

MEETING NOTES
OPWDD PROVIDER ASSOCIATION (PA) MEETING

Monday, January 25, 2016

10:00 a.m. – 1:15 p.m.

Conference Room 4B -- 4th floor

44 Holland Avenue, Albany, NY 12229

OPWDD Attendees: Acting Commissioner Kerry Delaney; Helene DeSanto; Roger Bearden; Abiba Kindo; JoAnn Lamphere; Kate Marlay; Martha Dalton; Laura Rosenthal; Joanne Howard; Sally Berry; Megan O'Connor; Ceylane Meyers-Ruff; Christine Carey; Neil Mitchell; and Maryann Riviello.

Provider Association (PA) Attendees: Phil Catchpole (Lifesong, Inc.); Tina Chirico (Financial Managers Association); Suzette Smith (Financial Managers Association – by phone); Susan Constantino (CP of NYS, Inc.); Michael Seereiter (NYSRA); Pat Dowse (NYSRA – by phone); Ann Hardiman (NYSACRA); Mindy Cervoni for Rhonda Frederick (DDAWNY); John Kemmer (NYSARC); Ron Little (OPWDD Compass Agencies – by phone); Edie Mesick (UJA Federation); Gary Milford (Learning Disability Association of New York State); Michael Lawler (NYS Catholic Conference); Bob Boehlert for Anne Ogden (Catholic Charities Disability Services); Peter Pierri (Interagency Council of MR & DD Agencies); Seth Stein (Alliance of Long Island Agencies for Persons with Developmental Disabilities – by videoconference); Karen Thayer (Independent Living Centers); Steve Vernikoff (Advance of Greater NY); Barbara Wale (Executive Directors Association); and Yvette Watts (NYS Association of Emerging & Multicultural Providers, Inc. – by phone).

Commissioner's Welcome and Update

Acting Commissioner Kerry Delaney welcomed PA members and OPWDD leadership staff to the monthly meeting and updated the group on several key issues.

- *Transformation Panel Update:* The draft recommendations were released for public comment approximately two weeks ago. The deadline for submission was January 22, though OPWDD will still review any additional comments that are received this week. About 150-200 comments have been received thus far, ranging from “pleased with OPWDD’s transformational direction” to “concerned about implementation challenges facing the field.” A conference call will be held on January 29 to fine tune the timeline for the implementation plan. Next steps include finalizing the recommendations and submitting the required report to the Legislature by mid-February; the report will be sent to legislative leaders and Mental Health and Developmental Disabilities Committee members. A summary of the public comments that resulted from the series of public forums conducted last fall will be issued along with the report. The Residential Request List, Integrated Employment and Front Door reports are also due to the Legislature in February.
- *Value Based Payment Committee:* The Committee’s preliminary work, which stems from the initial recommendations of the Transformation Panel, is focused on how to optimize outcome-based payments within the overall context of OPWDD’s service delivery system. Committee composition includes individuals, families, service providers, state agencies and the health care sector. It has been noted that the future direction of this issue will be driven by quality of care and customer satisfaction. Additional information can be found on the DOH website, including the potential for interfacing with other value-based payment processes in the health care system. Neil Mitchell will follow-up regarding posting a related Power Point presentation on OPWDD’s website.

Open Discussion Items

Martha Dalton and Christine Carey updated PA members on the proposed 2016-17 State Budget.

- *Governor's Proposed 2016-17 State Budget*
 - **PA Issues:**
 - There are funds designated to transition individuals out of Intermediate Care Facilities (ICFs). Please explain.
 - Budget document say that over the past 18 months, 2,600 new people received certified community residential housing— Those numbers are much higher than we have ever heard before. Who are those individuals?
 - \$24 million is designated to transition individuals from Developmental Centers (DCs) and ICFs into community settings. What were the costs for these individuals in their previous settings? If there are savings, where are they?
 - How was the \$120 million for new development in last year's budget spent by service type?
 - **OPWDD Response:**
 - Similar to the State Budgets of the past several years, there is specific funding added to the Local Assistance Budget to support people leaving state-operated ICFs – both institutional and community-based programs. Funding is specifically identified for these transitions as OPWDD is redirecting resources from the state-operated programs to support individuals in voluntary-operated programs. This represents a new investment in the voluntary sector of about \$24 million on an annualized, all-shares basis; it is proposed again to comply with the agency's ICF Transition Plan. The costs on the state-operated side to provide these services is greater than in the voluntary sector; any savings associated with these transitions are reinvested to support the residential, day, and case management costs on the voluntary side as well as to support other investments, such as new services, cost-of-living adjustments and the START program.
 - The 2,600 figure represents the number of people who were newly enrolled in certified community residential programs (supervised/supportive individualized residential alternatives (IRAs) and Family Care) over the last 18 months. This number includes individuals who left DCs, ICFs, residential school programs, skilled nursing facilities, a non-certified OPWDD program or their family home. Of the roughly 2,600 new enrollees, the vast majority came from their family home or other OPWDD non-certified setting (1,525) while the remainder came from the following sectors: DCs – 234; ICFs – 713 (of these, 54 came from CRPs); Skilled Nursing Facilities (SNFs) – 33; OPWDD certified schools – 77.
 - OPWDD has seen requests for approved projects to be funded with the 2015-16 new services funding totaling about 6,000 new service opportunities – similar to what is currently estimated to be supported with this year's recommended investment. At a summary level, the requests for new services funding span OPWDD's continuum of supports and services:
 - About 500 residential opportunities, including ISS (close to 300), supervised and supported IRAs (just under 200), and a handful of family care opportunities (less than 20).
 - Around 600 day program opportunities (all group day habilitation).
 - Close to 500 employment supports (SEMP, pre-vocational and Pathways to Employment).
 - Approximately 400 respite opportunities (predominantly hourly with a few freestanding).

- 4,000 other supports, including self-direction (1,700), community habilitation (1,000), Medicaid Service Coordination (MSC) (900), and intensive behavior services (400).
- OPWDD fiscal staff will provide a detailed breakdown of the 2,600 figure as an agenda item at the PA February monthly meeting. PA members stated that it would be helpful in their discussions with families if these numbers could be updated on a quarterly basis in printed material and on the OPWDD website. This analysis will be completed by Laura Rosenthal and staff.
- *Minimum Wage Issues* – Acting Commissioner Delaney told PA members that OPWDD has heard their concerns; this is an issue that spans multiple agencies and disciplines. The Division of the Budget (DOB) is coordinating efforts over the next several weeks to finalize the financial impact of the minimum wage hike. State agencies will work with members of the Legislature to establish broader, multi-year funding strategies as ongoing analysis and work toward budget enactment continues.
- *Property/Rental Thresholds Update* – Still under review by DOB. They had some questions about the indices OPWDD used in terms of methodology to calculate. Staff has been working to ensure a complete understanding of the property threshold proposal. OPWDD hopes to receive a response within the next week which will then be shared with PA members. Division of Enterprise Solutions (DES) will follow up on the status of rental subsidy issues and next steps.
- *SEMP Analysis of Claims Data: July-November 2015* – OPWDD has done an initial review of SEMP data. There isn't enough information, however, to assess the true impact on providers. The review covers a very small amount of time and there are some delays in the timing of the billings. It is possible that the revised SEMP ADM will assist providers in generating increased revenue which may offset some of the initial decreases. OPWDD will continue to monitor and explore ways to clarify opportunities for providers to bill SEMP services. PA members noted that financial help is needed in the interim, especially for providers who lack cash reserves. Acting Commissioner Delaney suggested that OPWDD meet with providers who are experiencing billing problems. Four providers will be selected for a comparative analysis of the true cost of SEMP services. OPWDD and PA members will discuss a possible contingency plan.
- *Revised SEMP Administrative Memorandum (ADM)* – The revised SEMP ADM is under review by OPWDD Counsel's Office. OPWDD anticipates that it will be released within the next several weeks.
- *Respite Policy Related Issues* – DOH, OPWDD and PA members are attempting to clarify what does and does not constitute "respite," particularly which costs should be included in the rate. At this point, staff is in a data gathering mode. DOH is collecting surveys on the number of hours, group vs. individual services while OPWDD's regional offices are looking at programs with outlier status. Once staff compiles the information, they will share it with PA members. Timeline is a critical piece. OPWDD will provide further clarification, once available, on the impact of a letter sent by DOH to select provider agencies regarding the elimination of reimbursement for State Plan transportation services.

HCBS Waiver Renewal and Timeline

Kate Marlay provided an update on the HCBS Waiver Renewal. The application was posted on OPWDD's website on 12/23/15. Three WebEx's were held to explain the application in more detail. Responses to questions and answers from these sessions are being finalized and will be posted on OPWDD's website shortly. Paper copies of the 400+ page application will also be available in OPWDD's regional offices. The comment period has been extended until 3/4/16. PA members should keep in mind that the application is still in the proposal stage – it has not yet been approved by the federal Centers for Medicare and Medicaid Services (CMS).

New areas of content center on four areas:

- Minor technical change for template funding.
- High needs funding opportunities – ability to set interim rates that can't be accommodated within existing rates.
- Implementation of respite fees.
- Auspice change and recognizing cost differences between providers.

Transportation Vendor Enrollment for Residential and Day Habilitation Providers

PA members are confused about a recent policy change communicated to them by DOH involving transportation vendor enrollment for residential and day habilitation providers, even if the provider is already enrolled in the Medicaid program. They believe it will impose burdensome requirements and force them to renegotiate existing contracts with transportation vendors. Following preliminary discussions with DOH, the initial 4/1/16 implementation date has been delayed – DOH will communicate this postponement to agency providers. OPWDD will develop a crosswalk with DOH to identify regulatory requirements. Liz Misa from the DOH Transportation Unit will provide an update to PA members at the February monthly meeting.

Coordinated Assessment System (CAS) Update

Kate Bishop used a Power Point presentation to update PA members on recent developments involving the implementation of the CAS -- a standardized and automated assessment tool to document the needs of individuals with developmental disabilities and focused on independent living skills, health, behavior, and caregiver stability. Among the highlights included:

- Implementation March 2016: CAS will begin for adults who are newly eligible (first time), self-directing with budget authority, template funded, receiving residential services, eligible for the FIDA-IDD. The incremental rollout will be focused on the CAS output being used for person-centered planning purposes.
- Contact will be made by the assessors to individual or support giver to schedule interviews after eligibility has been established by the DDRO. Interviews will be scheduled for a time and place desired by the person, who will participate in the process as fully as desired or possible. People who are knowledgeable of the person's strengths and needs will be included in the interview.
- Communication to Stakeholders February 2016: Communication will include WebEx presentations, written communication and frequently asked questions on OPWDD's website, and MSC training.
- Data collected during the initial phase-in of the CAS will be used in the development and testing of models to be used for the CAS acuity and rate rationalization applications. A subcommittee of stakeholder groups from the Transformation Panel will work with the state and consultants to provide input into the model development.
- It will take years to fully integrate the CAS into New York State's system of supports for individuals with developmental disabilities.

Rate Transformation Update

Donna Cater and Joanne Howard provided an update on rate transformation initiatives.

- *Respite Update:* Fifty (50) agencies have not yet responded to the respite survey. Donna will share a master list with PA members so that they can encourage their respective agencies to return the survey.
- *General Update:* 7/1/15 Supportive IRA rates were posted to eMedNY on December 19.
 - 7/1/15 Supervised IRA rates have been posted to eMedNY on 1/12/16 and sent to providers through OPA.
 - January 2015 property will be updated in rates at the end of February. Reimbursement for retroactive property will be included in current rates – property will not be paid retroactively.
 - The ICF/IID accounts receivable balance recovery will commence in cycle 2003. The recoupment will be spread across all OPWDD provider IDs at 15 percent. DOH has heard from providers requesting a recoupment percentage less than 15 percent and from other providers wishing to pay off the recoupment balance in its entirety.
- *People First Community Service Fund Update:*
 - The Waiver “People First Community Service Fund” will be funded with \$40 million. Contracts are currently being processed to disburse the funds. Providers will receive funding for the contract period 7/1/14 – 6/30/16 by April 2016 (assuming Office of the State Comptroller approval of the contract). The second contract payment, for the period 7/1/16 – 6/30/17 should be paid in July 2016.
 - A letter will be sent to awardees shortly to inform them of their tentative waiver award amount and of the anticipated contract disbursement payment schedule.
 - There will be a \$10 million Phase II of the “People First Community Service Fund” directed toward Phase II rate transformation programs, including pre-vocational services, respite, SEMP and agency-sponsored family care. Applications are currently in development.
 - OPWDD is researching a funding source for the ICF/IID “People First Community Service Fund.”
- *Action Items:*
 - DOH’s target date for the completion of retainer/vacancy day calculations is 2/5/16. PA members requested a chart identifying how many individuals were billed for retainer days in excess of 14. DOH will prepare a comprehensive chart of retainer days after the 2/5/16 work is completed.
 - In preparing for the retainer calculations, DOH noticed that service for approximately 100 individuals may have been incorrectly billed as a retainer day for 14 days and as a vacancy day after the 14 days (if the hospital or nursing home service, etc. actually continued). DOH will send that information to OPWDD for review as improper reporting may be an OMIG issue. If so, a provider may wish to self-disclose the error.

Wrap-up

The next meeting of the Provider Association will be held on Monday, February 22, 2016 @ 10am @ 44 Holland Avenue in Albany.