

# OPWDD/Provider Association Partnership

## Monthly Meeting – September 26, 2011

### Meeting Notes

OPWDD Attendees: Commissioner Courtney Burke; Jim Moran; Jay Kiyonaga; Helene DeSanto; Jill Gentile; Donna Limiti; John Gleason; Janet Zampella; Barbara Brundage; Henry Hamelin; Cheryl Mugno; Jill Pettinger; Joanne Howard; Jenny Haneman; Caryn Scott; and topic-specific staff

Provider Association Attendees: Waffa Abboud (Human First, Inc.); Jan Abelseth (COMPASS Agencies); Sue Constantino (CP Association of NYS); Richard Bosch (Interagency Council); Mark Foley (DDAWNY); Sue Hoger (Resource Center for Accessible Living, Inc.); John Kemmer (NYSARC); Jim Kosakoski (NYSACRA); Ed Matthews (UCP of NYC); Gary Milford (Learning Disabilities Association of NY); Anne Ogden (NYS Catholic Conference); 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

- Commissioner Burke thanked the group for work done during the recent storms and flooding. Most of those individuals who had to be evacuated have been able to return home.
- The commissioner also noted that with regard to the Executive Compensation Task Force, 1,000 providers were surveyed including OPWDD providers, with the focus on those who receive Medicaid funds, and indicated that the deadline for responses to the survey had been extended. Some members of the group felt the survey was too ambiguous. The commissioner also indicated that due to a lack of staff, OPWDD may help to analyze the data.
- The commissioner also discussed the Culture Change initiative and asked the group for feedback. A meeting to discuss culture change will be scheduled for November and will include providers, families and self-advocates. Members were asked to notify Helene DeSanto if they knew of any people who would like to work on this initiative. Jan Abelseth will send the commissioner course curriculum for "I'm Responsible." The commissioner indicated that there has been discussion with CMS regarding recent safety modifications such as new hiring practices and that the incident management system adopted by OPWDD.
- Jill Pettinger reported on updated proposed behavior management regulations, which have been in draft status for a number of years. New items include a

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Human Rights committee, clear frameworks for written informed consent and functional assessments, and oversight on psychotropic medications, physical interventions and safeguards. Provider Associations were asked to submit names of professionals to review the draft Behavior Management regulations and share feedback. The plan is to get the regulations into effect in the near future.

- The commissioner also addressed the issue of keeping track of individuals on vans, even after issuing the directive, the issues remain. She asked for suggestions on how to move things forward, and the group felt that this goes back to culture change. Staff needs to be encouraged to take more responsibility for checking on each other. A link to electronic bus monitors will be sent to the group.

#### **2011-2012 Rate Reduction Update**

- Jay Kiyonaga gave an update on the rate reduction. OPTS rates are being worked on and State plan approval is necessary for ICF reductions, which will be retroactive to July 1. A number of providers (60) have sent letters expressing concern about the reduction, specifically the methodology and how it relates to rates. Jay stated that there is no room for adjustment and that while we recognize the providers' concerns, this reduction is going forward and providers need to do whatever they need to do to get ready for the rate reduction. Helene DeSanto indicated that 70% of plans submitted by providers identify how they would implement cuts and she will send to the PA group a list of providers who have not submitted their plans, are still working on them or providers whose plans have issues. This includes an additional 14 providers who had not been previously identified.

#### **Day Hab Assessment Process**

- Jill Gentile reported on the day hab assessment process and indicated that OPWDD wants to give individuals other options rather than site-based programs. Relocations and lease renewals will be evaluated to see if we can move individuals into employment or to without-walls opportunities. The DDSOs are being asked to look at whether or not lease space and/or capital can be reinvested in order to provide other day hab opportunities. Jim Moran stated that OPWDD wants to promote volunteerism and asked for feedback about whether this is tracked by agencies. The PA group indicated that the information is recorded but may take some time to compile the data. OPWDD would like to

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discuss further how we can develop a survey and would like to engage the provider group as well as self-advocates.

- Jill Gentile and Pat Sarli reported on the Special Development Template. Two budget samples were developed based on elements including, but not limited to, need, staffing patterns, clinical costs and support staffing. The finalized samples will be distributed to the DDSOS to be tested and for feedback. Next steps include developing a template for day services.

### **New Provider Agency Process**

- Nina Baumbach reported on a new standardized process for approving new OPWDD funded providers. She said that currently each DDSO has its own process and standards for approving new agencies. She said that the new process would be fair and objective and would help ensure that only agencies that are programmatically and fiscally competent are approved to become new providers. The new process was developed in conjunction with DQM and Counsel and with input from DDSOs. OPWDD intends to start using the process immediately but may modify it, if needed, down the road. New agencies will submit the four-part application that includes sections on an agency's governance and program and fiscal capabilities, to the DDSO. The application will be reviewed and scored by both DDSO and Bureau of Compliance Management staff. New agencies will need to receive a target score in 3 of the four sections and an overall passing score in order to be considered for future OPWDD funding. New agencies that don't receive a passing score will be given feedback on areas they must improve on and can resubmit applications at any time.

Concern was expressed about new agencies receiving approval to provide OPWDD services with the transition to the 1115 Waiver. In addition, it was pointed out that in this difficult fiscal environment, many of the current small agencies are struggling. OPWDD agreed to encourage new providers to partner with existing providers.

A tangential discussion ensued about the fear amongst small agencies that they may not survive the transition to the 1115 Waiver. It was said that OPWDD must make it very clear that this is not OPWDD's intent. There will be further discussion with the 1115 Waiver team and OPWDD is available to speak to specific providers to address their concerns.

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### Media

- Travis Proulx is working with the Division of Workforce and Talent Management on a recruitment campaign to encourage people to apply for positions in this field, including the development of a web page that includes job openings. Travis also asked the PA group to have their members submit positive stories directly to him for inclusion on the OPWDD Facebook page, newsletter and website.

### 1115 Waiver Update

- Kate Marlay reported that OPWDD has done a number of presentations on the 1115 Waiver and acknowledges that there remain a number of questions regarding the details which of course have yet to be worked out.
- The final design team reports are on the web and a consolidated design team report, once finalized, will also be posted. The consolidated report will also be the third part of the OPWDD 5.07 Strategic Plan, and informational meetings and video conferences on the plan will be held in November. The intent is that the report will go to the steering committee first, but needs to meet the timeframe for submission of the 5.07 Strategic Plan.
- An outline and timeline is being prepared for a Request for Information (RFI), also likely to go out in November, which will allow more targeted input regarding the formation of pilots in the People First Waiver.
- There is concern among the parents and stakeholders that under the People First waiver people are going to lose current services. Providers recommended that OPWDD needs to communicate that we will be rebalancing our system but that the needs of individuals are paramount and the intent is to offer new opportunities that create lower cost options for people, rather than disrupting current, needed supports. Kate also indicated that OPWDD is open to feedback from the provider community.

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### Updates

- *Administrative Interchange* – Jay Kiyonaga reported DOB wants an alternative proposal in place, rather than delay the implementation date of the regulations. The PA group will be notified as to the resolution of talks with DOB. *This issue has since been satisfactorily resolved with a new regulation to be effective 10/1/11.*
- *CFR Penalty Regulations* – Joanne Howard reported that there are a small number of providers that continue to be delinquent in submitting their CFRs. A new regulation is being proposed, to be effective 1/1/12, which will allow OPWDD to reduce the provider's cash flow by ten percent when that agency continues to be delinquent with a CFR submission. The regulation also allows for the imposition of a ten percent cash flow reduction in situations in which OPWDD requested CFR corrections are outstanding beyond a certain length of time.
- A workgroup consisting of all of the state agencies that utilize the CFR is meeting with the not-for-profit committee of the New York State Society of CPAs regarding the issue of deficient CFRs. That group was asked to make recommendations that they felt would increase the accuracy and comprehensiveness of CPA reviews of CFR documents. Jim Moran suggested that the OMIG be included in all future discussions. *Update – the OMIG has been contacted and invited to future meetings.*
- *PA Efficiency Workgroup* – Kyle Sapkiewicz will be sending out recommendations from the workgroup. Best practices and efficiencies are among the topics of ongoing conversations. A best practices survey was sent out and there have been about 30 responses. An outside expert will speak to the efficiency workgroup, pro bono, on such issues as liability and workers' compensation insurances.
- *Medicaid Redesign Team Information(MRT)* - The MRT has been discussing medication administration for home health aides in non-certified settings and this would be a good opportunity for an OPWDD person to participate in these talks. Ed Matthews stated that he will send information to the PA group regarding the kick-off of the Affordable Housing Group meeting with the MRT.
- *IRMA* – Leslie Fuld reported that there is ongoing conversation regarding investigations. OPWDD has instructed its investigators to use a consistent format for investigative reports, she was asked to share this format with provider agencies. There is discussion of providing training on basic investigations and investigative report writing for voluntary providers, possibly via videoconference. There is also some discussion regarding the pooling of

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resources such as training through consortiums, and Leslie is interested in any feedback/suggestions from the group.

Update on IRMA is that about 450 agencies have been trained, predominantly those operating certified programs. A small number of agencies were not trained and have been sent letters instructing them that they must be trained.

The DDSOs have been provided with lists of providers that could be deferred from current training based on their incident history. In these cases the DDSO would be entering information into IRMA for them. These agencies would probably routinely “time out” of IRMA and need to be reset. In addition, the integrity of the data entered would be questionable. Those agencies are free to request training from the DDSOs, if they wish. The letter will clarify that all agencies still have the responsibility to meet the requirements of Part 624.

- *Habilitation Plan ADM* – Suzanne Sennett reported that no comments were received on the draft hab plan ADM and will be moving forward with the final ADM.
- *Monthly Community Hab* – Joanne Howard reported that providers will be asked to use a revenue-neutral occupancy factor and the regulations will be written that way.

### Wrap Up

- The next meeting of the Provider Association will be Monday, October 24, 2011.