

OREGON DISABILITIES COMMISSION – EMPLOYED PERSONS WITH DISABILITIES SUBCOMMITTEE

Monday • September 21, 2009 • 10:30 A.M. – 12:00 P.M.

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

MEMBERS PRESENT:

Judith Cunio	Brian Delashmutt	Ruth McEwen
Sara Kendall	(by phone)	
Bill Lynch	Tina Treasure	
Damon Terzhagi (by phone)	Tim Baxter	

MEMBERS EXCUSED:

Doug Stone	Jan Campbell
Mike Oliver	Ron Heagy
Eugene Rada	

STAFF PRESENT:

Max Brown, Commission Coordinator

AGENDA ITEMS:

CALL ALL TO ORDER

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

DEBRIEF RE: LAST MEETING ON EPD PROGRAM PHILOSOPHY, VALUES, AND GUIDING PRINCIPLES

- Review SPD's meeting notes
- Review Subcommittee's list of issues and data needs
- Schedule and priority of issues for upcoming meetings

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**PRELIMINARY DISCUSSION: RETIREMENT AND THE 12-MONTH
ASSET RULE
OTHER TOPICS AND NEXT MEETING
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CALL TO ORDER

Bill Lynch called the meeting to order at 10:33 a.m.

Introductions

EPD Subcommittee members, staff, guests introduced themselves.

Review and Approve of Agenda and Minutes

The subcommittee approved the agenda unanimously. Tim Baxter proposed two changes to the minutes, which were unanimously approved.

Update on Action Items from Last Meeting

- Max Brown drafted minutes from the prior meeting, and shared Seniors and People with Disabilities' (SPD's) notes with the subcommittee as well.
- Max will inform the committee when SPD holds trainings or other presentations on the EPD program.

**DEBRIEF RE: LAST MEETING ON EPD PROGRAM PHILOSOPHY,
VALUES, AND GUIDING PRINCIPLES**

The discussion opened with Tina Treasure suggesting that the subcommittee establish a stable voting group. Bill Lynch agreed with that goal.

The subcommittee turned to SPD's notes of the last meeting.

One set of highlights was the need for a cost-benefit analysis of the EPD program. One variable is program costs for the individuals in the program (medical costs, service costs, and other considerations). On the revenue side, considerations include the participant fee (as an alternative to a liability or offset), as well income taxes paid by program participants.

Sara Kendall and Tina Treasure discussed the participant fee. It is a significant amount (approximately \$1 million a year) that is billed to participants, and the funds go into the Division of Medical Assistance Programs (DMAP) budget. If SPD is the primary division administering the program, perhaps some if not all of the funds could be directed into the program.

On the questions of the participant fee vs. other forms of payment (liability or offset), the subcommittee discussed how this issue led to many individuals with developmental disabilities entering the program. Brian DeLashmutt noted that a higher percentage of individuals with developmental disabilities entered the EPD program than earlier anticipated. Judy Cunio described how the EPD program, rather than paying an offset, provided a greater incentive to work because many individuals could retain a higher proportion of their income. Tim Baxter provided some historical perspective on how the program may not have been initially thought of as an option for individuals with developmental disabilities, but that the sentiment changed and after the outreach of 2007-2008, the numbers have grown to where half of the participants are individuals with developmental disabilities.

Sara suggested that this discussion may be better presented with a graphic layout, showing how different individuals with disabilities are affected through a cost-benefit lens – both by the services they get, as well as by income.

The group also discussed the need to take cost-benefit analyses with a grain of salt. The program may or may not pay for itself, and some benefits may be of a non-economic nature.

The subcommittee turned to more specific questions to be answered and acknowledged that the questions were either posed by SPD or the subcommittee:

1. What are other states doing with their buy in programs? Sara can get this information for the group, including materials sent out for a previous meeting.
2. How many states have stopped their programs? Only one state, and it was reinstated. It had to end because it did not meet federal requirements.
3. How many states claim the program pays for itself? Sara can obtain states that have, more or less extensively, have had a cost benefit analysis of some form. The study the committee reviewed from Washington was one example.
4. How do other states treat assets over the Medicaid limit when a person stops working? Sara can check on asset policies of other states – and Damon can get info on how many states allow individuals to spend down resources for a period longer than 12 months without losing Medicaid eligibility.
5. Why was there a big bump in DD participants? Why choose EPD rather than other home and community based waiver options for decreased client contributions? The subcommittee decided that SPD posed these questions and that these questions would be best answered by SPD.
6. Were EPD individuals held harmless from EPD allowed resources for longer than a year? Tim will provide a prospectus on the changes to administrative rule in 2003 regarding this issue.
7. How do other states define employment for their Buy-In program? Sara can get comparative information on this, but there are some common federal definitions (e.g., the person works for a wage, salary, or is self-employed).
8. What and how many trainings were offered in the last year, and to which audiences? SPD can get this information via Jeff when the meeting on this topic is scheduled.
9. One question not on the list – what are the disincentives to participate in the EPD program?

Issue Areas –

The subcommittee discussed the data requests and issue areas identified in prior meetings. One issue, people on the program who haven't worked for a long time, best can be categorized as a data request. Sara reports that Jeff has worked on this issue and may have data tracking progress on this matter. Also, Sara will send out a recent report on research of people who left their states' Buy-In programs.

Schedule for upcoming meetings –

The subcommittee decided to schedule the next meeting in October for subcommittee members only, but to have a preparatory discussion on the 12-month asset administrative rule.

PRELIMINARY DISCUSSION: RETIREMENT AND THE 12-MONTH ASSET RULE

Tim Baxter proposed building off pdf materials he sent to the subcommittee, including a 1-2 page prospectus on the issue. He will send it to the subcommittee shortly, and have it serve as a discussion piece for the next meeting. Other subcommittee members thought that the next meeting may be a good time to review what other states are doing on this issue, and to think about alternative proposals (eliminate the 12-month rule, or try to get it extended for a longer period of time?). Discussion may also include the issue of retirement.

OTHER TOPICS AND NEXT MEETING

The next meeting will be scheduled following the ODC executive committee on Monday, October 19, from 11:30 a.m. to 1:30 p.m. The group also set the November meeting for Monday, November 16, from 10:30 a.m. to 12:00 p.m. The subcommittee will invite SPD to join the discussion for the November meeting.

Meeting Adjourned: 12:07 p.m.