# MSCOD Council SPECIAL Meeting

Metro Square Building

121 East 7th Place

St. Paul, MN 55101

December 16, 2014

## Agenda

* Call to Order and Introductions
* Approval of Agenda/Approval of Minutes
* MSCOD 2015 Legislative Issues
* Adjourn

## Call to Order/Introductions

The chair called the meeting to order at 1:33 p.m. Council members present were: In Person - Jim Thalhuber and Dean Ascheman, Via Phone - Nathan Aalgaard, Robert Johnson, Kim Tyler, Hilary Hauser, Kathy Peterson, Nancy Rosemore, David Schwartzkopf, Barb Stensland and Christine Versaevel. Absent were: Kathy Wingen, Carlos Vazquez, Elliot Albright, Bryce Samuelson, and Stephan Grams. Ex-officios in attendance were: Gail Lundeen and Barb Fonkert. Staff members attending were: Joan Willshire, Shannon Hartwig, and David Fenley.

## Approval of Agenda/Approval of Minutes

The agenda and minutes from the previous Full Council meeting were approved.

## MSCOD 2015 Legislative Issues

Document **MSCOD Legislation 2015 v2.doc** was presented to the group, and the group discussed the MSCOD Legislative issues for 2015. The document is included with the suggested edits and updates provided by the group.

### MSCOD Public Policy Agenda: 2015

A (Spearhead), B (Get behind), or C (Monitor)

### A) MSCOD: Access to Public Buildings

This legislation will remove outdated and discriminatory language from the statute that currently could limit public building access to people with disabilities. Currently, public buildings constructed prior to July 1, 1963 are not required to remodel “solely to provide accessibility and usability to persons with disabilities.” Rather, accessibility requirements are to be met when remodeling for another purpose. Further, Minnesota State Colleges and the University of Minnesota are excluded from the requirement to conduct classes, seminars, or training programs in accessible spaces unless a person with a disability gives “reasonable advance notice of intent to attend the meeting or conference.” Current statute puts the burden on the person with a disability not on the University or College. Many individuals could be excluded from courses, seminars, meetings, or conferences because they have not given “reasonable advance notice of intent to attend.”

### A) Legacy Funding

MSCOD will seek out additional Legacy funding to ensure that the information, data, and knowledge gained from the ADA 25th celebration will be utilized for years to come. It will be packaged around disability competency.

### A) Olmstead Implementation Office (OIO)

OIO will seek to become a State agency and commission. This session will determine if OIO will be housed in another agency or stand alone. MSCOD wants to play a role in this decision process. Dept. of Admin recommends board of director’s governance structure like the Environmental Quality Board.

### B) 5% Campaign

Same as 2014 legislation to raise HCBS pay. MSCOD believes it is deserved but might not be politically feasible.

### B) Move MN: transportation funding bill (SF 2017/HF2395)

A 5% gross receipts tax, Qualifying Service Station Credit, Metropolitan Area Transit Tax, and Sales Tax on Motor Vehicle Leases and will generate $385 million for this bills transportation expansion. It is not clear how much of this will be spent directly on services for people with disabilities. In theory investments in transportation would provide more funding for accessibility projects, allowing metro-area cities and counties to address local needs, including retrofitting existing facilities to be compliant with the Americans with Disabilities Act, improving para-transit communications systems, or creating safer sidewalks and bicycle routes. MSCOD will not support until fair proportionate funding is directed to services that serve people with disabilities. It is not enough to just say that this legislation will benefit the disability community. There must also be adequate representation of Greater Minnesota in the bill.

### B) MA-EPD Increases

It will be addressed this session but MSCOD is not sure by whom. MA-EPD Premium increases became effective as of October 1, 2014. Increases out-of-pocket costs for about 7,500 to 8,000 for MA-EPD participants by raising premiums from $35 per month minimum to $65 per month and increasing the unearned income (like Social Security) cost share obligation from ½ % to 5%, a 10-fold increase. The people affected will be paying $5.3 million more in fees per year while the state collects $2.6 million, only ½ the increased fees. This happens because ½ the fees must be paid to the federal government (Medicaid is a state and federally funded program). The federal government matches MN’s payments dollar for dollar. The increase in fees was adopted by the legislature in 2011 when there was a budget deficit, the fee increases were delayed until the Affordable Care Act became effective in 2014. During the 2014 session, Governor Dayton proposed that the increases be repealed, but the legislature didn’t pass the repeal and so the increases are effective October 1, 2104. It, most likely, will be repealed this session.

### B) CCD: MA Income Standards

A state law went into effect on January 1, 2014, raising the amount Minnesotans are allowed to make each month and remain eligible for Minnesota’s Medicaid Program (MA or Medical Assistance, Medicaid Expansion). The law leaves people with disabilities and seniors behind. People with disabilities and seniors with income over 100% of the Federal Poverty Guideline (FPG) are required to spend down to 75% FPG and only retain $3000 in assets to be eligible for the program. In 2015, the MN-CCD will work to increase the Medical Assistance (MA) Income Standard, raise the asset limits and reduce spenddowns, so that people with disabilities and older adults can keep more of their income to live independently in the community. What is the fiscal note? ($200 million)?

### B) NEMT

NEMT (non-emergency medical transportation) is being discussed in committee now and rate increases to providers will be one part of the legislation that will be brought forward by DHS. The committee has years of long standing arguing so if a consensus is reached MSCOD should support it. This is very important in Greater Minnesota.

### B) Equipalife

They are seeking $2 million in funding to expand their assistive technology, which MSCOD supports.

### B) MS Home Modification

The National MS Society's Upper Midwest Chapter supports an initiative in 2015 to create a state tax credit for Minnesotans who need to modify their home for increased accessibility. For Minnesotans who are elderly or disabled, living in an accessible home allows them to live safely and independently in their communities. Home modifications could include installation of ramps or lifts, widening of doorways, or renovations to an existing kitchen or bathroom. Several states have already enacted a similar tax credit, including Kansas, Ohio, and Virginia. Details on our proposal are still in development, but other states provide a maximum credit ranging from $5,000 to $10,000. Given the stress on Minnesota's nursing homes and long-term care facilities, and the need for Minnesota to develop a plan to comply with the Olmstead decision, providing this credit is has multiple benefits to individuals and the state to help keep individuals in their homes and communities. This is something MSCOD should support.

### C) Trisomy (Down Syndrome) Awareness

The bill being proposed by the MN Catholic Charities (MCC) will provide expectant parents, upon receiving a diagnosis of Trisomy 13, 18, or 21, with supportive and educational information provided by national, local, and leading advocacy-organizations. Educates parents about their child includes physical, developmental, educational, and psychosocial outcomes, life expectancy, clinical course, intellectual and functional development, and treatment options. May be viewed by some as pro-life legislation, MCC is aware of this and is fine with other organizations introducing it.

(Update) ARC of MN, the Down Syndrome Association, the National Jerome Lejeune Society and several others have all formally put their name on as supporters of the bill. Representative Kathy Lohmer will be carrying it in the House and we have meetings with several Senators who are interested in being authors as well. (David is asking what the time frame on providing the information to the parent is) Too specific of a cause, State agency can’t get behind this bill.

### C) CSH: Affordable Housing

A bill will be proposed by CSH to allow funding to their pilot program. CSH has proposed to demonstrate that individuals currently housed in Minnesota State-Operated Community Services (MSOCS) group homes and Adult Corporate Foster Care homes can be housed in the community in a manner that meets the support services needs of the individuals, provides them with suitable and affordable housing, increases their integration into the community and reduces the expenditure of state dollars in the provision of such housing and services. CSH tried this last year to no avail. They seemed to not navigate the legislative process as well as they could have. MSCOD can’t support one specific non-profit. CSH should build a broader coalition (ARRM, etc.) MSCOD will monitor this bill and take further action as required.

### C) Day Training and Habilitation (DT&H)

They are currently feeling pressure from Olmstead Plan and Employment First. They have organized and hired a high-powered lobbyist to represent them at the legislature, more discussions to occur. DHS VR informed choice rule changes tend to favor employment first proponents rather than DT&H.

### C) Equipalife

They may seek 5% of disability parking fines, which now go into the State’s general fund, to fund vehicles for people with disabilities. MSCOD is unlikely to support.

### C) Report on funds spent on accommodations for executive branch employees

The Commission of Deaf, DeafBlind, and Hard-of-Hearing Minnesotans (MNCDHH) is proposing legislation that requires multiple committees in the House and Senate, the governor, and MNCDHH to compile a report on the money spent by in FY’s 12 and 13 providing accommodations to executive branch employees. Also, list recommendations/best practices in provision of accommodations for employees with disabilities in the executive branch.

David Schwartzkopf motioned for approval of the contents of document **MSCOD Legislation 2015 v2.doc**; Kim Tyler seconded the motion. It was approved by unanimous roll call vote.

There was no other business.

## Adjournment

Robert Johnson motioned to adjourn; Dean Ascheman seconded the motion. The chair adjourned the meeting at 2:36 p.m.

Respectfully submitted,

Shannon Hartwig