

OREGON DISABILITIES COMMISSION – EMPLOYED PERSONS WITH DISABILITIES SUBCOMMITTEE

Monday • August 17, 2009 • 1:00 P.M. – 2:30 P.M.

Conference Room 137D • DHS Building • 500 Summer Street NE Salem, Oregon 97301

MEMBERS PRESENT:

Judith Cunio

Sara Kendall

Bill Lynch

Ron Heagy (by phone)

Eugene Rada (by
phone)

Tina Treasure

Tim Baxter

Norm Kohler

MEMBERS EXCUSED:

Frank Synoground

Doug Stone

Mike Oliver

Brian Delashmutt

Ruth McEwen

Jan Campbell

STAFF PRESENT:

Karen Mainzer, Intergovernmental Relations Liaison, Seniors and People with Disabilities (SPD)

Max Brown, Commission Coordinator

INVITED GUESTS:

Cathy Cooper, Deputy Assistant Director, SPD

DeAnna Hartwig, Administrator, Office of Federal Resource and Financial Eligibility, SPD

Dale Marande, Manager, Medicaid Policy Unit, SPD

AGENDA ITEMS:

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CALL ALL TO ORDER

- Introductions
- Review and Approve Agenda and Minutes
- Update on Action Items from Last Meeting

DISCUSSION: EPD PROGRAM PHILOSOPHY, VALUES & GUIDING PRINCIPLES

PLANNING AND TASKS FOR THE NEXT MEETING

ADJOURN

CALL TO ORDER

Bill Lynch called the meeting to order at 1:03 p.m.

Introductions

EPD Subcommittee members, staff, guests introduced themselves.

Review and Approve of Agenda and Minutes

This item was tabled.

Update on Action Items from Last Meeting

This item was tabled.

DISCUSSION: EPD PROGRAM PHILOSOPHY, VALUES, & GUIDING PRINCIPLES

Bill Lynch opened the discussion by dedicating the meeting to Scott Lay. He reminded the group of the celebration of life for Scott after the meeting. Cathy Cooper distributed the Director's Message that paid tribute to Scott's accomplishments as an advocate for people with disabilities.

Bill framed the discussion of the meeting around the values and principles of the Employed Persons with Disabilities (EPD) program, as well as any reservations there may be about the program. He referred to the letter of invitation for Cathy,

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DeAnna Hartwig, and Dale Marande, and suggested that subcommittee members give their views on the values and principles of the program before hearing from Seniors and People with Disabilities (SPD) management.

Sara Kendall: Sara discussed how the Medicaid Buy-In program (the federal term for the EPD program) is necessary for the Medicaid Infrastructure Grant (MIG) for employing people with disabilities. Sara emphasized that the EPD program can bring money into the state through employee participant fees and through state income taxes. The clients would be covered by Medicaid if they were not working, so this is a way to mitigate some of the costs of their Medicaid coverage.

Tina Treasure: Tina spoke about the program as “secondary insurance” – an employer-provided insurance policy may cover medical services, but does not cover all the services and disability-related expenses that an individual may need to be employed. While some regard Medicaid as insurance for the most impoverished, EPD allows people with disabilities to earn a living, keep their resources, and provide an incentive for employment. The program emphasizes personal responsibility, as most individuals have a pay-in to participate. Finally, Tina believes the program cannot be a door just to get into Medicaid – this is a program that allows one to work but not lose Medicaid because of increasing income and resources.

Tim Baxter: Tim discussed Scott Lay’s white paper on EPD as an emblematic statement of the program’s values, principles and guiding philosophy. In looking at the white paper, Tim emphasized how the program can promote independence, self-reliance, and giving individuals with disabilities the opportunity to rise out of poverty. Key to this understanding is that an individual with disabilities have costs associated with employment that an individual without disabilities does not. Tim raised the matter of the 12-month spend-down rule, under which individuals leaving employment must dispose of earnings placed into approved accounts. He referenced an administrative rule change in 2003.

Norm Kohler: Norm focused on the impact EPD has made for individuals with developmental disabilities. When he moved to Oregon, he was appalled by the offset rules, and didn’t see how the \$65 individuals could keep would be any

incentive for employment. The EPD program helps individuals who have more substantial income – they can keep much more of their income, and it incentivizes work.

Judy Cunio: Judy said she is on this subcommittee for personal reasons – EPD completely changed her life. Before the program, she was employed in jobs that did not tap into her potential, such as shredding paper. She lived in a group home. With the work she has done on the Developmental Disabilities Council over the past ten years, she has now been able to grow and affect the lives of others. She has 15 hours of homecare, rather than more comprehensive and costly long term services of a group home.

Bill Lynch: It was through an employment program for individuals with developmental disabilities that Bill got his start in advocacy for individuals with developmental disabilities. Bill regards EPD’s foundation not as a poverty program, but not a charity program either. He is impressed with the extent to which the Office of Developmental Disabilities Services has taken on employment issues over the past three years, and hopes to see this commitment pervading the whole Seniors and People with Disabilities Division.

Ron Heagy: Ron discussed the fact that his quadrapelgia required extensive personal care services. With EPD, he described the virtuous circle it brings to participants: self-reliance, income, taxes for the greater good of society. He also described how employment has had a very positive effect not only on his state of mind, but also his physical health. Finally, he discussed how EPD plays into civil rights issues of equality for individuals with disabilities; it creates a sense of empowerment, wherein an individual is an agent, rather than a “recipient.”

After the subcommittees spoke, Bill gave Cathy, DeAnna, and Dale an opportunity to speak on the program.

Cathy Cooper: Cathy opened with a word of appreciation of this subcommittee’s work since its formation under the auspices of the ODC. She identified the error of having EPD, rather than sheltered employment programs, showing up on the

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October 2008 reductions list. But it was from the concern of EPD's future in the difficult budget climate that Bill and James discussed the formation of this workgroup to do two things: preserve the program should it be considered for reductions or cuts, and come up with suggestions to enhance the program. Cathy suggested that the group work closely with Dale, the manager of the Medicaid policy unit in SPD. He has not been aware of the issues the subcommittee explores, and from this point onward the subcommittee, with Max Brown and Karen Mainzer, can present issue areas to SPD policy in advance of the meetings. Cathy emphasized that this program has the full support of SPD – not only for the principles articulated by subcommittee members, but also because it is an essential Key Performance Measure for the department.

Cathy also asked if the subcommittee can look at employment for individuals with disabilities in a broader context than just the EPD program. Whether this could bring in the Office of Vocational Rehabilitation, the Employment Department, the Department of Education, or other key partners (such as Centers for Independent Living around the state), the issue of employment could be wider than the EPD program.

DeAnna Hartwig: DeAnna reiterated the department having strong support for the EPD program. She discussed the appeal of the program because of the incentives for work and the ability of individuals to buy into Medicaid. However, DeAnna wanted to address the concern of people who leave the program. As far as SPD knows, there is no Medicaid program that provides an exception to resource limits or income limits if one is not working. EPD may be a way to bring individuals with disabilities into the middle class, but Medicaid for individuals not employed have more stringent financial eligibility criteria. She said that staff can help out with information on special needs trusts and other federally approved methods of protecting assets.

Dale Marande: Dale expressed his support for the EPD program. He attributed some negative perceptions of the program to be what is true of many programs – you have a continuum of positive and negative views with the vast majority of SPD staff in the middle. He said that EPD, along with OPI, are two of his favorites in SPD. As policy manager, his role often is to look at a program through a “nuts and

bolts” frame: eligibility requirements, budgeting, and other technical issues that are central to his role as manager. However, on the human side, EPD is a program of self-actualization in his view. Dale provided some information on the costs of EPD – if someone had Medicaid and no other service cost, and they were in managed care, the costs per month of Medicaid coverage would be \$470 if the person was eligible for Medicare and \$780 if the person did not have Medicare yet.

As manager of SPD’s Medicaid policy analysts, Dale can send the right people to the meeting depending on the topic. SPD and the subcommittee might not always agree, but SPD is committed to a partnership with the subcommittee to see how it can enhance the program with existing resources, as well as any ideas to change the program for the individuals who are in it.

Discussion:

The group discussed several issues on the future work of the subcommittee. Ron Heagy suggested that the subcommittee keep focused on the purpose of the group. He also suggested the more data we can gather, the better the work product. Max will work with Dale and his staff to explore what data can be provided to the group – easily accessible data, as well as data that may be had with some extra work.

Norm Kohler discussed some of the political concerns – what, for example, does EPD look like to a legislator? It seems to be a popular program, but might it be vulnerable if the income and asset requirements are regarded as too high? Cathy Cooper agreed on the stakes – if the program ever got on a reduction list and was either cut or eliminated, it would be all but impossible to get it back. In the short term, if the income tax increases are voted down, the department will face a \$200 million shortfall of General Fund, and almost all of that shortfall will have to be taken in the second year of the biennium.

Bill Lynch mentioned the flyer that the group was working on. The subcommittee has profiles of individuals in the program used on one side of the flyer, and placeholders for EPD statistics on the back of the flyer. The subcommittee thought that this could be used, if ever necessary, for legislators as well as some public

awareness of the program. Max Brown will share with SPD staff as soon as the developmental disabilities profile is on the flyer.

Tim Baxter and DeAnna Hartwig discussed the issue of individuals who leave the program and in jeopardy of losing assets. DeAnna offered that there may still be trusts in which people could put some assets, and Sara said she would find out if other Buy In programs have some method in place where people who leave the program (or otherwise stop working) can retain their assets.

The group also briefly discussed trainings and presentations on EPD coming up this fall.

PLANNING AND TASKS FOR THE NEXT MEETING

Action Items:

SPD and the subcommittee will draft a list of issues that they can work on over the course of the next several meetings. Max Brown will draft minutes and make sure the lists get to SPD and the subcommittee by the end of the week or early next week.

Max will work with Dale and Jeff to notify the group of upcoming DHS EPD trainings, as well as presentations to providers and the public on the program as they are scheduled.

Max will share the EPD flyer with SPD once the final personal profile is incorporated.

Max will get from Bill and the subcommittee the meeting topic two weeks in advance and pass on to Dale.

Each meeting participant spoke highly of this meeting and discussed their vision for moving forward.

Meeting Adjourned: 2:38 p.m.

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