to supporting this issue. Committee members discussed an old dental study that has a lot of data.
- **Lead Representative:** Laura Waterland agreed to work on this issue with some help from Kyle. She will reach out to Tim Brooks and Dr. Pugliese as additional points of contact to work with.
- The U of D did a video two years ago to try to expand awareness about how important this issue is. Emmanuel will forward the contact information to Laura.
- Emmanuel shared that the Developmental Disabilities Council also did an Awareness campaign that they won an award for. It has specific data along with cards to disseminate. Emmanuel will share the link with Dee for her to share with committee members.

At the suggestion of Terri, committee members agreed that topic numbers (3) **Attendant/DSP Support Professional Care for Individuals with Disabilities When Hospitalized**, (4) **Pay Raises for Attendants & Direct Support Professionals**, and (5) **Emergency Backup Attendants** should have the same lead representative since they are related.

- We need to get back in contact with Dava Newman for 3, 4, and 5. Topic number 4 – Some Direct Support Professionals did receive a raise but it is not up to where it should be.
- Christiana Care is raising their minimum wage to \$15 per hour, which unfortunately means that everyone will go work for them.
- Direct Support Attendants who do not work for a business provider did not receive a raise. Last year's raise only supported attendants who are contracted through DDDS. These are the people who keep persons with disabilities out of nursing homes. Last November, Emmanuel had an attendant being paid to work 40 hours per week for him and she left because she got a job paying \$2 more per hour to work for someone else. She left in November and he is still trying to replace her. Payment for his personal attendant comes out of Medicaid Waiver. It is a real challenge especially when he uses things like

Indeed. It takes a lot to educate people that it is a real job with real pay. The Middletown Amazon also pays their employees \$15 per hour.

- Committee members suggested obtaining Shelia Grant's assistance with these 3 topics.
- Committee members agreed to keep the write-ups separate in the 2019 Legislative Agenda even though the leads for these three issues will work them together.
- **Lead Representative** for topic number 3 is The Home and Community Group. Lead Representative for topic number (4) Pay Raises for Attendants & Direct Support Professionals and topic number (5) Emergency Backup Attendants is Terri in coordination with Dava Newnam with SCPD for support.

Kyle had questions on topic numbers 6 and 9 but ceded the floor to Nick Fina who briefed members on a process being used by the Policy & Law Committee.

- How do we get follow-up among ourselves?
- We need to hold ourselves accountable for following through on these issues. Unfortunately, the dental care issue needs a fiscal note which will require much more advocacy and follow-up.
- Within each council there needs to be someone to follow up on the issue and pursue it throughout the session. If we do this this committee may find that we will be more successful in getting legislation passed and policies enacted.

John invited the ARC to join the SCPD full council advising that in the past this committee met, brainstormed legislative, policy, and advocacy issues, pared them down to 10 priority issues for the legislative season and then disbursed until the following September. Perhaps this group should continue to meet monthly so that there is a focus on moving forward. Anything that allows you to develop and keep momentum is beneficial to persons with disabilities. However, we will have to find a way to have a better meeting location.

- For the sake of not creating another group, Kyle made a suggestion to incorporate this committee as a part of the SCPD Policy and Law Committee (P & L). The P & L usually meets monthly.
- Kyle's title is Policy Advisor for the SCPD so he is able to be the contact person for lead representatives from this committee to report back to the Policy and Law Committee.
- Daniese McMullin-Powell shared that the Policy and Law Committee has a lot to handle during legislative session. She did not see how the P & L Committee could address legislative issues, regulation review, and the 18 topic issues from this committee in a timely manner.
- Kyle shared that lead representatives for each topic issue contained in the 2019 Legislative & Policy Agenda could report on their status and movement forward during P & L Committee meetings. For topic issues 10 – 18 lead representatives could either attend the P & L Committee meetings or they could provide him with status reports via email for him to report on during the P & L Committee meetings.
- Committee members inquired who actually goes to the legislature to say that we need a bill for any particular issue. While this is the point of having lead representatives; it is

usually a group of us that go to speak with Representatives and Senators at Legislative Hall. Most of these issues involve organizing and scheduling.

Children with Medically Complex Issues – This topic is important for oversight of procedural safeguards and forcing parents to provide skilled nursing care. This is a national issue that is tied either to the amount of care that the child needs or their functional needs and is a very skeletal type of plan.

- In terms of identifying issues — Ann is trying to address the preauthorization issue and then having an MCO fiddle with it. Committee members are not sure exactly how to fix it whether through regulatory, statutory, or legislatively. Vanessa is representing Ann at today's meeting.
- **Lead Representative:** Ann Phillips with Delaware Family Voices

The Freedom of Information Act (FOIA) topic issue number 7 is a large issue that committee members agreed that they did not want to try to solve during this meeting since how we get to the end result cannot be done today.

- **Lead Representative:** SCPD will take the lead on this issue involving Nick Fina, Laura Waterland, and Kyle Hodges meeting prior to approaching Representative Heffernan to see if they can get a meeting on her calendar to discuss this issue.

Disability Integration Act (DIA) -- Daniese McMullin-Powell announced that the DIA is being reintroduced on January 15. Congresswoman Lisa Blunt-Rochester, Senator Carper and Senator Coons as Delaware representatives should be encouraged to be in attendance for the introduction of this legislation in Washington, D.C., and encouraged to sign-on as sponsors again this year.

- Committee members all agreed since ADAPT is most familiar with this topic that Daniese should draft a letter for the Councils to all sign-on.
- Nick and John can make a decision on behalf of the executive committee for signing a letter of support since this issue was already discussed and approved by the full council last year. It is the executive committee's decision not a unilateral decision by the Director and the Chair of the Council. Since this is a priority issue approved by this Legislative Planning Committee it would not be an issue. Daniese agreed to draft a letter.

A committee member inquired about the Assisted Suicide legislation stating that the Legislature is going to reintroduce it this year. Are we going to talk about this issue under LPC?

- Reintroduction of this legislation is Representative Baumbach's way of bringing people to the table to have a discussion.
- Director McNeal advised that the SCPD Council has already taken a position on this issue last year and is not changing their position.
- Committee members suggested that moving forward, we should not lock position letters to a specific bill. Instead, committee members recommended writing position letters on the issue in the future.
- John advised that the Council can add a new position paper on this issue to the website.

Nick Fina feels that we need to take better advantage of using press releases to get information out. Individuals usually write letters to newspaper editors but press releases are something that we can do in the future if approved by the Council.

- We are not always that sophisticated about the ways we get the word out.
- Last year Nick shared that he wrote individual letters to every member of the legislature along with a having an Op Ed in the paper. He stated that providing citations helps as was shared with him by several legislators. Perhaps when decisions are made amongst councils where there is a unified stance there should be a letter that all three councils sign on that goes out in addition to being placed on the Councils' websites.
- Kyle will make a note to add this issue to the agenda for the January SCPD Council Meeting. We need to address issues more head on and aggressively; however, it is important that we have the data to support our positions.

Amending the Nurse Practices Act – Committee members moved on to topic issue number 9 discussing a stakeholder meeting that Shelia Grant ran. Committee members felt that her bill the “Share the Care Act” is pretty narrow. While nurses are very influential, committee members agreed that it is going to be a hard sell to obtain support from them.

- While Home Health Attendants who provide unsupervised care are all for amending the Nurse Practices Act; nurses are adamant that it is all about safety.
- Committee members need to coordinate successfully with AARP on this issue as it would benefit everyone since there is a lot of overlap.
- There are some very good national resources that committee members can tap into.
- Brian Posey is with the AARP in a different role and should be involved in this initiative also.
- **Lead Representative:** Laura Waterland.

Crisis Housing - Working with First State Land Trust who is talking with developers who get incentives to donate a portion of lands or houses in developments for low income homeowners. Individual must make a minimum of \$18,000 the owner would mortgage half of the price and have the equity in the home and are able to will it to their next generation.

- The land is owned by the Trust who helps in maintaining the homes.
- The Opportunity Zones law was signed with the First State Land Trust designating zones within each county for economic development to help bring employment to the state and to increase the value of inner city and abandoned homes areas.
- She will provide additional information for Dee to share with committee members.
- Dover is a location that lends itself to walking traffic but Wilmington and Sussex don't so they are currently working on this.
- The DSHA just got 50 main stream vouchers that must go to people with disabilities.
- We need to get together to work with DSHA about how to market them and how to get the word out.
- It is paramount to the success of this initiative to have the centers involved with the working group.

- The Housing Committee needs to meet first to decide a priority list before we start bringing people in to join on this initiative.
- Daniese McMullin-Powell will chair the Housing Committee.
- The DSHA Housing Committee is meeting in mid-January on the 23 with the Housing Institute and the Governor's Office.
- The First State Land Trust has already been approached by developers for the east side of Wilmington. Investors are clamoring to be a part of this initiative.
- Despina will notify Daniese when they have a meeting date agreed upon and John will coordinate after Despina's meeting.
- Emmanuel shared that this is actually how UCP got 4 of their homes in Harrington.
- **Lead Representatives:** Despina Wilson from IRI, Laura Waterland, Daniese McMullin-Powell, and John McNeal. This should be the topic initiative to re-establish the SCPD Housing Committee.

Motion to Approve: The 2019 Legislative Agenda's top 9 initiatives that received the most votes for this year by Daniese McMullin-Powell, seconded by Despina Wilson and approved by all voting committee members in attendance with 1 member abstaining. **Motion carried.**

Meeting Recap -- John provided a recap of the meeting stating that as committee members previously discussed today's meeting involved narrowing the focus of initiatives.

- At least one of these initiatives we can start early on by Daniese writing a letter for the different councils to sign onto.
- Topic issue numbers 3, 4, and 5 naturally came together.
- Lead Representative's information will pass through the P & L Committee of the full SCPD Council in order to ensure follow-through.
- Reports should include a synopsis of where we are on each initiative. This is a good way of keep things moving forward throughout the year.
- Through today's process Dee will identify where we are and who the lead representatives are for each issue in order to ensure consistency.
- Topic initiative issues number 3, 4, and 5 will go through the Home and Community Based Services Committee.
- Committee members agreed to change the name of the 2019 – 2020 Legislative & Policy Agenda to "2019 Legislative Agenda" for clarity and to allow for the addition of other topic issues.
- Committee members agreed to remove the TBI Registry and the Dual Eligibility – Coordination of Medicaid & Medicare initiatives from the 2019 Legislative Agenda even though they will still have assigned lead representatives to work on these issues.
- **Lead Representatives** should send information to Jo Singles copying Kyle Hodges and John McNeal.
- A discussion ensued as to whether or not to reword any language in the 2019 Legislative Agenda; however, since committee members already voted for these topics the committee

did not think it was right to change the existing language other than for grammatical errors.

- Moving forward the Legislative Planning Committee will not have separate meetings since committee members voted for the committee to fall under the SCPD Policy & Law Committee for follow-up.
- Kyle or Dee will contact Beth Mineo to ensure that the U of D, CDS still wishes to have their name included as part of the 2019 Legislative Agenda.
- Susannah Eaton-Ryan will check with the ARC Board and let Dee know by the week of January 4th whether the Board agrees to sign on with their name. They did not want their name included on the 2019 Legislative & Policy Agenda.
- **Lead Representative:** Accessible Parking is Terri and John McNeal
- **Lead Representative:** Sidewalk Maintenance within Subdivisions is John McNeal in coordination with Todd Webb
- **Lead Representative:** TBI Registry is Ann Phillips
- **Lead Representative:** Medicaid Dual Eligibility is Ann Phillips
- **Lead Representative:** State Building Safety Procedures is John McNeal
- The Victims' Rights Task Force is willing to accept lead responsibility on either Accessible Transportation or Accessible Shelters.
- **Lead Representative:** Human Relations Commission is Kyle Hodges.
- **Lead Representative:** Moving Special Education with the Division of Visually Impaired to the Department of Education is Wendy Strauss.

John thanked everyone for all of their hard work on preparing the 2019 Legislative Agenda. He also thanked Dee for her hard work.

Adjournment

Motion to adjourn by Laura Waterland, seconded by Susanna Eaton-Ryan and unanimously approved by voting members in attendance.