

# OPWDD/Provider Association Partnership

## Monthly Meeting – August 22, 2011

### Meeting Notes

OPWDD Attendees: Commissioner Courtney Burke; Jim Moran; Jay Kiyonaga; Mike Kirchmer; Kirk Maurer; Helene DeSanto; Jill Gentile; Suzanne Sennett; Barbara Brundage; Cheryl Mugno; Joanne Howard; Jenny Haneman; Caryn Scott; and topic-specific staff

Provider Association Attendees: Jan Abelseth (COMPASS Agencies); Mark Foley (DDAWNY); Ann Hardiman (NYSACRA); Mike Alvaro (CP Association of NYS); Sue Hoger (Resource Center for Accessible Living, Inc.); John Kemmer (NYSARC); Ed Matthews (UCP of NYC); Gary Milford (Learning Disabilities Association of NY); Anne Ogden (NYS Catholic Conference); Frank Pennucci (Human First, Inc.); Peter Pierri (InterAgency Council); Seth Stein (Long Island Alliance); Barbara Wale (EDA NYSARC); Jeff Wise (NYS Rehabilitation Association); Yvette Watts (NY Assoc. of Emerging & Multicultural Providers, Inc.)

### Welcome/General Remarks/Oversight and Accountability Update

- Jim Moran gave an update regarding the Governor's Task Force on Executive Compensation. An introductory meeting was held last week, and the task force will be collecting information from DOH, OMH and other "O" agencies, nursing homes and hospitals. The initial focus is not-for-profits, and OPWDD has indicated that we will have to be responsive to the topic.
- OPWDD is having increased discussions with CMS on the 1115 waiver regarding services to be covered, quality and reform activity. OPWDD has a target start date of 4/1/2012 and chief among the major issues for the first year are institutional rate setting and developing a waiver implementation plan. There will be a steering committee meeting on 8/24/11 to go over recommendations of the design teams.
- There has been a significant increase of reporting of allegations of abuse to law enforcement, and it appears that while in the past, providers were under the perception to only report if they thought a crime was committed, now providers are required to report everything. Previously, there were different agreements with law enforcement regarding what needed to be reported, and the group expressed concern that the public perception is that allegations were not reported in the past. OPWDD has been collecting data for the last 15 months and will provide statistics at the next PA meeting.
- There was an Administrative Interchange call last week to review possible language to present to DOB. It was proposed that OPWDD request an extension of the

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Interchange regulation at least until the Governor's Task Force on Executive Compensation releases its recommendations.

- Regarding van checks and provider accountability issues, PA members felt that the increase in required documentation will create a negative impact on service delivery. It was suggested that documentation be limited in situations where the risk is low (e.g., one-to-three service delivery). The larger issue is accountability as opposed to safety, and everyone needs to be engaged to look systematically at the need to manage outcomes versus the need to manage risk.

- On the subject of Early Alert, the question was asked whether state operated programs would go on Early Alert if found to have serious deficiencies. While Mr. Moran indicated yes, state operated programs are subject to the same criteria, he advised the PA group to relay to their members that they must deal with the issues that got them placed on Early Alert before they can be removed from it. Providers will be notified when they are removed and this information will also be updated on the internet. A recommendation was made that DQM Statements of Deficiency (SODs) include a cover letter written in plain language that summarizes any serious deficiencies outlined in the SOD.

#### **Provider Association Efficiency Workgroup Report**

- Jay Kiyonaga introduced Kyle Sapkiewicz (who is providing staff support) and related the mission of the group. Kyle did a general overview and introduced Louis Tehan who reported that the workgroup has met four times since its June inception, and that while the charge to the workgroup covers all aspects of managing a non-profit in the OPWDD system, the current focus is on insurance/risk management, purchasing/contract/vendor management, and training. There will be further discussion among workgroup members as to whether the workgroup should break into subgroups to study additional topics. The workgroup seeks to establish an effective means of communication with the provider community and to that end, requests feedback from the PA Group as to how best to effectuate that communication. The PA Group was also asked to share their own or their members' best practices at the next PA meeting. A survey will be sent out in the near future to garner additional information from the Provider Association and their members.

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### 2011-12 Budget Update

- Jay Kiyonaga reported that there were three Local Assistance areas through which savings need to be taken in this year's budget; one was the July 1<sup>st</sup> efficiencies, reduction in development and the last targets State Aid which will require approximately \$6 million in savings. A January 1, 2012 target implementation date has been set for implementation with the primary focus on spending related to ineligible people which accounts for 2/3 of the impact and there is ongoing discussion with DDSOs on how to achieve the remaining savings. A survey was sent out to providers, which was used to analyze services. Christine Carey and Mike Serge gave a background report, and indicated that \$4 million of the target would be achieved by reducing State paid recreation services for individuals living in IRAs, additional savings will be from reducing funding for non-DD (non-OPWDD eligible) individuals and implementing a 5% reduction in county administration. The remaining \$2 million needed will be achieved through a reduction in services identified in the survey as "Other," which includes camps, transportation programs, and work readiness programs. OPWDD will determine if it should still be funding these programs and each will be analyzed on case-by-case basis with the DDSOs.

### Financial Template for Voluntary Residential Development for People Residing in Institutional Settings

- Jay Kiyonaga and Jill Gentile gave an update regarding the development of a financial template for individuals currently living in institutional settings, but will be transitioning to voluntary providers. The template will be based on a percentage of how much it would have cost the state to serve an individual coming out of a developmental center in an SOIRA, and will result in an annual per person gross operating allocation/budget. This concept can be applied to other programs over time and this allocation rate will be adjusted for regional cost differences. OPWDD requested feedback from the PA group regarding items to be included on the template and also how to make the "certification" of day hab space more flexible.
- Family Care enhancement is still on OPWDD's radar and further discussion will be held with the PA Group later this fall.

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### 1115 Waiver

- Kate Marlay reported that discussions are ongoing with CMS and there is broad conceptual agreement for 4/1/2012 start date. Among the ideas discussed was to use the first year of the waiver as an implementation planning year. The Steering Committee will meet on 8/24/11 and the initial work of the design teams will be presented at that time. Once feedback is received and the separate design team pieces are refined, materials will be posted on the internet.
- In October, OPWDD will publish its updated 5.07 plan, which will include the work of the design teams, and public hearings will be scheduled for mid-October.
- Also this fall, an RFP-type process may be explored to implement pilots of a size and scope that will allow testing of managed care options and further allow OPWDD and CMS to study the implementation of the 1115 overall.

### Updates

- *Fire Safety ADM* – Helene DeSanto reported that she received some good comments regarding the Fire Safety ADM. Adjustments will be made based on those comments, and an update will be sent out to the PA Group.
- *July 1 Rates* – Joanne Howard reported that the rates were out and there is ongoing discussion with the providers to implement those rates.
- *OIG Audit* – Carol Metevia reported that the NYC phase preliminary report came out in December and OIG allowed us to work with providers to come up with additional documentation in support of failed claims. OIG has been contacting NYC providers with regard to instances of overlapping Day Hab-IRA and Clinical-Day Services claims. The Upstate phase was completed in June and a couple of providers were contacted for additional information. OIG Auditors are currently asking Emod/Assistive Tech providers for additional information.
- *Education and Training Online* – John Monteiro and Karen Galarneau reported on the Education and Training Online Resource Library (located on the OPWDD website) and demonstrated links for the Training Curricula (which includes information for MSC Core Training) and the Catalog of Training and Talent Development Programs. As training is developed, it will be added to the site and work is ongoing with regard to MSC, resources for providers and instructors, and resources for learners.

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#### Wrap Up

- The next meeting of the Provider Association will be Monday, September 26, 2011.