

Iowa Developmental Disabilities Council Meeting Minutes March 9, 2023

Council Member Attendees:

In Person: Hugh Kelly, Steve Steveson, Rob Roozeboom, Julie Bergeson, Paula Motsinger, Kevin Harris, Eric Evans, Brady Werger

Virtual Attendance: Matthew Conaway, Carol Cross, Kristen Aller, Mark Smith, Scott Lyon, Amber Gale, Jean Willard, George Thompson, Judy Warth, Roxanne Cogil, Mike Vratsinas, Kitty Hedderich

Council Staff: Brooke Lovelace, Carlyn Crowe, Lindsay Hommer

Council Members Absent: Alecia Balduf, Mike Hoenig, Brittney Drinovsky

Members of the Public: Jeff Berckes, Jennifer Vermeer, Tim Gutshall, Jill Villalobos, Brian Martsen, Jennifer Robbins, Bruce Barnett, Melissa Lawson – Department of Education, Stephanie Hejna, John McCalley

Call to Order:

Council Chair Werger called the Iowa Developmental Disabilities Council (DD Council) meeting to order on March 9, 2023, at 10:32 AM. A quorum was established.

Welcome and Introductions:

All meeting attendees introduced themselves.

Agenda Item/Approval of Minutes and Agenda:

Kelly motioned to approve the minutes from the January 12, 2023 meeting, and Steveson seconded. Motion approved. Hedderich motioned to approve the agenda for March 9, 2023, and Kelly seconded. Motion passed.

Executive Committee (EC) Report:

Actions and Recommendations since January Meeting:

EC has decided to cancel the July DD Council meeting. Orientation will be held in August for new Council members.

Election Committee for Executive Committee:

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Werger stated we need three volunteers to serve on the Election Committee to determine candidates for the Executive Committee. Motsinger, Steveson, and Harris volunteered to be on the Election Committee.

Recruiting of New Council Members:

Cross, Lyon, Motsinger, Smith, Vratsinas first terms end at the end of July. All can reapply for the DD Council. Vratsinas is eligible for two more terms since he is filling a slot right now for someone that resigned. If they want to reapply, this is done on the Talent Bank site: [Iowa Talent Bank](#) Willard and Warth are ending their second terms at the end of July. These positions will need to be filled by their state agencies.

Budget Review:

Lovelace stated the budget looks good. Lovelace shared the Obligation Chart. Under Admin Costs 2022 the amount changed to \$381,851.62. There is now \$5824.38 left not obligated for 2022. We have spent about \$3400 of that for sponsorships. There is about \$1500 left for 2022 that will be spent.

Lovelace shared the Spending Chart. The only things coming out of our 2023 appropriation are administration costs. Projects are coming out of the 2022 appropriation. Motsinger asked why the appropriation was more in 2021 than in 2022 and 2023. Lovelace explained that in 2021 Puerto Rico did not spend all of their appropriation so, their appropriation was divided and sent to other Councils. The remaining amount that is left for 2021 is being allowed to be spent for the Community Ambassador Project with a no cost extension.

Workplan Review:

Lovelace stated that we will be able to offer a capitol grant to First Resources due to the Family Leadership group having to cancel. Crowe conducted an advocacy training for the Autism Society last week at the capitol.

The date is set for Make Your Mark! Conference (MYM!) for Aug 30-31 in Coralville. We will need volunteers for this. We are looking for exhibitors and sponsors right now. We have one key-note speaker lined up so far, Hayden Crystal. We are working on our second key-note speaker. There will be a request for proposal that will come out next week. Roozeboom stated the benefits of being a sponsor on the flyer are a bit confusing and asked that the flyer be more clear. Aller asked how much it is for profit and non-profit sponsors. Lovelace stated it is \$300 for profit and \$175 for non-profit. Lovelace applied for corporate sponsorships at Fareway and Casey's. Casey's has declined. Lovelace stated that one of the key-note speakers we are considering is a person with a disability that would speak about why people should be on boards and committees. Cogil asked why the date of MYM! was moved to the end of August right before the Labor Day weekend. Lovelace stated that there were issues finding a venue in September this year.

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One of the DD Council's activities is to increase the number of individuals in our DD network. There are approximately 9,000 people in DD network. Lovelace asked for the DD Council member's help increase this number.

One of the DD Council's goals is to increase the number of Iowans that mentor and take on leadership roles. We are still supporting the Community Ambassador Program. The dates are set for the Youth Leadership Academy (YLA). The application for YLA will be coming out at the end of March. The target audience is ages 14-26. The DD Council continues to support the Iowa Talent Bank.

One DD Council objective is to support a network of advocates. There was a training held in Iowa City to help people vote in October. The DD Council will do townhalls meetings again when session is complete. Allies in Advocacy is a group the DD Council is supporting.

Another objective addresses advocacy and voter training for young adults in rural areas. Cogil helped set up a training in Panorama at the high school in April. Lovelace sent several emails to another school and did not receive a response back. Cogil could speak to the Guthrie Center school district and see if there could be a training on April 18th there also. Gale spoke with someone at Benton school district as well and she is waiting on a response.

The Systems change goal relates to policy. Flyers were shown that were given to legislators today to help educate them about gathering input from people with disabilities and sharing information in plain language.

As far as the Capacity Building goal, we are not funding the Vocational Rehabilitation (VR) program this year. The DD Council will continue to partner with VR on other projects. The DD Council does sponsor the Autism conference. The Council is still working with the University Centers for Excellence on Developmental Disabilities (UCEDD) and Public Health of Health and Human Services (HHS) for health advocacy. Cogil asked what health advocacy means. Lovelace stated this means to advocate for you own health care. Warth stated they've been doing a training about this called OnTrack. This training works with two individuals with lived experience to facilitate the training. The training material is going to be taught in Spanish also.

Policy Update:

Crowe stated that on the DD Council website the bills are being tracked under infoNet. She highlighted several bills that we are supporting:

HF275 replaces the lifetime caps with yearly caps on home and vehicle modifications for Intellectual Disability (ID) waiver. Roozeboom asked how much the difference is to replace the lifetime cap with a yearly cap. Crowe stated this would cost about \$700,000 more per year. Motsinger stated this is going to be looked at during the waiver redesign.

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HF 252 provides up to \$5,000 scholarships to young adults with disabilities to attend college-based transition programs. This bill passed out of the House and Senate subcommittee and will go to the senate education committee. Federal funds could be used to help match these scholarships.

Crowe stated last week was funnel week. This means that all bills that were introduced had to get through a subcommittee and committee in either chamber in order to stay alive.

SF177 which requires school staff to be trained on seizure identification and seizure first aid is the bill Cogil is involved with. Cogil stated the bill number has changed from SF177 to SF483. The companion bill, HF379 changed to HF608.

HF626 is the non-medical switching bill which prohibits health plans from limiting prescription drug coverage for certain individuals. Medications would be chosen by the physicians. Harris asked if a person chooses to change insurance plans, does this still apply. Cogil was unsure.

HF378 provides for an annual automatic increase in the reimbursement rates for Medicaid providers. Crowe stated there is a list of good bills. There were a lot of bills introduced that the DD Council would have been supportive of but, they did not make it through the funnel.

In the category of “bad” bills, Crowe stated there are two bills that would have a big impact on people on Medicaid. HF613 and SF494 require identity confirmation and asset testing for public benefit programs. All applicants on Medicaid, Food Assistance, Children’s Health Insurance Program (CHIP), and Hawk-I, would need to have a household asset test. That is not how Medicaid is set up now and the idea is to catch people that are trying to fraud the system. Kelly stated he goes through an annual review due to him being on Medicaid and asked if this would change. Crowe stated this would change for people if they have a household of more than one person. It would take other household members assets into account. Crowe stated that these bills have come out of committee but have not come to the floor. Aller asked what asset testing is. Crowe stated assets could be anything such as cars, boats, investments, house, snowmobiles, and money.

In the category of “confusing” bills, Crowe mentioned the two bills regarding guardianships and conservatorships. SF295 and HF650 make changes to requirements for adult and minor guardianships and conservatorships. The DD Council is in support of SF295 because it (among other things) would make it better for people who are guardians or want to become guardians to do reporting. Currently, if someone uses an attorney to do the reporting, the paperwork is different than if someone does the reporting on their own. HF650 makes it easier for attorneys and estate planners to do the paperwork. One problem is that there are not enough people to become guardians due to funding problems and the bills do not address this.

HF604 allows a teacher to remove a disruptive student from the classroom and requires expulsion after three removals. This does not apply to students who are on an individualized education plan (IEP) but that is not specified in the bill as written.

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SF210 defines “brain health” and states it can be used interchangeably with mental illness, mental health, and behavioral health.

HF566 makes changes to HHS boards and commissions and eliminates Brain Injury Advisory Council. We are not in favor of this. Warth stated it would be good for us to keep an eye on this. VR would be moving under Workforce Development with the reorganization and this could impact people with disabilities.

Crowe stated we could use some talking points from Council members when we are speaking about the reorganization.

Cogil asked about SF295. There is concern amongst the Autism Society of Iowa members about this bill because this bill would require more paperwork to be submitted. Lyon stated he does a lot of work with people regarding guardianships and conservatorships. He stated he was on the task force that did the research that led up to the change in 2020. The form that was guardians had to fill out prior to 2020 was basically two pages. There were not a lot of prompts to get information about what the guardian was providing. What that led to oftentimes was a lack of record of what the guardian was doing on behalf of the protected person. They tried to fix that by generating this new form. The form went from two pages to about sixteen pages but, this provides information that is needed about what the guardians are actually doing. Cogil asked Lyon to explain what changes SF295 will do. Lyon stated he has not yet read the bill but will and will send a summary of what this bill is and how it would change reporting. *(see Addendum at end of minutes)*

Cross asked about HF566. She is on the congenital inherited disorders advisory committee. One of their responsibilities is the newborn screening panel and advising what disorders to add. This bill would strip down their responsibilities to just looking at the newborn screening panel and take away all other responsibilities. Cross asked where this bill is coming from and what is the intent of this bill. Lovelace and Crowe said it is part of the government restructuring plan, but unsure why some board and commissions are being eliminated or responsibilities pared down. They would bring this up with Amy Campbell.

Digital Equity Discussion:

Jeff Berckes (Digital Equity Coordinator, Office of the Chief Information Officer) will share plans in Iowa to allow for better internet access statewide.

<https://ocio.iowa.gov/broadband/digital-equity>

Berckes shared a PowerPoint. Full participation in society has a lot to do with internet access. There are a lot of educational opportunities online. In regard to the digital economy, job applications and buying and selling goods and services are done online. In regard to telehealth, physicians are doing appointments online and medical records can be online. There are civic and social opportunities such as figuring out where to vote and joining groups. Cybersecurity is important for all of these. There are

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multiple facets of broadband and digital equity. First, there is accessibility. Empower Rural Iowa Grants is made up of seven rounds of grants. There are over \$350 million in awards to 270 projects. The total is over \$790 million in new broadband investment both private and public. Over 100,000 homes, schools, and businesses are served in all 99 counties. There are new federal opportunities on the way that will be worth \$300-\$400 million. Affordability is important. If you can't afford the internet that is available then, it is of no use. Digital devices refer to what is the right tool for your needs. People need digital skills to use technology. Federal legislation has identified eight different categories of individuals and they are calling them covered populations. 1) Individuals that live in covered households 2) aging individuals 3) incarcerated individuals 4) veterans 5) individuals with disabilities 6) individuals with a language barrier 7) individuals who are members of a racial or ethnic minority 8) individuals who primarily reside in rural areas. 80% of Iowans fall into these categories. There are stakeholder groups that people can be a part of. The core planning team is made up of subject matter experts. Partners team is anybody that's interested in any aspect of the space that wants to stay informed. The third stakeholder group is community outreach. The fourth group is statewide survey & focus groups. If interested in joining the partners team, email him at jeff.berckes@iowa.gov. There will be 55 townhall meetings that will occur throughout the state from March to May 2023. These will occur at 6 PM. In December they will submit their proposal to the federal government. Cogil asked about getting broadband in our state parks. He stated that state parks are eligible to apply. Conaway asked if assistance with planning is still required because he is an engineer/bioethicist and can discuss equity. Jeff Berckes stated that they do still need help with planning and will be in contact.

Molina Health Care Discussion:

Jennifer Vermeer – Plan President , Tim Gutshall - chief medical officer, Jill Villalobos – Vice President of Health Care Services, Brian Martsen – Associate Vice President, Jennifer Robbins – Program Director

Jennifer Vermeer stated that Molina will begin on July 1. Amerigroup, Iowa Total Care, and Molina will be the three managed care organizations (MCO's) in Iowa. Molina is a Medicaid managed care plan in 20 states. 85% of what they do is serve Medicaid members. Jennifer Vermeer is the plan president for the Iowa health plan. Molina is committed to hiring Iowans. Molina is a fully remote company so, all of the case managers will be located all around the state. Molina is working on fully contracting with the provider network so that all members have choices in their providers. Molina has been working closely with the other two managed care plans and HHS to ensure a smooth transition for members and for providers. They want to best support community living for all Iowans, especially for people with disabilities. Thompson asked when transfer letters will go out for those on waivers. Jennifer Vermeer stated that those letters will begin going out around March 22nd and will go out over a period of time. The open choice period will last until the middle or third week of May. There will also be another choice period between July 1 and October. Cogil stated that a lot of people with developmental disabilities do not meet the eligibility criteria for one of the seven Home and Community Based Services (HCBS) waivers, but they could benefit from case management services from time to time. Cogil asked if this is something Molina will be able to offer if they're not currently on a waiver. Jennifer Vermeer stated that they do have case management services for those who are not a waiver. Lyon stated that they are anticipating at some point to get requests for representation from Molina members who have had their services reduced or denied. He said that a theme from the other MCO's is that they are operating under

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a parent company that is applying coverage determination policies that are not based on Iowa administrative code and they are supposed to be. Lyon stated he wanted to raise this as a concern and asked who the point of contact will be at Molina if these issues arise. Jennifer Vermeer stated that Molina has done their best to create their coverage criteria based specifically around Iowa policies. Jill Villalobos provided her contact information if issues arise. Jill Villalobos: Cell: 515-564-9583 and email jill.villalobos@molinahealthcare.com Lyon asked if Molina will have general counsel that will be representing them at hearings. Jennifer Vermeer stated she was not sure if it would be Molina counsel or outside counsel, but she would check into it. Lyon stated that his agency would like to contact the counsel and try to resolve issues that way if an appeal is filed. Jennifer Vermeer stated they will be hiring a member liaison which could be another point of contact to resolve issues. Warth asked what are Molina's plans for people to gain employment for people with disabilities. Jennifer Vermeer stated that employment for persons with disabilities is a big priority for Molina. They are going to have dedicated employment support individuals who have expertise in that area. Molina would like to work with the DD Council members to find out how they can be supportive of these efforts. Roozeboom asked if there is a way to have a waiver program that is not Medicaid to keep him employed and to help with the salaries and payments that he has to give people to keep him going. Jennifer Vermeer stated she does not know the answer to this as it may not apply to Medicaid. Roozeboom asked if this is something Molina could start talking about or consider. Jennifer Vermeer stated they would like to be part of this conversation if the HHS decides to look into this. Lovelace stated this may be part of the regional plan but a lot of it would be income based. Lovelace stated that one of the priorities the DD Council has is addressing the waiting list. Lovelace asked if there is anything Molina is thinking of doing to for the people that are covered through Medicaid but can't get on a waiver to help fill the gap for those services. Jennifer Vermeer stated that they are trying to get an understanding of what the needs are and exploring resources that might be available through the regions. Lyon asked if there are other people at Disability Rights Iowa (DRI) that would like to meet with Molina, who could he contact. Jennifer Vermeer stated to contact her or Jill Villalobos. Lyon asked if there is a continuity of care period after July 1 and if so, how long is it. Jennifer Vermeer stated they are going to fully waive all prior offs for 90 days. Lovelace invited a staff member to join our meeting in September or November to continue working with Molina. Werger stated there are a lot of people that apply for waivers and have to wait a long time to get approved. He asked if Molina is looking at this issue. Jennifer stated they want to employ members who are on the waiting list and try to get services for them, at least partially, to meet their needs while they wait.

State and DD Network Updates:

Eric Evans – Iowa Vocational Rehabilitation, Scott Lyon – Disability Rights Iowa, Willard – Child Health Specialty Clinics, Paula Motsinger – Medicaid, Judy Warth – Center for Disabilities and and Development, Melissa Lawson – Department of Education

Evans was just named Bureau Chief of Vocational Rehabilitation (VR). Right now, they are under the Department of Education but if the reorganization bill passes, they will be under Workforce Development which will make getting high school and college students services more difficult. VR may lose 25 employees with the reorganization. Werger asked if there are programs through VR to help individuals with disabilities do vocational classes at colleges. Evans stated there are programs for this

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through VR. Roozeboom shared that he has used some VR services and they have been a great help. Crowe stated that facts such as VR leading the nation in services and now, they may lose 25 positions would be good talking points to provide to the legislators to help educate them.

Lyon did not have any updates.

Willard wants to make sure people are aware of the family navigator network. Employees across the state, parents, or caregivers of children with special health care needs can get provided family to family emotional support connections to community resources and assistance with system navigation. Willard asked that members please refer families to her if they know of anyone that has a child with special healthcare needs.

Motsinger stated that in order to buy down more waitlist slots, it would require legislative appropriations. Motsinger stated that \$40 million was invested into the community-based services evaluation. The waiver redesign is a huge undertaking they are taking on. Currently there is a lot of inequity among the waivers. They would like to hear from people with lived experiences about the waivers. Public Health Emergency is going to officially end on May 11, 2023. One of the things that was done in Iowa is called Appendix K which allows waiver flexibilities to extend six months to November 11th. There are going to be two pieces of mail that are sent out to covered individuals letting them know that the public health emergency is ending and open enrollment. If people have not updated their information with Medicaid, they need to do so. Open enrollment is March 1st through May 18th. On July 1st, enrollment will be reopened for 90 days to make additional changes. Per the Department of Justice (DOJ) investigation, a Community Integration Manager was hired. It is Shawna Eaganhouse. There are still 107 people that need to transition out of Glenwood Resource Center by June 2024.

Warth stated they are working on expanding their ability to do psychological examinations. They work with many of the state agencies in support of their efforts to provide services and supports to persons with disabilities.

Melissa Lawson said that there is a new director of the Department of Education. They are beginning to make visits to local school districts who need help serving their students with disabilities. They will be planning on how to make outcomes and services better for those children.

Council Updates:

Werger stated that he is going to Washington DC at the end of April to do some education and advocacy.

Kelly stated that Joel Wesselink asked him to be part of a study group/panel of self-advocates with developmental disabilities who live in the communities. Kelly also did a podcast that is on Spotify under Disability Exchange.

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Cogil and Lovelace are part of transportation coordination counsel. There is a website that not many have been using but this may be because people do not know about it. The website is: "Go Your Own Way" website. It has information about how to figure out how to get from point A to point B. It's a great resource for people trying to figure out their transportation.

<https://iowadot.gov/getthereyourway/home>

Public Comment:

John McCalley with Amerigroup stated the importance of watching for mail due to the public health emergency unwind and the open enrollment periods. John McCalley wanted to emphasize that Amerigroup continues to work closely with the State, Medicaid Enterprise, and Glenwood and Woodward Resource facilities in regard to compliance with the DOJ findings. Amerigroup participated in the care, coordination, and transition planning for 109 residents that were at Glenwood Resource Center. Amerigroup still has 60 members at Glenwood. They are working to have those individuals transitioned safely to new settings. Amerigroup is launching a new integration component in their long-term services and supports in the form of helping to develop HCBS capacity in the form of transition grants. They have provided over \$275,000 of capacity development grants to HCBS providers, particularly in southwest Iowa. John McCalley's contact information is: John McCalley, Amerigroup Health Equity Director, john.mccalley@amerigroup.com

Adjourn: Aller made a motion to adjourn, and Kelly seconded the motion. The meeting adjourned at 2:23 PM.

Action Items:

Lovelace and Crowe to ask Amy Campbell about the congenital inherited disorders advisory committee being stripped of most of their responsibilities. Where did this bill come from and why. Cross would like to know.

If interested in joining the partners team, email him at jeff.berckes@iowa.gov

Addendum: Information received from Lyon re: SF295

I reviewed SF 295 after yesterday's council meeting. The bill is another significant reform of Iowa's guardianship and conservatorship statutes and makes numerous changes, but I was focused specifically on what effect it would have on reporting requirements for guardians and conservators. The reporting requirements for guardians and conservators for adults are found in Iowa Code 633.669 (guardian reports) and 633.670 (conservator reports) and this bill would amend both of those sections.

633.669 would be amended to add a requirement that guardianship reports "must be based on the needs of the protected person and take into account the best interest of the protected person as well as

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the protected person's preference, values, and prior directions to the extent known to, or reasonably ascertainable by, the guardian." It makes some other minor changes to the reporting requirements, and requires the guardian to state any changes in the care plan for the next reporting period, and any additional powers the guardian requests.

633.670, the conservatorship reporting requirements, is being struck and rewritten in its entirety by this bill. The current version of 633.670 just states that the initial plan include a "budget containing projected expenses and resources". The proposed amendment includes a detailed list of considerations and better clarifies what the conservator needs to plan and account for in terms of assets, income, debts, liabilities, and regular predictable expenses of the protected person. [See here, pages 12-16](#). It includes a new requirement for the conservator to itemize and explain any expenditures made to pay debts of, or provide support to someone other than the protected person, or payments made from the protected person's assets to the conservator. It also requires explanations for cash withdrawals from the protected person's funds.

The bill would add a section in both 633.669 and 633.670 that if a court finds there are grounds to believe the guardian or conservator has committed fraud, theft, assault, exploitation, or dependent adult abuse (pursuant to specific criminal statutes) the court shall refer the matter to the county attorney for consideration of criminal charges. This isn't necessarily directly related to reporting requirements, but discrepancies in reporting are one place where inappropriate conduct by a guardian or conservator may come to the court's attention.

Anyone who has any questions may feel free to contact me by phone or email. Thanks!