



Legislative
Research
Council

MINUTES

Department of Human Services Agency Review

Second Meeting
2011 Interim
Thursday & Friday, September 29 & 30, 2011

SD Developmental Center
Administration Building Auditorium
Redfield, South Dakota

The second meeting of the interim Department of Human Services Agency Review Committee was called to order by Chair Senator Jean Hunhoff at 11:30 a.m. (CDT), on Thursday, September 29, 2011, in the Administration Building Auditorium of the SD Developmental Center in Redfield, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Jim Bradford, Phyllis Heineman, Jean Hunhoff (Chair), and Elizabeth Kraus; Representatives Peggy Gibson, Jenna Haggard, Larry Lucas, Melissa Magstadt, Jacqueline Sly (Vice Chair), and Jim White. Member excused: Representative Tad Perry.

Staff members present were Clare Charlson, Senior Research Analyst, and Amanda Reiss, Legislative Attorney.

All the documents distributed at the meeting are attached to the original minutes on file in the Legislative Research Council (LRC). The committee documents are available at the LRC website at <http://legis.state.sd.us> under "Interim Information – Committee Documents." For the purpose of continuity, these minutes are not necessarily in chronological order. This meeting was web cast live on Friday, September 30th. The archived web cast is available under "Interim Information – Minutes and Agendas."

Approval of Minutes

Representative Gibson moved, seconded by Representative Magstadt, that the minutes of the August 31, 2011, meeting be amended as follows:

*On page 3, under **Division of Rehabilitation Services**, delete ~~The division has 99.1 FTE of which 33 are based in Pierre.~~ and insert The division has 12 FTE in Pierre; eight in the state office and four in the district office.*

*On page 4, second line, under **Services to the Blind & Visually Impaired**, insert after "income-based." The division relies on SDCL 28-10-11 to determine eligibility. Independent living services require that individuals served meet financial need for all services, aids, and devices with the exception of rehabilitation teaching services provided by SBVI staff.*

Motion prevailed on a voice vote.

Representative Gibson moved, seconded by Representative Magstadt, that the minutes of the August 31, 2011, meeting, as amended, be adopted. Motion prevailed on a voice vote.

Remarks from the Chair/Vice Chair

Senator Jean Hunhoff, Chair, welcomed the committee to the SD Developmental Center for the tour, and thanked Dr. Ted Williams, Director of the SD Developmental Center, for arranging for the committee's visit and lunch. She noted that she and the other committee members looked forward to this opportunity, and then invited the committee to begin eating lunch.

Tour of the SD Developmental Center

Following lunch, **Dr. Williams** provided an overview of the Developmental Center. He explained that, since the facility covers a total of 404 acres, a full tour would take six to eight hours to complete. Therefore, the tour he arranged for the committee was somewhat condensed and did not include a look at the center's food service. In total, there are 28 buildings on the campus. At one time, fences used to surround the facility, but they were removed years ago. Currently, 138 individuals reside at the center, and there is one employee at the center for every three residents. Dr. Williams concluded his opening remarks by introducing members of his staff who assisted with the tour.

On the tour, SD Developmental Center staff members escorted members of the committee from building to building on golf carts. Committee members were able to see a sampling of where residents live, work, and attend school. They also viewed the activities center and the physical plant. In addition, the committee heard from several residents. Some of them described the jobs that they perform, and others showed their living quarters to the committee.

Public Testimony on the SD Developmental Center

Upon completion of the tour at 3 p.m., committee members returned to the Administration Building to receive public testimony.

The committee heard from **Mr. Duane Sanger**, who is the mayor of Redfield. Mr. Sanger described the SD Developmental Center as a fine facility and noted the good relationship that it has with the city of Redfield. He said the facility is Redfield's largest employer. City crews often help with projects on the Developmental Center campus. In addition, the center contracts with the city for fire protection. It also contracts within the city for medical services.

The committee also heard from **Mr. Randy Joyce**, who is the superintendent of schools in Redfield. Mr. Joyce told the committee that prior to his current employment, he worked at the SD Developmental Center for 25 years. He discussed the unique relationship that the Redfield schools have with the Developmental Center. The school district employs five special education teachers and two paraprofessionals who currently teach approximately 40 students who reside at the center. Those students are enrolled in the Redfield School District, but most of them are taught at the center. Some of them are able to participate in extracurricular

activities in Redfield schools. Mr. Joyce noted that the partnership between the schools and the center is beneficial to both parties. The center benefits by having the educational needs of some of its residents met by the school district, and the school district benefits by receiving funding from the state for the students taught at the center.

Following the public testimony, the committee recessed at approximately 3:45 p.m.

**Room 413
State Capitol
Pierre, South Dakota**

Friday, September 30, 2011

The committee reconvened at 8:05 a.m. (CDT), on Friday, September 30, 2011, in Room 413 of the State Capitol in Pierre, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Jim Bradford, Jean Hunhoff (Chair), Phyllis Heineman, and Elizabeth Kraus; Representatives Peggy Gibson, Jenna Hagggar, Larry Lucas, Jacqueline Sly (Vice Chair), and Jim White. Members excused: Representatives Melissa Magstadt and Tad Perry.

Staff members present included Clare Charlson, Senior Research Analyst; Amanda Reiss, Legislative Attorney; and Kris Schneider, Senior Legislative Secretary.

Presentations from Providers

The following providers were invited to share information with the committee on the services they provide, the people they serve, and the relationship they have with the Department of Human Services.

South Dakota Achieve

Ms. Becky Hansen, Sioux Falls, Vice President of Services for South Dakota Achieve, stated SD Achieve's mission is to find innovative ways for people with disabilities to achieve their dreams. SD Achieve was one of the first community support providers in the state, and it is one of the top twenty employers in Sioux Falls. Ms. Hansen gave an overview of the history of SD Achieve, and described the services it provides and the people it supports, along with information on its staff and finances. She provided a copy of her presentation to members of the committee (**Document 1**).

Black Hills Workshop/BH Services, Inc.

Mr. Brad Saathoff, Rapid City, Chief Executive Officer, and **Ms. Colleen Ronning**, Rapid City, Vice President of Community Support Services, represented the Black Hills Workshop. They provided an overview of the workshop's key programs, the services offered, the individuals they employ, and how the workshop is funded. They also provided some demographical information on the individuals they serve. Mr. Saathoff discussed the Black

Hills Workshop's relationship with the Department of Human Services. He noted what is working well in that relationship and made suggestions for possible improvements for the department to consider. Mr. Saathoff and Ms. Ronning also provided a copy of their presentation to the committee (**Document 2**).

Also in attendance from the Black Hills Workshop was **Mr. Tom Miller**, Rapid City, Disability Advocacy Specialist. He spoke highly of the services provided by the Black Hills Workshop and told of his personal experiences there. He stressed how important it is to look at a person's ability and not a person's disability, and to move people out of institutional settings and into communities as soon as possible.

Independent Living Choices

Mr. Matt Cain, Sioux Falls, Executive Director, **Ms. Vicki Kerkvliet**, Sioux Falls, Director of Independent Living Services, and **Ms. Carol Rockwell**, Sioux Falls, Director of Assistive Daily Living Services, representing Independent Living Choices gave an overview of that agency. Mr. Cain noted that the mission of Independent Living Choices is to provide services to people with disabilities who make independence their choice. The group provided information on funding, individuals served, core services provided, equipment provided, and the Assistive Daily Living Services Medicaid waiver which offers an alternative to individuals with significant physical disabilities who may otherwise require institutionalization. A copy of their presentation and a brochure were provided to the committee (**Documents 3 & 4**).

Children's Care Hospital & School

Ms. Dianna Rajski, Sioux Falls, Chief Executive Officer, **Ms. Kimberly Marso**, Sioux Falls, Vice President of Clinical Services, and **Mr. John Clark**, Sioux Falls, Chief Financial Officer, representing Children's Care Hospital & School presented an overview of that agency. They discussed the sixty-year history of Children's Care, the services offered, the staff, and how it is funded. Children's Care provides services to children that are family-centered to prepare them for less restrictive environments and to become successful adults. A copy of their presentation was provided to the committee (**Document 5**).

The committee recessed for lunch at 11:55 a.m. and reconvened at 1:07 p.m.

Public Testimony on the Department of Human Services

Ms. Cindy Koupal, Pierre, spoke in support of the Division of Rehabilitation Services. She told of the assistance she received that enabled her to obtain her law degree and work as an attorney and now an administrative law judge for the state of South Dakota.

Ms. Elaine Roberts, Sioux Falls, chair of the Board of Vocational Rehabilitation, spoke of her work with Parent Connection which connects families with the resources they need. She stressed the importance of the collaboration that takes place among both private and public agencies to provide for the needs of individuals with disabilities. She complimented the Division of Rehabilitation Services on the high percentage of state residents with disabilities

who are employed, and noted that young people in the state with disabilities are finding good jobs that meet their needs.

Mr. Craig Eschenbaum, Aberdeen, vice chair of the Board of Vocational Rehabilitation, spoke about his personal experiences with the Division of Rehabilitation Services, and the help he received which enabled him to obtain a degree in mathematics and obtain employment.

Mr. Brett Glirbas, Sioux Falls, also a member of the Board of Vocational Rehabilitation, spoke of the assistance he received through the Division of Rehabilitation Services which has allowed him to operate his own business as a grant writer.

Mr. David Miller, Sioux Falls, member of the Board of Services for the Blind and Visually Impaired, spoke of the services that he has received. He noted that services for the visually impaired are very specialized and different than services provided for other disabilities. He stated that he is proud of the services provided in this state through the Services to the Blind and Visually Impaired, and that they do a fine job.

Ms. Shelly Pfaff, Pierre, spoke on behalf of the South Dakota Coalition of Citizens with Disabilities. According to Ms. Pfaff, the coalition has a statewide, cross-disability membership and advocates for all citizens with disabilities. She noted that a lot of work is being done, but more needs to be done, to ensure that everyone has equal access to services that allow them to use their abilities to the fullest. She stressed that the number of individuals with disabilities is growing as our population ages, and the challenge is to keep providing high-quality services to the increasing population who need them.

Dr. Karla Bucknall, Rapid City, a member of the Board of Services for the Blind and Visually Impaired, spoke of the importance of the services being provided to those who are blind and visually impaired. She also noted how essential it is to have options available for those in need among our elderly population and others whose lives can be greatly enhanced by the services available.

Mr. Lyle Cook, Eagle Butte, a member of the Board of Vocational Rehabilitation and the Statewide Independent Living Council, discussed his role in administering a grant for American Indian Vocational Rehabilitation for the Cheyenne River Sioux Tribe. He told the committee that the Cheyenne River Sioux Tribe has a good working relationship with the Division of Rehabilitation Services, but he fears that the people on some of the other reservations do not know about the services available through the division, and therefore, are unable to take advantage of them. Therefore, he said he'd like to work to build a relationship between the Division of Rehabilitation Services and the other tribes.

Department's Responses to Questions from the Last Meeting

Secretary Gill reviewed a handout with the department's responses to several questions asked by committee members at the first meeting (**Document 6**). The responses included a breakdown of the "other" funding sources available to the Department of Human Services, a

clarification on the 2012 funding of developmental disabilities, and a review of the critical incident reporting requirements for community support providers.

Committee Discussion/Planning for final meeting/Staff Directives

Senator Hunhoff asked the department staff for information regarding out-of-state placements for the entire department including the number of out-of-state placements, why certain individuals are placed out-of-state, and how much it costs for the out-of-state placements.

In response to Senator Hunhoff's question regarding the capacity of the SD Developmental Center, the center's director, Dr. Ted Williams, responded that, if each resident has his or her own room, the center can accommodate approximately 155-160 individuals. It can accommodate more if rooms are shared by two individuals.

Representative Sly asked Dr. Williams for his "wish list" in terms of what his vision is for the SD Developmental Center. He responded that he would like the center to serve as a support for the entire delivery system of services to individuals with disabilities, and he would like to expand services to the community support providers, including providing technical assistance and additional resources. He noted that the center has been moving in this direction for several years, but there is still more that could be done.

In response to questions from both Senator Hunhoff and Senator Kraus, Dr. Williams said that the cost per individual per day at the SD Developmental Center is \$450, and that includes food, housing, and medical expenses.

Senator Heineman asked Secretary Gill if she intended to update the department's strategic plan in the near future. Secretary Gill responded that she and her management team will begin a strategic planning process for their newly reorganized department in November. Senator Heineman also asked what could be done to speed up the time it takes for the community support providers to get answers to their questions from the Department of Human Services. In response to that, Secretary Gill said that she would challenge her team to look at the process and to look for any ways to make that process more efficient as part of the strategic planning process.

Representative Lucas and Representative Gibson both expressed their view that there will always be need for the SD Developmental Center due to the sex offender population in the state. Representative Gibson pointed out that many of those individuals cannot be placed in community settings, and if they were in prison, they would not get the treatment and other services that are available to them at the center.

Senator Hunhoff asked if there were any educational opportunities being offered to those employed by community support providers, and suggested that perhaps the Digital Dakota Network (DDN) could be used for that purpose. Dr. Williams responded that there is no organized training, but that the SD Developmental Center does provide training upon request. He also noted that the Division of Developmental Disabilities has done a series of training for community support providers.

Senator Heineman also stressed the need for collaborative training and said she learned first-hand from her visit to a community support provider that the people working there would love to capture some of the expertise of individuals employed at the SD Developmental Center.

Senator Kraus said she agreed with Senator Heineman's view that there needs to be an easy way for people to navigate the delivery system of services for individuals with disabilities. Secretary Gill also agreed and said that she likes the "no wrong door" approach being utilized by the Department of Social Services, and that she will use that as a starting point to work with employees within her own department to make sure they are all equipped to answer questions they may be asked about the department and the services it provides.

Representative Sly asked about the increase in the applications for assistance from the Division of Rehabilitation Services that has taken place over the past couple years, and if there is a review process in place to monitor the continuing eligibility of program participants. In response, Grady Kickul, Director of the Division of Rehabilitation Services, noted that the division has seen an increase in applications, but the staff is keeping up with them. He also noted that Social Security Disability benefits are a federal issue. He said there is not a review process in place for vocational rehabilitation programs, because they are time-limited. Other programs do include a review. He commented that many people assume that Social Security Disability benefits are a lifetime entitlement, but for most people, that was never the intention.

In response to a comment regarding the necessity for cost reports, John Hanson, Director of Budget and Finance, stated that they are the reimbursement methodology that the department uses, and they are complex. Secretary Gill commented that a consultant was used in the development of the methodology, but that if it is burdensome, the department would look at it.

In concluding their discussion, committee members asked the department for the following information:

1. A follow-up from Grady Kickul regarding an old "state usage law" requiring an in-state preference that was changed in recent years as part of a larger revision of the state's bidding and contract laws
2. A copy of the Council on Quality and Leadership (CQL) Accreditation
3. A report on the state survey results for licensure from the Department of Health for the SD Developmental Center

LRC staff distributed a draft of *An Act to repeal and to make style and form revisions to certain provisions related to the Department of Human Services* for the committee's consideration at the final meeting (**Document 7**).

Representative Sly stated the importance of continually looking for the most efficient ways to do things. She questioned if perhaps there are ways to better utilize the campus of the SD Developmental Center.

Senator Heineman commented that it would be nice to establish a process whereby the committee members could follow-up on the recommendations made during an agency review.

In response, Senator Hunhoff indicated that the committee would present its recommendations to the department at the final meeting, and that perhaps the department could then follow-up on them with a report to the Senate Health and Human Services Committee and the House Health and Human Services Committee during next year's legislative session.

Senator Hunhoff then asked Secretary Gill to submit to the committee prior to the final meeting, a list of her own recommendations for the department or the outcomes she'd like to see from her team's strategic planning process.

Members of the committee then listed some of their recommendations including:

- Expanding collaboration among agencies
- Updating strategic plans
- Finding ways to make navigating the delivery system easier for the public
- Providing collaborative training
- Possibly consolidating
- Speeding up the process of getting answers from the department

Next Meeting Date

The third and final meeting will be on September 24, 2011, in Pierre.

Adjournment

Senator Kraus moved, seconded by Representative Gibson, that the meeting adjourn. Motion prevailed on a voice vote.

The meeting adjourned at 3:00 p.m.

