Autism Commission Meeting Minutes

September 29, 2015

10:15 a.m.-12:15 p.m.

600 Washington Street, Boston, MA

The Chair, Marylou Sudders, Secretary of the Executive Office of Health and Human Services (EOHHS), called the meeting to order at 10:20 a.m. and welcomed Commission members and guests. Commission members and guests introduced themselves.

Secretary Sudders reminded members that the Commission is subject to the state’s Open Meeting Law (OML). Secretary Sudders introduced Jonathan Sclarsic from the Office of the Attorney General, who gave a presentation on the requirements of the OML, which were also more fully explained in the Attorney General’s Open Meeting Law Guide, included under Tab 2 of the Commission meeting materials. Commission members were reminded that they all have to complete a Certification of Receipt of Open Meeting Law Materials (included on the last page of Tab 2). Commission members in attendance then completed their Certifications, which were collected at the end of the meeting.

Secretary Sudders reminded members that they are considered “special state employees” subject to the State Ethics Law in connection with their service on the Commission. Secretary Sudders introduced David Giannotti from the State Ethics Commission, who gave a presentation on the conflict of interest requirements of the State Ethics Law, which requirements were also more fully set out in the Summary of the Conflict of Interest Law for State Employees, included under Tab 3 of the Commission meeting materials. Commission members were asked to acknowledge receipt of the Summary of the Conflict of Interest Law by signing the last page of the Summary materials, which were collected at the end of the meeting.

Secretary Sudders also reminded members that the Commission is subject to the state’s Public Records Law, and introduced Lauren Cleary, Esq., of EOHHS, who gave a presentation on the requirements of the Public Records Law, which requirements were also summarized under Tab 4 of the Commission meeting materials.

Secretary Sudders introduced Jesse Caplan, General Counsel for EOHHS, who gave a brief summary of the history of the establishment of the Autism Commission. Mr. Caplan explained that in 2010, a Special Commission was established to investigate and study autistic spectrum disorders. In March 2013, the initial Special Commission published its Report, which addressed the status of available services and supports, and identified gaps in those services and supports, for individuals on the autism spectrum. The Report also included 13 recommendations to better serve these individuals. In 2014, the legislature established this permanent Autism Commission. Mr. Caplan described the charge of the Autism Commission and its responsibilities as set forth in the enabling legislation, Chapter 226 of the Acts of 2014, and in MGL c. 6, Section 217-2. These responsibilities include:

• Recommending a candidate for Executive Director of the Commission for appointment by the Governor

• Meeting at least quarterly

• Making recommendations on policies impacting individuals with Autistic Spectrum Disorders

• Investigating and studying higher education, training and employment opportunities

• Investigating and studying statewide affordable supportive housing needs

• Filing an annual report on or about March 1 of each year, that should outline (i) unmet needs and trends in autism services; (ii) supports and treatments for the autism population; and (iii) recommendations for regulatory and legislative action

• Monitoring the implementation of the Commission’s recommendations and to update those recommendations to reflect current research and service needs

A copy of MGL c. 6, Section 217-2, an outline of the Commission’s Responsibilities & Key Dates, and a summary of the 13 Recommendations of the March 2013 Massachusetts Autism Commission Report were included under Tabs 5 and 6 of the Commission meeting materials.

Sen. L'Italien spoke to the members about the work of the 2010 Special Commission that resulted in the 2013 Report, and she reviewed for the members the 13 recommendations included in that report.

Secretary Sudders introduced Commission member Emily Sherwood, Director of the Office of Behavioral Health within MassHealth, who gave a MassHealth Program Update. Ms. Sherwood described the CMS Children’s Autism Spectrum Disorder Waiver Program, the anticipated increases in the number of children enrolled in the waiver program, and MassHealth’s plan to seek another 5-year waiver from CMS. She explained the 2014 changes in state and federal rules for Applied Behavioral Analysis (ABA) coverage, and how MassHealth was covering ABA services currently and effective beginning October 1, 2015, and she explained the medical necessity criteria for coverage. She also explained MassHealth coverage for Augmentative and Alternative Communication Devices (AACD). A summary of her presentation was included under Tab 7 of the Commission meeting materials.

Sen. L’Italien and others asked questions on a number of these topics, including age limitations for coverage, and how is the public learning about these covered services. Ms. Sherwood explained that legislation was being considered to include coverage for ABA for individuals over 21. She also explained how changes to coverage are communicated to providers and consumers, including through newsletters.

The following was requested:

* Having MassHealth Newsletters sent to all Commission members
* Provide a list of approved ABA providers
* Confirm the types of communications that the AACD covers (i.e., texts, emails?)

Secretary Sudders explained that the anticipated next steps would be as follows:

* Create a search committee for identifying and recommending a candidate for Executive Director
* Ask members for agenda items going forward
* Will identify and name for appointment a Commission member with autism.

Sen. L’Italien recommended that members could bring to the Commission thoughts and concerns which could be developed into topic areas for the Commission. She suggested creating working groups that would include both Commission members and non-member stakeholders, and explained that the past Commission had organized working groups by age of individuals with autism, because their needs may be different at different stages of life.

Secretary Sudders asked for a motion to establish a search and selection committee to recruit and screen candidates for the Executive Director position. Upon motion duly made and seconded, the Commission voted to establish the ED search and screening committee to be appointed by the Chair.

Secretary Sudders asked Commission members to contact her if they are interested in being on the ED search and selection committee. The Committee will present the list of recommended candidates to forward to the Governor for his consideration. Commission members went around the table to express their individual concerns and ideas relating to autism services and needs.

There being no further business, upon motion duly made, seconded and approved, Secretary Sudders adjourned the meeting at 12:25 p.m.