

**Aging and Disability Services Council
MINUTES**

June 11, 2015

The Aging and Disability Services Council convened at the John H. Winters Building, 701 West 51st Street, Austin, Texas. Council Members in attendance were Chair John Cuellar, Vice Chair Donna Stauber, Glyn Crane, Judy Foster, Sheri Harmonson, Dr. Edward Yosowitz and Barry L. Anderson. Commissioner Jon Weizenbaum and other DADS staff were present. Lawrence Hornsby served as Parliamentarian.

Agenda Item No. 1 – Call to Order

Chair John Cuellar called the meeting to order at 8:33 a.m.

Agenda Item No. 2 – Approval of the minutes of March 12, 2015

The Minutes from the Council meeting of March 12, 2015, were presented.

The DADS Council unanimously approved the minutes of the December 4, 2014 DADS Council meeting.

Agenda Item No. 2a – Naming of the Vice Chair of the Council

Chair John Cuellar named Donna Stauber as the Vice Chair of the DADS Council.

Glyn Crane made the motion that the Council appoints Donna Stauber as the Vice Chair of the DADS Council. Barry Anderson seconded, and the motion was approved.

Agenda Item No. 3 – Commissioner’s Quarterly Update

Commissioner Jon Weizenbaum informed the council about DADS staffing changes and provided other updates.

Agenda Item No. 4 – General Public Comment

Public testimony was presented by the Personal Attendant Coalition of Texas and ADAPT of Texas. Individuals from these organizations were concerned about the current hourly wages for personal attendants in Texas.

Agenda Item No. 5a- Reimbursement Methodology for Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions

Pam McDonald, HHSC, presented this agenda item. Discussion followed.

Public Comment was presented by:

Michael Clark – D & S Community Services – provided oral testimony.

Agenda Item 5b – Home and Community Based Services (HCS) Total Medicaid Spending Requirement.

Pam McDonald, HHSC, presented this agenda item. Discussion followed.

Public Comment was presented by:

Michael Clark – D & S Community Services – provided oral testimony.

Agenda Item No. 6a – Recommendation to support the proposal of amendments to §41.505 in 40 TAC Chapter 41, Consumer Directed Services Option, and §49.312 in 40 TAC Chapter 49, Contracting for Community Services

Bill Campbell, DADS, presented this agenda item. Discussion followed.

No public testimony was presented.

Judy Foster made the motion that the Council support the Health and Human Services Commission's proposed amendment of rules governing personal attendant wages, as presented in Agenda Item 6a. Barry Anderson seconded, and the motion was approved.

Agenda Item No. 6b – Recommendation to propose amendment to Section §94.9 in 40 TAC Chapter 94, Nurse Aides.

Anne Trejo, DADS, presented this agenda item. Discussion followed.

Public Comment was presented by:

Ellen Martin – Texas Association for Home Care and Hospice – provided oral testimony.

Sheri Harmonson made the motion that the Council recommend for proposal by the Health and Human Services Commission the amendment of a rule governing nurse aide training, as presented in Agenda Item 6b. Donna Stauber seconded, and the motion was approved.

Agenda Item No. 6c – Recommendation to propose amendments, a new rule, and a repeal in 40 TAC Chapter 42, Deaf Blind with Multiple Disabilities Program; amendments, a new rule, and a repeal in 40 TAC Chapter 45, Community Living Assistance and Support Services; the repeal of §48.1301 in 40 TAC Chapter 48, Community Care for Aged and Disabled; and amendments, a new rule and a repeal in 40 TAC Chapter 51, Medically Dependent Children Program.

Corliss Powell, DADS, presented this agenda item. Discussion followed.

Public Comment was presented by:

Susan Murphree – Disability Rights Texas – provided oral testimony.

Dr. Edward Yosowitz made the motion that the Council recommend for proposal by the Health and Human Services Commission the amendment of rules, new rules, and the repeal of rules governing the Deaf Blind with Multiple Disabilities Program, the Community Living Assistance and Support Services Program, and the Medically Dependent Children Program, as presented in Agenda Item 6c. Glyn Crane seconded, and the motion was approved.

Agenda Item No. 6d - Recommendation to propose amendments to several sections in 40 TAC Chapter 9, Subchapter D, Home and Community-based Services (HCS) Program and in 40 TAC Chapter 9, Subchapter N, Texas Home Living (TxHmL) Program

Amanda Woodall, DADS, presented this agenda item. Discussion followed.

Public comment was presented by:

Susan Murphree – Disability Rights Texas – provided oral testimony.

Sandra Frizzell – Providers Alliance for Community Services of Texas – provided written and oral testimony.

Donna Stauber made the motion that the Council recommend for proposal by the Health and Human Services Commission the amendment of rules, new rules, and the repeal of rules governing the Home and Community-Based Services Program and the Texas Home Living Program, as presented in Agenda Item 6d. Barry Anderson seconded, and the motion was approved.

Agenda Item No. 6d - Recommendation to propose amendments to several sections in 40 TAC Chapter 2, Subchapter G, Role and Responsibilities of a Local Authority; the repeal of 40 TAC Chapter 5, Subchapter D, Diagnostic Eligibility for Services and Supports

Marcia Shultz, DADS, presented this agenda item. Discussion followed.

Public comment was presented by:

Susan Murphree – Disability Rights Texas – provided oral testimony.

Judy Foster made the motion that the Council recommend for proposal by the Health and Human Services Commission the amendment of rules, new rules, and the repeal of rules governing local intellectual and developmental disability authorities and diagnostic assessments, as presented in Agenda Item 6e. Barry Anderson seconded, and the motion was approved.

Agenda Item 7 – Adjourn

Chair John Cuellar adjourned the meeting at 11:25 a.m.