

MEETING NOTES

OPWDD PROVIDER ASSOCIATION (PA) MEETING

Monday, April 20, 2015

10:00 a.m. – 2:30 p.m.

Conference Room 4B -- 4th floor

44 Holland Avenue, Albany, NY 12229

OPWDD Attendees: Acting Commissioner Kerry Delaney; Deputy Commissioner Helene DeSanto; Roger Bearden; Abiba Kindo; Kate Marlay; Laura Rosenthal; Kevin Valenchis; Sally Berry; Joanne Lamphere; Megan O'Connor; Neil Mitchell; Cathy Varano; Maryann Riviello; and topic-specific staff (Ceylane Meyers-Ruff; Maryellen Moeser; Leslie Fuld; Scott Sandwick; Susan Milstein; Dixie Yonkers; Allison McCarthy; Joanne Howard; Carlene Coons).

Provider Association (PA) Attendees: Phil Catchpole (Lifesong, Inc.); Susan Constantino (CP of NYS, Inc.); Mark Foley (DDAWNY); Ann Hardiman (NYSACRA); John Kemmer (NYSARC); Ron Little (OPWDD Compass Agencies – via videoconference); Edie Mesick (UJA Federation); Francesca Sommer (Learning Disability Association of NYS); Anne Ogden (NYS Catholic Conference); Peter Pierri (Interagency Council of MR & DD Agencies); Michael Seereiter (NYSRA); Seth Stein (Alliance of Long Island Agencies for Persons with Developmental Disabilities – via phone); Karen Thayer (Southern Adirondack Independent Living); Steve Vernikoff (Advance of Greater NY); Barbara Wale (Executive Directors Association – via videoconference); and Wafa Abboud (NYS Association of Emerging & Multicultural Providers, Inc. – via phone for Yvette Watts).

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:* Kerry announced that PA members have been reviewing information posted on the Transformation Panel website and asking related questions. Meeting summaries have been posted online. The next meeting of the Panel will focus on Managed Care, particularly the underlying policy rationale and fiscal implications behind the shift in New York State. Kerry will continue to keep PA members updated on the Panel's progress.
- *CMS Medicaid Disallowance/Settlement:* New York State recently negotiated a settlement in its Medicaid disallowance claims with the federal Centers for Medicare and Medicaid Services (CMS). As part of the agreement, \$850 million of the proceeds from the State's restitution from its lawsuit with the financial services industry will be used as a down-payment to satisfy the CMS judgment.
- *"Creating New Models for Integrated Employment:"* Ceylane Meyers-Ruff reminded PA members that a conference will be held at the Empire State Plaza in Albany on May 8 to explore new employment and other service options to assist in the transition of sheltered workshop services to integrated models. The main focus will be to offer guidance on models for moving forward. All sheltered workshops have been invited to participate. Approximately 68 of 80 programs have already registered to attend. PA members were asked to encourage their provider agencies to attend; each program may send a staff member, a workshop participant and parent to the conference. The gathering will feature active work groups, exchange of ideas, and sharing of best practices.

Open Discussion

The group discussed several items on the Open Discussion agenda.

OMIG and OPWDD Standards for SEMP Audit

- PA members raised concerns about the OMIG SEMP audit protocol and its consistency with prior OPWDD guidance.
- Roger Bearden will follow up with PA representatives and OMIG.

Impact of New OPWDD Lien Documents on PPA Approvals

- OPWDD is moving forward with the implementation of the property agreement. Individual issues regarding the documents are being addressed.
- Roger Bearden thanked PA members for the helpful feedback. Since OPWDD is dealing with multiple parties, he stated that the agency handling projects on a case-by-case basis with some resolved, others approved with certain contingencies and others still waiting to be addressed.

2015-16 State Budget Update

Kevin Valenichis updated PA members on the recently enacted 2015-16 State Budget.

▪ **General Overview**

The 2015-16 Enacted State Budget includes:

- \$177M in federal BIP funding to help transform the OPWDD system by making supporting innovative practices that will ensure people can live and work in the community, assisting in the transition to managed care, and enhancing the service system through investments in technology;
 - \$124M to expand OPWDD capacity in areas ranging from employment and day supports to 24-hour residential supports for those who require that level of care.
\$4 million of these new resources are dedicated to developing residential services for people living at-home with caregivers who are no longer able to support them.
 - \$64M to support a 2% increase in compensation levels for direct care, support and clinical staff of non-profit agencies, effective April 2015.
 - Over \$42M to assist in OPWDD's on-going efforts to transition people from campus- and community-based institutional settings to more integrated homes in the community.
 - Funding and authority for OPWDD to examine and recommend improvements to medical and non-medical transportation services, to better increase access to and availability of such services.
 - Additional resources to ensure OPWDD can communicate to its stakeholders about our progress in transforming the service system by reporting on future housing and services, recommendations of the Transformation Panel, Front Door process improvements, efforts to assist individuals in their transition from workshops, and the results of our review of the residential registration list.
 - These investments drive an increase in spending on supports and services for people with developmental disabilities and their families of close to \$140M over prior year levels, or about 3.2%.
- **Infrastructure Update**
- The Budget also appropriated \$60 million to support infrastructure improvement projects of OPWDD and other non-profit human services agencies. These funds will be used to fund approved projects ranging from investments in information technology to better integrate behavioral health services into the Medicaid managed care benefit package and implement electronic health records to physical plant upgrades designed to improve

overall energy efficiency of provider programs. The competitive process that will award these funds is still under development, though it is reasonable to expect that they will be developed and completed to ensure that funding can be awarded prior to fiscal year's end.

▪ **Residential Request List Outreach Update**

Helene DeSanto provided an update on the Residential Request List.

- OPWDD will undertake an initiative to contact all 11,500 individuals on the residential request list via a central phone bank. Provider assistance may be needed to update contact information in TABS. Regional offices will get involved once the initial contact is made if there is a need for additional assistance. A file will be created for each person in CHOICES and TABS. It is anticipated that the outreach will begin around 6/15/15 and be completed by 9/15/15. OPWDD staff is in the process of developing the survey questions. It is anticipated that as a result of the information emanating from the phone contacts, some individuals will be removed from the residential request list if they are no longer interested. This initiative has been informed by a similar effort that is being done in Western New York which had already begun to gather this information. OPWDD will also do some initial discussions around the state with individuals and families who have asked for residential supports. The information from this outreach effort will be compiled into a report which is due to the Legislature in February, 2016. OPWDD confirmed that prioritization is not applied to the request list. PA members encouraged OPWDD to pay careful attention to the questions asked on the survey to avoid unnecessarily elevating expectations. The outreach workers are merely collecting data and will not be trained case workers. PA members also asked that OPWDD inform MSCs when individuals are removed from the request list.

Nurse Practice Act (NPA) Update

Roger Bearden provided an overview of amendments to the NPA as included in the recently enacted 2015-16 State Budget.

- The 2015-16 Executive Budget adopted the technical amendments to implement the 2014-15 State Budget Nurse Practice Act exemption.
- OPWDD is working on implementation steps, including the process for issuing operating certificates to provide waiver services and changes also will need to be made to the certificate of need (CON) process. A status update memo will be sent to the field this week. Provider training will be conducted on May 7.

Chapter 394 Implementation

- The Justice Center Protocols for Interviewing People who Receive Services was sent to providers earlier this year by OPWDD Deputy Commissioner, Megan O'Connor-Hebert. The protocols were designed by the Justice Center (JC) to establish guidelines for interactions with individuals receiving services in the course of investigations of reportable abuse and neglect conducted by the JC, SOAs and facilities and programs under the authority of the JC. An optional template for documentation of notifications was also included. The development of the protocols is required by Executive Law section 553(28). The protocols must be implemented on July 1, 2015.
- OPWDD has had a small committee reviewing the protocols generated by the JC and OPWDD will generate a memorandum in the month of May to OPWDD providers on how this is to be implemented.

- OPWDD IMU and Counsel's office met with the JC to review the committee's discussion of the Training related to this guidance – targeted toward investigators who will implement the protocol -- will be provided via WebEx by OPWDD during the month of June.

MFP Reporting Requirements for Waiver Service Providers and MSCs

- Dixie Yonkers announced that OPWDD has developed a one-page guidance for providers who support Money Follows the Person (MFP) participants to help elicit the needed data for MFP reporting requirements. Hard and electronic copies were distributed to PA members.
- Dixie will send out a list of all provider agencies associated with

ICF Transitions Update

Dixie Yonkers provided an update on ICF Transitions.

- OPWDD has met the goal for DC transitions and need just one more transition out of SO ICFs to meet the SOICF goal.
- To meet the 2015 VO ICF Transition Plan goals, OPWDD needs to reduce its VO ICF footprint from where it is today by about 1200 people.
- This year OPWDD has already received 31 conversion proposals that will result in 300 people transitioning from ICF services to waiver services before June.
- Agencies are documenting their person-centered planning processes for OPWDD review and approval prior to conversion.
- OPWDD is working with stakeholders to determine the implications of the new HCBS settings rule for existing IRAs and day service settings as well as for ICFs that are downsizing and converting to IRAs.
- OPWDD continues to work with provider agency representation on: additional Fiscal Policies for Downsizing and Closures of larger ICFs; ways to support individuals to move from supervised IRAs to supportive IRAs; and open opportunities in supervised IRAs for individuals leaving ICFs.
- OPWDD is gathering data on the characteristics of individuals in larger ICFs (over 14) and fiscal information on house size and cost. The workgroups will start up again after these analyses are complete.
- OPWDD will also soon revise the ICF Conversion Guidance document and the proposal template, which were issued in early December 2014.
- OPWDD is also reaching out to providers throughout the state to assess their interest in and intentions to convert; or downsize and convert their ICFs.
- This information will gauge OPWDD's ability to meet the statewide goal for VOICF transitions.
- Communications – OPWDD will post ICF Transitions updates on the website and provide materials for providers to use with individuals and families.

Certified Residential Opportunities Protocol Update

Abiba Kindo offered an update on Certified Residential Opportunities Protocol (formerly known as the "Vacancy Management Protocol").

- Certified residential opportunities protocol (was renamed to better align with the "people first" language).
 - Informational videoconferences have been and will continue to be offered to provider agency leadership and staff.
 - Training/information on a more detailed level is occurring in regions/districts for provider staff.
 - Routine distribution of Priority One List will begin across all regions in May 2015.
 - Protocol will be distributed to providers.

- Intent of the protocol (Reminder)
 - Facilitate connecting individuals with a Priority One designation to certified and non-certified residential settings.
 - Facilitate exploration and development of non-certified options for Priority Two and Three individuals.
 - Support the person-centered planning process and ensure that people have the right to choose where they live from among setting options including settings that are not disability specific.
 - Ensure access to least restrictive settings possible.
 - Support the Transformational Agenda in decision making regarding certified residential opportunities.
- OPWDD will share the updated Priority One list on a monthly and as-needed basis with PA members.

DDP1 Draft Supplement Update

Sally Berry updated PA members on the DDP1 Draft Supplement.

- In May 2015, OPWDD will implement the “DDP1 Supplement Form,” for use by provider agencies when certain new services or changes to existing services for an individual are submitted for authorization to an OPWDD Regional Office.
- **Applicable Services**
 - The DDP1 Supplement must be used for the following types of service:
 - Day Habilitation, Community Habilitation, Community Pre-Voc, Free Standing Respite, Hourly Respite, SEMP and Pathways to Employment.
- **Requesting a New Service**
 - When *requesting a new service*, for an individual in one of the listed services, the DDP1 Supplement must be attached to the DDP1 requesting that new service.
- **Requesting a Change in Service**
 - Whenever an individual is *requesting a change in service amount* (units) for any of the listed services, the DDP1 Supplement is the only form that must be submitted.
 - Adding the DDP1 Supplement Form streamlines communication between the regional offices and provider agencies and establishes a standard statewide process for agencies to communicate with regional offices regarding service changes. The form asks providers to indicate if they are able to provide these services using their existing capacity or if additional resources will be needed.
 - The form and guidance documents will be distributed to the field, and training/WebEx will be provided to providers.
- OPWDD will edit the draft document to add site-based pre-voc services to the form.

HCBS Settings Update/OPWDD Transition Plan (TP) Update

Maryellen Moeser updated PA members on the HCBS Settings/TP.

- The public input period concluded on April 1st. OPWDD is in the process of analyzing and categorizing the public comments. Over 100 comments were received; about 70 via written comments with the rest conveyed through phone calls and the three public webinars that were held.
- From the quick review of about 2/3 of the written public comments received to date, the major themes are:
 - Concern/objections to closure of sheltered workshops, Developmental Centers and ICFs as these types of options are still needed for individuals with significant needs.

- Fiscal concerns with achieving full compliance—staffing, training, etc.
- Concerns that there is not sufficient development of new residential opportunities and concerns about the priority and vacancy management process not being consistent with choice of living arrangement and people not getting services if not priority one.
- Concerns that the Plan lacks specificity and substance for how the State's HCBS Program will change to offer the needed integrated service options.
- Statements that OPWDD needs to look at downsizing of large residential settings and facilitate integrated day opportunities.
- Statements about opposition to the move to managed care and DISCOs.
- Concerns about various aspects of the self-direction model including the complexity of it and new fee structure for fiscal intermediaries (FIs).
- Concerns that the TP doesn't address any real systems change and instead seems to be geared towards perpetuating the existing status quo.
- The Heightened Scrutiny subgroup continues to meet. There is a tight timeframe to wrap this up for residential settings to begin reviews on 10/1/2015.

Update on Planned Changes to Clinical Services in Res and Day Hab Rates Update

Kate Marlay and Allison McCarthy provided an update on planned changes to clinical services in residential and day habilitation rates.

- OPWDD and CMS are working to finalize service and funding agreements related to the scope of habilitation services under Home and Community Based Services (HCBS). Specifically, effective 10/1/15, OPWDD will implement changes to the Medicaid-funded supports and services that individuals in individualized residential alternatives (IRAs), community residences and family care can access.
- CMS supports a clean, consistent approach with all OPWDD providers following the same rules on the types of settings in which clinical services can be delivered and how these services are funded.
- More information will be forthcoming as the new policy takes shape. OPWDD will keep PA members informed via written communication and updates at future PA meetings.

Rate Transformation Discussion

Donna Cater (DOH) and Laura Rosenthal updated PA members on rate transformation issues.

General Update

- Laura provided an update on the four services. Agencies should review the CFR for the four services. Provider agencies should verify the accuracy and have 30 days to request changes.
- Moving forward, DOH asked PA members to submit ideas for exploring ways to build acuity into rates to inform the methodology more accurately.

Fiscal Intermediary Rate Update

- FI Fee: OPWDD will be asking for six months of internal provider costs – 10/1/14 through 3/31/15 (in CFR schedule format but not certified) – to re-evaluate the FI fee level. OPWDD expects to get the request to providers this month, ask for CFR data to be submitted in May and conduct analysis in June.

OPWDD People First Community Fund Distribution Update

- People First Community Fund: OPWDD is conducting initial reviews now and will be done tomorrow (4/21). Staff will notify providers of initial rejections (related to incomplete submissions, etc.) shortly, perhaps within a couple of weeks.

- At the same time, OPWDD is working on surplus/deficit calculations for the second part of the review and the determination of tentative rewards. This process will take at least the rest of this month. OPWDD expects to have answers by late May/early June.

Site-based CFR Template Cost Reporting

- OPWDD is currently discussing details with representatives of provider CFOs. PA members sent a survey to their member agencies regarding site based reporting which is due back to OPWDD on 4/23.
- PA members would like to revisit cost allocation methodology for individuals receiving template funding so that it is spread more evenly and less burdensome on provider agencies.
- Audit protocols need to be developed validating cost for a rate. OPWDD and PA members must figure out how to manage this process as well as develop the various play outs.

Two Percent (2%) Compensation Increases Implementation Schedule for 4/1/15 Enhancement

- Donna recapped the discussion from a 4/17 conference call with PA members as to when notification on specific items would be forthcoming from DOH.
- There will not be a separate audit protocol for the 2%. Providers will need attestation and “other” documentation. PA members asked for clarification on these details. Kerry will set up a meeting with Laura Rosenthal, Jim Nellegar and Joanne Howard to obtain general guidance on audit protocol documentation procedures for voluntary agencies.

Wrap-up

The next meeting of the Provider Association will be held on Monday, May 18, 2015 @ 10am @ 44 Holland Avenue in Albany.