

OPWDD/Provider Association Partnership

Monthly Meeting – November 28, 2011

Meeting Notes

OPWDD Attendees: Commissioner Courtney Burke; Jim Moran; Steve DeHond; Jill Gentile; Richard Monck; Cheryl Mugno; Barbara Brundage; Helene DeSanto; Alan Eskenazi; Jenny Haneman; Joanne Howard; Maryellen Moeser; Ceylane Meyers-Ruff; Caryn Scott; Karla Smith and topic-specific staff

Provider Association Attendees: Waffa Abboud (Human First, Inc.); Jan Abelseth (COMPASS Agencies); Stephen Boese (Learning Disability Assoc. of NYS); Sue Constantino (CPA of NYS, Inc.); Robert Goldsmith (AHRC Nassau); Mark Foley (DDAWNY); Ann Hardiman (NYSACRA); John Kemmer (NYSARC); Ed Matthews (UCP of NYC); 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 Rehabilitation Association)

Welcome/General Remarks

- Jim Moran introduced the new Deputy Commissioner of Quality Management, Alan Eskenazi, who spoke briefly about his background and previous experience with the various state agencies.
- Jim indicated we are still working with DOB on the budget and internal meetings are ongoing. Discussions centered on potential actions but nothing is certain. The Governor's budget is scheduled to be released on or around the Martin Luther King holiday, but Jim stated that OPWDD needs a more flexible system in which to operate and we will continue to push forward on those areas regardless of the numbers in the budget. Jim also indicated that a new Deputy Commissioner for Policy & Enterprise Solutions will be announced no later than Tuesday, November 29.
- Commissioner Burke spoke to the monthly alerts generated by OPWDD and asked the providers to submit any ideas for future monthly alerts. One of the most recent alert subjects was on choking. One member described seeing a placemat that showed an individual's picture and the size of food the individual could safely consume. The commissioner also spoke briefly on the initial meeting of the Culture Change Workgroup, which is hoped to raise awareness, and the plan to develop action items and implementation.

OPWDD/Provider Association Partnership Monthly Meeting – November 28, 2011

- Questions were raised from the group regarding how OPWDD feels about staff rehabilitation as opposed to firing staff. The consensus is that we need to look at whether the issue is systemic or the fault of the worker, but there should be progressive discipline. There is also a need to come up with a consistent definition of abuse, as this differs across agencies.

Meeting Between OMIG and Providers

- Peter Pierrri and Jeff Wise reported on the meeting between the OMIG and Providers. The workgroup included representatives of the Provider Association, state agency officials, hospitals, pharmacies, the Association of Counties and self-advocates. Among the topics that were discussed was the OMIG's extrapolation protocol, and the OMIG has agreed to be more transparent about this protocol. The group also discussed the OMIG's reinterpretation of agency regulations, especially when providers feel that they have been adhering to those regulations. A third discussion revolved around payment for disallowances and the fact the providers have 20 days in which to pay, even when there is an appeal. There appears to be some interest in compromise on the part of the OMIG. There will be four more meetings with the OMIG between now and March 31, 2012 and the next scheduled meeting is Friday, December 9.
- *OMIG Day Treatment Protocol* – Jenny Haneman reported on a general issues meeting between OPWDD senior management and the OMIG, and the OMIG indicated that they would be willing to review one of the protocol standards for day treatment (submission of eligible outside billing to third party payors even if it's a service that is never covered). Jenny also reported on the discussions surrounding the day habilitation protocol, and indicated that there seems to be a greater willingness to compromise on the part of the OMIG.
- *Federal OIG Update* - Jim reported that the OIG gave a draft report on the Assistive Technology review, and stated that OPWDD staff are working with agencies on trying to find supporting documentation. Helene DeSanto and Jill Gentile spoke briefly on the two main issues that required supporting documentation: explanation of the contingency payment and why it was included in the contract, and inclusion of the required information in the ISP. OPWDD will need to review the OIG work papers to know how specific they felt the ISP should be, e.g. the assumption that a person who only uses a wheelchair requires van modifications vs. stating that an individual who uses a wheelchair requires van modification. Jim also briefly touched on the New York City

OPWDD/Provider Association Partnership Monthly Meeting – November 28, 2011

portion of the waiver audit, and indicated that the OIG has substantially revised its numbers down for the potential monetary recovery.

Recommendations on Incentives for Participation in Efficiency Actions

- *Health Insurance* – Peter Pierri reported that the IAC workgroup had three meetings with two national firms and a major insurance company. The discussions centered on pooled products, but the amount of savings is limited if agencies are not willing to share risk. Savings result when there is an excess of 15,000 individuals. The workgroup also discussed self-insured plans and how to garner maximum savings. An RFP will be prepared to secure a health insurance broker to put together a plan that could yield a 7 to 10 percent savings (less for a larger provider), but any product offered must be more cost effective than what an agency could come up with on its own. The IAC workgroup will have more hard data within the next few months.
- *Workers' Compensation* – Bob Goldsmith presented information discussed at the Efficiency Workgroup regarding how to generate savings under Workers' Compensation. Providers can realize a 15 to 20% discount from Workers' Compensation, but an overall safety group needs to manage a provider(s) program. Providers need to review their internal policies regarding staff long term leave and ability to return to work; however he suggested that a feasibility study professionally done should be completed. Once providers as a group have a game plan it can be decided whether they want to go with management by the State Insurance Fund or a private insurance fund. Bob stated that he would prepare a short narrative for consideration on the various options. A workgroup specifically to look at this topic will be convened.

Ideas for 1115 Waiver Transition Activities

- John Kemmer conveyed that there is a lot of discussion going on about the transition to the 1115 Waiver, specifically providing clinical services under the auspices of Article 16 clinics. Discussed was how to minimize high cost therapies being used for individuals who want them, but do not need them. One suggestion was for clinicians to teach and train support staff to deliver certain services utilizing therapeutic techniques as a habilitation service rather than as rehabilitation.
- *Day services* – the idea was presented of using a single day service habilitation plan that would allow for smoother flow between day hab, prevoc, and SEMP

OPWDD/Provider Association Partnership Monthly Meeting – November 28, 2011

services. Another idea presented was that since ACCES-VR has such a time-consuming process, it was suggested that the Federal dollars should come directly to OPWDD. Other thoughts included using a monetary incentive for employers for such things as trial employment periods. Questions on quality indicator measurement and service documentation would need to be worked through.

- *Transportation* – travel assessments can be done to determine whether an individual is capable of self-travel and could be provided as travel training. Pilots are underway with upstate providers to reach out to DOT for grant monies that can be used to purchase software that can assist in the development of a registry that includes participants and transporters, and can better develop and manage on-demand transportation as well as eliminate duplication. It was suggested that OPWDD tweak the regulations to better clarify necessary transportation. It was also suggested that new individuals be limited to regional programs, rather than those requiring long distances.

1115 Waiver Update

- Kate Marlay gave an update on the status of the 1115 Waiver and reported an application was submitted to CMS; but will evolve over the course of negotiations. The Request for Information (RFI) will go live December 1 and providers can then ask for clarification regarding individual RFI questions. Answers will be responded to all providers collectively and will be completed by 12/13. The deadline for responses to the RFI is 12/27.
- The next steps are to look at implementation groups and charter out the implementation plan. A provider conference will be scheduled sometime in February or March 2012 to discuss some of the business issues related to the 1115 Waiver.
- The last question of the RFI survey targets those providers who are interested in doing case studies. For clarity sake, there are two ways that OPWDD is looking at engaging in testing within the 1115. Tests can be done either through a RFA-DISCO (i.e., operation of regional care coordination entity) or through a case study. Case studies will look at more narrowly defined areas that will be important for the waiver (e.g., assessment tools). Case studies can be done in a limited capitated environment within a limited time frame – April 2012 to March 2013 – using COMPASS agencies (listed on the OPWDD web site). If a non-

OPWDD/Provider Association Partnership Monthly Meeting – November 28, 2011

COMPASS agency feels they qualify, they can respond to that question on the RFI and DQM will assess the agency's ability to participate in a case study. A workgroup will be pulled together to discuss such topics as assessment, quality measures, documentation expectations and personal growth models.

Updates

- *Media* – Travis Proulx reported that he expects that the NY Times will be publishing two more articles focusing on the non-profits and OPWDD's oversight.
- Travis also mentioned that the OPWDD web site is undergoing a complete redesign and that one of the key parts will be a Careers page. The job page will launch this week and will be open to all the non-profits to post job vacancies.
- *Fire Safety Supervised Homes Survey* – Jenny Haneman reported that we received approximately 2,106 responses to the 3 minute out survey request (done through Survey Monkey) and 806 responses to the Board & Care Impractical request (done by DQM staff). Approximately 217 providers are still missing some surveys on their sites and once completed, priority lists will be compiled based on the survey data. Don Hughes from the Office of Fire Safety and Security Service and other OPWDD staff will reach out to providers, beginning with locations that scored as high risk.
- *Monthly Community Habilitation* – Karla Smith reported that the request to DOH for system modifications which had been stalled has now been designated as high priority and is moving forward. Once DOH makes the system changes, OPWDD will be able to generate a service start date.

Wrap Up

- The next meeting of the Provider Association will be Monday, December 19, 2011.