

Preschool Providers-Advocacy Planning Meeting
Section 106 Rule Review

February 6, 2020 | 10:00-12:00pm
Woodfords Family Services
15 Saunders Way, Suite 900
Westbrook, ME

Meeting Notes

I. Introductions

Kerry deBree (Woodfords Family Services), Pete Plummer (WFS), Allyson Lowell (WFS), Charissa Fortier (WFS), Jill Adams (MADSEC), Michelle Hathaway (Margaret Murphy), Elizabeth Cameron (Margaret Murphy), Scott Tash (UCP), Tiffany Haskall (Waban), Betsy Mahoney (Autism Society of Maine), Jennifer Putnam (Waban), Jason Sulham (Broadreach PR), Jaci Peterson (Sandcastle), Melissa Manyak (Kids Peace), Pam Beal (Sunrise), Ken Olson (Kids Peace), Elisha Wyman (Dragonfly Academy), Kiersten Donahue (Dragonfly Academy), Laura Cordes (MACSP), Mark Eves (WFS), Catherine Cote (ELS), Andrea Richards (UCP), Genevieve Gardner (Connections for Kids)

II. In Process

- Letter to Governor
 - The letter to the governor has not been sent out yet, waiting to see who it should be sent out from either Maine Equal Justice Partners or MACSP.
 - Ideally the letter will go out today but latest tomorrow morning. It will be sent out via the postal service and email.
 - Purpose of the letter is to not surprise the Governor's office, and instead assume the administration's best intentions while being clear that we have grave concerns about Section 106 and would like to engage directly with administration officials to resolve them.
- Moratorium Legislation Update
 - Rep. Michelle Meyer (District 2) has been asked to submit legislation to stop Section 106 and pull the rule. A title has been submitted to the Revisor's Office and a draft of language is being prepared in consultation with attorneys.
 - In final discussions to determine if the legislation should be a repeal of the rule or a moratorium on implementation until July 2021 and certain conditions are met.
 - The bill needs to go before the Legislative Council who will decide if they reference it to the HHS committee. We need 6 out of 10 members to agree to allow in the bill this session.
 - If it is referenced to the HHS Committee, a public hearing will be scheduled.
- MaineCare Advisory Committee Update
 - Mark went to the MaineCare Advisory Committee and reported out the Children's Subcommittee concerns with Section 106 and the committee's recommendation that the MAC take a formal position opposing the implementation of 106, if it is possible for the MAC to do that.
 - There is a process for MAC to take a formal position. The compressed timeline is a challenge. Mark will circulate information to MAC committee members. We think they may call an emergency meeting to take a vote on taking a position.
- Parent Group in Support
 - There is a parent group that is in support of Section 106 because they believe it will incorporate nursing services into the IEP and help them hold school districts more accountable for providing nursing services to children with significant medical issues in schools.
 - A discussion was had about how families access and schools bill for nursing services through MaineCare.

III. To Do / Pursue

- Regulatory Options
 - CMS approval
 - Section 106 has not been approved by CMS at the federal level. Looking to see if there are any avenues through the CMS approval process to oppose implementation.
 - The SPA (State Plan Amendment) has not yet been submitted. CMS has not yet reviewed anything because nothing has been sent in. The SPA is currently not available.
 - Legal: 2008 Settlement (KS vs. Harvey)
 - This is being brought up in the letter being sent to the Governor
 - The settlement has been successfully used by advocacy organizations as recently as 2017 to can't make clear that the State cannot limit medically-necessary services to what is on the IEP
- Public Affairs
 - Petition Letter
 - We are moving forward with the petition because it has been successful in the past.
 - The parent letter is pending approval and will include a link to the petition. Providers will mail and email out the parent letter on Monday. Providers should communicate about Section 106 and our advocacy efforts to their staff in the way the best see fit to 1) give them context for the petition and parent letter; 2) assure them we are receiving support at the legislative level and are confident this an issue we can win; 3) so they are not panicked about their employment; 4) gain their support to oppose the rule; and 5) o help them answer any questions parents may have.
 - We are going to circulate the petition and then decide later if we will formally submit it to petition the HHS committee to take action (if bill doesn't move forward) or just show a sign of strength in opposition, or both.
 - Sec. 5&6
 - Requires specific siting of language in the rule that is question.
 - This would need to be included in the formal submission to the legislature, but not in the circulation of the petition.
 - Collection of Signatures
 - Parent letter will be going out Monday and ask parents sign the petition.
 - Jason will set up an online platform and anyone that signs just needs to enter their name, address, and phone number.
 - This link can be emailed, texted, mailed, and shared on social media
 - SDiscussion about who can sign for the formal submission to the legislature and how the "affected" parties section should be worded.
 - It will be visually appealing to have as many signatures as possible, we just need 100 signatures to submit the petition.
 - **The goal is to have 1,000 signatures by the 2/18 testimony.**
 - For those not signing online, it is easier to have different pages for each town to make the verification process easier
 - 2/18 Testimony
 - Families and Providers
 - Looking for families that are geographically diverse who can attend and testify at the public hearing, 9:00am Tuesday February 18th at the Augusta Civic Center.
 - Margaret Murphy has identified families but has not reached out until the letter is complete
 - If families can't attend the public hearing, the parent letter also identifies that they can send comments.
 - **Please update Kerry with your organization's progress on 1) recruiting families to make a public comment (in person or written); 2) recruiting a family who is willing to share their**

story with the media (include their city/town and a brief blurb of their story so we can have diversity of experiences and perspectives); 3) representatives from your agency who are planning to testify at public hearing on Feb 18.

- We are asking that families share their personal story.
 - We ask that staff members in attendance should share their own experiences working with kids.
 - If agencies can get staff members to attend the hearing that would be a great addition, but we recognize for many the hearing falls when they are providing services to kids.
- Earned Media Plan
 - Pitch Story
 - Looks good in a news story to show that hundreds of families have signed a petition.
 - 2/18 Press Conference
 - We need to line up speakers (providers and families) but will decide whether to hold press conference on Feb 18 or later when bill is introduced, pending how the administration responds to our request to work directly with us.
 - Looking to have 2-3 families and providers speak to press.
 - We will only have a few families make a comment at the press conference but the more people there will show strong support.
 - Op-ed
 - Looking to have op-ed in various markets

IV. Other

- Parent letter
 - Discussion was had about changes to the parent letter. Jason made changes to the letter during the meeting and those attending agreed.
 - A final copy with the petition link will be sent out so providers can decide who will be signing it and so it can be placed on letterhead prior to it being sent out on Monday.
- Rule Review Completion
 - **Send comments of remaining rule review to Allyson Lowell (alowell@woodfords.org) prior to next Wednesday.**
 - This group previously reviewed up to pg.13 but feel free to send comments from anything prior to that as well.

V. Action items prior to Tuesday, February 18

- Send out family letter that is signed and on letterhead on Monday, February 10
- Send out the link for petition on Monday, February 10 – Goal of having the 100 signatures by Fri, February 14. Utilize text, email, social media, etc.
- Recruit family and staff providers to attend the hearing. Send names to Kerry deBree (kdebree@woodfords.org)
- Identify families that will be willing to speak to the media. Send names to Kerry deBree (kdebree@woodfords.org)
- Send remaining rule review comments to Allyson Lowell (alowell@woodfords.org) by Wed, February 12th.

Next Meeting: Wednesday, February 12th at 3:00pm at Woodfords Family Services