

## MEETING NOTES

### OPWDD PROVIDER ASSOCIATION (PA) MEETING

Monday, October 19, 2015

10:00 a.m. – 2:30 p.m.

Conference Room 4B -- 4<sup>th</sup> floor

44 Holland Avenue, Albany, NY 12229

**OPWDD Attendees:** Acting Commissioner Kerry Delaney; Roger Bearden; Abiba Kindo; Kate Marlay; Kevin Valenichis; Sally Berry; Megan O'Connor; Leslie Fuld; Maryellen Moeser; Jill Pettinger; Ceylane Meyers-Ruff; Dianne Henk; Neil Mitchell; and Maryann Riviello.

**Provider Association (PA) Attendees:** Susan Constantino (CP of NYS, Inc.); Michael Seereiter (NYSRA); Ann Hardiman (NYSACRA); John Kemmer (NYSARC); Edie Mesick (UJA Federation); 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 – 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.

- *Transformation Panel Update:* Listening sessions have been held on Long Island, New York City, Syracuse, Buffalo and Rochester. A scheduled gathering in Plattsburgh was cancelled. A videoconference (VC) will be held on October 27 in which those who have been unable to attend the sessions in person can participate via videoconference. Comments can also be sent to OPWDD's designated email box. The Transformation Panel will meet next week in Albany to further discuss short- and long-term issues. As many concerns have been expressed about respite services, OPWDD is establishing regional respite focus groups, headed up by local DDRO Directors and informed by respite rate restructuring. Future meetings of the Panel will focus on Managed Care, particularly work with actuaries at DOH on recasting the best model. OPWDD's website will be updated shortly to reflect all meeting summaries to date.
- *HCBS Waiver 07 Amendments:* The 07 Amendments have been approved by CMS. Related issues are still being evaluated. Attention has now shifted to the renewal of the 1915(c) waiver.
- *Clinical Services and Respite Updates:* Updates will be covered later in the meeting, particularly next steps that need to be taken on the clinical services front to meet the upcoming implementation of new services on 1/1/16.

#### **Open Discussion**

The group discussed several items on the Open Discussion agenda.

- *Room and Board Supplement Update*

**PA Issue:** *What is the status of eliminating the budget neutrality factor for 2015-16?*

**OPWDD Response:** For 2015-16, OPWDD believes it can support a higher "budget neutrality" factor for State-only room and board costs. In fact, OPWDD believes that it can fund 90% of the approved room and board costs, as calculated under the rate rationalized methodology. The total value of the calculated OPWDD supplement is about \$75 million. Given where OPWDD is in its fiscal year, we believe we have the capacity to cover

about \$68 million of this cost category. Efforts are underway to identify opportunities, if any, in the 2016-2017 State Budget to attempt to fully fund all approved room and board costs.

▪ *SEMP ADM Update*

**PA Issue:** *What is the status/timing of the promised revised ADM regarding SEMP? The revised reimbursement for SEMP services was supposed to result in higher payment amounts per person served. Our data so far indicates the billing levels are actually below last year's level per person. We need to discuss how to address these issues.*

**OPWDD Response:** Ceylane Meyers-Ruff has recently held walk-throughs with NYSARC, UCP, NYSRA and IAC on billing options. OPWDD is working on revisions to the SEMP ADM to clarify activities that are billable as an hourly reimbursable service in order to maximize revenue opportunities. It was mentioned that although there is a significant learning curve involved in the shift to integrated business models, there will be more flexibility in the new rate structure. Acting Commissioner Delaney will follow-up regarding PA members request to provide contingency funding to agencies during SEMP transition.

▪ *Sheltered Workshop Transitions*

**PA Issue:** *Several issues need to be addressed as a result of new understanding that integrated businesses cannot be co-located in a building with other OPWDD certified programs:*

- *If certified day hab programs need to re-locate due to this requirement is there a commitment to pay for the replacement property costs?*
- *If current workshop spaces become uncertified (to meet integrated business requirements), what happens to the PPAs that currently are the support for financing for those workshop facilities?*
- *Many individuals who will attend integrated businesses (in non-certified facilities) will be receiving community-based pre-vocational funding, which does not include to/from transportation. How will that expense be funded?*

**OPWDD Response:** Ten Regional Forums are scheduled for October and November. Thus far, one has been held in New York City and another one is taking place today in Sunmount. The draft guidance has been posted on the OPWDD website and was sent to workshop providers as part of the invitation to the forums. It was noted that stakeholders are excited to receive concrete feedback to finalize the guidance plan. The Pre-Voc ADM is still being drafted. For additional information, see:

[http://www.opwdd.ny.gov/news\\_and\\_publications/employment\\_forums](http://www.opwdd.ny.gov/news_and_publications/employment_forums) and  
<http://www.opwdd.ny.gov/workshoptransformationguidance>

**Satellite Clinics Location Status Update**

**PA Issue:** *Problems are being identified with day habilitation providers being willing to amend their PPAs to allow for Article 16 satellite clinics to be established. We have one or two suggestions on how to address these concerns.*

**OPWDD Response:** Kate Marlay and Jill Pettinger used a Power Point Presentation to provide a status update on this issue.

- Certificate of Need (CON) Application due today, 10/19/15
- Advance notification has been sent to the counties
- OPWDD clinics/waiver staff have been busy fielding questions and assisting with the application process
- A total of 333 Letters of Intent have been received to date
  - The majority are existing Article 16 clinics (with existing operating certificates) requesting to create new satellite locations
  - Five (5) are brand new Article 16 requests
- Regional Breakdown of Letters of Intent:

- Region 1: 99
- Region 2: 14
- Region 3: 107
- Region 4: 101
- Region 5: 12
- Some “relief” that allows additional time for unit requests and addressing day habilitation capital.
- Acting Commissioner Delaney will follow-up with PA members on leasing options and the financial impact of PPA on satellite clinics.
- OPWDD will conduct a gathering via WebEx to further explain changes in clinical services.

### **Independent Practitioner Services Status Update**

Roger Bearden provided an update to a recent conference call with PA members on reimbursement issues involving independent group practices of clinicians. DOH is working to establish rates for the OPWDD-specific fee table for Independent Practitioner Services for Individuals with Developmental Disabilities (IPSIDD)—formerly known as preventive services. The IPSIDD services rate will address both the therapies that must be “carved out” of Habilitation rates and the end of off-site Article 16 clinics. The titles slated to be part of IPSIDD are Occupational Therapy, Physical Therapy Speech/Language Pathology and Psychology/Social Work. The rates will not contain capital. Additionally, systems work has begun with DOH to make necessary changes to billing effective 1/1/16. Meetings have been held between ITS and DOH to advance these adjustments. “Survey D”, which asks providers to distinguish the CFR clinician hours that can remain in waiver funding and those hours that must be moved to preventive services, is due back within the next several weeks. Issues addressed at the upcoming webinar on clinical services changes will include changes in the corporate structure that must be made to establish group practices for billing purposes. This is a complex issue requiring critical coordination.

### **HCBS Settings/Heightened Scrutiny Update**

Roger Bearden and Maryellen Moeser updated PA members on the status of HCBS Settings and the Heightened Scrutiny process. A communication memo was sent to all providers on October 13. On September 19, CMS rejected the NYS Transition Plan, a portion of which involves OPWDD’s Transition Plan. It needs to be revised and resubmitted within 75 days and undergo another public input process. The revisions to the Transition Plan will require more details on timeline and milestones as well as the results of the assessment process, converting ICFs to waiver settings and a six-bed maximum on new development in residential settings. OPWDD has asked for an extension until 2/1/16 to resubmit its Plan.

A Power Point presentation was provided on preliminary assessment data.

### **Regional Respite Focus Groups and Certified Day Habilitation Needs Analysis**

In responses to expressed concerns about issues related to day habilitation and respite opportunities, OPWDD’s Regional Offices have been tasked with two key activities:

1. Establish a three month short-term focus group on **respite** to include individuals, families, providers and other key stakeholders. The purpose will be to submit a plan to the Acting Commissioner by 1/1/16 which details the group’s analysis and a plan to increase respite opportunities and access to respite services.
2. Conduct a regional analysis of the need for additional certified day habilitation capacity.

According to Abiba Kindo, these issues emanated from stakeholder feedback, include in feedback received during the Transformation Panel forums.

## Rate Transformation Update

- *Recap of Recent Rate Transformation Meetings*  
The group discussed the pros and cons of delaying the implementation of the 7/1/15 rates to 10/1/15. No final decisions were made. PA members will continue to evaluate the issue over the coming week before arriving at a consensus.
  
  - *Respite Update*  
**PA Issue:** *There is significant uncertainty and anxiety about the possibility of reinstatement of a “cap” on respite hours per day subsequent to 1/1/16. Can OPWDD issue a definitive statement that funding will be found that will prevent such a cap from being imposed? There is concern that regional rates will negatively impact the sustainability of providers whose pay scales are at the higher level. Clarification is needed of what constitutes “to/from” transportation in Respite and how it will be funded by 1/1/16.*  
**OPWDD Response:** There is no “to/from” transportation allowed in respite programs – only in day habilitation and pre-vocational programs. The CFR manual does not address “to/from” transportation in respite. If the provider reports transportation in the respite program, it is included in program support. To the extent it is funding within program operations expenses, current costs are captured in the current methodology. DOH and OPWDD have begun a respite workgroup comprised of key stakeholders in order to revise the methodology. The group is working with CMS to eliminate the cap and implementation of a revised timeline. Acting Commissioner Delaney will follow up with PA members regarding ongoing dialogue on this issue.
  
  - *People First Community Services Funds*  
**PA Issue:** *What is the target date for these funds being awarded for both Waiver and ICFs? This becomes more urgent considering the upcoming ICF recoupments.*  
**OPWDD Response:** OPWDD has revised the “People First Community Services Fund” surplus/deficit calculations to use a different formula when individuals designated for special population funding were supported by an agency during the CFR periods of 1/1/13 – 12/31/13 or 7/1/13 – 6/30/14. At this time, OPWDD is discussing waiver calculations with individual providers in those circumstances in which the provider’s surplus/deficit calculations still do not match OPWDD’s. OPWDD is reviewing the ICF/IID People First Community Service Fund.
- Action Items**
- OPWDD will follow-up with DOH on respite rates on 10/21.
  - OPWDD and PA members will arrive at a consensus on room and board rates by 10/23.

## Wrap-up

The next meeting of the Provider Association will be held on Monday, November 16, 2015 @ 10am @ 44 Holland Avenue in Albany.