

# DISABLED PERSONS PROTECTION COMMISSION

## Commissioners' Meeting Minutes

### June 28, 2017

Commissioners Present: Honorable James Brett and Maurice Medoff

Commissioners Absent: Yndia Lorick-Wilmot Ph.D.

Staff Present: Nancy A. Alterio, Executive Director

Minutes Recorded By: Nancy Alterio

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Handouts – The following materials were distributed to the Commissioners:

- Commissioners' Agenda of June 28, 2017
- Commissioners' Meeting Minutes of April 26, 2017
- Budget Summary and Narrative Report May 2017
- Press Release: Barrett targets abuse and neglect
- DPPC Acknowledgement to Senate for Filing and Passing Budget Amendment
- DPPC letter to Senate/House Seeking Support of Senate Budget Recommendation
- List of FY2018 Budget Recommendations and Amendments
- 2017 ACES Form for Emil DeRiggi
- 2017 ACES Form for Julie H. Westwater
- 2017 ACES Form for John W. Brown
- 2017 ACES Form for Nancy A. Alterio
- Hotline Activity Report – May 2017
- Oversight Activity Report – May 2017
- Legal Activity Report – May 2017

The Honorable Chairperson Brett called the meeting to order at 4:30 p.m.

1. Recognition of Department of Developmental Services Commissioner Elin Howe

Chairperson Brett, Commissioner Medoff, Executive Director Alterio and DPPC staff recognized Commissioner Howe for her ten years of dedicated service to the Department of Developmental Services. Commissioner Howe is retiring effective July 14, 2017.

2. DPPC Advisory Council – Meet and Greet

Members of the DPPC Advisory Council were scheduled to meet with the Commissioners at the meeting previously set for June 22<sup>nd</sup>. As the June 22<sup>nd</sup> meeting was rescheduled for today, June 28, 2017, the Advisory Council members were not available but will plan on attending a future Commissioners' meeting.

3. Approval of Minutes of Meeting of April 26, 2017

**MOTION:** To accept minutes of April 26, 2017 as received motioned by Commissioner Medoff and seconded by Chairman Brett

**VOTE:** Unanimous to accept the minutes of April 26, 2017 as received

4. Commissioners Meeting Schedule

The Commissioners scheduled the following additional meetings:

- September 7, 2017
- November 16, 2017
- December 14, 2017

Meetings are scheduled to begin at 4:30 p.m. and will be posted accordingly. The Advisory Council will be notified of the new schedule.

5. Administration and Finance

- Monthly Budget Summary and Narrative Report May 2017: The Monthly Budget Summary Report along with a narrative for May 2017 was submitted to the Commissioners for their review and comments. DPPC is on budget and has expended 90% of its budget through the eleventh month of the fiscal year.
- Budget Recommendations and Senator Barrett Budget Amendment: On May 16<sup>th</sup> Senate Ways and Means (SWMs) released their budget recommendation supporting maintenance funding for DPPC in the amount of \$3,181,655. Senator Barrett filed an amendment to support a budget increase of \$200,000 for the DPPC. Senator Barrett's amendment passed in part – by \$100,000 increasing SWMs recommendation to \$3,281,655. Senator Barrett released a press release highlighting DPPC's amended budget. A copy of the press release was provided to the Commissioners. A thank you letter from the DPPC was sent to Senator Barrett and Senate Ways and Means members acknowledging their support of the amendment.
- Conference Committee: Three members of the House and three members of the Senate make up the budget conference committee and are currently meeting to determine DPPC's budget recommendation. DPPC has two numbers in conference, \$3,231,654 in the House and \$3,281,655 in the Senate. With the passage of the House number, DPPC would be able to hire an additional FTE. With the passage of the Senate number, DPPC would be able to hire two additional positions. A detailed list of the FY2018 budget recommendations and amendment was submitted to the Commissioners.

6. ACES – Progress Review

- ACES – Stage B: Managers are reviewed on the federal fiscal year that runs from October 1<sup>st</sup> to September 30<sup>th</sup>. During the DPPC All Staff meeting in September 2016, DPPC developed its annual strategic plan and formulated agency and management objectives which were incorporated into HRD's revised digital ACES form. ACES Progress Stage forms for Nancy Alterio, John Brown, Emil DeRiggi and Julie Westwater were presented to the Commissioners for review and signature. Executive Director Alterio described the objectives and work being done towards revising policies and procedures, pursuing passage of DPPC's bill to amend its enabling statute, implementation of the ACL project, revising the investigation report

and intake/death database, implementation of the revised public records law in addition to other objectives. The Progress review stage is due July 3 through July 21 with final review due October 2 through October 27, 2017. All direct reports are on or above target with their respective objectives with each receiving an overall progress rating of “meets expectations” including Executive Director Alterio, Deputy Executive Director DeRiggi, General Counsel Westwater and Administration and Finance Director Brown.

**MOTION:** To approve ACES Progress Stage ratings as presented motioned by Commissioner Medoff and seconded by Chairperson Brett

**VOTE:** Unanimous to approve ACES Progress Stage ratings as presented

7. EPRS – Stage C FY17 and Stage A FY18

FY17 Final Review Stage C: Executive Director Alterio reviewed staffs overall progress and end of year ratings with the Commissioners. Employees are given a rating of ‘Exceeds’, ‘Meets’ or ‘Below’ depending upon their overall performance. To obtain an overall rating of ‘exceeds’, the employee needs to work above and beyond expectations. A rating of ‘meets’ expectation is a good rating and equates to the employee completing their respective objectives. The completed EPRS forms of the Executive Director’s reporting staff were distributed to the Commissioner. The Commissioners reviewed and signed the forms as received.

FY17 Goal Setting Stage A: In addition, the Commissioners received completed ERPS Stage A forms for the Executive Director’s direct reports for review and signature. The forms were signed and approved by the Commissioners.

8. MOVA

Award Updates: The ISA has been signed by both DPPC and MOVA. DPPC is now waiting for the funds to be loaded at the Comptrollers. DPPC has posted the positions including Director, Protective Service Navigator Supervisor (PSNS), two Protective Services, Peer Support Coordinator and two Peer Support Persons. Interviews were conducted for the Director and the PSNS. Susan Vickers, who is currently overseeing DPPC’s ACL grant funded project, was offered and accepted the position of Director. Jaime Suvak has accepted the position of PSNS. John Brown is working with DCAM to secure office space within the building.

After some discussion and consideration, it was determined that DPPC could use the VOCA funds to procure a referral service to provide intake, screening, assessment, placement, follow-up and case consultation to match sexual assault victims with disabilities to appropriate therapist. The vendor agency would have to modify its intake process, build its infrastructure, maintain the list of therapists and provide clinical match of persons with I/DD with therapist. The cost is about \$200,000 over a two year period. An RFR has been drafted and will be posted on Combuys on July 3, 2017.

9. Adult Abuse Registry

General Counsel Julie Westwater informed the Commissioners that DPPC Executive Director, Deputy Executive Director along with herself, met with Commissioner Howe

and Arc Executive Director to discuss DPPC standing concerns of the Adult Abuse Registry bill on May 22, 2017. DDS and Arc recognized DPPC's concerns and agreed the bill needs to be amended to address such areas as:

- Clarifying DPPC decisions going to the Division of Administrative Law Appeals (DALA) versus DDS Hearing Officer;
- Including DPPC in the definitions;
- Inclusion of people older than 59 years of age;
- Identifying and clarifying timelines of when someone goes on the list, the appeals and process and how long they remain on the list; and
- Removing the last section of the bill as it can be addressed in DPPC policy and not relevant to the registry.

Other issues discussed included:

- Expanding registry to all disabilities versus limiting it to I/DD;
- Creating an internal workgroup to work on regulations and implementation;
- Addressing DPPC backlogs and the need for additional investigators for better quality and more timely investigations;
- Implementing the registry 24 months after the bill's passage; and
- Determining funding needs.

## 10. ACL Updates

- RCC Guidelines – Finalized: The Guidelines for Rape Crisis Centers (RCC) were finalized and distributed statewide. A Webinar will be held on September 13<sup>th</sup> to continue training on the contents of the Guide.
- Learning Collaborative/Technical Assistance
  - Webinar on Consent and Persons with I/DD – April 27, 2017: The ACL project hosted its second statewide webinar, titled “Sexual Decision-making among Adults with Intellectual and Developmental Disabilities”. Pat Carney, Trainer for the Massachusetts Department of Developmental Services, was the primary speaker. The webinar was recorded and disseminated for people to view who were unable to participate in the live event. The webinar was intended for the professions included in the ACL project such as DDS, RCC, A&A, DPPC and other agency staff.
  - Four regional, in person Learning Collaborative sessions were held during the month of May 2017 as detailed below. The four regional discussion sessions were hosted by an RCC in one of the four regions. Participation at each regional Learning Collaborative was limited to approximately 20-25 people per region. Joanna Bridger, Clinical Services Director at Riverside Trauma Center, moderated the lunchtime multidisciplinary discussions.
    - May 10, 2017 from 11:30-1:30 – Western Region, YWCA
    - May 11, 2017 from 11:30-1:30 – Greater Boston Region, Boston Area RCC
    - May 17, 2017 from 11:30-1:30 – Northeast Region, Center for Hope and Healing
    - May 25, 2017 from 11:30-1:30 – Southeast Region, Independence House
- Next Steps: The project funding concludes September 30<sup>th</sup>. DPPC will follow up with a final report. Prior to the close of the grant, DPPC will conduct a webinar to go

over the Guidelines and host four additional Learning Collaborative sessions in September.

#### 11. Building Partnerships Initiative Updates

- Protect, Report, Preserve Trainings – May 2, 2017 and May 8, 2017: Two PRPs trainings were held as scheduled to educate staff to effectively recognize, report and respond to abuses committed against persons with disabilities. The trainings were held at the Radisson Hotel and Suites, Chelmsford, MA on May 2, 2017 and at Baystate Whitney Conference Center, Holyoke on May 8, 2017. Hampden District Attorney Anthony Gulluni welcomed the attendees at the training in Holyoke.
- Worcester County District Attorney and Tier I Trainings – June 8, 2017: An all-day Tier I training, tailored for law enforcement including local and state police and assistant district attorneys along with APS staff, SANE and victim witness advocates, was held in partnership with the Worcester District Attorney's Office at Anna Maria College on June 8, 2017. The training highlighted the need to utilize a multidisciplinary investigation, the updates in the MOU, the roles of the investigation team and communicating with persons with disabilities.
- Next Steps: BPI Co-Chairs met with Commissioner Howe on April 11<sup>th</sup> and the Commissioner has agreed to fund BPI for another year. The Commissioner would like BPI to focus on some statewide training as well as finalize the Tier I trainings.

#### 12. Quarterly and Monthly Reports : The Commissioners received copies of the following reports:

- Hotline Activity Report – **May 2017**: The Hotline Activity Report for the month of **May 2017** was distributed and reviewed. The Commission received **1,032** abuse reports during the month of **May 2017**. In addition to the abuse reports, the Hotline received **488** information and referral calls and **83** death reports, a combined total of **1,603** calls to the Hotline in **May 2017**.
- Oversight Activity Report – **May 2017**: The Oversight Activity Report for the month of **May 2017** was distributed. The report tracks cases per oversight officer, cases pending 19C reports, cases with 19C reports, deferred cases, 19C reports received, protective service plans received, initial reports received and notices to abusers. Within the month **199** cases were closed in comparison to **243** cases being assigned. At the close of the month, there were **720** active oversight cases and **379** overdue investigation reports.
- Legal Activity Report – **May 2017**: The legal activity report tracks guardianship petitions filed, court appearances, petitions received and completed, records requests/demands completed and referrals to other agencies/boards. The Legal Activity Report for **May 2017** was distributed. The Legal Unit received **6** petitions and completed **11** petitions and **29** records requests during the month. To date, DPPC Legal Unit has completed **138** Petitions and processed **643** records requests/demands during the fiscal year. There are **80** Petitions pending review.

13. New Business

No new business was discussed.

14. Adjournment

**MOTION:** Commissioner Medoff motioned to adjourn the meeting at 6:20 p.m.,  
Chairperson Brett seconded.

**VOTE:** Unanimous to adjourn the meeting at 6:20 p.m.