

**Members**

Rep. Vanessa Summers, Chairperson  
Rep. Dennis Tyler  
Rep. Cleo Duncan  
Rep. Phil Hinkle  
Sen. Gary Dillon  
Sen. Ed Charbonneau  
Sen. Connie Sipes  
Sen. Sue Errington  
Hugh Beebe  
Dr. Gladys Beale  
Michael Carmin  
John E. Taylor  
Dave Becker  
Robin Murphy



# INDIANA COMMISSION ON AUTISM

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Authority: IC 12-11-7-2

## MEETING MINUTES<sup>1</sup>

**Meeting Date:** October 8, 2008  
**Meeting Time:** 11:30 A.M.  
**Meeting Place:** Indiana Institute on Disability and Community 2853 East Tenth Street, Conference Room B  
**Meeting City:** Bloomington, Indiana 47408  
**Meeting Number:** 3

**Members Present:** Rep. Dennis Tyler; Rep. Cleo Duncan; Rep. Phil Hinkle; Sen. Sue Errington; John E. Taylor; Dave Becker.

**Members Absent:** Rep. Vanessa Summers, Chairperson; Sen. Gary Dillon; Sen. Ed Charbonneau; Sen. Connie Sipes; Hugh Beebe; Dr. Gladys Beale; Michael Carmin; Robin Murphy.

Acting Chairwoman Representative Cleo Duncan called the third Commission on Autism meeting to order at 11:48 A.M.

Mr. David Mank, Director of the Indiana Institute on Disability and Community, was recognized to make opening remarks on behalf of the Institute. He thanked the Commission for its efforts with autism to date. He described the involvement of the Institute with respect to persons with autism including a 20-year plus history of the Center on Autism. He then introduced the Provost of Indiana University, Dr. Karen Hanson. He mentioned that Dr. Hanson had been Provost since July 2007, had been a faculty member in the Department of Philosophy since 1976, and was a member of the American Philosophy Association.

Dr. Hanson welcomed the Commission to Indiana University and to the Institute. She said the visit would be a worthwhile opportunity for the Commission to learn about the Center. She said

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

the Commission's work to date has made an enormous difference in the lives of those with autism. She said the Commission's work to help insure law enforcement understanding and assuring behavioral therapist visits are covered by insurance will help people with autism to live better and more enabling lives. She spoke about the honor student college program with the Center.

Dr. Hanson stated that she was grateful that the goals of the Commission seem to dovetail nicely with the goals of the Institute. She continued that Indiana University has several scholars dedicated to autism. She referred and read from a fact sheet handed out to those in attendance (Exhibit A).

Following Dr. Hanson's comments, the Chair asked members and those in attendance to introduce themselves. Then the Chair asked members about requests for legislation they would like to see come from the Commission's work over the interim.

Representative Tyler said he would like to see legislation that would provide updated training for police in addition to the training received at police academies.

Dr. Cathy Pratt said in response that the Center is challenged with gaining access to training. She said they were working with the Dennis Debbaudt police training video. She said it is important to get access to providers and that response differs from county to county.

Representative Tyler said he would like to see videos put into training for first-time first responders.

Representative Hinkle replied to what extent would the training go. He asked how much further should our law enforcement personnel be un-inundated and how far do we want to go to saddle law enforcement with additional responsibilities when they already are being asked to handle much responsibility.

Representative Tyler responded that that was a legitimate concern. He asked if we could use the Debbaudt video as a training tool. He said that law enforcement personnel could sit in on the training only 8 hours per month for a total of 96 hours per year. He said first responders could sit down with their instructor, watch the video, review the material, take a test, and then become certified. He added that he did not see this type of instruction as cost prohibitive and that first responders look forward to new training. He concluded that this program of training could allow first responders to provide an extra service to taxpayers without an increase in cost.

Representative Tyler also added that the training could be limited to those who are assigned to be or choose to be first responders. He said, otherwise, there was no reason to conduct the ongoing training to those personnel that are not first responders.

Acting Chairwoman Duncan asked if they could include training for all law enforcement personnel that are involved in routine traffic stops. She questioned rural areas having the access to licensed instructors/presenters.

Representative Tyler responded that that was a good question. He said most communities now have certified staff and certified trainers so departments do not have to go outside their network to get training. He said that enables communities to save \$150 per day in a typical three-day training cycle. He said with respect to rural areas, the Red Cross has licensed instructors and most counties have a local Red Cross in the area.

Representative Tyler continued by saying the training videos would not be hard to keep up with. He said typically a trainee would watch the DVD, have 20-25 minutes of conversation with the

instructor, take the test, and receive certification. He mentioned a case he took part in where he and other firefighters did not recognize a child was with autism. He said they may have killed the child, and that they were lucky they did not. The child was not recognized to be autistic until diagnosed by the emergency room physician on duty.

At this point, the Acting Chair requested LSA staff to work with Representative Tyler to put together a draft regarding first responder training.

Senator Errington said it would be worthwhile to look into training. She said she would hate to see such incidences (where responders do not recognize autism) continue.

Mr. Dave Becker said if there was a mandate for training, it could create a problem that could not be solved from a liability and responsibility level.

Mr. John Taylor said he would like to see the proposed legislation.

Representative Hinkle said he could not agree more with Mr. Becker. Representative Hinkle said that the police officer on the street needs to be aware of the situation with autism. He continued that he did not think there needs to be an ongoing certification program. He said just run a 30-minute DVD at roll call.

Representative Tyler said they could do that.

Staff Attorney Francine Rowley-Lacy said that last year first-responder legislation was passed. She asked for clarification on the other personnel that the Commission was trying to reach in a new draft.

Dr. Pratt provided a couple examples of the Center's position that additional training for law enforcement was needed. She cited children escaping from homes and drowning in retention ponds due to law enforcement not recognizing the problem. She mentioned students with autism being handcuffed at school when law enforcement was sent in to handle a behavioral situation. She said that there is a clear need for training and protocol for law enforcement personnel. She said Mr. Debbaudt is working on short DVDs called "Roll Call" for the exact purpose of being short and to the point in order to maximize the time currently available for law enforcement officers to receive training in autism.

Representative Tyler answered if we do not have training then how do we do it. He said this method would be cost-effective and would not prohibit other training. He said he was not overly concerned about liability because of the coverage provided by the "Good Samaritan" law. He said it was scarier to him to not have the training.

Representative Hinkle said he was not as comfortable with the liability issue aspect. He said if personnel acquire more understanding, there would be more liability for something going wrong.

Ms. Jessica Bailey said that as a lawyer and parent of a child with autism she would like to see training in autism added to law enforcement continuing education. She continued that she would more likely be angry, in an incident with her child, if available training was not offered to the law enforcement officers.

Dr. Pratt added that the Center has worked with Homeland Security and is always looking to be more open with agencies in autism education.

Acting Chairwoman Duncan stated that she would like the Commission to recommend a line

item for the Center in the next budget. She said the Center has gone almost ten years without an increase in funding. During that time, the number of children diagnosed with autism has increased and the workload of the Center has increased. She said an increase should have been done sooner.

Representative Hinkle asked Dr. Pratt if the Center had a line-item proposal for the Commission to review.

Dr. Pratt responded that there was a proposal for the Commission's review (Exhibit B). She discussed the proposal at some length with the Commission and others in attendance.

After looking at the documents, Representative Hinkle asked Dr. Pratt if this was a dream budget. He asked if it took into account the regional centers she spoke of at the prior meeting.

Dr. Pratt replied that figures in Exhibit B were for the Center. She said that the Center received a \$450,000 budget currently and the proposal was asking for an additional \$765,000.

Acting Chairwoman Duncan asked Dr. Pratt what would they realistically need to address their concerns.

Dr. Pratt said \$500,000 would be needed to implement their additional plans.

Representative Hinkle asked what their bare-bones minimum staffing increase needs were.

Dr. Pratt replied that there was a need for three research analysts and a graduate assistant. She continued by saying that West Virginia, Illinois, and Ohio had granted their equivalent autism research centers \$1 M, \$8 M, and \$5 M, respectively.

Representative Hinkle replied that all of those states have gone bust, while Indiana is still in relatively good shape. He asked Dr. Pratt what would be a pleasant Christmas present from the General Assembly.

Dr. Pratt responded that three research assistants would be a good Christmas present.

Further discussion between Representative Hinkle, Dr. Pratt, and Director Mank covered fringe benefits, contracted consultants, and other expenditures detailed in Exhibit B.

Shifting to a new topic, Acting Chairwoman Duncan asked if there was a ten-year history of autism cases available.

Mr. Dan Ryan of the Logan Center distributed data and information on numbers of students with autism (Exhibit C).

After brief discussion by Mr. Ryan, Representative Hinkle returned to the budget proposal (Exhibit B) and asked why the "publications" line item was \$50,000.

Dr. Pratt replied the Center has to buy multiple copies of library materials. She said one DVD could cost \$850 to purchase. She said the reason for multiple copies is to account for the fact that when the DVDs are loaned out, some are never returned.

Director Mank elaborated that the Center has an outreach program with libraries.

Senator Errington asked Dr. Pratt what would the requested research assistants do.

Dr. Pratt responded the new program clinic for learning social skills hardly charge for their services. She added that additional training could be passed onto autism teams by allowing the additional staff to travel. She said they could go around the state to meet these needs. She said the Center used to send out staff, but had to cut off travel when funds no longer met the salary requirements to maintain staff members for traveling purposes.

Representative Hinkle then asked about budget requests from the service centers.

Mr. Scott Fogo of Easter Seals presented the service centers' budget requests (Exhibit D).

Representative Hinkle asked if the request was per center, at \$1 M per center.

Dr. Pratt answered yes. She distributed two additional exhibits (Exhibits E and F) describing the activities and responsibilities of the regional centers.

Mr. Ryan discussed community resource centers. He said that he conducts the informational presentation of autism and Ausberger's to new South Bend law enforcement officers using the Debbaudt DVD. He discussed an example of an Ausberger's patient arrested in a dispute, instead of the actual suspect, due to an individual's ability to convince the law enforcement officers that arrived on the scene that the person with Ausberger's had committed battery on him.

Mr. Peter Bisbecos then discussed a few points from the budgets presented earlier. He said that over 18,000 persons were on the DDAR's wait list. He said there was about \$175 M in state money available. He said in order to cover autism, FSSA would require an additional \$60M. He said that, compared to \$1 M from the proposals, these alternatives are a bargain. He said that staff shortages at FSSA were forcing cost-effective alternatives. He said that effective ways are being looked at to more efficiently empower families.

Mr. Fogo added that time is crucial, and he stressed the importance to deliver concise information to families. He said it is difficult, because the service centers often "don't know what they don't know".

Acting Chairwoman Duncan instructed the staff attorney to have legislation drafted for Indiana University and the regional centers. She said that separate legislation would be needed. She said that it would be critical for the parties involved to support the legislation during the budget process.

Representative Hinkle said he would be happy to support \$1.9 M for two regional centers and \$700,000 for the Center.

Acting Chairwoman Duncan replied, why not ask for the bargain of three regional centers.

Representative Hinkle said that he could support \$1.9 M for two centers in his caucus.

After brief discussion, Acting Chairwoman Duncan asked the staff attorney to leave the appropriation amounts in the resolution blank until the next meeting, where the recommendation amounts would be decided.

Ms. Bailey described her situation with her son's insurance coverage. She stated she was having much difficulty with the provider understanding of the insurance mandate in Indiana.

Acting Chairwoman Duncan questioned whether there are loopholes in the definitions in the law. She asked staff to look into the definitions in the code and see if they are consistent. She

indicated that may remove the “wobble room” insurance providers are currently enjoying.

Ms. Bailey said that in discussions with other parents that share her situation, not one has had any success with the insurance mandate and their provider. She questioned how much in claims has actually been paid out due to the passage of the mandate.

Mr. Fogo said that, unfortunately, it may be that the mandate is not getting to the provider insurance representatives. He said they are limited by their computer by entering diagnosis codes. He said accordingly, physician’s treatment plan codes may not be consistent with the changing of provider coverage and the mandate.

Representative Tyler mentioned the family of a child with autism, that when first treated by the physician had full coverage under a good health care plan though the child’s parent’s employer. He said the moment that autism was diagnosed by the child’s physician, the insurance company cut the child’s coverage.

Ms. Kathy Smith Andrew (in attendance) recommended that the Commissioner of the Indiana Department of Insurance, Mr. James Atterholt, be called in to testify at the final meeting of the Commission. In response, Acting Chairwoman Duncan asked the members if they were in agreement with Ms. Andrew’s suggestion.

Upon hearing agreement, Acting Chairwoman Duncan asked to have Commissioner Atterholt present at the next meeting.

Mr. Ryan said that there has been some success with certain insurance companies in paying the claims for autism treatment.

The date for the next meeting was set for October 27, 2008, at 1 P.M. The Commission was adjourned at 1:42 P.M.