MSC E-VISORY

Issue #15-11 **June 7, 2011**

State of New York Office for People With Developmental Disabilities
Courtney Burke, Commissioner
Distributed by: Division of Policy and Enterprise Solutions
Suzanne Zafonte Sennett, Deputy Commissioner

The MSC E-Visory is an electronic advisory which provides pertinent and timely information about programs and services available to individuals receiving MSC. Announcements about MSC training, conferences and meetings appear regularly. **MSC Supervisors: Please share this issue with all MSC Service Coordinators and others as appropriate.** In order to receive an email notification when a new MSC E-Visory is posted, please sign up for our mailing list (listserv). Listserv information and past issues can be accessed via the following link: http://www.opwdd.ny.gov/wt/publications/wt_publications_mscevisories_index.jsp

In This Issue:

Materials for Summer MSC Supervisors Video Conference – June 10, 2011

The Summer MSC Supervisors Video Conference is being held on June 10, 2011.

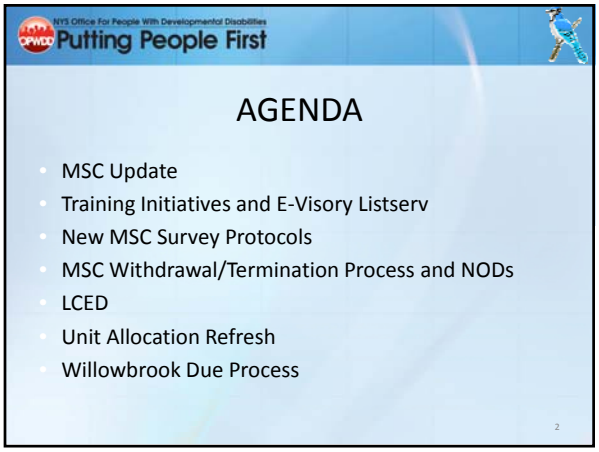
AM Session 9:30 am – 12:00 pm
PM Session 1:00 pm - 3:30 pm

Topics include:

- MSC Update
- Training Initiatives and E-Visory Listserv
- New MSC Survey Protocols
- MSC Withdrawal/Termination Process and NODs
- LCED
- Unit Allocation Refresh
- Willowbrook Due Process

Note: There will be no handouts. The PowerPoint that will be referenced during this video conference is attached to this e-visory.

Andrew M. Cuomo, Governor
OPWDD
Courtney Burke, Commissioner
NYS Office For People With Developmental Disabilities
Putting People First
MSC Supervisors
Summer Video Conference
June 10, 2011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AGENDA
MSC Update
Training Initiatives and E-Visory Listserv
New MSC Survey Protocols
MSC Withdrawal/Termination Process and NODs
LCED
Unit Allocation Refresh
Willowbrook Due Process
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MSC Update
Presented by Eric Pasternak
MSC Statewide Coordinator
Eric.Pasternak@opwdd.ny.gov
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MSC Training Initiatives and MSC E-Visory Listserv

Presented by Lynda Baum-Jakubiak
Assistant MSC Statewide Coordinator

Lynda.Baum-Jakubiak@opwdd.ny.gov

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Training Initiatives

New Training Delivery Model

MSC Core

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MSC E-Visory Listserv

- To receive an email notification when a new MSC E-Visory is posted on the OPWDD Website, sign up for the listserv at:
  http://www.opwdd.ny.gov/wt/publications/wt_publications_mscevisories_index.jsp
- Problems signing up? Send an email to:
  msc.e.visory@opwdd.ny.gov

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New MSC Survey Protocols

AM: Presented by Deb Burkhardt

PM: Presented by Barbara VanVechten

OPWDD Division of Quality Management (DQM)

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MEDICAID SERVICE COORDINATION

A Revised Review Process

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Why Change?

- **MSC Requirements Changed**
- **Sheds items with little value**
- **Promotes continuous assessment and improvement in services.**
- **Measures the quality of MSC services being provided**
  - **By a MSC**
  - **By an agency**
  - **State-wide**

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What Hasn't Changed

- 5% State-wide Sample
- Annual review of MSC services
- Requirement for Vendor's Medicaid Compliance Plan
- Vendor's internal reviews of its MSC program for compliance with its corporate compliance plan.

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What's Changed

- No review for an agency's compliance with billing & claiming documentation
- Data can be used to evaluate the MSC system and as an agency-specific quality improvement tool.
- Introduction of key quality indicators for Service Coordination

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What Changed?

- **3 PROTOCOLS, not 1**
  - **VENDOR REVIEW**
  - **SERVICE REVIEW**
  - **STANDARDIZED INTERVIEW**

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VENDOR-LEVEL REVIEW –

- *Focuses on the* Vendor's ability to self-assess and self-correct
- Establishes performance standards for Service Coordination
- Communicates standards to staff who provide the services.
- Supervision and monitoring of service coordinators

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VENDOR-LEVEL REVIEW

- **Identifies** the skills and knowledge needed by its service coordinators
- **Assesses** that its service coordinators have the necessary skills and knowledge
- **Remediates** if necessary

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VENDOR-LEVEL REVIEW

- Obtains information from individuals and advocates regarding their satisfaction with services
- Respectfully addresses areas of dissatisfaction both individually and systemically.

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MSC Service Review

- *Are the Vendor's systems working?*
- *Do people receive the services they want & need?*
- *Do MSCs have the tools and support they need to succeed?*

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MSC Service Review

Key Areas:

- **Qualified Provider**
- **Eligibility And Need For MSC Services**
- **Choice**
- **Rights & Rights Restrictions**
- **Development & Maintenance Of The ISP**
- **Availability/ Responsiveness Of MSC**
- **Advocacy & Monitoring**

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MSC Service Review

COLLECTS & AGGREGATES DATA

- Needed to complete the annual HCFA 372 report
- Regarding OPWDD's implementation of the special requirements guaranteed to Willowbrook class members
- Regarding the quality and effectiveness of MSC services being provided.

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MSC Service Review
Examples

- The MSC has participated in professional development training as appropriate
- MSC(s) who serve Willowbrook class members have attended fifteen (15) hours of professional development during every training year.
- The MSC has the skills and knowledge needed to assist the individual to make an informed choice

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MORE EXAMPLES

- MSC record contains correctly completed documentation of choice form. (complete and signed Freedom of Choice (FOC) form that specifies that choice was offered between waiver services and institutional care)
- Interview of individual and advocate, if applicable, verifies that person made an informed choice of services & service providers
- Interview of individual and advocate, if applicable, verifies that person has made informed life choices.

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INTERVIEW

- MSC service recipients, and their advocates if appropriate
- NCI or DQM list of interview questions
- Satisfaction with the service coordination
- Information needed to answer quality questions on the Vendor & MSC service review protocols.

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MSC Withdrawal/Termination Process and NODs

Presented by Cheryl Mugno
OPWDD Office of Counsel

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Level of Care Eligibility Determination (LCED)

Presented by: Tricia Downes
OPWDD Waiver Unit

For questions regarding LCEDs, contact:

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(518) 474-5647

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Purpose of the Changes

- To achieve statewide consistency in the LCED approval function.

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Purpose for the Changes

- Streamline LCED form
- More clearly identify needed signatures and effective dates
- Incorporate previous changes allowing QMRP to sign the document

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Initial Eligibility Determination

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Eligibility Guidelines

- OPWDD determination of Developmental Disability Eligibility must be made prior to the completion of the LCED initial determination.

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What Signatures are Required?

- In order to be considered effective, the initial LCED form will continue to require the signature of a review physician and the DDSO Director / designee.

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Effective Date of the Initial LCED

- The effective date of the initial LCED can precede the signature date of the DDSO Director/designee, but it can be no earlier than the date the physician reviewed/ signed the LCED form.

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Effective Date of the Initial LCED

- No Waiver service billing should precede the LCED Approved Effective date which is assigned by the DDSO Director or Designee.

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Effective Date of the Initial LCED

- For individuals enrolling in Medicaid as part of the HCBS application process, the effective date for HCBS enrollment should be the same as the effective date for Medicaid enrollment.
- If the enrollment date is not known at the time the form is completed by the DDSO, write "pending" in the box, or leave blank so the date can be entered once it is determined.

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Redeterminations

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Annual LCED Redetermination

- The redetermination must be completed and signed annually, i.e. within 365 days of the previous authorization/effective date.

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What Signatures are Required for Redetermination?

- For most individuals, a qualified person (e.g. a QMRP) is able to review the information on the form, and if there are no changes to the person's Level of Care, to complete the redetermination.

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Who is a QMRP?

- A QMRP is Defined in Federal Regulation as a person who:
  - Has a least one year of experience working directly with persons with mental retardation or other developmental disabilities; and
  - Is one of the following:
    - A doctor of medicine or osteopathy.
    - A registered nurse.
    - An individual who holds at least a Bachelor's Degree in a professional category specified in paragraph 42 CFR 483.430(b)(5).

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Community Residence LCED

- 14 NYCRR 671.4 currently requires that a physician, physician's assistant or nurse practitioner must review and sign the LCED annually for individuals residing in the class of residences identified as Community Residences.
- IRAs and Family Care Homes are not classified as CRs under the 671 regulations.

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Residents of OPWDD Certified Facilities

- 14 NYCRR Section 633.10 require that an individual residing in a certified setting be evaluated annually by a physician or registered PA to determine if a medical/dental examination is needed.
- This regulation applies to all individuals residing in a certified facility such as an IRA, CR, or Family Care home.

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Current Redeterminations

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How should current Redeterminations be handled?

- For Redeterminations, the reviewer will:
  - Complete the front of the form (Eligibility Determination Criteria)
  - Fill in the Individual's Name / CIN on the top of the second page
  - Sign / date on the first line under Annual Level of Care Eligibility Determinations on the second page (this date becomes the effective date)

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Common Questions

- Review common questions received since the 4/29 issuance date.

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The 6,10,12 Utilization Management Methodology

Presented by Reneta Robinson
OPWDD Cost and Revenue Solutions

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This Section Will Cover

- The 2011 Refreshed Base Allocations
  - **Cost and Revenue Solutions - Reneta Robinson**
- Portability and Attrition
  - **Central Operations - Karla Smith**

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2011 Refreshed Base Allocations

Refreshed Base for 10/1/10

Each DDSO will receive an Excel file with tabs that include:

-An overview of unit allocations
-Unit allocations by Provider ID
-Unit allocations by Individual

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2011 Refreshed Base Allocations Continued

Additional tabs on the Excel file will include:

-New individuals added to the base allocation
-New enrollees not included in the base allocation due to inactivity or ineligibility
-Individuals in the initial base allocation that have been excluded by OPWDD due to inactivity or ineligibility

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Overview of Unit Allocations

-This overview will let the DDSO know how many units to anticipate in the refreshed base allocation. Non-Willowbrook Units and Willowbrook Units will be listed separately.

DDSO	Non-Willowbrook Units	Willowbrook Units	Total Units

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Unit Allocations by Provider ID

The report by Provider ID will be a detailed version of the overview, listing the Non-Willowbrook and Willowbrook units separately.

Provider ID	Corp Name	Corp ID	Willowbrook Units	Non-Willowbrook Units	Total Units

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Unit Allocations by Individual

Individuals on this report:

- ✓ Received units in the initial base allocation
- ✓ Will continue to receive units in the refreshed base allocation.

Client ID	Client Name	Client CIN #	Corp ID	Corp Name	Provider ID	Client Residential Program	Units Class	Allocated Units	Note	Counted?

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New Individuals Added to the Initial Base Allocations

Individuals on this report:

- ✓ Were enrolled between 7/31/10 and 10/1/10
- ✓ Have billed for services during this period
- ✓ Are eligible for services

or

- ✓ Have transferred to a new DDSO

Client ID	Client Name	Client CIN #	Corp ID	Corp Name	Provider ID	Client Residential Program	Units Class	Allocated Units	Note	Counted?

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New Individuals Enrolled, But Not Included in the Refreshed Base Allocations

Individuals on this report:

- ✓ Were not given units in the initial base allocations
- ✓ May have been enrolled but:
  - ✓ Did not report billing activity after enrollment or
  - ✓ Deemed ineligible for OPWDD services

Client ID	Client Name	Client CIN #	Corp ID	Corp Name	Provider ID	Client Residential Program	Units Class	Allocated Units	Note	Counted?

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Individuals Excluded by OPWDD

Individuals on this report:

- ✓ Received units in the initial base allocations
- ✓ Are excluded in the refreshed base allocations because:
  - ✓ There were no recent billing for services
  - ✓ Or they became ineligible for OPWDD services

Client ID	Client Name	Client CIN #	Corp ID	Corp Name	Provider ID	Client Residential Program	Units Class	Allocated Units	Note	Counted?

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After the 2011 Refreshed Base Allocations

- The 2011 refreshed base allocations will be the final base.
- New units will be allocated to Providers as per the Portability and Attrition Document.

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Q and A's???

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Portability and Attrition

Presented by: Karla Smith
OPWDD Central Operations

Karla Smith
E-mail: karla.smith@opwdd.ny.gov
Tel: 518-402-4333

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The Portability and Attrition Document

- Provides guidance as to how units will travel with the individual receiving services.
- The Portability and Attrition Document is now available on the OPWDD website at:

http://www.opwdd.ny.gov/

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The Portability and Attrition Document

Portability - Units will travel with the individual receiving services – provider change or if change of district (may or may not be provider change)

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The Portability and Attrition Document

Attrition – Units do not follow individual since no longer receiving MSC

Time-limited reserve – Units still allocated to provider but for up to 9 months → facilitates service to new enrolled individual

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Provider Reserve

If provider doesn't have new enrollee during period time-limited reserve is available, units revert to DDSO

DDSO may request units returned early (no new enrollees) but provider must agree

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Units to Serve New

Portability (new to provider or new in district)

Central Office (exception, DDSO must request)

Provider Reserve – may be from refreshed base or transaction since 10/1/10

DDSO Reserve

DDSO Consolidated Allocation

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Unit Management Tool

Have begun discussion on Unit Management Tool to assist DDSOs in determining provider and DDSO reserve (needed portability and attrition document)

* No date when will be available - key information: TABS MSC program enrollments, removes and residential program information of MSC enrolled individuals

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Q and A's ???

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Willowbrook Due Process

Presented by: Denise Pensky
OPWDD Willowbrook Liaison

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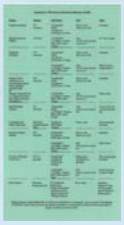
Willowbrook Residential Notification

- Utilize the Guidelines for Willowbrook Residential Notification (dated 8/20/2010)
  - ✓ Aka **Green** "Cheat Sheet"
- Guidelines presented as an abbreviated grid as follows: By situation; Reference; Notify whom; How AND When?
  - ✓ Keep to the "when?" timeframes
- Guidelines reflects the notification requirements for:
  - ✓ Planned moves, emergency moves, conversion of residential and other services and expansion of certified capacity of homes serving class members
- Send individual notices consistent with active representation status



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Due Process (30 day) Notice

- Permanent Injunction requires 30 day written notification via due process forms for planned moves
- Use correct letter format, i.e., IRA or non-IRA
  - ✓ See *Beyond Willowbrook* Sample Letter Formats
  - ✓ Match letter to placement proposal, NOT current residence
  - ✓ NO "hybrid" letters

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Residential agencies should Not…

- …issue notification for planned or emergency moves for class members
- OPWDD looks to the either the DDSO Willowbrook Liaison/Case Manager/Service Coordinator to issue due process notices for class members

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When issuing due process (30 day) notices for planned moves…

- Remember necessary cc's and enclosures
  - For IRA planned moves, enclose Proposed IRA Placement Response Form, ISP and Summary of Rights for Willowbrook class members
  - For non-IRA planned moves, enclose Proposed Placement Response Form, Community Services Plan or equivalent, Summary of Rights for Willowbrook class members, and Summary of Procedures for Responding to Placement Proposals

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When issuing due process (30 day) notices for planned moves…

- Follow the process if a waiver of the 30 day review period is required
  - Purpose of 30 day notice is to obtain consent from active representative AND give Willowbrook interested parties an opportunity to object
  - Follow due process consistent with CP2 of "Green Book"
  - Forward Denise Pensky copy of notification letter and request for waiver of 30 day review period with reason for request
  - Processed upon receipt of written agreement from active representative and MHLS written agreement to waive the 30 day review period
  - Ms. Pensky will obtain agreement from Willowbrook attorney

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Emergency Notification

- "Emergency" is defined in Appendix L of Willowbrook Permanent Injunction
  - "The immediate and unplanned change of residence of a person due to a sudden and acute medical or psychotic episode, behavior constituting an imminent danger of serious harm to the resident or others, or any other change necessitating the immediate change of residence of the person"
- Reference "Green Book" CP9 for emergency moves:
  - Time limited services elsewhere [requires bed hold]
  - Emergency transitional or emergency permanent moves
- Use correct letter format for emergency moves
  - See Sample Letter Formats in *Beyond Willowbrook* web site at http://www.omr.state.ny.us/willowbrook/hp_willowbrook_duprocess.jsp
- List necessary cc's

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Emergency and 30 day notices are…

- Official communication ~ use letterhead with proper spelling and grammar
- Do not leave header from letter formats on correspondence
- Send to correspondent
- Some common "flubs"
  - Urinary tract NOT urinary track
  - Intubate NOT incubate
  - Holdover from letter "file texted" for another person [this happens with ISPs as well]

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Special residential circumstance: Facility Expansion…

- Paragraph 6 of the Willowbrook Permanent Injunction requires that OPWDD maintain the size of community residences of class members
- When seeking to increase the certified capacity of any OPWDD certified program that serves class members, submit the *Request for Expansion of Community and Qualifying Facilities*
  - this includes requests to change the status of a temporary use bed (TUBS) to a regularly certified bed
- In addition to Willowbrook approval, it is still necessary to meet all other OPWDD applicable requirements related to an increase in residential capacity
- Follow the procedures set forth in the following DQM memoranda:
  - Willowbrook Residential Expansion dated 1/13/2003; and Provision of Emergency Services dated 6/4/2003

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Special residential circumstance:
When the move is across DDSOs…

- The receiving DDSO Willowbrook liaison must be officially notified that a class member has/will move into district
- There can be NO disruption of case management/service coordination
- Ensure complete exchange of information across districts

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Special residential circumstance:
When moving out of state

- Notify the OPWDD Willowbrook Liaison and DDSO Willowbrook liaison of proposed move
- Follow CP2 of the **"Green Book"**
- It is important that the class member and advocate are aware that Willowbrook entitlements are only in place in NYS during planning and within due process notice
- Enclose copy of the Willowbrook Permanent Injunction along with other enclosures
- The class member is again eligible for Willowbrook entitlements upon return to NYS

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Thank You!

Next MSC Supervisors Video Conferences will be September and December 2011. Dates to be announced soon via the MSC E-Visory – registration through the OPWDD Training Catalog.

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