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# State of Wisconsin

## Council on Physical Disabilities

### July 24, 2014 Meeting Minutes

Members present: Benjamin Barrett, Chairperson, Long-Term Support, Health and Employment Committee Chairperson; John Meissner, Transportation and Parking Committee, Chairperson; Joanne Zimmerman, Housing Committee, Chairperson; Karen Secor, Emergency Preparedness Committee Chairperson; Noah Hershkowitz; Michael Kindschi; Roberto Escamilla, II; Jon Hoelter (portion of meeting)

Members absent: Joey York; Charles Vandenplas

Liaisons present: Heather Bremmer, Board on Aging and Long-Term Care; Joanna Balsoma-Lilien, Department of Administration-Division of Housing; Barbara Belling, Office of the Commissioner of Insurance; Tom Heffron, Wisconsin Technical College System

Staff present: Dan C Johnson, Coordinator of Resources for People with Physical Disabilities; Kathy Johnson; David Hippel, IT Support.

Guests: Patricia Williams, Governor's Committee for People with Disabilities; Kramer Andres

Chairperson Barrett convened the meeting at 9:06 AM and welcomed new members Jon Hoelter, serving as the governor's designee and Michael Kindschi, retired realtor and former IT specialist at American Family Insurance.

The agenda was amended to include discussion of the Family Care Stakeholder Meeting to provide information on the long-term support waiver renewal on July 30, 2014 and Convention on the Rights of People with Disabilities.

Motion to approve revised agenda, Noah Hershkowitz and seconded by Joanne Zimmerman, Motion Carried.

Roberto Escamilla wants to talk about the Office of Persons with Physical Disabilities and Council Operation and MTM audit information update and did anyone attend the MTM Advisory Committee meeting.

Dan and Chairperson Barrett indicated that the discussion of the office and Council will take place during the biennial budget discussion. MTM audit is taking place now and staff will provide information when it's available. Dan will check when the next meeting of the MTM advisory committee and let council members know.

**Discussion of minutes from CPD meeting April 24, 2014.** Noah Herskowitz requested the correct spelling of his name. Motion to approve minutes as corrected, Joanne Zimmerman and seconded by Karen Secor. Motion carried. Michael Kindschi abstained

Chairperson Barrett introduced Jon Hoelter and Jason Vick, who provided an update on the governor's Better Bottom Line Initiative. The initiative is designed to improve the employment outcomes of people with disabilities.

Jon Hoelter introduced himself and provided information on his background and indicated that his responsibilities in the governor's office included Department of Public Instruction, Department of Children and Families and Department of Health Services. Jason Vick introduced himself and provided information on his background and indicates his responsibilities included, Department Workforce Development and Veterans.

The Better Bottom Line initiative is modeled on Governor Jack Markel's initiative that he introduced as Chair of the National Governor's Association. Employers, when provided adequate information, found that people with disabilities were helpful in adding to their bottom line.

Governor Walker convened a group of people with disabilities to get their ideas and to share his thoughts on what might work as an initiative in Wisconsin. The governor wanted to create awareness, some more information that would be of use to businesses. He went to help businesses understand that people with disabilities, with the appropriate supports can make good employees.

The employment initiatives that are currently happening began in January with the introduction of the Department of Workforce Development creation of Fast-Forward Prosperity, Project Search a training initiative for people with developmental and/or intellectual disabilities. Fast-Forward is the governor's initiative to increase worker training, bringing employers and workers together who required training. Watch for very special new announcement in October, providing another million dollars in grant money.

The governor asked for resources to expand Project Search, a place and train model, which is a partnership of the Wisconsin Department of Health Services-Division of Long-Term Support and Department of Workforce Development-Division of Vocational Rehabilitation. Project Search currently has seven sites and the new resources will allow an expansion to another 20 new sites by the end of June 2015. Youth transitioning, mostly students with developmental disabilities from high school are provided career opportunities in hospital settings, at the current time. 87% of graduating students in Project Search are getting jobs in the facilities where they intern at or above minimum wage.

Any additional ideas for a Better Bottom Line would be welcomed, said Jon Hoelter. Jon will be at future meetings.

Dan commented that the governor's effort to improve the Medicaid buy-in is important to allow people disabilities to earn above substantial gainful activity, pay an affordable premium to maintain access to the long-term support services that they require work, and save for a house, education, vehicle or other items and be able to retire without losing access to long-term support services. Unfortunately, the work incentives proposed by Gov. Walker in the last biennial budget were not approved by the legislature after they learned that the new definition of work would have eliminated 9000 individuals with

psychiatric disabilities would not have been able to document that they were receiving money in exchange for work.

Dan made Jon aware of the work of the Governor's Committee for People with Disabilities Medical Assistance Purchase Plan Ad hoc workgroups initiative to get the governor's recommendations for the treatment of earned and unearned income treated the same, to provide an affordable premium, while including new work incentives that will eliminate the marriage penalty and allow people with disabilities who require personal care or other long-term supports keep those supports through the addition of an individualized thresholds, maintain the definition of work by having everyone under 150% of poverty a minimum premium of \$25 and everyone over 150% of poverty pay a minimum \$50 premium and finally allow people to retire by disregarding savings from independence accounts when considering eligibility for other medical assistance programs.

All of the changes were included in the introduction of Assembly Bill 904, which was introduced by Rep. Andre Jacques on the last day of the preceding legislative session in order to make available legislation that others could be encouraged to support.

Jon asked if there were people making DHS aware. He was informed that GCPD was working with DHS to come up with a proposal that is budget neutral, so that it could be recommended for inclusion in the biennial budget. See the MAPP talking points attached.

Roberto shared that he is now getting reimbursement for prescription drugs from the Medicaid program. He wasn't sure what made that possible, but it sure allowed him to have more money available at the end of the month.

Update from the Long-Term Support, Health and Employment Committee. Governor's Committee for People with Disabilities and other members of Survival Coalition are continuing to work with DHS to develop a proposal that will improve work incentives available through the Medicaid buy-in. Current issues are a request to exclude spouse's income and assets (marriage penalty) and the individualized threshold which affect financial eligibility. The department's current fiscal analysis indicates that 5000 new people would be allowed into the program, raising the cost by \$32 million.

GCPD is working with the department to understand where those estimates come from and will be trying to develop a proposal that will be budget neutral. Chairperson Barrett serves on the committee and Dan help staff the committee, so we will keep you informed.

Please see the talking points paper on the Medicaid Purchase Plan that was carried out at today's meeting for additional information that can be shared with the legislators are others who may be interested.

Update on housing from Joanne Zimmerman.

Joanne reported on the activities of the Housing for All Advisory Committee and reported on her attendance at the Housing Conference.

The rate of inflation, loss of wages, new restrictive changes in credit scores are contributing to the housing crisis.

Another issue is the problem of lead poisoning. One in six children is affected by lead poisoning in Wisconsin. Urban soil is being contaminated by lead from the housing that contain lead paint, lead pipes and other sources of lead that are being torn down, further contributing to the lead poisoning when urban gardening is taking place. The plants are absorbing the lead and the food being produced ends up contaminated with lead.

Roberto questioned where the studies are documenting this led problem and wants to see the studies. Joanna Balsoma-Lilien indicated that the research is available on the Environmental Protection Agency (EPA) website. Here's a link to the website: <http://www2.epa.gov/lead/science-and-technology>

Housing and Urban Development has a new powerful GPS-based software program that allows them to collect an overlay numerous pieces of data that can help improve and document housing needs. Joanna Balsoma-Lilien indicated that the Division of Housing will be able to use this new software to help with the state Consolidated Plan. Joanne is very excited about the data available.

Joanne requested that we have the speaker from Milwaukee, who spoke at the conference provided a similar presentation at the October meeting. She will provide the name of the individual and contact information.

Join further reported that there are only 1.5 million housing stock available, but 3.5 million people in need of low income housing. That Housing vouchers are only available to veterans at the current time. The Consolidated plan provides 45 million for housing programs in Wisconsin.

The Fair housing Law of 1968, has not been effectively enforced for many years. Enforcement and education will be a new priority. HUD will use the new computer program to target enforcement areas. They will also require new reports that are consistent statewide. 44% of discrimination complaints were by people with disabilities.

Joanna Balsoma-Lilien encouraged the Council on Physical Disabilities, members to look at the consolidated plan and provide input. This is a five-year plan that will guide the state efforts to make housing available that meets the needs of Wisconsin citizens. Yours access to the website: <http://www.doa.state.wi.us/Divisions/Housing/Consolidated-Plan>

The National Housing Trust Fund has never been provided funding. Now there is an effort to mandate funding to the National Housing Trust Fund using a fee from Fannie Mae and Freddie Mac by putting that money into a segregated housing trust fund as required in the 2008 law. Also, change the mortgage interest deduction, so that mortgages over \$500,000 deductions would go to the Housing Trust Fund.

Change the mortgage interest deduction to a tax credit. This allows people who do not itemize their taxes to benefit from the tax credit. Legislation needs to be introduced.

Motion to send a letter to endorse United for Homes campaign. Zimmerman/Karen Secor. Motion approved. Roberto Escamilla abstained.

Send more info to members on HR1213 and Info on NCIL if available. See if there is any fiscal analysis containing the income deduction versus the tax credit, since the majority of people using income tax deduction are greater than those over \$500,000.

Eleanor Smith Act, HR 2253, requiring visitability of one and two-family homes when federal funds are used to construct those homes. Visitability requires one no step entrance (front, garage or rear), doors wide enough to enter and a bathroom available on the first floor that is accessible to someone in a wheelchair.

Here's a link to the background information on federal legislation for housing (page 17-19) provided by the National Council and Independent Living: <http://www.ncil.org/wp-content/uploads/2014/07/PolicyPrioritiesJuly2014.pdf>

The Council has been working for 12 years to develop a solution to encourage construction of one and two-family homes. Housing for All Advisory Committee is looking for partners who will support visitability. We need help recruiting partners.

The council was using a tax credit to builders when building a new home. Roberto suggested financial incentives in the form of a tax credits for homeowners to build visitable single-family home.

Ben pointed out the need for visitability to improve access for rescue and fire departments to evacuate individuals who need to be evacuated. He pointed out that many bariatric people in northern Wisconsin are dying because they could not be evacuated.

Joanna, indicate that there is a survey available on their website to provide input into the Consolidated Plan for housing. This five-year plan will be developed over the next year and will require significant input from the Council and others to make it responsive to the needs of people with physical disabilities. The Council is encouraged to pay attention to the state plan process and to provide public input at every opportunity. This is a five-year consolidated state plan.

**Recognition of Senator Jerry Petrowski and staff person Tim Fiocchi.** Chairperson Barrett presented plaques to both Senator Petrowski and Mr. Firocchi for their introduction of legislation, leading to improved parking regulations. Mr. Barrett indicated that "When we started down this road to attempt to alleviate some of the issues facing people with physical disabilities and handicapped parking a little over 6 years ago we (the council) underestimated how much parking was intertwined in different state agencies and how much of a ripple was created when you tweak words such as and to or. Senator Petrowski has been a valuable asset and a great educator, on the legislative process and the different groups that needed to be brought in to the fold such as our veterans with disabilities and our elders along with the other disability groups involved. We are forever grateful for the assistance and education we received and look forward to continued work on other issues that face our citizens with physical disabilities.....as you know DISABILITY SOME OF US GET IT YOUNG AND SOME OF US GET IT OLD BUT WE ALL GET IT IN ONE FORM OR ANOTHER BEFORE WE DIE..... The hard lesson in life I learned is Disability you really don't get it until you got it but you will.....the question I have for our general public is what will you do after you received the gift to see life through a whole new set of eyes? Give up or speak up and improve not only your own life but the lives of everyone in our great state."



Tim Focchi and Senator Jerry Petrowski



Tim Firocchi, John Meissner, Senator Petrowski, and Ben Barrett

Senator Petrowski thanked the Council for the recognition, as did staff person Tim Fiochi. The senator indicated that he enjoys working on legislation that he knows will make a difference. He also indicated that he looks forward to working with the Council to address additional issues with parking.

Then the senator raised questions about whether the council's is hearing anything about the height of beds in hotel rooms specifically designated for people with physical disabilities. Council members provided individual stories of problems accessing beds in hotel rooms. The Council indicated that they would provide some research into the rationale for the bed height and see if there's anything being done at the national level or in other states.

Chairperson Barrett introduced Mike Greco, Administrator of the Division of Vocational Rehabilitation in the Department of Workforce Development. Mr. Greco provided an update on the recently signed Workforce Innovation and Opportunity Act legislation which reauthorizes the Workforce Investment Act and Vocational Rehabilitation Act.

There will be a new focus on the use of customized employment. There will also be a new focus on youth in transition, with DVR beginning to work with individuals at age 14. There will not be a requirement for DVR counselors to have a Master's degree, but Wisconsin statutes will still require DVR counselors in Wisconsin to have a Master's degree. Mike talked about the advantages of having the \$32 million, five-year Promise Grant, helping with the work towards ensuring that high school youth with

disabilities get access to work experiences before they graduate. These work experiences help individuals choose their careers and help determine their postsecondary education activities.

Project Search has been demonstrating some very good success with 87% of individuals, graduating with jobs pay minimum wage or more. There are currently seven project sites. The majority of located hospitals, but the Walgreens distribution center in Eau Claire also serves as a site. The legislature and governor provided additional funding to open 20 new project sites by June 30, 2015. The sites are serving transition aide students with intellectual disabilities.

Mike Bachhuber indicated that the reauthorization moves the administration of independent living to the Community Living Administration in the Department of Health and Human Services. Independent living center directors will be required to sign, IL state plan. Independent Living Centers will also have a new focus on transition age youth and will be more involved in nursing home relocation.

Tom Heffron, Wisconsin Technical College System reported that WTCS enrollment has a steady increase in students with disabilities, announced that an Updated Guide to Serving Students with Autism Spectrum Disorder will be coming out this fall, and there is an increase of services for Veterans, especially those where their GPA (grade point average) is below 2.0, which means possible loss of their WI GI Bill benefits. WTCS Disability Services Webpage is being updated to include: Key Contact List, Guides (Accommodations, Autism Spectrum Disorders, Records/Confidentiality, Disability Documentation, Captioning, WI Access)

<http://mywtcs.wtcsystem.edu/instruction-student-services/student-support-services/disability-services>

Barbara Belling, Office of the Commissioner of Insurance is reporting that by June 1, over 165,000 people had enrolled in coverage both inside and outside the exchange. Over 130,000 individuals enrolled through the exchange and over 30,000 enrolled outside the exchange. However, the decision by the Office of the Commissioner of Insurance to allow early renewals ensured Wisconsin consumers, still had the option to enroll in an ACA compliant plan or could keep their existing plan. As a result, thousands of consumers and businesses kept their current coverage while 165,782 Wisconsinites enrolled in new coverage.

The numbers are based on a survey of all insurers and differ from the federal report of approximately 140,000 enrollments. The Wisconsin survey numbers include individuals who transitioned off the state and federal high-risk pool program (HIRSP) as well as individuals transitioning from Badgercare to private coverage. It does not include individuals who kept their coverage through Wisconsin's transition policy. OCI's survey was completed in late June.

Barbara further reported that many consumers are facing additional problems caused by the federal health insurance exchange including incorrect tax credits and consumers enrolled in plans that are not available in their area.

Heather Bremmer, Board on Aging and Long-Term Care reported that the Department of Health Services will be holding a Public Information conference call at 11 AM on July 30, 2014 update everyone on the renewal of the Family Care Waiver. There will be a 30 day comment period.

CMS has come out with new guidance for residential and employment services. States are required to update their waivers to address this new guidance. The waiver renewals will be for five years. Heather encouraged the Council to review the waiver plan and consider providing comments.

Kramer Endres, indicated that he was an avid hunter and question whether the Council would be willing to discuss an opportunity for Wisconsin Department of Natural Resources to adopt similar rules to those in Wyoming/Montana, which allowed individuals with disabilities to remain in a vehicle and reposition that vehicle in order to get a better shot on its target.

Ben indicated that we could make Anthonette Kilpatrick, liaison from the Department of Natural Resources aware of his request, and maybe put it on a future agenda. Members also made him aware of the DNR advisory committee for people with disabilities that address: hunting, fishing, trails and other issues regarding the outdoors.

Members were asked to review the Draft Annual Report. After discussion, it was decided that members would be given until August 14, 2014 to review the annual report and provide any additions or corrections to Dan Johnson.

Discussion then shifted to review of the biannual budget initiatives, prepared by the Survival Coalition. There was consensus that these initiatives generally supported the long-term support, employment, transportation and housing goals of the Council on Physical Disabilities.

However, there were three areas that the members felt needed to be addressed. They felt that there was not sufficient information contained in the Survival Coalition initiatives on the need for additional work incentives for the Medical Assistance Purchase Plan. They asked if Dan would please draft an initiative that would make it clear what additional work incentives are needed to support people with physical disabilities, especially those who need personal care and other long-term support services in order to maintain their employment.

A draft should be available for a yet to be scheduled executive committee meeting.

Council members also wanted to have a paper drafted that would recommend the reestablishment of the fixed point of responsibility for people with physical disabilities, first identified by Sec. Percy as a response to his 1978 Task Assignment 1. In addition, in 1986, the Officer Persons with Physical Disabilities was asked to make recommendations and what would be required to improve services for people with physical disabilities. A September 30, 1986, Comprehensive Services Document was prepared with recommendations for functions, positions and Council on Physical Disabilities with state plan, among other responsibilities. Dan was asked to provide a copy of the Task Assignment 1.5 and September 30, 1986 Comprehensive Services document to members as background.

Finally, Dan talked about the low employment of people with physical disabilities that required long-term support services, currently only 5% of Family Care members are working. IRIS members are little better at 6% employed. One of the problems is a lack of a provider network of employment providers capable of providing Vocational Futures Planning and Support (VFPS), according model fidelity. VFPS is an alternative model supported employment that was developed in 1993, to meet the needs of people with physical disabilities who required long-term support services.

Unfortunately, neither the Division of Vocational Rehabilitation, nor the Division of Long-Term Support have available the resources to provide the training, technical assistance and quality assurance required to develop the network of providers. However, in January of this year, the legislature passed and the Governor signed into law Act 131, which provides a model for funding training, technical assistance, and quality assurance. Act 131 creates five regional training centers that will be funded to establish a network of providers of Individual Planning and Support for people with psychiatric disabilities and assure that they comply with model fidelity.

Motion to have Dan draft issue paper re: fixed point of responsibility to include staffing operations budget for the Council on Physical Disabilities; funding for training, technical assistance and quality assurance based on the IPS model; and proposals to support the recommendations of the Assembly Bill 904. Karen Secor/Joanne Zimmerman

Discussion, Mike Kindschi called the question, Motion Carried.

Motion to cover cost of transportation to Office of Deaf and Hard of Hearing training on the Emergency Preparedness for Karen Secor. John Meissner and seconded by Joanne Zimmerman. Motion carried

Motion to cover cost of transportation and registration fee for Housing Conference for Joanne Zimmerman. Karen Secor, seconded by Noah Herskowitz. Motion Carried

Heather Bremner reminded the members that the budget initiatives were due by September.

Discussion ensued regarding the need for a decision to approve the Annual Report before the October meeting and to review the draft budget initiatives, so that they could be submitted for consideration for inclusion in the biannual budget before September 2014. It was decided that to hold an Executive Committee at 3 PM on Thursday, August 14, 2014, the purpose of which would be to discuss and approve the Annual Report and to discuss and review the budget papers.

Dan and Sarah will send out a conference call, telephone number and passcode.

Motion to adjourn Mike Kindschi, seconded by Joanne Zimmerman. Motion approved.

Video recording of meeting: <https://connect.wisconsin.gov/p7roe2jfkz3/>

Patricia Williams wants "Housing for All" info and Access to Ind. info.