

Statewide Independent Living Council
Full Council – Quarterly meeting
Disability Empowerment Center
5025 E. Washington Street, Phoenix, Arizona 85034

Minutes of December 17, 2009

Council Members Present

Edward L. Myers, III, Chair
Rudy Buchanan, Secretary
Fernando Cruz
Ted Garland
Georgia McLaughlin
Sonya Perduta-Fulginiti
Alan Strauss
Joe Lee Yazzie

Randy Collins, Vice Chair
Sherri Collins
Wendy Dewey
Suzanne Malson
Robert Michaels
Jami Snyder
Jenn-Yun Tein

Council Members Absent

Gene Heppard, Treasurer
Ken Edwards
Gail Wilt
Katharine Levandowsky, Ex-Officio

E. Mari Herrera Daniels, Vice Treasurer
Ashleigh Turner
Al Zulli

Staff

Tony DiRienzi, Executive Director
Linda Jane Austen, Executive Assistant
Donna Powers, Program Coordinator

Guests

Chris Deere, Lee Gaseoma, Geoff Jones, Regina Mitzel, Laura Duval, Christine Werley

Welcome/ Introductions:

Ed Myers called the meeting to order at 9:10am. Introductions were made, guests introduced and a quorum was announced.

Motion: Bob Michaels moved to accept the minutes of September 17, 2009; Suzanne Malson seconded; motion carried.

Motion: Bob Michaels moved to approve the Consent List; Jenn Yun-Tein seconded; motion carried.

Executive Committee Report:

ARRA Funds: Tony DiRienzi reported that the \$1.8 million Part C monies being allocated to Arizona are to be designated for the CIL's. Prior to distribution, however, SILC was asked to submit a SPIL amendment which is now in process. Ed Myers has approved the proposed changes and it is being reviewed by AZ RSA, after which it will go to OSERS. Once OSERS approval is received, SILC will put out a notice for public meeting and following that process monies will start becoming available for distribution.

OSERS' disposition of stimulus money is expansion of services in terms of branch offices and locations and in order to appropriately distribute the funds, SILC constructed a formula based on conversations with CIL directors and demographic analysis of disability populations around the state. Using these statistics, expansion is currently expected to take place in Show Low, Casa Grande, Sierra Vista, Kingman and Parker. Tony reminded the Council that Part C funds must be expended within five years, but the time frame for Part B monies remains unclear. Chris Deere assured the Council that he will forward information as it becomes available.

704 Report: The 704 Report has been sent to RSA for final edits and Chris Deere reported that numbers have now been completed and inserted. The 704 is the annual report to OSERS explaining how monies were spent and what activities took place during the year; it must be signed by both DES and SILC. Ed Myers commended Tony on the high quality job he did on its preparation.

Legislative Issues: Ed Myers reported that there will be no attempt made to raise revenue in today's special legislative session; balancing the budget will be predicated solely on making cuts. Tony added that the most recent figure is cutting \$200 million principally from Health Services, DES and AHCCCS, pointing out these are not just health and rehab cuts, but life altering changes across the board.

Discussion ensued on SILC's position on budget cuts and, based on the fact that the legislature will be faced with very difficult decisions in the next weeks, focusing our opposition to those cuts affecting us the most. Ed Myers reminded the Council that SILC's main concern is IL funding and that the position of the Council must originate from that primary priority. It was suggested that the loss of matching federal dollars would represent one of the biggest impacts and Jami Snyder reported that state only funded programs are at highest risk currently and that focusing on federal matches makes sense, since those cuts would create the most significant future changes.

Motion: Jami Snyder moved that SILC draft a letter to the Governor opposing cuts with federal matching dollars; Bob Michaels seconded and motion carried.

Ed Myers and Tony DiRienzi will draft a letter addressing IL and other services for Board comments.

Treasurer's Report: In the absence of both Treasurer and Vice-Treasurer, Tony DiRienzi gave Council members time to review the reports and asked for comments and questions. Tony then reported that there are no cash flow problems at this time, RSA monies have been received on schedule and expenses are within a 10% margin. He called attention to the Tempe Transit program as an example of SILC's ongoing endeavors to diversify and create additional revenue streams. He also pointed out that the Just Vote Project will require budget revisions at the March Quarterly Meeting to ensure contributions reflect increases in income with corresponding expenses. Just Vote contributions include contracts with ABIL and ACDL for \$24,000 each and negotiations are in progress with other coalition members for additional funding. As

fiscal agent for Just Vote, these monies are in the Just Vote account. Revised financials will be distributed prior to March.

Motion: Alan Strauss moved to approve the Financial Report; Suzanne Malson seconded and motion carried.

Audit Report: Mike Magnan, SILC's third party auditor, commended Tony and Sharon Englehardt for their good work, telling the Council that it had been a pleasure to conduct the audit. He reported a normal year with no significant differences or issues and that he has given a completely unqualified opinion. He did point out that an additional page, a statement of revenue and expenses for programs, has been included this year, but that this should correspond to what the Council has seen on a monthly basis. The next step of the process will be filing the 990 with the IRS. Although 990's from this and past years can be viewed at www.guidestar.org, Mike cautioned that the 2009 form has seen changes so comparisons may be difficult; additionally, numbers appear differently on the 990 than on the audit.

Motion: Bob Michaels moved to approve the audit as written; Jenn Yun-Tein seconded and motion carried

Executive Director's Report:

Media Release Forms: Tony DiRienzi explained the purpose of the Media Release Forms is to give SILC copyright permission to use audio and visual images for promotional purposes only (for websites, press releases, brochures, etc.) No personal information would be identified with their use; the only identifiers would be related to an event. Tony assured the Council that SILC would be sensitive to any member who had reservations and that those individuals should contact him privately.

Process & Impact of starting a CIL: Tony reminded the Council that the disposition of OSERS for stimulus money is expansion of services in terms of branch offices and locations. However, creation of a new CIL involves a more complex process with further reaching consequences. First, all existing centers must be operating at a minimum \$300,000 Part C funds. Second, SILC must recommend to OSERS that a center be established and at this point, the process moves out of the realm of SILC and into OSERS. OSERS puts out a statewide RFP for opening a new center and OSERS is responsible for awarding the contract.

However, there is also a statewide financial impact for opening a new center. Presently, \$1.4 million is divided among the five existing centers; if OSERS awards a contract for a sixth center, the state allocation would not change, but the distribution would become a six-way split instead of a five-way split. Therefore, it is imperative that all five existing centers agree on the creation of a new site since it affects their individual funding.

As described above, ARRA funds are expected to support the creation of branch offices, which eventually must become self-sustaining. The proposed branch office locations of Show Low, Casa Grande, Sierra Vista, Kingman and Parker, were identified through conversations with CIL directors and demographic analysis of disability populations around the state. These statistics were gathered in August 2009 and were

reflective of 2006. Council members voiced concern that the available statistics are not truly reflective of the population at large, that cost per capita is significantly different between Arizona's highly populated areas and rural areas, and that the data is increasingly less reliable as the population is smaller. Jami Snyder suggested the CILs undertake a geo-mapping exercise to determine where their consumers are located, who is being served and where gaps exist. Tony replied that Just Vote is in the process of contracting with the firm who did Arizona's redistricting to do geo-mapping, and that this information would be provided to the CIL's when completed. Jami also requested that the CIL directors give a presentation on the data when collected.

Additionally, Tony reported that SILC has an RFP out for convening a series of focus groups to more fully understand needs throughout the state and identify gaps that exist outside the areas currently being served by CILs. Ted Garland has suggested that Flagstaff, which is now served by New Horizons, represents one of the state's underserved areas and Bob Michaels assured the Council that a focus group is planned for Flagstaff and will present an opportunity for these consumers to voice opinions.

Tony informed the Council that a meeting of CIL Executive Directors is scheduled for December 18 and that these issues are on the agenda. He also reminded the Council that Wendy Dewey represents the CILs at the Council level.

AZ RSA Report: Chris Deere reported on behalf of Kathy Levandowsky informing the Council that all categories are closed, although people are slowly being taken out of Category 1. AZ RSA is also reorganizing the category system to avoid any one category from being top heavy in hopes of keeping at least one open even during hard economic times. There will be a public hearing in February for the reorganization of the category system.

During discussion of the status of the current category system, Tony explained that the waiting list of approximately 4000 people is just VR and Chris added that he estimates half the people who come in are not getting services. Needs are assessed as "most significant," "significant" and "other" with people then being sorted and placed in queue based on the date of their application and category. As money for services becomes available, Category One is opened up; however, Category Two cannot be opened until all of Category One is finished.

Suzanne Malson reminded the Council that there had been previous discussion on drafting a letter requesting waiving the match and asked if that was being pursued. Chris replied that due to budget cuts, the state match is being pulled back and that we must either get a waiver or risk losing federal funds based on not conforming to established criteria. Looking forward, once funding is taken away it will be difficult to reinstate in the future. Chris reported that Arizona is among several states facing this dilemma and that research is being done with others in the same position which will prompt a conversation at the national level. He also reported that a meeting has been scheduled with Kathy Levandowsky for December 21 and that suggestions on what should be included in a letter would be appreciated.

Break

Needs Assessment Task Force: Bob Michaels reported on the creation of the Task Force which he is chairing with assistance from Jenn Yun-Tein. The Task Force is charged with data collection to more thoroughly understand needs in the state. They have started by reviewing the 704 Report and the CILs census data consumer survey and drawn the conclusion that once outside the CILs' service areas, there are major gaps to be addressed. Their next task involved colleges and universities, but with the exception of the University of Arizona, most have not responded, or information was sketchy. The third area to be reviewed has been state agencies, commissions and councils, with responses only from DHS and CD.

Due to the fact that calling and requesting information has been inadequate, Bob and Tony are redirecting their efforts and have now sent out an RFQ for conducting a series of facilitated focus groups in Tucson, Phoenix, Flagstaff and a tribal community for data collection. Focus groups will be cross disability with 8 – 12 consumers in each. Two quotes have come in, the lowest at \$12,000 and the highest at \$23,000 with several more expected. Additionally, Jenn is constructing an online survey and the Task Force will plan a campaign to direct as many people as possible to the survey during the 30 days it is expected to be up.

The timeline for completion of the Task Force objectives is as follows:

January:	online survey
February:	convene focus groups
March:	collections of data from focus groups and internet survey
March 17:	begin collating survey and group information
March 31:	provide drafts and information to RSA
May 7:	send out notice for public comment
June 1 – 30:	SPIL public comments
June 30:	submit SPIL to OSERS

The objectives of the Task Force will lead into re-writing the SPIL, which will define goals for the next three years, outline CIL activity and negotiate the budget. Because of the time dedicated to the ARRA allocations, the SPIL process is running late, and we must also consider some budget adjustments since Task Force activity was not originally anticipated. A writing group comprised of Bob Michaels, Jenn Yun-Tein, Jami Snyder and Tony DiRienzi has been formed to draft various sections of the SPIL and Tony will meet with Kathy Levandowsky and Chris Deere to review the time table and other requirements.

Historically, AZ RSA has been an integral part of the SPIL process and as each section of the SPIL has been drafted it has gone electronically to Council members and AZ RSA for comments and input. Once all comments were collected and collated, a complete draft was sent out followed by a full day retreat after which the final version was then submitted to RSA. It was agreed to follow this previously successful format and Bob reminded Council members that In order for the process to work, everyone must respond in a timely fashion even to just say “no comment.” The March Quarterly Meeting will start with a short business meeting from 9:00am – 10:00am and the

remainder of the day (10:00am – 3:00pm) will focus on the SPIL. The retreat will be professionally facilitated and include SILC, Senior RSA management representatives, CIL Executive Directors and SILC Emeritus members.

Alan Strauss asked if it would be productive for each SILC committee to identify its individual issues and questions as part of this process; however, Donna Powers, who has been involved in two past SPILs, replied that the SPIL drives the committees rather than the other way around.

AHCCCS DME Issues: Peri Jude Radevic reported on recent reform efforts in the durable medical equipment industry as well as the fact that ACDL has been a collaborator in a DME task force convened last year. Briefly the 2006 proposed bill for legislation to regulate DME providers in Arizona was never introduced. In 2008 meetings between the disability community, AHCCCS and DME providers to further discuss potential legislation, received considerable pushback from DME providers. In 2009 AHCCCS reported that of the 130,000 purchases between May 2008 and May 2009 only 17 written grievances were filed, although consensus is that many more should have been filed and that most complaints are verbal. Currently, Senators Cahill and Burns have asked for help in drafting new legislation and the Council needs to decide whether to direct its resources toward legislation or educating consumers regarding the process.

Sonya Perduta-Fulginiti suggested that a standard be established for filing a grievance making the process easier to navigate. Fernando Cruz reminded the Council that not only do many consumers not understand the process, they are also afraid of reprisal for filing a formal grievance. Access to a computer and the internet is another issue and it was agreed that a campaign is needed to explain that the CILs provide support to help people through the process.

Various other avenues for supporting and educating consumers were discussed and included monthly discussion and training on the grievance process as part of Ed Myers' leadership of the AT group, recruiting case managers to distribute the "GPS for DME" toolkits which contain sample grievances and an outline of the process and distributing information in a variety of formats for consumers to act as their own advocates (or with the proper paperwork and releases request third party representation on an issue). The "GPS for DME" toolkit could be connected to the upcoming SPIL with resources allocated to its distribution and use.

Yet another tactic would be moving in the direction of licensing DME vendors with the likelihood of having licenses revoked if too many grievances are filed. The downside to this approach is a budget issue in which fees assessed for licensing may ultimately be passed on to consumers.

There being no further discussion, the Council agreed to review legislation to ensure there is strong language but that primary efforts should be focused on outreach designed to educate the community about its rights.

AZ ADA Coordinators Coalition: Nanette Bowles, Acting Director, provided an overview of the coalition and informed the Council of the First Annual Arizona ADA Coordinators Conference held on October 1, 2009 at the Disability Empowerment Center. She explained that until now ABIL has acted as fiscal agent for the Coalition; however, ABIL's staff time has become too limited to continue in this capacity. Since the Coalition is not in a position to pursue becoming a 503, it is asking SILC to monitor finances and serve as its fiscal agent. Tony DiRienzi clarified that SILC has the capacity to provide accounting, receive and disperse monies and that measures will be put into place that will minimize the burden on SILC staff. This partnership would also provide SILC with a major and valuable network.

Motion: Randy Collins moved that SILC act as fiscal agent for the Arizona ADA Coordinators Coalition; Wendy Dewey seconded; motion carried by majority vote with one abstention.

Sonora UCEDD: Leslie Cohen provided an overview of Project Search, a nationally recognized one-year education and training program for students and young adults with disabilities. The program originated at Cincinnati Children's Hospital Medical Center has been replicated in more than 40 states, including a successful model in Tucson, Arizona. The Arizona initiative is now researching expansion in Arizona and is proposing a partnership with SILC to support funding for a half-time coordinator to take the project statewide. Tony DiRienzi reminded the Council that such a project is not funded in the FY10 budget, but that the concept will be revisited as the FY11 budget is drafted for the Council's review and consideration.

CIL Report - In Memory of Michael Blatchford: Lee Gaseoma paid a moving and beautiful tribute to Michael for the breadth of his work across the Indian and disability communities. Following a moment of silence in his memory, other Council members and guests likewise paid tribute to the enormous body of his work, his meaning in their lives as a colleague and friend, his great sense of humor and the void he leaves in their lives, both professionally and personally.

Motion: Sherri Collins moved to adjourn the meeting; Wendy Dewey seconded and meeting adjourned at 1:12pm.

Respectfully submitted:

Linda Jane Austen