

MINUTES OF MEETING
BOARD OF DEVELOPMENTAL DISABILITIES SERVICES
November 1, 2017
Conway Human Development Center
Conway, Arkansas

The regular meeting of the Board of Developmental Disabilities Services (DDS) was held November 1, 2017 at the Conway Human Development Center. The meeting convened at 10:28 a.m. pursuant to the call of the Board Chair.

MEMBERS PRESENT: Board Chair Mr. Randy Laverty, Mr. Darrell Pickney, Ms. Artie Jones, Ms. Suzann McCommon, Mr. David Rosegrant, Ms. Sally Hardin and Dr. Linda Selman.

STAFF PRESENT: DDS Director Melissa Stone, Jeff Gonyea, Sarah Murphy, Johnathan Jones, Mark Wargo, Steve Farmer, Dale Woodall, Tammy Benbrook, Regina Davenport, Linda Scales, Avis Lane and Thomas Tarpley.

OTHERS PRESENT: Jan Fortney, Carole Sherman, Conway HDC staff, parents and family members of HDC residents, Christian Adcock of Disability Rights Arkansas and Attorney General Representative Brian Bowen.

Mr. Laverty called the meeting to order and welcomed everyone in attendance.

Mr. Laverty called for a motion to approve the minutes from the August 16, 2017 regular meeting of the DDS Board. Mr. Pickney made a motion that the minutes be approved. Ms. McCommon seconded the motion which passed unanimously.

Carole Sherman addressed the Board on behalf of the State Parent Guardian Association and expressed her gratitude to the Board, Director Stone and staff. Ms. Sherman shared information regarding the HHS Strategic Plan (Attachment 1) and asked to be provided with a copy of the new assessment tool once it becomes available.

Sarah Murphy, Superintendent of Conway HDC, presented the report for the Human Development Centers by sharing items of interest regarding each center. Ms. Murphy also introduced Richard Moore; CHDC's new Chief Psychologist. In addition, she congratulated Interim AHDC Superintendent Johnathan Jones on his graduation from the State Leadership Institute.

Ms. McCommon requested information regarding funded and filled positions noted in the HDC statistical report. Ms. Stone explained the new pay plan was not fully funded and ultimately affects the budget. Currently all positions are approved by Ms. Stone with the exception of direct care staff.

DDS Director Melissa Stone began her report with information regarding the success of the

second annual Fall Festival. Revenue generated increased from last year. Media support included coverage by two television news stations and a radio interview with Ms. Stone.

DISC training was conducted with Superintendents and selected staff to improve working relationships. Staff of various levels also participated in training aimed at the development of supervisory skills in an effort to increase staff retention.

Assistant Director Tammy Benbrook is coordinating a supportive employment project to increase employment opportunities for HDC clients.

Assistant Director Martha Smith will now supervise Intake and Respite Care. Social Workers housed across the state will be assigned to walk families through the process to receive services. Ms. Smith's unit will also be responsible for tracking 1) requests for HDC placement, 2) number of clients assisted and 3) number of people who join/come off of the wait list.

Job Swap Day is scheduled for November 17th. Superintendents, Director Stone and various staff will trade positions for an entire shift.

Linda Scales, Assistant Superintendent of SEAHDC, has transferred to Central Office and is assigned to work on policy.

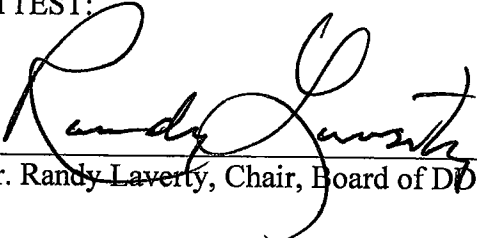
Mr. Laverty advised the Board of the Public Health meeting held at SEAHDC on October 9, 2017. He commended SEAHDC Superintendent Mark Wargo for hosting the meeting. Mr. Laverty and Mr. Pickney were in attendance.

Mr. Laverty introduced Brian Bowen, the new Attorney General Representative for the Board. Mr. Bowen expressed his understanding of Board's task and noted that his prior experience with DHS brings value to his role as the Board's attorney.

Thomas Tarpley, DDS Chief Financial Officer, provided an update on the Board's investment account (Attachment 2) with Stephens, Inc. The name of the account now reflects "Division of Developmental Disabilities Services Board". Troy Clark has been assigned to oversee the account and will meet with the Board to offer recommendations for a better yield. Mr. Pickney accepted the Board's proposal that he serve as the Board's representative.

Mr. Laverty called for a motion for the meeting to be adjourned. Ms. McCommon made a motion for the meeting to be adjourned. Mr. Rosegrant seconded the motion which passed unanimously. The meeting adjourned at 11:30 a.m.

ATTEST:



Mr. Randy Laverty, Chair, Board of DDS



Executive Secretary

From: Carole L. Sherman [<mailto:carolelsherman@sbcglobal.net>]
Sent: Thursday, October 26, 2017 3:59 PM
To: 'HHSPlan@hhs.gov'
Subject: ADDENDUM To Arkansas' Parent-Guardian Association's Comments and Requests - HHS Strategic Plan FY 2018-2022

ADDENDUM to Arkansas' Parent-Guardian Association's Submission

To: Ms. Sarah Potter, HHSPlan@hhs.gov
Strategic Planning Team Lead
Office of the Assistant Secretary for Planning and Evaluation
U.S. Department of Health and Human Services

Re: Draft HHS Strategic Plan FY 2018-2022

Dear Ms. Potter:

For over 45 years, my husband and I been engaged in advocacy work for our son and his peers, individuals living with profound cognitive deficits and other lifelong developmental disabilities. In our work, we have met and we regularly communicate with mothers, fathers, sisters, brothers, grandparents and a niece from many states in the pursuit of good public policies for our family members with disabilities. On October 16, 2017, I submitted comments to HHS in behalf of the statewide Arkansas parent-guardian association. The following advocates from nine states have asked that I sign their names to the Arkansas submission to HHS *in support of*:

- (1) the Arkansas comments on HHS draft strategic plan (copy below) and
- (2) the Arkansas requests for edits and additional language for Goal 3 of the draft strategic plan (attached hereto).

Your attention and consideration are appreciated.

Respectfully,

/s/ Carole L. Sherman
Mother and Co-Guardian of John, age 48
Contact for ARKANSAS' Families & Friends of Care Facilities Residents
carolelsherman@sbcglobal.net

FLORIDA

Leni and David Engels
Parents & Co-Guardians of Jordan (1982-2005)
desunburst@aol.com

Edward and Virginia Carraway RN BSN PhN CDDN
Grandparents of Jacob Beebe, age 28 and Fether Borener McCoy, 26
Virginiaedward@aol.com

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Virginiaedward@aol.com

GEORGIA

Theresa Senior
Mother / Gracewood Center Advocate
theresasr7@msn.com

KANSAS

Joan M Kelley and Leon C Kelley, Jr.
Grandparents and Legal Guardians for Aidan, age 27
sonny.kelley@yahoo.com

KENTUCKY

Claude and Elizabeth Farley
Parents and Co-Guardians of Richard Scott (Scotty)
chfarley@twc.com

LOUISIANA

Mike and Sue Yacovissi
Parents of Rachel
pinecrestparent@bellsouth.net

MARYLAND

Mark Engberg
Brother of Mary Beth (1968 - 2014)
mengberg@comcast.net

OHIO

Caroline and William Lahrmann
Parents of Henry and Elizabeth, age 17
calnwal@aol.com

TENNESSEE

Carolyn Cowans
Mother & Conservator for Butch
navigatoradvocate@gmail.com

Bart and Lucy Kempf
Brother-in-law and sister of John, age 48
lucykempf@gmail.com

WYOMING

Shawn Humberson
President, Friends of Wyoming Life Resource Center
Niece and Co-Guardian of Tracy, age 44, whose brain injuries occurred at birth
and who functions at a 12-18 months level
shawn.humberson@hotmail.com

From: Carole L. Sherman [<mailto:carolelsherman@sbcglobal.net>]
Sent: Monday, October 16, 2017 10:15 PM
To: 'HHSPlan@hhs.gov'
Subject: Comments and Requests - HHS Strategic Plan FY 2018-2022

TO: Department of Health & Human Services, HHSPlan@hhs.gov

Re: Comments and Requests - Draft HHS Strategic Plan FY 2018-2022.

To Whom It May Concern:

In response to your Notice for comments on Draft HHS Strategic Plan, Families & Friends of Care Facility Residents, Arkansas' statewide parent-guardian association, has reviewed your proposed plan and we submit the attached requested edits and additional language for Goal 3, which are necessary to better address the realities of our family members with life-long cognitive deficits and developmental disabilities.

In addition, we submit the following comments:

1. The proposed strategic plan for Health and Human Services does not reflect the realities of our family members with disabilities - the population of at-risk persons living with life-long cognitive deficits and other developmental disabilities who require close, round-the-clock care for their survival.
2. Administration for Community Living (ACL), the HHS agency assigned to represent and support our family members with disabilities, is unresponsive to our submissions, requests, concerns and complaints. We ask: (1) Which agency within HHS represents persons with disabilities whose families and or legal representatives have chosen congregate care facilities as the most appropriate residential treatment options for their loved ones? (2) Which section within the HHS proposed Strategic Plan addresses the option of long term care facilities for persons unable to care for themselves?

Thank you for the opportunity to submit comments and requests on federal policies which affect our families.

Respectfully submitted,

Families and Friends of Care Facility Residents (FF-CFR)
*Arkansas' statewide parent-guardian association,
Advocating for At-Risk Arkansans with life-long developmental disabilities*

Contact: Carole L. Sherman, Public Affairs Chair

Mother and Co-Guardian of John, age 48, whose brain injuries occurred at birth and who functions as a young toddler

450 Midland Street
Little Rock, AR 72205
(501) 680-5893 cell

Requests submitted by:

Families & Friends of Care Facility Residents,

Arkansas' statewide parent-guardian association

Contact: Carole L. Sherman, carolelshermahn@sbcglobal.net, (501) 680-5893

Note: Requested edits are in red.

Page 43 - HHS STRATEGIC PLAN, DRAFT, SEPTEMBER 2017

GOAL 3: STRENGTHEN THE ECONOMIC AND SOCIAL WELL-BEING OF AMERICANS ACROSS THE LIFESPAN

- Pursue initiatives and programs to provide support to older adults, people with disabilities, and their families and caregivers as individuals move between institutional settings and home *and between home and institutional settings*.

...

Improve quality and availability of public and private long-term facilities, services and supports, including a range of service models designed to meet the unique needs and realities of older adults and people with disabilities – congregate care settings and home and community-based services (HCBS)

- Support the development of endorsed performance measures to include a HCBS core set to measure and quantify processes and outcomes, and enable comparable data for public reporting and quality measurement
- Permit innovative delivery system models and program flexibilities that include HCBS to improve quality, accessibility, and affordability in Medicare and Medicaid
- Expand person-centered models of care in Medicare and Medicaid that provide an integrated approach to addressing individuals' medical, long-term support, and other needs to maintain health, well-being, *safety* and independence *to the extent possible*
- Identify opportunities to accelerate the development, evaluation, translation, implementation, and scaling up of comprehensive care *options*, services, and supports for persons with dementia, *persons with life-long cognitive deficits and other developmental disabilities*, their families, and other caregivers
- Assist states in strengthening and developing high-performing long-term services and supports systems that focus on the person, provide streamlined access, and empower individuals to participate in community living *and to enjoy good health, safety and meaningful lives in congregate care settings*.
- Educate and improve the awareness of HCBS, *public and private congregate care* providers for integrating the access and functional needs of older adults and people with disabilities into disaster and public health emergency preparedness, response, mitigation, and recovery

Melissa Stone

From: Nga Mahfouz <nga.mahfouz@arkansasag.gov>
Sent: Tuesday, September 12, 2017 10:17 AM
To: Thomas Tarpley
Cc: Melissa Stone
Subject: RE: DDS Board Investment Account

Follow Up Flag: Follow up
Flag Status: Flagged

Thomas and Melissa:

I am writing to follow up on the question of who is authorized for directing investment instructions with respect to the funds currently being held in a Money Market account and equities as detailed in the memo you sent me last Friday.

As a threshold matter, “[a]ll funds received by DDS . . . shall be placed in the State Treasury and expended via appropriation.” “[F]unds held in trust by the agency for the residents of the human development centers, including gifts and bequests, shall be considered agency funds to be expended from bank accounts without legislative appropriation.” ACA 25-10-114(a) and (b).

DDS is type 1 transfer to DHS. ACA 25-10-104(c). This means that DDS retains exactly the same statutory powers it had prior to the transfer, with the exception of “all budgeting, purchasing, and related management functions . . . [which] shall be performed under the direction and supervision of the head of [DHS].” ACA 25-2-104(a)(1) and (c). Some of the powers retained by the DDS Board include:

- Charge of the properties used for the purposes of the human development centers
- Exercise of supervision over expenditures of the centers
- Authority to accept and hold in trust real, personal, or mixed property received by grant, gift, will, or otherwise
- Authority to accept grants or gifts of money from any source whatever and use the money for any of its powers and purposes
- Take all action and execute all documents necessary or desirable to carry out the Board’s powers and purposes.

ACA 20-48-205

Based on the above-referenced powers, it appears that the Board possesses the authority to direct the investment decisions with respect to the funds presently managed by Stephens, Inc., as referenced in your memo.

Please let me know if you have any questions or would like to discuss. Thanks.

Nga Mahfouz, Esq.

Senior Assistant Attorney General
 Office of the Attorney General Leslie Rutledge

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