

**MEETING NOTES**  
**OPWDD PROVIDER ASSOCIATION (PA) MEETING**  
**Monday, May 18, 2015**  
**10:00 a.m. – 1:15 p.m.**  
**Conference Room 4B -- 4<sup>th</sup> floor**  
**44 Holland Avenue, Albany, NY 12229**

**OPWDD Attendees:** Acting Commissioner Kerry Delaney; Deputy Commissioner Helene DeSanto; Roger Bearden; Abiba Kindo; Kate Marlay; Laura Rosenthal; Kevin Valenichis; Sally Berry; Joanne Lamphere; Megan O'Connor; Neil Mitchell; Cathy Varano; Maryann Riviello; and topic-specific staff (Allison McCarthy; Joanne Howard; Carlene Coons; Kate Bishop; Jill Pettinger).

**Provider Association (PA) Attendees:** Phil Catchpole (Lifesong, Inc.); Tina Chirico (Financial Managers Association); Susan Constantino (CP of NYS, Inc.); Mark Foley (DDAWNY); Ann Hardiman (NYSACRA); John Kemmer (NYSARC); Ron Little (OPWDD Compass Agencies – via videoconference); Edie Mesick (UJA Federation); Anne Ogden (NYS Catholic Conference); Peter Pierri (Interagency Council of MR & DD Agencies); Michael Seereiter (NYSRA); Seth Stein (Alliance of Long Island Agencies for Persons with Developmental Disabilities – via videoconference); Karen Thayer (Southern Adirondack Independent Living); Steve Vernikoff (Advance of Greater NY); Barbara Wale (Executive Directors Association – via videoconference); and Yvette Watts (NYS Association of Emerging & Multicultural Providers, Inc.).

**Commissioner's Welcome and Update**

Acting Commissioner Kerry Delaney welcomed PA members and OPWDD leadership staff to the monthly meeting and updated the group on several key issues.

- *Transformation Panel:* The Acting Commissioner announced that materials regarding related activities and summaries are posted on the OPWDD website. Meetings have been held regarding self direction, employment, housing and managed care. The managed care session focused on what the topic will look like programmatically as well as its underlying vision. At the panel's next meeting this week, attendees will discuss interaction with the Front Door, care coordination and the fiscal implications of managed care on the developmental disabilities service delivery system. There also will be discussions about the differences between complex needs and challenges that are not as significant. The Acting Commissioner will continue to keep PA members updated on the Panel's progress. Once the Panel's work is complete, a follow-up meeting will be held on workshop transition.
- *"Creating New Models for Integrated Employment."* The Acting Commissioner thanked PA members for their assistance in planning the May 8 conference, particularly for assistance in articulating a new message around employment and in providing feedback on the agenda. The conference, held at the Empire State Plaza on May 8, was a great success in bringing individuals, families and providers together around the issue. OPWDD will finalize a guidance document in the next several months as well as conduct regional listening sessions for additional input. PA members will provide feedback on the draft guidance document before it is revised further.
- *Fall 2015 Symposium:* This event will be discussed at greater length later in today's agenda. The focus will be on identifying strategies and developing a concrete action plan for individuals with more complex needs.

## **Open Discussion**

The group discussed several items on the Open Discussion agenda.

### **Update on Balancing Incentive Program (BIP) Grants**

- On 3/20/15, the federal Centers for Medicare and Medicaid Services (CMS) provided guidance on its decision to entertain State specific requests to extend the timeframe for investment of BIP through 9/30/17. Any proposed activities/uses of funding must align with the goals of the program.
- State partners are working in preparation for the BIP Recast submission due to CMS by 7/1/15 and have included an anticipated delay in the BIP Transformation Fund timeline. Upon State Medicaid Director and CMS approval, OPWDD may be able to consider contract extensions for entities that need additional time to implement awarded grant activities.
- Many BIP contracts have been prepared and are awaiting final signature.
- There will be information about the anticipated extension posted on DOH's website.

### **Residential Reserve Replacement (RRR) Memo recently sent regarding ICF Services**

Implementation Process/Schedule: RRR will not be included in ICF/DD rates effective 7/1/14. Guidance was issued to providers regarding the change in policy for ICF/DD RRR on 5/12/15. This guidance stated that effective 7/1/14, reimbursement related to ICF/DD building improvement and renovations would be governed by a PPA document.

- OPWDD will confirm specific process for how building improvements and renovations will be handled by the PPA moving forward. In the past, the minimum threshold for PPAs had been \$25,000 with less expensive maintenance projects handled by the voluntary minor maintenance account.
- OPWDD clarified that the new lien document is only filed in conjunction with the issuance of a new PPA. This clarification will be issued in writing.

### **People First Community Fund**

- Twenty-seven (27) of the providers that submitted either an ICF/DD or Waiver People First Community Fund Service Fund application made errors when completing their respective applications. These providers were given a 48-hour window or opportunity to correct their errors. The specific item of error and its corresponding correction was detailed by OPWDD in correspondence to the provider. All but two of the affected providers resubmitted satisfactory corrections. OPWDD is calculating surplus deficits that will be utilized in reviews to determine People First Community Service Fund awards. DOH will send a notification to all providers who applied relative to the information gathering that was referenced in the application. OPWDD encouraged impacted PA members to respond to the DOH data request in a timely manner as this information is being fast tracked. Data will only be shared with agencies that applied for Community Fund.
- PA members thanked OPWDD for the opportunity to correct their initial mistakes.

### **Consolidated Fiscal Report (CFR) Update**

- Site specific reporting will be mandated beginning with the Calendar Year 2015 CFR. This new requirement will require revisions to the current CFR allocation methodologies. These may need to be specific to the Calendar Year 2015 CFR period in order to achieve the retroactive allocations needed to get data to the site level.
- The Acting Commissioner stated that more dialogue is needed to show CMS how OPWDD is capturing costs – perhaps technical assistance is needed from the federal government. Joanne Howard and Carlene Coons will regroup and follow up with PA members shortly.
- PA members noted that it is difficult for provider agency staff to keep track of what they're doing every minute of every day in such detail. It is often hard to break out services in real time in the human services field.

### Nurse Practice Act Update

- OPWDD is designing a one-step process for the issuance of waiver operating certificates. A meeting is planned with DOH on how to access cost information. OPWDD will keep PA members updated on its progress.

### Coordinated Assessment System (CAS) Update

- The CAS project continues to move forward at a steady rate. The validity study is underway with 30 assessors completing assessments and collecting data. OPWDD continues to need provider support to encourage participation and to facilitate contact information sharing as well as access to records for review with the assessors. Approximately 500 full assessment packages have been completed with data to be shared with SUNY Albany and OPTUMAS to begin analysis. A three-day planning meeting was recently held and a stakeholder workgroup is being established. It is anticipated that data collection will be completed shortly with a final study outcome report delivered by the end of 2015/early 2016.
- It was noted that validation is not an end game in and of itself; rather it is a process step that will ensure that the tool is measuring what we believe it is measuring in identified need based scales. The data that is collected as part of the study will be used to identify profiles of people receiving services to inform future resource allocation methodologies. Much more analysis is needed prior to any changes to rate setting approaches. Engagement of stakeholders and partnership with DOH will be a part of the CAS implementation process.

### Change of Auspice/Potential Failure of Agencies and Programs

Helene DeSanto detailed three points related to this topic:

- OPWDD is attempting to shore up the ability to assess overall provider health on an ongoing basis. This will involve increased attention to provider fiscal reporting and possible collaboration across state agencies.
- From a policy perspective, OPWDD has developed an orderly process for systems that need to be put into place for to facilitate auspice changes. Emphasis has been placed on what's best for the continuity of services provided to individuals with developmental disabilities.
- In light of rate transformation, rate issues must be addressed. OPWDD will work to ensure that the different elements of rate issues are responsive to various situations involving the provision of services.

Peter Pierrri stated that there is concern about the financial vulnerability of provider agencies, especially among families. PA members also mentioned that it's hard to prepare 2016 budgets amid uncertainty about rates. OPWDD will work with PA members to ramp up activities and assess signs of fiscal and programmatic trouble in real time. They will also look at situations holistically in terms of impact of policies imposed by other state agencies.

### Residential Registration List Outreach Update

Helene DeSanto and Emilie Wright offered an update on Residential Registration List Outreach.

- Various cross-divisional work groups have been established to: (1) validate the current list; (2) gather information on available services; and (3) develop materials (i.e., phone call script, surveys, tracking system) to contact families currently on the list.
- Once these tools are developed during the next several weeks, they will be shared with PA members. Phone calls will be conducted beginning in late June and continuing through the summer during afternoon hours so families are more likely to be available. Individuals and families on the current long-range residential registration list (about 11,500

individuals/families) will be contacted. It is anticipated that calls will be completed by September 2015. A report to the Legislature is due in February 2016.

- OPWDD will reach out to providers, individuals and families to review the materials that will be used in phone surveys. It will be mentioned in an informational letter to individuals/families that no financial information will be requested. PA members requested that a copy of the call script be shared with them prior to the survey launch. All correspondence should be sent to Executive Directors, Chief Financial Officers and contact staff persons.
- The Acting Commissioner stated that these outreach activities are the first step in updating current and future needs of individuals who have expressed interest in residential placement. Individuals who express unmet needs for services will be referred to their MSCs and their information will be shared with the respective regional offices for follow-up. The process will also serve as a long-range planning tool for certified settings.

### **LEAN Update**

Dianne Henk updated PA members on the Office of Fire Prevention and Control (OFPC) LEAN non-profit contracting project.

- OPWDD, DOH and OFPC have memorandums of understanding, under which OFPC conducts Life Safety Code inspections annually at more than 2,500 residential sites housing individuals with developmental disabilities. The LEAN project addressed inconsistent processes and communication gaps among the agencies and with service providers. Dianne used a PowerPoint presentation to summarize the key outcomes of the process improvement and highlighted outcomes impacting providers, including: improved timeframes; increased communication; a new exit conference form given at the close of the survey; and a switch to electronic transmission of life safety code, statements of deficiency and plans of corrective action.
- Non-profit contract renewals are often late and require additional work correcting errors. OPWDD's goal was to reduce the cycle time for renewing a contract from 120 days to less than 90 days; reduce error rate by 20% by standardizing the statewide contract renewal process; standardize external guidance; develop materials to strengthen partnerships with non-profits; and improve the process flow to eliminate bottlenecks and create efficiencies. The main impact on providers will be improved timeframes. Emily explained the need for provider attention to the timely submission of information to contracting units. New guidance documents will be posted on the OPWDD website following review and feedback from PA members. If any of the members would like to have their staff review the documents, please email Emily at [Emily.J.Blakeslee@opwdd.ny.gov](mailto:Emily.J.Blakeslee@opwdd.ny.gov).

### **Fall Symposium Update**

Dianne Henk updated PA members on the upcoming Fall Symposium.

- Symposium planning is underway to ensure that individuals with complex medical or behavioral needs are included in our system transformation goals of self direction, housing, employment and meaningful activities.
  - OPWDD has received input from more than a dozen families, eight individuals, 20 provider agencies/associations.
  - There is great interest in the symposium among all stakeholders. The biggest challenge is condensing a large amount of information into a daylong conference. A draft agenda is currently being crafted. Since the PA meeting a date of Nov. 5 has been reserved for the meeting rooms at the Empire State Plaza in Albany.

- A workgroup will develop recommendations following the symposium. OPWDD will also plan a Learning Institute with NYSACRA in the months following the conference to advance some practical action steps.
- OPWDD, which is reviewing all input submitted to date, remains open to suggestions from provider agencies, including speaker recommendations.

### **Outside Services Issues Update**

Kate Marlay and Allison McCarthy provided an update on planned changes to outside services in residential and day habilitation rates.

- A letter was sent to providers several weeks ago with an update on the issue. Two follow-up WebEx seminars were held last week. A recording will be posted on OPWDD's website, including PowerPoint and related materials. Another session will be conducted next week for providers who have not yet participated.
- Next steps include a survey of the Article 16 off-site clinic services which will be rolled out over the next several weeks. This task will yield a better sense of the current landscape. Per CMS, as a protective measure for the delivery of critical services, psychiatric services provided in residential settings will need to move into residential funding categories. OPWDD will keep PA members in the loop of related activities.
- Regulations will soon be circulated for comment. These are intended to mirror federal regulations relative to person centered practices. They will be posted in July for public comment and finalized by the end of September.

### **2015 Legislative Session Update**

Greg Roberts used a PowerPoint presentation to update PA members on the status of legislation of interest to OPWDD stakeholders pending before the State Legislature.

- The targeted end of session is June 20.
- According to Greg, of more than 13,000 bills introduced this session, 229 are being actively tracked by OPWDD.

### **Wrap-up**

The next meeting of the Provider Association will be held on Monday, June 22, 2015 @ 10am @ 44 Holland Avenue in Albany.