

OPWDD/Provider Association Partnership

Monthly Meeting – January 23, 2012

Meeting Notes

OPWDD Attendees: Commissioner Courtney Burke; Jim Moran; Mark Lankes; Bob Lopez; Karla Smith; Henry Hamelin; Mark Pattison; Helene DeSanto; Jerry Huber; Mark Lankes; Bob Lopez; Jill Gentile; John Gleason; Jill Pettinger; Barbara Brundage; Alan Eskenazi; Joanne Howard; Ceylane Meyers-Ruff; Kerry Delaney; Jenny Haneman; Caryn Scott; and topic-specific staff

Provider Association Attendees: Waffa Abboud (Human First, Inc.); Jan Abelseth (COMPASS Agencies); Sue Constantino (CPA of NYS, Inc.); Pat Dowse (NYS Rehabilitation Association); Mark Foley (DDAWNY); Ann Hardiman (NYSACRA); Sue Hoger (Resource Center for Accessible Living, Inc.); John Kemmer (NYSARC); Ed Matthews (UCP of NYC); Gary Milford (LDA of NYS); Anne Ogden (NYS Catholic Conference); Peter Pierri (Interagency Council of MR & DD Agencies); Seth Stein (Long Island Alliance); Barbara Wale (EDA NYSARC); Yvette Watts (NY Assoc. of Emerging & Multicultural Providers, Inc.)

Welcome/General Remarks

- Commissioner Burke introduced Mark Pattison as the new Deputy Commissioner of the Division of Enterprise Solutions (formerly Division of Fiscal and Administrative Solutions) and Jim Nellegar as the Director of Audit Services. The commissioner also noted that OPWDD is considering regional conferences with providers in the spring to get their direct feedback on a variety of topics. She asked the PA members for input as to what topics to include on the agenda. She stressed that such a conference must be a partnership between OPWDD and the provider community.
- A comment was made about where things stand with the 1115 waiver and that our providers are struggling with what to do next. Jim noted that things might be clearer once we get Federal approval. Further discussions concerned collaboration between providers, including sharing resources, assessment tools, what it means to be a network provider (Disabilities Individual Support and Care Coordination Organization- DISCO), and ways to familiarize more people about individualized services. Speakers from other states might agree to speak at regional conferences to discuss how providers in their states are functioning.
- Karla Smith is looking into how we can make information available for providers, such as requests for disability levels, ages and expenditures, and how

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to put that information together. Karla also mentioned that a review was done for FY 2009-2010 of the type of services and percentage of services provided, and noted that waiver services were 68% and ICFs were 23%. Ann Hardiman and Barbara Wale volunteered to participate in a workgroup to look at proposed data elements to be made available for interested parties and will work with Karla on this.

- The commissioner gave an update on the 1115 Waiver and the ongoing discussions with CMS on managed care, integration of services and quality. Additional questions from CMS along with our responses will be posted on the web. A follow-up meeting is scheduled for later in the week to discuss data gathering for the financial piece.
- The commissioner referenced the Olmstead Plan in the Governor's State of the State message. The MISCC Group (Most Integrated Setting Coordinating Council) has developed new charters and will develop an implementation plan in the coming months. Upstate and downstate hearings may be held to gather information and in addition to looking at other state's plans, and have asked agencies to provide information. The commissioner also shared information on how New York Medicaid compared to that of other states.
- Regarding reorganization and Leadership changes at OPWDD, the commissioner recognized John Gleason as Acting Associate Deputy Commissioner for Upstate Service Delivery responsible for 6 regions (Broome/CNY, Capital District/Sunmount, Finger Lakes/Western, LI/Queens, Hudson Valley/Taconic and Brooklyn/Metro/SI), Jill Gentile as Associate Deputy Commissioner for Service for 5 regional centers overseeing the not for profits and assisting families (NYC, Hudson Valley, Long Island, Central and WNY) and Jill Pettinger as Assistant Deputy Commissioner for Statewide Services. Upcoming reorganizational changes will include combining and centralizing certain back office functions performed at the DDSO's. While still in planning stages, the goal is to have changes in place by July 1st.

Budget

- Mark Pattison gave a budget update and noted that while there was some reduction from NPS and local assistance, the overall budget was almost flat with less than a 1% decrease. On the State operations side, institutional rundown will continue and dollars in the Aid to Localities budget will help support Family



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Support Services (FSS) and community hab, and bringing people back from out of state. The budget also includes capital dollars for fire safety upgrades. Forty million in Development and eight million in Family support as themes, a suggestion was made that when the commissioner submits the OPWDD budget, it should include a note that these themes are included.

2012 – 2013 Actions

- *Executive Compensation* – Kerry Delaney reported that based on the Governor's executive order, agencies have 90 days to promulgate regulations to set standards that require 75% of state dollars a provider receives to go directly to services, increasing to 85%. Administrative compensation cannot exceed \$199,000 if funding comes from NYS and can be adjusted yearly and an exception process will be established. The affected state agencies will be meeting to discuss definitions of waivers to Administrative costs. The regulations must be promulgated by mid-April and it is expected that definitions will be coordinated across agencies, especially for providers dealing with multiple state agencies.
- *Governance* – Jim Nelligar reported on the proposed Regulatory Structure on Governance. Some of the items covered will be board composition, training and service, code of ethics, QA and compliance programs, fiscal and fiduciary matters and implementation, including surveys and LFRs. Once they are formulated, materials will be sent out to the PA group.
- *Community Habilitation (CH) Review Assessment* – Jim Moran presented a timeline for a CH review assessment with a tentative start of September 2012 for Monthly CH. He also stated that any change in CH will be coordinated with any findings of the Hourly CH review. He also urged providers to wait until the analysis of the most current data is complete, at which time we can discuss issues of outliers and surplus/loss on an individual agency basis. Jenny Haneman, with the assistance of Ann Hardiman, will continue to meet with Chris Nemeth and his staff regarding the methodology to be used for the survey.

Fire Safety

- Helene DeSanto gave an update on the fire safety gap analysis and noted that we had almost 100% participation by providers in the homes using a 3-minute-out strategy survey. Division of Quality Improvement (DQI) staff are contacting voluntary agencies to see if the provider concurs with the rating assessments for



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the reported sites, and Fire Safety representatives are doing the same for district sites. Helene reported that the Governor's budget provides funding for fire safety improvements for the coming year, along with a multi-year strategy. For the Board & Care Impractical DQI staff completed a survey for 500 sites across the state. OPWDD will be engaging expertise from the Office of Fire Prevention and Control (OFPC) and architects familiar with state fire codes to help make judgments on required upgrades.

- Helene also reported that the Fire Safety ADM #2011-02 will be reissued with clarifications, and will supersede the previous ADM. It was also reported that there will be a reconvening of a subset of the Fire Safety Panel of Experts on February 9. Further information should be available at the next PA meeting regarding the current shadowing of OPWDD surveyors by OFPC officers.

Funding for High Need Populations

- Jill Gentile reviewed the funding template for services for people moving out of the Developmental Centers (DCs) and Multiple Disabled Units (MDUs), and also reviewed what makes up these dollars for new and existing opportunities in order to show the difference between the template and the actual cost to provide services to an existing individual. DDSOs have the template information. A question was raised about the possibility of using an individual's MA card for nursing needs not covered in the rate, and the answer was that skilled nursing can be used on a short-term basis only.

Jill and John Gleason presented a chart showing where people are in the OPWDD Request for Services (RFS) for campus rundown, aging out students and bringing students back from out of state. Jim clarified that these opportunities are not part of any master plan to transfer individuals from state supported services to voluntary providers; however, based on operational needs, OPWDD will consider that only when needed.

National Quality Enterprise (NQE) Recap

- Commissioner Burke mentioned that the NQE mandated state review went well and that for anything that OPWDD changes as a result of the review, the agency will have to get staffed up for the voluntary side (i.e., investigations review).
- Maryellen Moeser reported that environmental scans were done in December and early January by the National Quality Enterprise, a contractor for CMS. The

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purpose of the environmental scans was to review OPWDD and DOH's waiver oversight related to federal assurances in the area of Administrative Oversight (Single State Medicaid Agency-DOH); Health and Safety; Provider Qualifications; and Service Planning). A resulting 20 + page work plan was submitted to CMS on Friday, 1/20/12. Overall, NQE was impressed with OPWDD's quality improvement reforms but there are areas for additional improvement outlined in the workplan such as: the need for a professional mortality review committee to review unexpected deaths and system wide preventative measures that should be taken; the need to develop specific criteria for when OPWDD will conduct investigations and criteria for when OPWDD will closely oversee investigations conducted by voluntary agencies; incident management - enhance the communication, service plan changes, and closing the loop with service coordinators when incidents occur involving people they serve; and other areas. Jim said OPWDD will provide the PA group with highlights on other areas in which CMS feels we need more attention. The Quality Workplan will be part of the 1115 Quality Framework.

1115 Waiver Update

- *Request For Information (RFI)* – Kate Bishop reported that the RFI was completed and there were 251 responses, some providers submitted individual responses and some were submitted as part of a larger group. The RFI responses are under active review and OPWDD should have a final report by early March.
- *Communication*: DDSO liaisons and communication boards have been established for each district to facilitate a coordinated system for sharing information related to the waiver. The liaisons will receive regular updates to share with stakeholders.
- Kate also gave an update on the joint application between the SUNY School of Social Welfare, and IBM for a grant to develop an information framework that will connect individuals, providers and OPWDD in a common data exchange with the ability for data analysis. The model being explored will build a master data record and an information exchange which will include qualitative aspects with the facility for a comprehensive health record. The exchange will have the capacity for “care intelligence” which facilitates the use of data and trends to inform care planning in a manner that builds upon successful practices. Bob Vasko asked for a volunteer from the PA group and a self advocate to be part of an advisory group that will include representatives from OPWDD and IBM. One

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member of the group stated that some providers have already invested considerable dollars in current electronic systems, and Bob acknowledged that there would likely be additional costs to providers for the software necessary to be a part of the exchange.

- Lastly, Kate reported that the Case Study Project planning has begun and as part of the RFI OPWDD requested submittals for agencies who felt that they met the quality expectations utilized to achieve a COMPASS designation. Approximately 30 agencies responded as interested and meeting the COMPASS standards. DQI will make the final determination of the quality status for each provider who responded. The studies are focused on testing assessment tools, developing person centered planning processes and establishing documentation procedures that are designed to ensure quality supports are provided and personal outcome measures can be established. A two-day planning session was held on January 9 and 10, 2012. Additional planning will take place as well as inclusion of the agencies identified as appropriate through the RFI selection process over the next months.

Updates

- *Individualized Services Workgroup* – Jerry Huber gave an update on the Individualized Support Services workgroup, and indicated that it was recommended OPWDD streamline; improve consistency and access to CSS, ISS and Portal services throughout the state. Regulatory simplification may incentivize families to use these programs, and the workgroup hopes to have recommendations by the end of February.
- *OMIG and Providers Update* – Peter Pierri reported on the meetings between the OMIG and providers and noted that the requirement for claims to be submitted within 90 days of the claim date and the requirement that services first be billed to a third-party health insurance were removed from the Day Treatment Protocol. Updated protocols are available on the OMIG web site, and Jenny Haneman reported that there continues to be ongoing discussion with the OMIG with regard to the issue of the semi-annual review being considered a program standard vs. a payment standard in the Day Habilitation Protocol. Jenny stated that the OMIG may not back down on this issue completely, but may be willing to modify their audit criteria to a non-projected overpayment. A follow-up meeting with the OMIG will be held in the very near future to discuss this and other issues.



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- *Media* –The Communications workgroup is up and running with about 15 organizations, and the redesigned career site on the OPWDD web site is showing a great deal of internet hits. Additional postings have spread to the OPWDD Facebook page, and Travis will send information out on how to get an account to post jobs on the OPWDD Careers page.
- *Behavior Management Regulations* – Jill Pettinger reported that public comments are due by February 13 on the proposed regs. Jill also stated that she is willing to host a teleconference to take informal questions from interested parties unsure as to whether they want to submit a formal comment.
- *CQC Death & Incident Reporting* – Barbara Brundage reported that CQC can now directly access information in IRMA. Because they can access information through IRMA, CQC has issued a [directive](#) to the field which states that agencies no longer need to submit information on allegations of abuse or deaths directly to CQC. The entry of the pertinent data into IRMA by the agency will be sufficient. OPWDD will be submitting a regulatory amendment to make conforming changes to Part 624.

Update/Wrap Up

- The next meeting of the Provider Association will be Monday, February 27, 2011.

