

# OPWDD/Provider Association Partnership

## Monthly Meeting – November 26, 2012

### Meeting Notes

OPWDD Attendees: Commissioner Courtney Burke; Jim Moran; Merideth Bastiani; Kate Bishop; Barbara Brundage; Kerry Delaney; Helene DeSanto; Jill Gentile; John Gleason; Jenny Haneman; Joanne Howard; Don Hughes; Michael Kirchmer; Donna Limiti; Bob Lopez; Megan O'Connor; Les Parker; Mark Pattison; Tiffany Portzer; Caryn Scott; and topic-specific staff

Provider Association (PA) Attendees: Wafa Abboud (Human First, Inc.); Jan Abelseth (COMPASS Agencies); Susan Constantino (CPA of NYS, Inc.) Rhonda Frederick (People Inc.); Ann Hardiman (NYSACRA); Sue Hoger (Resource Ctr. for Accessible Living, Inc.); John Kemmer (NYSARC); Gary Milford (LDA of NYS); Anne Ogden (NYS Catholic Conference); Peter Pierri (Interagency Council of MR & DD Agencies); Seth Stein (Alliance of L.I. Agencies for Persons with DD); Steve Vernikoff (AGNY); Barbara Wale (ARC of Monroe County); Yvette Watts (NY Assoc. of Emerging & Multicultural Providers, Inc.); Jeff Wise (NYS Rehabilitation Association)

### Welcome/General Remarks

- The Commissioner opened the meeting by thanking everyone for the work they put in during the super storm Sandy emergency, particularly Don Hughes and Merideth Bastiani, who manned and coordinated the storm response for OPWDD. About 10,000 OPWDD individuals had been without power and 5,000 were evacuated. Roughly 60 sites are still without power and 40 sites are still evacuated, but this is updated on a daily basis. Over 100 sites that sustained heavy damage might be repaired. The Commissioner further stated that the Medicaid Inspector General wants to schedule a meeting this week to discuss loss of documentation due to the storm.
- CMS wants OPWDD to hold the official filing of the 1915 Waiver b/c combination until the amendments on the current 1915c HCBS waiver (work continues on an outstanding request for additional information) is wrapped up. In the meantime we continue to work with CMS on all of the necessary components. Based upon this preparation work OPWDD realistically won't have to submit a new waiver application until next spring for an October 1, 2013 start date which is keeping with our time schedule. As of now, the People First Waiver is dealing with the program piece under a 1915 b/c waiver and the fiscal piece under an 1115 Waiver. The fiscal piece will also include Hurricane Relief and MRT funding. OPWDD is working with DOB to allow for greater flexibility – the super storm put a significant strain on state resources. However, OPWDD is trying to work within existing resources to manage provider needs.

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- The commissioner thanked the people who attended the informational session in Region 1 (Western and Finger Lakes) last week; the purpose was to facilitate conversation and discussion on managed care. She noted that there will likely be additional meetings in other regions. The commissioner announced that a panel of experts will be assembled on 12/11/12 to talk about capital reserves, and that there will be a VC on 12/13/12 facilitated by United Hospital Fund to talk about managed care as it relates to Developmental Disabilities. Notification on both meeting will be sent out shortly.
- The commissioner welcomed Les Parker as the new Regional Director for Region 2, and also announced OPWDD's new legislative liaison, Gary Roberts, who has had many years working in the senate.

### Open Discussion

- *Emergency Planning Discussion* – Don Hughes thanked everyone for all the work they did during the storm and spoke about developing a streamlined process for reporting and receiving information. The PA group asked to be part of a subgroup to address future storm issues and Jim Moran asked them to submit names to Don Hughes at [Safety.Security@opwdd.ny.gov](mailto:Safety.Security@opwdd.ny.gov).

Merideth Bastiani explained the difference between flood and SLOSH (Sea, Lake and Overland Surges from Hurricanes) zones. In New York City, evacuation orders are decided on the local level based on Zone A (less than three feet above sea level), Zone B (three to eight feet above sea level) or Zone C (eight feet or more above sea level) categorization. SLOSH models are based on the strength of an actual storm event; however, storm information is only available 24 hour prior to the event. Merideth also mentioned two websites where providers can find the elevation above sea level for their homes by entering the specific address for that location, and she will send a link that providers can find the Zone for each of their houses (<http://veloroutes.org/elevation/>).

OPWDD can label houses by storm surges, but will need to work with New York City and SEMO regarding evacuation recommendations and SLOSH models. In addition, providers were encouraged to review emergency plans to identify where they would evacuate people in an emergency. It is important to keep in mind not only the above sea level of a house, but the street escape route and access to emergency services if so needed.

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It was suggested that OPWDD might use its buying power to buy emergency generators in bulk. The PA group was advised to remind their members that 12/1/2012 is the deadline to submit an initial application for financial assistance from FEMA and if the provider has not gotten a DUNS (Data Universal Numbering System) number, they should apply for one ASAP (any provider should have one and it needs to be updated periodically). <http://fedgov.dnb.com/webform>

- *Executive Compensation and Limits on Administrative Expenses* – Kerry Delaney reported that revised proposed regulations on executive compensation have been filed. It was noted that different State agencies have different deadline dates. December 24 is OPWDD's deadline date; other agencies have a December 14 deadline. As there are questions surrounding what is included in the definition of "Government Programs" (state funds or state authorized programs) e.g. as in the case of SED funds, the Governor's Office is publishing a list of "government programs". It was also asked how OPWDD will coordinate with SED, who already has a policy on executive compensation.
- *Fire Safety ADM* – Megan O'Connor reported that OPWDD will be working on providing further guidance to people on the ADM, and that a 12/10/12 DQI provider training will include a presentation from OFPC, which will address questions about OFPC's survey process. Some of the items needing further guidance include: behavior challenges, and fire drill requirements. A concern related to a code violation issue with a residence in NYC and potential impact on all NYC sites was raised. Don Hughes noted that we are waiting for additional comments on the fire drill forms, and comments should be sent to [Safety.Security@opwdd.ny.gov](mailto:Safety.Security@opwdd.ny.gov).

### **Post Storm Assessment/Storm-Related Waiver of Regulations**

- Megan stated that a webinar will be held on Wednesday 11/28/12 from 9:30 to 11:30 to give updates on storm waiver of regulations and will include a representative from FEMA. Questions can be sent in on line during the session and members were asked that additional questions be submitted by Tuesday, 11/27/12, so that they can be included in a subsequent Q&A in the event the question does not get answered in the webinar. Megan will check on the availability of recording the session and said a PowerPoint will be available on line for those attending the webinar.

Mark Pattison reported that there is no update on Phase 1 cash from the hurricane. Kerry Delaney stated that a copy of Executive Order 71 was issued 11/11/12. This order

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provides for the suspension of regulations in certain areas impacted by Hurricane Sandy. Kerry said the Executive Order will be further discussed in the webinar to be held on 11/28/12. Other topics that will be discussed are the loss of documentation and/or records, and what, if any, additional regulations need to be waived in a future Executive Order. The 1135 Waiver of requirements will be covered around active and non-active treatment for individuals living in an ICF.

### Updates

- *Assessment Training* – Kate Bishop gave a brief update on the assessment tool finalization and implementation. The tool has been finalized in draft format for use in the case study platform in order to get better reliability. An assessment brochure and a video are in the process of being finalized and will be posted on the OPWDD website by week's end. A vendor has been selected for automating the tool, and Kate said that 17 assessment specialists and supervisors have already been hired, but an additional person will be needed for Region 5. A manual was created as part of the customized tool and Kate said that feedback received during the statewide hearings has been incorporated into the manual. Next steps are for assessment specialists to continue to practice using the tool, establish a community of practice and establish caseloads from groups of case studies. Summary reports will be shared with providers.

### Capital Finance Survey Results

- Len Carusone reported on the completion of property surveys, which had been interrupted by the storm. Some agencies have submitted partial information and others have yet to submit anything. Len also noted that providers are trying hard to complete the surveys and are not using the hurricane as an excuse. He asked the PA group to follow up with their members and also said that provider questions can be sent to him at [Leonard.Carusone@opwdd.ny.gov](mailto:Leonard.Carusone@opwdd.ny.gov).

### Wrap Up

- The next meeting of the Provider Association will be Monday, December 17, 2012.