Kansas Commission on Disability Concerns

November 7, 2014

Orientation and Commission Draft Meeting Minutes

Commissioners Present: Anthony Fadale, Rosie Cooper, Rep. Scott Schwab, Shanti Ramcharan, Susan Weidenbach, Steve Miller, Bob Cantin, Brian Ellefson, Grady Landrum, Ed Mills, George Beard, Craig Kaberline, Ranita Wilks, Frank Chappell, Steve Gieber for Craig Knutson, and Jill Bronaugh

Present by Phone: Connie Wold, Tessa Goupil, Senator Jacob LaTurner, Rick Shellenbarger

Visitors: Janet Williams, Louann Colyer, Greg Jones, Sharon Joseph, Kevin Siek, Steve Smith and his guests, Mike Oxford, Michael and Ann Byington, Marilyn Lund

Staff Present: Martha Gabehart

**Welcome and Introductions -** Chairman, Grady Landrum, called the meeting to order, welcomed the commissioners. He introduced Aquila Jordan, Home and Community Based Services (HCBS) Service Director for the Department of Aging and Disability Services to talk about the current status of the Fair Labor Standards Act (FLSA) minimum wage and overtime requirements for personal care attendants.

**FLSA Update** – Aquila informed the commission that the US Department of Labor (DOL) had issued a non-enforcement statement saying that for six months from the effective date of January 15, 2015 they would not enforce the requirement if states were working on implementation of the new minimum wage and overtime requirements. The problems with implementation in Kansas are that determining who the employer of a personal care attendant is sometimes difficult when HCBS clients use paymasters for paying and maintaining employment records and maintaining new records of travel between clients when attendants work for more than one HCBS client. Also the issue of providing care to people who receive “sleep cycle” services in such a way as to limit overtime needs to be determined. She also said DOL had included in their statement that between July 15 and January 15, 2016, there would be limited enforcement.

**Icebreaker** – Martha lead the commissioners in the icebreaker to help the new commissioners get to know the incumbent commissioners.

**Review of KCDC Notebooks** – Martha took the commissioners through the KCDC notebooks each received when the joined the commission.

**Michael Lechner Advocacy Awards** – Martha introduced the three Michael Lechner Advocacy Awards: Louann Colyer, Sharon Joseph, Steve Smith.

**Lunch/KCDC Website Tour/Director’s Report** - The commission broke for lunch. During lunch, Martha took those commissioners present through the KCDC website until the Internet went down. Martha then gave her director’s report

**Introductions/Local Updates** – Those who had updates gave them.

Mike Oxford talked about the Convention on the Rights of People with Disabilities (CRPD) was going to be considered again by the US Senate before Christmas. Also Senate Bill 2515 and House Bill 4457 would end the institutional bias in Medicaid if they passed in Congress before it closes for the year.

Steve Miller talked about the new Multiple Sclerosis Center at the KU Medical Center in Kansas City. He also talked about the American Association of Retired Persons (AARP) has a new program called CARE (Caregiver Advise Record Enable) which would allow the person providing care to an older person for no pay to be able to be named on hospital admission papers as someone who is allowed to receive information and training if needed when the patient is discharges and to be able to see the patient while in the hospital. Also, Johnson County Community College is holding the Kansas Autism Conference.

Brien Ellefson talked about the DMD events in Kansas City, Kansas and Missouri. They have 50 job seekers and 8 employers in Kansas and 160 job seekers and 9 employers in Missouri. He is also on the EARN board and they are planning a career fair. The Whole Person board hired a new chief executive officer (CEO), Julie DeJean.

Bob Cantin is working with on the Olathe Advisory Board for Persons with Disabilities and the Downtown Olathe Arts Festival is partnering with the Deaf Culture Center. The festival is in May of 2015.

Anthony Fadale Reported occupants of the Docking State Office Building are being moved to other locations. Anthony is making sure those are accessible buildings/offices. He has also been working with towns in the surrounding area on accessibility issues.

Rosie Cooper reported the Kansas Association of Centers for Independent Living (KACIL) The Wichita center for independent living (CIL) and workforce center worked together on a career fair where 4 people with disabilities were hired. The Prairie Independent Living Resource (PILR) center has been working on the United Empowerment grant and currently has 47 people participating; 14 have been employed, 5 with no job experience are volunteering and 21 are still in the process of eliminating barriers. PILR is scheduled to present at the special education transition conference on their program. Fishing Has No Boundaries had 162 people participated in the fishing experience at El Dorado Lake. Statewide Independent Living Council of Kansas (SILCK) Update: The state Plan for Independent Living has four work groups with representation from all of the CILs; they are employment, transportation, housing and outreach. Work is moving along in each group. The new tag line for the SILCK is “Recognizing Disabilities. Emphasizing Possibilities.”

Ed Mills reported that Governor Brownback helped raise $8,000 for scholarships for Northwest Technical College this fall. They hired former Representative Ward Cassidy as a senior executive. He is working on increasing the number of high school students participating in the Career Technical Education program. The program allows high school juniors and seniors to attend a technical college and receive their certification without cost while they are in high school. If the students choose a high demand career and complete their training, the high school receives $1,000/student.

Susan Weidenbach reported that the DOL is sending out lots of guidance on implementation of the Workforce Innovation and Opportunities Act (WIOA). Kansas is an early implementation state with global planning about a year ahead of when implementation is due. She also reported on the Second Chance Act grant they received to help women in the corrections system with vocational training and job placement. Workforce Services also received a 5th round Disability Employment Initiative (DEI) grant. It runs for 40 months from October 1, 2014 and is supporting two Project Search adult programs. Project Search was originally a program for high school seniors with intellectual/developmental disabilities (IDD).

**Introduction of Business That Will Require a Vote –** No business was brought forward that would require a vote.

**Additions, Deletions or Corrections to the Agenda** – There were no changes.

**Approval of the August 1, 2014 Meeting Minutes** – George Beard moved the minutes be approved. Anthony Fadale seconded. Motion carried

**Service Dog Committee Report** – Grady gave an update on the committee activities to find an agreeable amendment to either eliminate the portion of the service dog law (K.S.A. 39-1111) that appears to require the presentation of identification or certification that a service dog has been trained to be a service dog. Folks from Wichita met with Grady and Martha on November 6th and agreed that a statement in the first statute (39-1101) would state that the chapter would be broadly construed and that no provision of the chapter would be interpreted to diminish any right under any federal law.

Mike Oxford had some strong objections and recommended that all wording about presentation of identification and certification be removed and the regulation language about only being allowed to ask two questions about service dogs be put in.

It was decided to put together a diverse group to work on it and not submitting any amendments to the legislature in 2015. Martha will email the group that has communicated about this to see who would like to work on it.

**2015 Meeting Schedule** – The meetings for 2015 are February 6 from 10:00 am to Noon (Conference Call), May 1 from 10:00 am to 2:00 pm (in person), August 7 from10:00 am to 2 :00 am (in person) and November 6 from 9:00 am to 2:00 pm (in person.)

**Endependence Presentation** – Mike Donnelly, Director of Kansas Rehabilitation Services (KRS) reported on their new program, Endependence. It is a $25 million program set up for five years. It partners KRS with the Departments of Aging and Disability Services, Commerce, Health and Environment, Corrections and Children and Families. The goal is to teach and offer opportunities for providers to do employment based services. Three best practices models will be used to employ people on the physical disability HCBS waiver, on the IDD wait list and traumatic brain injury HCBS waivers, people who have severe mental illness or severe and persistent mental illness, youth with disabilities in transition and people applying for Social Security Disability Insurance (SSDI)/Supplemental Security Income (SSI). There will be an early request for proposals in January for direct services. Three models will be used to work with jobseekers with disabilities –

1. the Discovery/Supported Employment – Great Expectations Initiative
2. Dartmouth Individual Placement and Support (IPS) Supported Employment Center (This is a KU Best Practice Model that is being used by some Kansas community mental health centers.)
3. Progressive Employment of Vermont

**Election of Officers** – Grady presided over the election of next year’s officers. Bob Cantin volunteered for chair. Frank moved nominations cease. The commission elected Bob as chair. Ranita nominated George Beard as vice-chair. Scott seconded the motion. George was elected vice-chair.

Grady adjourned the meeting.