

# OPWDD/Provider Association Partnership

## Monthly Meeting – May 21, 2012

### Meeting Notes

OPWDD Attendees: Commissioner Courtney Burke; Jim Moran; Kate Bishop; Barbara Brundage; Helene DeSanto; Leslie Fuld; Jill Gentile; John Gleason; Henry Hamelin; Jenny Haneman; Joanne Howard; Jerry Huber; Kate Marlay; Sheryl Minter-Brooks; John Monteiro; Maryellen Mosier; Megan O'Connor-Hebert; Mark Pattison; Jill Pettinger; Caryn Scott; Karla Smith; and topic-specific staff

Provider Association Attendees: Waffa Abboud (Human First, Inc.); Jan Abelseth (COMPASS Agencies); Sue Constantino (CPA of NYS, Inc.); 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.); Jeff Wise (NYS Rehab Assoc.)

### Welcome/General Remarks

- Commissioner Burke opened the meeting by thanking providers for turning out for the Governor's presentation on the Justice Center.
- The commissioner indicated that beginning in June; the proposed regional conferences will be replaced with "virtual" conferences, which will be all day sessions comprised of three to six presentations. This will allow people outside of OPWDD's Central Office to be privy to the exchange of ideas between the provider community and OPWDD. The presentations will include such things as proposals from groups of providers looking to be designated as a DISCO and at the same time have stakeholders from the different regions indicate what ideas they like or dislike. PA members should submit presentation ideas to the Commissioner's office.
- The commissioner stated that OPWDD has use of a consultant from another agency to help advance the agency's Culture Change agenda, and would like Provider members to be part of the regional councils to help work on this topic.
- The commissioner commented on some resistance in the Finger Lakes area regarding moving special populations out into the community. She thanked those providers who have stepped up and said that OPWDD still welcomes ideas and suggestions on this issue. In response to the question about the supports

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that would be available for special populations, the commissioner said that support will be long term, and over time, each region will need to have a crisis response. Helene DeSanto mentioned that Jill Pettinger has been looking at national approaches. Current thinking is OPWDD staff mentoring with existing clinical staff at voluntary agencies, and that there already some training going on with direct support staff on these types of individuals moving into the community. The PA Group indicated that it would be helpful to know what types of people are coming out of DCs and requested that OPWDD have a presentation on the types of people leaving institutional settings.

#### Open Discussion

- *People First Waiver* – Recent discussions with CMS resulted in OPWDD deciding to go forward with the 1915b/c Waiver, rather than with the 1115 Waiver as the vehicle to make the systems changes outlined in the People First Waiver. The commissioner also noted that the 1915b/c Waiver is more stable than the 1115 Waiver and locks in program even if there is a change in Federal Administration. OPWDD will also have to start putting together workgroups to talk about regulatory reform. With CMS approval, the intent is that the case studies are initiated in 12/13 and pilots begin in 13/14.
- *Duals Demonstration (three year)* - DOH's second draft proposal includes up to 10,000 Dual Eligible individuals with DD. Under the duals demonstration up to three MLTC program(s) for people with DD will be established in 2013 and then the comprehensive plan(s) (health care and long term support services including Medicaid and Medicare funding) will begin January 1, 2014. This is addition to the case studies and the People First Waiver pilots and this demonstration will be folded into the People First Waiver.
- OPWDD intends to move forward with assessments of provider capacity to move to managed care, looking at such things as a provider's current care coordination environment, financial stability and billing history, IT capacity, , and administration. , OPWDD will provide a summary of the project and will be ready to present by the next PA meeting.
- With regard to Rate Reform, Jim reiterated that OPWDD is trying to look at reimbursement levels in a different way, and learn from the case studies on how to build the infrastructure prior to being fully integrated within managed care.

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### Voluntary Provider Investigation

*Investigator Training* – Tony Bruno reported that OPWDD has already taken on some investigations by request of some providers, and has started to compile a list of standards under which OPWDD would take over or review and monitor investigations. The goal is to have all providers and OPWDD conform to the standards outlined for the proposed Justice Center, and to provide more concrete details to CMS. Some critical items OPWDD would assume responsibility for the investigation include; instances of sudden death, serious neglect, physical and/or sexual abuse by an employee, criminal act by an employee, and other items designated by the Commissioner. Situations where OPWDD would monitor the investigation include; disappearance of a person whom is at risk or is a danger to the community, assault on a person, and an unauthorized physical restraint that results in a individual's hospitalization. Tony will send a draft list to the PA members and has requested feedback. Barbara Brundage reiterated that OPWDD has always had, and continues to have the right to take over an investigation. The PA Group indicated that further discussion on FOIL requests would be helpful for providers to understand how to respond to FOIL requests.

- Leslie Fuld reported that work is still being done on what components will be available for investigator training. Leslie indicated that OPWDD already accepts training through the Inter Agency Council of DD Agencies (IAC) and the Labor Relations Alternatives (LRA) groups, and that as we go forward, agencies will need to share training criteria. Work continues with OPWDD Staff Development regarding criteria for training.

### Heat Related Illness Prevention

- Megan O'Connor reported that the CQC issued a report to all MH agencies on preventing heat related deaths, and that each agency had to submit a plan to CQC, who will then post this information on their website early June. OPWDD will also be issuing heat-related action plans to the field on how to identify risks and will request that providers develop staff training plans to respond to risks. More information will be posted on the OPWDD web site.

### Talent Development Consortium

- *Direct Support Professional (DSP) Competency Project Update* – John Monteiro thanked the many provider agencies participating in the Talent Development

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Consortium. The development of the DSP competencies includes the efforts of all stakeholder groups, which contributed greatly to the quality of the final products. Karen Galarneau and Jeremiah Coleman presented a PowerPoint on the DSP Competency Project, which will be shared with the PA group. The PowerPoint briefly touched on project goals and outcomes, collaboration among stakeholders, competencies, best practices, and code of ethics. They also spoke about potential evaluation tools for DSPs, supervisors and individuals who receive services. The DSP competencies will be piloted with workgroup agencies starting July 2012; the Talent Development Consortium Steering committee agencies will be the second group to use the competencies, followed by a statewide rollout. Feedback from the pilot testing will provide information for the statewide rollout. Additional updates will be given to the PA group in the coming months. To provide the field with information on this project Consortium workgroup members are interested in speaking at PA meetings and conferences. Please email Karen Galarneau at [Karen.a.galarneau@opwdd.ny.gov](mailto:Karen.a.galarneau@opwdd.ny.gov) for scheduling. The next project of the Talent Development Consortium will focus on supervisor competencies.

### Community Habilitation (CH) Participant Survey Results

- Chris Nemeth gave a report on the preliminary results of the CH participant survey, which was the third piece to the Community Hab review. The first being a fiscal review, the second a provider survey and the last being a participant satisfaction survey. There was a 24% response and the survey showed fairly consistent satisfaction response across the board. A study will be done on how the demographics stack up to the Community Hab census.

### Updates

- *Smoking Regulations* – Barbara Brundage reported on the changes to the smoking regulations, which are expected to be promulgated as an emergency/proposed regulation in the near future. The emergency/proposed regulations incorporate the provisions of the recently-issued ADM but have a few additions/changes. If a residential provider serves any individual who smokes, the provider must have policies and procedures to address smoking safety and smoking related health issues for each individual who smokes. If a provider has no smokers, there is no need to develop a policy. For Supportive IRAs and CRs, unless a provider prohibits all indoor smoking, the provider must do an appraisal of each site

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where a smoker is served, including reviewing local laws, building regulations and the smoking practices and preferences of people at the site. The planned target effective date for the provisions requiring policies and procedures is July 1, 2012, with a required implementation date of Jan. 1, 2013. The PA group requested that providers be given 2-3 months for the development of policies and procedures, and requested a list of suggested items to include in a smoking policy.

- *MSC Staffing* – Helene DeSanto gave a brief report on MSC Staffing and noted that the greatest concentration of class members is downstate (Metro, 390, Brooklyn 362, Queens 289, Staten Island 128, Long Island 121 and Hudson Valley 135). She stated that OPWDD and the Willowbrook parties agree that a more proactive approach is needed due to the eventual transition of many MSC coordinators to assessment roles and normal attrition. A meeting will be set up with the districts in order to get feedback from providers on who is willing to work with class members. Providers interested in providing MSC to Willowbrook Class members can contact Lori Lehmkuhl or Helene DeSanto.

### Wrap Up

- The commissioner spoke briefly about OPWDD's commitment to culture change and noted that with the completion of the NY Times series, we can make the shift to being proactive rather than reactive. Dianne Henk has returned to the agency to help coordinate, harness and assist with forwarding the progress of culture change at OPWDD. Dianne noted that her recent feedback from DSPs was from 2008, and indicated that, in partnership with the National Association of Direct Service Professionals (NADSP), she would like to hold a series of one-day seminars in the six state regions to explore such topics as; workplace issues; employee recognition and adoption of the Code of Ethics. Dianne requested feedback from the providers on issues to be incorporated into the one-day seminars.
- The next meeting of the Provider Association will be Monday, June 25, 2012.