



OPWDD PROVIDER ASSOCIATION (PA) MONTHLY MEETING

Monday, April 18, 2016

10:00 a.m. – 2:30 p.m.

Conference Room 4B -- 4th floor

44 Holland Avenue, Albany, NY 12229

Meeting NOTES

OPWDD Attendees: Acting Commissioner Kerry Delaney; Helene DeSanto; Abiba Kindo; JoAnn Lamphere; Kevin Valenichis; Roger Bearden; Laura Rosenthal; Sally Berry; Megan O'Connor; Ceylane Meyers-Ruff; Joanne Howard; Neil Mitchell; Tamika Black; Shelly Okure; Joanne Howard; Donna Cater (DOH); and Maryann Riviello.

Provider Association (PA) Attendees: Phil Catchpole (Life Song, Inc.); Tina Chirico (Financial Managers Association); Susan Constantino (CP of NYS, Inc.); Ann Hardiman (NYSACRA); Rhonda Frederick (DDAWNY – via videoconference); 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); Anne Ogden (Catholic Charities Disability Services); Peter Pierri (Interagency Council of MR & DD Agencies); Michael Seereiter (NYS Rehabilitation Association); Seth Stein (Alliance of Long Island Agencies for Persons with Developmental Disabilities – via videoconference); Steve Vernikoff (Advance of Greater NY); Barbara Wale (Executive Directors Association); and Yvette Watts (NYS Association of Emerging & Multicultural Providers, Inc.).

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.

- *2016-17 State Budget Passage:* The new State Budget was adopted since the last meeting. Minimum wage issues will be discussed during this afternoon's session. Other priority items include the development of an allocation update; a \$10 million set aside for residential development through a local stakeholder process; and a review of fiscal intermediary fees (FI).
- *Transformation Panel (TP) Update:* The next TP meeting is slated for May 4. Progress has been made on the development of the implementation plan. The plan is being divided into short- and long-term action items. A summary will be issued shortly. Public updates for the larger stakeholder community will be provided after the plan is released.

Open Discussion Items

PA Members

- *Statewide Central Register (SCR) Update*
PA Issue: Due to current recruitment challenges and staff shortage issues, will OPWDD support a change in SCR requirements that would allow employees to be hired and work in unsupervised settings for a

maximum of 30 days while SCR checks are completed? This issue has become an additional obstacle in onboarding.

OPWDD Response:

OPWDD current regulations under 633.24(c)(4) require the following process (see below). Employees can be hired and begin work -- training, orientation etc.-- pending outcome of SCR check as long as they are under the constant supervision of approved staff.

633.24 (c)(4)

(c) Statewide central register of child abuse and maltreatment (SCR).

(1) Agencies shall request a check of the Statewide Central Register of Child Abuse and Maltreatment (SCR) for all parties subject to a criminal history record check in accordance with section 633.22 of this Part, to the extent permitted by [section 424-a of the Social Services Law](#). SCR checks are required for all applicants (e.g. prospective employees, volunteers, and contractors) who are required or authorized to be checked pursuant to [section 424-a of the Social Services Law](#). (Note that SCR checks are not required for current employees, volunteers, etc. but in some cases are permitted by [section 424-a of the Social Services Law](#).) SCR checks are also required for family care providers and adults who live in the home of the family care provider in accordance with requirements in Part 687 of this Title.

(2) Agencies shall comply with the provisions of [section 424-a of the Social Services Law](#) concerning checks which are required or authorized to be conducted.

(3) The SCR check shall be conducted after the agency obtains the results of the SEL check and shall only be requested if the agency does not deny the application based on the results of the SEL check.

(4) If the name of a subject party has been submitted for a check of the SCR, the agency shall not allow the party to have unsupervised contact with individuals receiving services until the agency has the results of the SCR check.

(5) The agency shall comply with the requirements of Article 6 of the Social Services Law and the Office for Children and Family Services (OCFS) concerning confidentiality and actions to be taken with regard to the results of the SCR check.

Provider agencies may onboard staff as long as they are appropriately supervised.

▪ Federal Proposal to Change Overtime Exemption Requirements

PA Issue: What planning is New York State doing to fund this new mandate anticipated to be implemented by January 2017?

OPWDD Response: The NYS Department of Labor is actively looking at changes in federal law that would raise the salary amount for what is considered “exempt” from overtime exemption requirements (i.e., certain positions at certain salary levels will no longer be considered exempt). This involves a large jump from \$36,000 per year to \$52,000. Action is expected sometime this summer. It has been under active review for the past year.

PA members asked them to remain vigilant as it will have a large financial impact on their operations. OPWDD and PA members will form a work group to participate in an upcoming conference call to further examine the issue.

▪ Volunteerism ADM Update

PA Issue: Some questions exist that PA members would like clarified.

OPWDD Response: OPWDD circulated an Administrative Memorandum (ADM) to PA members concerning volunteerism (in draft). The ADM seeks to clarify the difference between a formalized volunteer relationship with an agency and natural social relationships based on mutual interests. It is well-written. Most members seem pleased with the draft ADM and, of course, several have questions or points they would like clarified. Several agencies expressed appreciation that OPWDD is finally addressing this issue. It was agreed that OPWDD and PA members will look at ways to “find a brighter line” in the draft ADM to better distinguish between formal volunteerism and natural supports. The ADM will then be routed through the Justice Center for review prior to being issued in final form.

Update on Housing Allocation

- OPWDD will receive an additional \$10 million in capital funding (\$15 million in total) to support the development of affordable housing.
- There is \$120 million (when fully annualized) funds for new services; \$10 million of the \$120 will be allocated to Regional Offices for the development of residential supports for individuals in substantial need who are living at home with family caregivers.
- Stakeholder committees in each region will prioritize the use of these funds to explore the types of opportunities “closer to where individuals are.”
- OPWDD will ensure that group charters are developed to provide guidance for the division of each regional allocation to shape discussion and spell out the details of the process.
- Data/information relative to residential need from CRO lists and RRL will be provided to stakeholder group to assist them in providing advice to the RO.
 - The categories that are used to determine access to residential services have been revised as recommended by the Transformation Panel to ensure equity of access for all who have been identified as looking for residential supports.

Update on Fiscal Intermediary (FI) Issues

- A problem solving workgroup of representative FIs will meet on 4/28/16 to evaluate and assess current reimbursement level. Many providers have found the data confusing.
- OPWDD is preparing to analyze the FI information contained in the calendar year 2015 CFRs shortly after their due date of 6/1/16.
- There were a great deal of issues with the 10/1/14 – 6/30/15 reporting and some issues with the 7/1/14 – 6/30/15 CFR reporting.

Policy Documents Update

- Counsel's Office is standardizing the informational framework regarding OPWDD guidance documents (statutes; regulations; administrative memos (ADMs); informational letters; health and safety alerts). Maryann Riviello will email PA members a one-page sheet that explains the nuances among the various documents.
- A Power Point presentation was used to explain the differences and nuances among these documents.
- A new cover sheet, which has been developed for ADMs and informational letters, as well as the Power Point, will be emailed to PA members. They should forward any comments or input to Roger Bearden.

Update on Consolidated Fiscal Report (CFR) Regulations

- New CFR Regulations propose a 50 percent penalty against receivables for late submission of CFRs.

Provider Associations should be advising their providers of these new requirements. Regulations take effect on 7/1/16. Any CFR submitted after that date depend on the provider agency's fiscal calendar.

Update on Mobility Management Study

Public Consulting Group and Nelson/Nygaard (contractors for the project) did a presentation on the mobility management study. They provided a project overview, discuss deliverables, the roles of various state agencies and efforts to obtain stakeholder input. They also will solicit input from PA members as they conduct a provider survey as part of the transportation gap analysis they will be undertaking. There will likely be a follow up call with the provider association as we move further along in the project. OPWDD will distribute copies of survey questions as well as a copy of the Power Point presentation to PA members.

Coordinated Assessment System (CAS) Update

- CAS assessments are underway, starting downstate. OPWDD has begun CAS implementation in a deliberative manner to test the IT systems supporting it and to ensure sufficient education is provided to the field related to implementation steps.
- Outreach to MSCs has occurred. Information should be verified with MSCs. A notification letter has been sent to the person due to be assessed as well as others actively involved in their care.
- A CAS interview will be scheduled and coordinated with the individual to be assessed and people with knowledge of the individual's strengths, interests and needs.
- The CAS summaries will be available in CHOICES following the completion of an assessment so that they can be used to inform person-centered planning processes for providers of service. The MSC will share the CAS Summaries with individuals receiving services and involved family members.
- PA members may hear some staff communication about the initiative. We look forward to resolving any uncertainties as the CAS is launched.

Update on Transportation, Provider Enrollment & Standards

Liz Misa from DOH provided a high level summary of outstanding issues for PA members. A small workgroup has been meeting since February to forge a consensus about the preferred approach for OPWDD to meet DOH Medicaid transportation standards. Group includes three providers (NYCARC, UCP and IAC). Issues

nearing resolution include: possibility of mostly auto-enrollment into DOH system; required service documentation to support claims; requirement for sub-contracted transportation to enroll; licensure; DOT requirements; OMIG; and vehicle replacement. A follow-up presentation will be offered at the May PA meeting that formalizes recommendations and explains details. In the interim, PA members were encouraged to share concerns with DOH staff. OPWDD and DOH will explore the implications of documentation requirements. On behalf of PA members, Peter Pierri will compile a list of questions and outstanding issues involving DOT and OMIG requirements.

Rate Transformation Update

General Rate Issues

- Trying to grow respite rates. DOH and OPWDD do not want to finalize rates until they can be the best they can be.
- Work is ongoing to pinpoint outliers.
- 7/1/14, 1/1/15 and 4/1/15 rates have been finalized online for all services.
- 7/1/15 rates have been reloaded in ORACLE and EMedNY. Capacity changes and occupancy factors have been taken into account.
- Residential Habilitation rates will be loaded next week.
- 7/1/16 rates will reflect capacity changes and unit updates, including an increase of 0.2%. Clinical has been taken out of the supervised IRA rates. Progress is being made with cost verifications. 7/1/16 rates should be done by 7/1/16 or 8/1/16 at the latest (except for respite).
- DOH and OPWDD will confirm for PA members via an emailed spreadsheet what units will go into the 7/1/16 rates. PA members were asked to direct their questions to DDROs and OPWDD's Budget Office.
- Retainer and vacancy dates will be paid. They were entered into the system on 4/4/16.

People First Community Fund Phase II

PA Issue: A letter was sent on April 4 from NYSARC, IAC and CP Associations of NYS regarding several issues/recommendations connected to this fund. We would like to hear from OPWDD regarding these topics.

OPWDD Response:

- There is approximately \$10 million for Phase II. If SEMP is evaluated separately, it will not change the total dollars available.
- The application was worded to identify the aggregate review of all Phase II programs. No decision to deviate from a combined review will be made until the surplus/deficit calculations are complete.
- We will take surplus/deficit methodology calculation proposals from providers, including those contained in the joint April 4, 2016 letter, under advisement. We appreciate the provider involvement as we recognized the technical difficulties involved in calculating the Phase II surplus/deficits, particularly with reference to units of service. We will be conferencing a representative group of providers regarding this issue.

CFR Data Entry

PA Issue: Providers are asking for the capacity to have multiple users enter data into the CFR simultaneously. With the requirement to enter site-specific information, this need has become necessary to meet CFR filing deadlines.

OPWDD Response: OPWDD is aware that some of the aspects of the CFR software are antiquated. We are trying to elevate a request for changes.

Minimum Wage Issues

PA members were encouraged to share future raise plans and ideas with OPWDD for input.

Wrap-up

The next meeting of the Provider Association will be held on Monday, May 23, 2016 @ 10am @ 44 Holland Avenue in Albany.