Aging and Disability Services Council
MINUTES
June 12, 2014

The Aging and Disability Services Council convened at the John H. Winters Building, 701 West 51st Street, Austin, Texas. Council Members in attendance were Chair John A. Cuellar, Vice-Chair Ann Schneider, Glyn Crane, Judy Foster, Donna Stauber, Sheri Harmonson, Barry L. Anderson and Edward Yosowitz. Commissioner Jon Weizenbaum and other DADS staff were present. Lawrence Hornsby served as Parliamentarian. Council member J. Russell Shannon was unable to attend the meeting.

**Agenda Item No. 1 – Call to Order**

John A. Cuellar called the meeting to order at 8:35 a.m.

**Agenda Item No. 2 – Approval of the minutes of March 6, 2014**

The Minutes from the Council meeting on March 6, 2014, were presented.

The DADS Council unanimously approved the minutes of the March 6, 2014, DADS Council meeting.

**Agenda Item No. 3 – Commissioner’s Quarterly Update**

Commissioner Jon Weizenbaum informed the council about various activities including:

- The selection of Lawrence Hornsby as the General Counsel.

**Agenda Item No. 4 – The Selection of Vice – Chair**

Council member, Ann Schneider, was nominated as the Vice – Chair.

The DADS Council unanimously voted Ann Schneider as the Vice - Chair.

**Agenda Item No. 5 – 2015 Meeting Dates**

The DADS Council unanimously approved proposed meeting dates for 2014.


**March 5**  
**June 11**  
**September 17**  
**December 3**

**Agenda Item No. 6 – General Public Comment**

Public Comment was presented by:  
Susan Murphee – Disability Rights Texas

**Recommendation to Propose:**

**Agenda Item No. 7a – Recommendation to propose amendment to §355.725, Reimbursement Methodology for Common Waiver Services in Home and Community-based Services (HCS) and Texas Home Living (TxHmL), under Title 1, Part 15, Chapter 355, Subchapter F**

Judy Myers, HHSC, presented this agenda item. Discussion followed.

No public comment was presented.

*Ann Schneider made the motion that the Council recommends for proposal by the Health and Human Services Commission the amendment of a rule governing the reimbursement methodology for transition services in the HCS Program, as presented in Agenda Item 7a. Donna Stauber seconded and the motion was approved.*

**Agenda Item No. 7b – Recommendation to propose amendments to Title 1, Part 15, Chapter 355, Subchapter A, Sections 355.102, 355.103, 355.104, 355.105, and 355.111 Cost Determination Process; Subchapter C, Section 355.308 Reimbursement Methodology for Nursing Facilities; Subchapter E, Section 355.503, 355.505, and 355.513 Community Care for Aged and Disabled; and Subchapter G, Section 355.6907 Telemedicine Services and other Community Based Services**

Judy Myers, HHSC, presented this agenda item. Discussion followed.

No public comment was presented.

*Sherri Harmonson made the motion that the Council recommends for proposal by the Health and Human Services Commission the amendment of rules governing reimbursement rates, as presented in Agenda Item 7b. Glyn Crane seconded and the motion was approved.*
**Agenda Item 7c – Recommendation to propose an amendment to Title 1, Part 15, Chapter C, §355.307, Reimbursement Setting Methodology**

Laura Marble, HHSC, presented this agenda item. Discussion followed.

Public Comment was presented by:
- Elizabeth Tucker – Every Child Inc
- Colleen Horton - MCAC

*Judy Foster made the motion that the Council recommend for proposal by the Health and Human Services Commission the amendment of a rule governing the reimbursement methodology for pediatric care facilities except the amendment to §355.307(c)(2)(C)(i), regarding the percentage of individuals who may be counted as children for purposes of determining if the facility may remain a pediatric care facility, changes “15%” to “25%” (not “35%”), as presented in Agenda Item 7c. Barry L. Anderson seconded and the motion was approved.*

**Agenda Item No. 7d – Recommendation to approve proposal of amendments to §60.6, Definitions; and §60.8, Contracting Requirements, in 40 TAC Chapter 60, Contracting to Provide Programs of All-Inclusive Care for the Elderly (PACE)**

Ginny Barlow, DADS, presented this agenda item. Discussion followed.

No public comment was presented.

*Ann Schneider made the motion that the Council recommends for proposal by the Health and Human Services Commission the amendment of rules governing contracts for programs of All-Inclusive Care for the Elderly, as presented in Agenda Item 7d. Sheri Harmonson seconded and the motion was approved.*

**Agenda Item No. 7e – Recommendation to propose amendments to certain sections, new rules, and a repeal in 40 TAC Chapter 42, Deaf Blind with Multiple Disabilities (DBMD) Program**

Kathi Montalbano, DADS, presented this agenda item. Discussion followed.

No public comment was presented.

*Donna Stauber made the motion that the Council recommends for proposal by the Health and Human Services Commission the amendment of rules, new rules, and the repeal of a rule governing the DBMD Program, as presented in Agenda Item 7e. Barry L. Anderson seconded and the motion was approved.*
Agenda Item No. 7f – **Recommendation to propose an amendment to Title 40, Part I, Chapter 93 of the Texas Administrative Code (TAC) governing Employee Misconduct Registry (EMR)**

Sharon Wallace, DADS, presented this agenda item. Discussion followed.

No public comment was presented.

*Barry L. Anderson made the motion that the Council recommends for proposal by the Health and Human Services Commission the amendment of rules governing the employee misconduct registry, as presented in Agenda Item 7f. Judy Foster seconded and the motion was approved.*

Agenda Item No. 7g – **Recommendation to propose amendments to 40 TAC §92.20, Provisional License, in Chapter 92, Licensing Standards for Assisted Living Facilities**

Dana McGrath, DADS, presented this agenda item. Discussion followed.

No public comment was presented.

*Sherri Harmonson made the motion that the Council recommends for proposal by the Health and Human Services Commission the amendment of a rule governing a provisional license for an assisted living facility, as presented in Agenda Item 7g. Edward Yosowitz seconded and the motion was approved.*

Agenda Item No. 7h – **Recommendation to propose an amendment to 40 TAC §92.15, concerning renewal procedures and qualifications; repeal of §92.82, concerning determinations and actions pursuant to inspections; and new §92.82, concerning determinations and actions, §92.83, concerning informal dispute resolution, and §92.601, concerning arbitration, in Chapter 92, Licensing Standards for Assisted Living Facilities**

Rosalin Nelson - Gamblin, DADS, presented this agenda item. Discussion followed.

No public comment was presented.

*Edward Yosowitz made the motion that the Council recommends for proposal by the Health and Human Services Commission the amendment of rule, the repeal of a rule, and new rules governing informal dispute resolution and arbitration for an assisted living facility, as presented in Agenda Item 7h. Glyn Crane seconded and the motion was approved.*
Agenda Item No. 7i – Recommendation to propose amendments to 40 TAC §85.302, Nutrition Services, in Chapter 85, Implementation of the Older Americans Act

Sue Fielder, DADS, presented this agenda item. Discussion followed.

No public comment was presented.

*Ann Schneider made the motion that the Council recommends for proposal by the Health and Human Services Commission the amendment of a rule governing home – delivered meals, as presented in Agenda Item 7i. Sherri Harmonson seconded and the motion was approved.*

Agenda Item No. 7j – Recommendation to propose amendments to certain sections and the repeal of §10.303, in 40 TAC Chapter 10, Guardianship Services

Timothy McGinnis, DADS, presented this agenda item. Discussion followed.

No public comment was presented.

*Ann Schneider made the motion that the Council recommends for proposal by the Health and Human Services Commission the amendment of rule and the repeal of a rule governing guardianship services, as presented in Agenda Item 7j. Barry L. Anderson seconded and the motion was approved.*

Agenda Item No. 8 – Adjournment

John Cuellar adjourned the meeting at 11:07 a.m.