

**MINUTES
MEETING OF THE
TENNESSEE COMMISSION ON AGING AND DISABILITY
THE SHERATON NASHVILLE DOWNTOWN
623 UNION STREET
NASHVILLE, TENNESSEE
MAY 10, 2005**

Members Present:

Mr. John Arriola
Mr. Robert Brandon
Dr. Sun-Hwan Chu
Ms. Diane Cornell
Ms. Deborah Cunningham
Ms. Bettie Davis
Rep. Lois DeBerry
Ms. Judy Eads
Mr. Shelburne Ferguson, Jr.
Mr. John Fisher
Ms. Tam Gordon
Ms. Bonnie J. Howard
Mr. William Johnson
Ms. Deborah Neill
Mr. Judson Palmer
Mr. Carl Poston
Mr. Leonard Price
Ms. Ruby Stewman
Ms. Elizabeth Stovall
Ms. Jacqueline Talley
Ms. Wanda Willis
Mr. Donald Woodlee

Members Absent:

Ms. Ginny Acree
Ms. Connie Griffiths
Sen. Curtis Person

Chair Howard called the meeting to order at 9:00 a.m. The roll was called, and attendance is listed above.

Chair Howard gave an opportunity for the Area Agency on Aging and Disability directors (AAADs) to be recognized. The following were in attendance: Aaron Bradley, Ed Brooks, Ernestine Bowers, Larry Castleberry, Susan Hill, Judy Roberson, Wanda Simmons, Kathleen Spears, and Kathy Whitaker.

Constantinos (Costos) Miskis, the Regional Administrator, Region IV Administration on Aging, and Joyce Robinson-Wright from Region IV Administration on Aging were introduced. Pam Hayden-Wood, Attorney General's Office, was present. Substituting for Jerry Hill was Carl Poston from the Department of Veteran's Affairs. Also Drs. Bob Binstock and Neil Cutler, Funding Formula Consultants, were in attendance for the purpose of addressing the Funding Formula. Deborah Neil, representative for the Department of Human Services, introduced Vickie

Lawson, new director of the Adult Protective Services Division of the Department of Human Services.

Chair Howard asked if there were any corrections, additions, or deletions to the Minutes of the February 2005 meeting.

Shelburne Ferguson moved approval of the minutes of the February 2005 meeting. The motion was seconded by Bob Brandon and passed.

Ms. Peace introduced the newest member of the Commission, William Johnson. He was appointed by the Governor to serve for the Greater Nashville as the rural representative for the Greater Nashville Rural Area. She briefed the Commission on Mr. Johnson's background. Mr. Johnson retired in 1990 from a career as a salesman and engineer. He has since been actively involved in public service. He has served in South Carolina State Legislature. He has also been a member of AARP. He is supportive of the Area Agency on Aging and has been Chairperson for the Advisory Council of Area Agency on Aging. Mr. Johnson worked with Rutherford County senior centers, AARP chapters, County and City Mayor, State Legislators, State Senator and U.S. Congressman. He has served on GNRC's Aging & Disability Advisory Council since December 1999 representing Rutherford County and has been Chairman of the Advisory Council for the past two years. Mr. Johnson's appointment runs through June 1, 2010.

LEGISLATIVE REPORT

Charles Hewgley presented the Legislative Report and mentioned several bills the Commission is currently tracking: Senator Diane Black and Representative Debra Maggart, cosponsors of the bill, SB 1619/HB 1559, which would, if/when passed, authorize the Commission on Aging and Disability to develop a five-year pilot project that fosters independence for disabled persons and their families needing long-term supports and services. The Commission will be reviewing this concept along with other Cash & Counseling programs. SB 2203/HB 2160, sponsored by Senator Charlotte Burks and Representative Jere Hargrove, if/when passed, would direct the Departments of Human Services, Children's Services, and Mental Health and Developmental Disabilities and the Division of Mental Retardation Services to coordinate programs regarding conservatorships for mentally and physically disabled persons. Mr. Hewgley gave background on the conservatorship program for persons with mental and physical disabilities. Representative Charles Curtis had asked the Commission staff to develop an amendment to provide additional funding for senior centers.

Representative Dennis Ferguson, Chair of the Elder Abuse Study Committee, is interested in developing a program, or pilot program, to address elder abuse issues. A budget was developed for the program. This committee has been meeting for approximately a year now and may be getting closer to developing language to propose implementation of a program.

COMMENTS FROM REGION IV ADMINISTRATION ON AGING

Next, Chair Howard introduced Constantinos (Costos) Miskos, the Regional Administrator, Region IV Administration on Aging. Mr. Miskos stated that he recently returned to the field from Florida and was pleased to hear about a single portal, or single point of entry, a key to serving seniors within the state of Tennessee. He stated that it is good to hear the Commission tackling innovative approaches to many issues, such as the cash and counseling program. He stated that Tennessee's approach to designing the continuum of care utilizing a

social model in concert with medical professionals is a good way to meet the needs of older persons and other adults with disabilities. He encouraged even more innovation as the state unit on aging works with the state-wide aging network in strengthening long term care services across the state.

TN4A REPORT

Next, Chair Howard introduced Aaron Bradley to make the TN4A Report. Mr. Bradley estimated the publishing date for the Annual Report to be the last week of May. He expressed appreciation for the Intrastate Funding Formula Committee for the hard work and good job they had done with the revision of the Funding Formula. He stated that home and community based services are best for people with the single purpose being to meet the needs of at-risk individuals and their families in dignity if they choose to stay there.

STATE PLAN

Ms. Ruby Stewman, Chair of the State Plan Committee, and Ms. Nancy Brode presented the TN State Plan on Aging. There were some minor word changes to the document. **Following the presentation, Chair Howard commented that a lot of hard work had went into the plan, and stated that the Commission needed to vote whether the Commission will accept the State Plan as printed with the corrections that were presented by Ms. Stewman. Ms. Howard asked for discussion and there was none. She moved for acceptance of the report. There were no abstentions or objections and the recommendation of the Committee was approved by a show of hands.**

Chair Howard announced that a public hearing on the document would be held on Friday, July 1, 2005.

HCBS REPORT

Charles Hewgley presented the status of Home and Community Based Services Programs, including Options and the statewide HCBS Medicaid Waiver Program. Current program data was compared with data for the nine months prior to the beginning of this program year. Efforts to capture Information and Referral calls to the AAADs indicate 1500-2000 calls monthly for the last program year, and reflect an increase of approximately 15% for the most recent program year.

- 500 people have been determined eligible for HCBS this year.
- State Unit on Aging and Disability office staff do a daily update status report of enrollees that can be tracked by county and by district.
- Recently the “live-in” caregiver rule has been relaxed which may allow moving some Options Program participants to the Waiver program, thus freeing up space in the Options program.
- Problems with the financial determination of eligibility are being experienced and staff are working with DHS to resolve the delays in approval for participation.
- April was the highest month thus far for consumer enrollment in the Waiver Program.
- 500 enrollees are forecast by August 1, 2005. Ms. Eads asked if there was a waiting list, and Mr. Hewgley responded that there were no waiting lists and that slots are open for participation in the Waiver Program.

Nancy Peace stated that Dr. Hickey was looking at a two-year Marketing Plan and would like to enroll to capacity within the next year. Someone asked what is the “live-in” caregiver rule. Ms. Peace said the interpretation previously was that the caregiver must live under the same roof, and that a number of people were determined eligible to participate in the Waiver but were not approved because of the caregiver rule. The initial care plans are ordered by the doctor. The safety of the consumer to remain in the home will be given consideration on a case by case basis.

John Arriola led the Commission in a round of applause upon stating that the change to the “live-in” rule is a significant step toward success in the program. Mr. Hewgley added that this Program is new, and that TCAD is working cooperatively with TennCare to do this. Program reports are forwarded to the TennCare office.

INTRASTATE FUNDING FORMULA

Don Woodlee, chair of the IntraState Funding Formula Committee, introduced Drs. Neil Cutler and Bob Binstock. The Consultants briefed the Commission on the process the Committee used in revisions to the Funding Formula including review of Committee conference calls and convened Committee meetings. The Consultants acknowledged that all members of the Committee and the Commission were very good to work with, and that after several rounds of discussion, the Committee had agreed on the recommendations to revise the Formula.

Dr. Cutler stated the Committee wanted the money to follow the need of the people. The discussion included the new factor for frailty and other changes to the remaining factors in the current formula. Dr. Cutler stated that the Committee looked at the changes one by one and then bundled all the factors to determine the flow of the funds across the State.

Dr. Cutler stated the process by which the formula was determined—a model approach to ensure input from all the Committee. Each of the factors in the formula were voted on, and the Committee discussions led to a group consensus. The new proposed formula has five factors including:

- Minority/low income – 10%;
- Frail elderly 80+ - 10%;
- Rural – 15%;
- Low Income - 30%; and
- 60+ population – 35%.

The Committee agreed to use the AoA definition of rural and to use 100% of poverty instead of 125% as the definition of low-income. Following the Consultant’s presentation, Don Woodlee asked if there were any questions. Chair Howard announced the Commission would have a roll call vote after she read the following statement. “The Committee directs the TCAD staff to develop proposed methods to phase in any reductions in allocations that an AAAD would sustain from any changes to the Funding Formula including population changes and present a proposal at a later meeting for the Commission’s consideration.” She announced a roll call vote would be taken. Next Aaron Bradley was asked if he wanted to speak before or after the roll call vote. He said Memphis had one comment. Kathleen Spears, Executive Director of the Aging Commission of the Mid-South, addressed the Commission as follows. “A year ago she had stood before the Commission pleading for a fairer funding formula. She stated that even though the ACMS area loses money, she felt it more fairly reflects the “Older Americans Act.” Mr. Woodlee referenced the report including the steps the Committee had taken from Feb. 2004 to the present. Mr.

Woodlee moved acceptance of the Committee Report as presented by the Consultants. Chair Howard thanked Dr. Spears for her comments. **Chair Howard announced at that time, the Commission will have a roll call vote to accept the report of the Committee as presented on the Funding Formula.**

<u>Commission Member</u>	<u>Aye</u>	<u>No</u>	<u>Abstain</u>
*Ginny Acree			
John Arriola	X		
Robert Brandon	X		
Sun-Hwan Chu	X		
Diane Cormell	X		
*Deborah Cunningham			
Bettie Davis	X		
Shelburne Ferguson	X		
John Fisher			
*Connie Griffitts			
Bonnie Howard	X		
William Johnson	X		
Judson Palmer	X		
Leonard Price	X		
Carl Poston (attending for Jerry Hill)	X		
Ruby Stewman	X		
Elizabeth Stovall	X		
Donald Woodlee	X		
Tam Gordon			
Judy Eads			
Deborah Neill	X		
Jackie Talley	X		
Wanda Willis			

Senator Curtis Person Ex officio
 Rep. Lois DeBerry Ex officio

*Members Absent

After the roll call vote, **Chair Howard announced the IntraState Funding Formula is approved for scheduling of release for a public hearing as presented by the Committee to the members of the Tennessee Commission on Aging and Disability. A Public Hearing on the Funding Formula is scheduled for July 1, 2005.**

TENNESSEE WHITE HOUSE CONFERENCE ON AGING (WHCoA)

John Arriola, chair of the WHCoA Committee, updated the Commission on the conference planning. Small group sessions will include the topics Health and Long Term Living and Employment. He mentioned the need for training for older workers especially in technology areas and partnerships with private industry. He expressed the need for conference participation by people who are out there facing the issues and barriers, who can address the issues, and who want to participate. Mr. Arriola said the Conference is scheduled for August 1-3, 2005. A final

Conference report will be sent to Washington, D.C., to be included in the 2005 National White House Conference on Aging Report.

TCAD POLICY MANUAL

Charles Hewgley reviewed the update to the TCAD Policy Manual addressing the Long-Term Care Ombudsman Program. Revisions from the previous meetings were presented. Today's discussion will address these and any remaining issues and will seek approval to implement the policies. With the report, he said he is bringing the revisions to the Ombudsman Chapter, Chapter 9 of the TCAD Policy Manual, and asking for a vote of the Commission to establish those as policies.

Chair Howard asked the Commission for a motion to accept this part of the manual on the Ombudsman Program. Shelburne Ferguson moved to accept the requested changes. Motion was seconded by Bob Brandon and approved without objections or abstentions. Motion carried.

GUARDIANSHIP TASK FORCE

Charles Hewgley presented the Guardianship Task Force Report which included an explanation of an Interagency Task Force that has met during the past year in response to a legislative direction to make recommendations to discuss how various state departments address guardianship issues. Mr. Hewgley stated that adults needing conservatorships have different needs including individuals with mental retardation, adults over the age of 18, and children under the age of 18. It is projected that this group currently needing conservatorship is approximately 2,500. TCAD provides conservatorship services to approximately 400 people. The Task Force will recommend to the state legislature a pilot program as an initial step to unify state conservatorships. The Department of Children's Services has identified approximately 100 people who at 18 years of age will need services that no other department has jurisdiction unless it would be the Department of Mental Health. TCAD may need to look at amending the Public Guardianship statute in response to creating a pilot program that would utilize the current Guardianship Program as a model. The Task Force will take a look at how other states have implemented conservatorship programs. A Task Force is charged with the responsibility of developing a report for the General Assembly. Mr. Hewgley stated that Task Force estimates it would require approximately \$1 million to implement a phased-in initiation of the program. TCAD will keep the Commission informed about the Task Force activities.

SPECIAL RECOGNITION

Chair Howard announced that Ms. Sandra Smith, Supervisor at the Commission on Aging and Disability, announced plans to retire. Ms. Smith began her career with the State of TN almost 32 years ago after graduating from Fisk University with a Master's Degree in Gerontology, and her retirement date was set for July 31st. Chair Howard presented Ms. Smith with a plaque and a poem was read in commemoration of the event. Ms. Smith thanked the Commission for the lovely gift and reminisced about her work with the agency.

AREA PLAN REVIEW COMMITTEE

Ms. Wanda Willis, chair of Area Plan Review Committee, presented the Area Plans to the Commission. The previous day, the TCAD Area Plan Review Committee members met to

review the plans submitted by the nine Area Agencies on Aging and Disability. The Committee brings recommendations for approval, disapproval, or approval with conditions, to the Commission for their consideration. Area plans are required by the Older Americans Act and for planning for the process this year began in November 2004. During a planning retreat, state and area agency staff and commission members developed priority program areas for the State and Area Plans. Goals and objectives were required under each of the following four program areas: Home and Community Based Services/Long-Term Services, Community Services/Health Promotion, Access Rights, and Elder Rights. The development of the plans was started in December 2004, and the multi-year plan being considered this year will be updated annually.

The area plans were submitted to the State Agency in April 2005 for staff review. Area agencies were asked to submit revisions to address the conditions specified by the State staff by May 6, 2005. The Committee met on May 9th to review each Area Plan and developed recommendations for consideration by the Commission. Ms. Willis added that all of the agencies had done a good job with the plans, and the Committee was amazed at the complexity of the plans. She extended her appreciation for the hard work done by the State and Area Agency in completing the Plans.

Ms. Sandra Smith gave the overview of each area agency's plan. Mr. Perry Register, Fiscal Officer for the Commission, addressed the financial section of the plans, and Ms. Willis moved the motion to ask the Commission's approval of each plan.

Wanda Willis requested approval of the First TN area plan without conditions. Chair Howard asked for a Motion. Ruby Stewman made a Motion and John Arriola seconded the motion. Motion was carried without objection or abstentions.

The East Tennessee area plan was presented. **Wanda Willis moved for approval. Chair Howard asked for a vote by show of hands, and the recommendation of the Committee was approved without objection or abstentions.**

Southeast Tennessee was approved without conditions. **Wanda Willis moved for approval. Chair Howard asked for a vote by show of hands, and the recommendation of the Committee was approved without objection or abstentions.**

Upper Cumberland was approved without conditions and including the approval of a waiver for three nutrition sites and a waiver for the area to provide four congregate meals per week with the fifth meal day approved as a fundraiser held by the providers. The waiver is good for a period of one year. **Wanda Willis moved for approval. Chair Howard asked for a vote by show of hands, and the recommendation of the Committee was approved without objection or abstentions.**

Greater Nashville was approved without conditions. **Wanda Willis moved for approval. Chair Howard asked for a vote by show of hands, and the recommendation of the Committee was approved without objection or abstentions.**

South Central was approved without conditions. **Wanda Willis moved for approval. Chair Howard asked for a vote by show of hands, and the recommendation of the Committee was approved without objection or abstentions.**

Northwest was approved without conditions. **Wanda Willis moved for approval. Chair Howard asked for a vote by show of hands, and the recommendation of the Committee was approved without objection or abstentions.**

Southwest was approved without conditions. **Wanda Willis moved for approval. Chair Howard asked for a vote by show of hands, and the recommendation of the Committee was approved without objection or abstentions.**

Aging Services of the Mid-South had three conditions noted. 1) The Area Agency will provide more information on the nutrition programs at Magnolia, McFarland, and the proposed new meal site to replace Magnolia. 2) The Area Agency will resolve the question pertaining to Telephone Re-Assurance & Visiting being sited under III-E, the National Family Caregiver program, and 3) The Area Agency will properly allocate funds in I&A (Information and Assistance) and case management functions in the budget. The Committee established July 15th as a due date for revisions, and final consideration for approval will be addressed at the next Commission meeting scheduled for August 4, 2005, pending the review and approval of the revisions submitted. **Wanda Willis moved for approval. Chair Howard asked for a vote by show of hands, and the recommendation of the Committee was approved without objection or abstentions.**

Ms. Willis stated that given the importance of the success of the HCBS Waiver and the current level of oversight that the Commission is receiving from TennCare, the Governor's office, and the General Assembly about the services, the Area Plan Committee recommends that a special report be submitted by each Area Agency to assist in the review and management of waiver services. It was recommended that the Commission receive a brief report from each Area Agency by July 15th projecting the number of people to be served in the HCBS Waiver in their area, and the action steps planned in order to meet the level of program utilization. This concluded the report of the 2005 Area Plan Committee. **Wanda Willis moved for approval. Chair Howard asked for a vote by show of hands, and the recommendation of the Committee was approved without objection or abstentions.**

EXECUTIVE COMMITTEE MINUTES

Chair Howard circulated copies of the Minutes from the Executive Committee meeting the previous day.

REPORT OF TCAD CHAIR

Chair Howard reported that her personal calendar is full of on-going activities. She stated that every County in the country must have a Disaster Plan, and the Commission needs to look at a disaster plan, as there are new people in the field and there could be missing loops. She mentioned her trip to Guatemala the last week of May; Brazil in June; and Alaska in July.

UPCOMING ACTIVITIES

The meeting calendar was the next subject of discussion. Chair Howard reminded the Commission that the TN White House Conference on Aging was scheduled for Aug. 1-3 (Monday-Wednesday) and that the next Commission meeting originally scheduled for August 9th would be moved back to August 4th. The Executive Committee meeting is scheduled for the afternoon of August 3rd following the closing of the Conference. Commission members wishing

to attend the White House Conference on Aging should inform Ms. Householder of their planned attendance dates and she will make the hotel reservations for the group. The members of the Commission were in unanimous agreement with the meeting (WHCoA and Commission) arrangements.

EXECUTIVE DIRECTOR'S REPORT

The Executive Director referenced the written report that was provided to members. A copy of her presentation "Activity Highlights – Staff Report" was included in Commission members' notebooks. She gave thanks to Tam Gordon of the Governor's Office for her help with dialogue addressing the "live-in" caregiver rule. Area Agency Directors were acknowledged for their help with developing the Marketing Plan for the Waiver.

The Commission is currently undergoing a routine four-year state audit by the Comptroller's office. The Commission is not on the schedule for the program "sunset" audit but is expecting to receive information about the schedule in the near future. The sunset process should be viewed as an opportunity to share the positive activities on behalf of older persons and other adults with disabilities. The Commission is exploring technology procedures in response to a preliminary recommendation of the state auditor. On a number of occasions, Area Agency Directors have joined the Executive Director in meetings with state legislators.

Internal activities reported include that the Quality Assurance Section of the Commission's staff is ready to go to the field for annual visits with Area Agencies for the purpose of reviewing program and financial activities of the TCAD Grantee Agencies.

Legislative Tracking includes reports that are sent out on Friday of each week for the purpose of keeping staff and interested individuals abreast of bills the Commission is tracking, specifically those that impact the TCAD and Aging Network activities.

Commission members were encouraged to complete and submit the meeting evaluation form in the interest of gathering information and recommendations that may be used to make improvements in the Commission meetings. Area Agency Directors were asked to convene for a meeting with Costas Miskis immediately following the Commission meeting.

ADJOURNMENT

With no further business before the Commission, Chair Howard adjourned the meeting at 2:20 p.m. The next regularly scheduled meeting will be August 4, 2005, following the White House Conference on Aging scheduled August 1-3, 2005.

Respectfully submitted,

Nancy C. Peace
Recording Secretary
Tennessee Commission on Aging and Disability