

OPWDD/Provider Association Partnership

Monthly Meeting – July 23, 2012

Meeting Notes

OPWDD Attendees: Commissioner Courtney Burke; Jim Moran; Barbara Brundage; Chris Doran; Jill Gentile; Henry Hamelin; Jenny Haneman; Joanne Howard; Jerry Huber; Mark Lankes; Kate Marlay; Ceylane Meyers-Ruff; Shelly Okure; Eric Pasternak; Jill Pettinger; Caryn Scott; Karla Smith; Margaret Stadnick; and topic-specific staff

Provider Association (PA) Attendees: Waffa Abboud (Human First, Inc.); Jan Abelseth (COMPASS Agencies); Sue Constantino (CPA of NYS, Inc.); Ann Hardiman (NYSACRA); Mark Keegan (NYS Catholic Conference); John Kemmer (NYSARC); Kirk Lewis (Schenectady ARC); Gary Milford (LDA of NYS); Peter Pierri (Interagency Council of MR & DD Agencies); Seth Stein (Long Island Alliance); Yvette Watts (NY Assoc. of Emerging & Multicultural Providers, Inc.); Jeff Wise (NYS Rehabilitation Association)

Welcome/General Remarks

- The commissioner reported that the Draft RFA for case studies will be completed and released in August 2012 and the amendment to OPWDD waiver will be submitted in October 2012. Three work teams – care coordination; financial sustainability; and access, enrollment and advocacy – will meet in August and September. The next Innovation Conference, which may include as many as four provider presentations, will be held on September 19, 2012.
- The reorganization has been nearly completed effective July 2, 2012 and despite some minor glitches, the transition has been smooth. The PA Group did not report any negative feedback from its members.
- The DSP Code of Ethics has been adopted. A rollout strategy needs to be developed. Training on PROMOTE and Core Competencies have been initiated and the commissioner requested feedback on how to streamline the rollout. OPWDD will initially look at the issue internally, but a small workgroup may be pulled together to come up with ideas. She mentioned that the State side may be first, with a slower rollout on the voluntary side due to the length of training and the number of staff that need to be trained.

The PA Group expressed concern about the time staff devotes to paperwork, and felt OPWDD should have a more thoughtful planning process in place prior to issuing mandates. A time study on DSPs could look at outcomes and identify agencies that are having difficulty. The commissioner noted that we are in the middle of two waiver

OPWDD/Provider Association Partnership

Monthly Meeting – July 23, 2012

worlds, and that we are working toward an outcome-based program rather than a reactive one. A workgroup can present recommendations on the rollout to the Talent Steering Committee, which will meet in September 2012. The PA group asked if grant money might be available to cover the costs associated with training, and was asked to send recommendations to Megan O'Connor that could be included in a survey targeted to supervisors on how much time they spend providing direct service.

Open Discussion

- *New Governance Regulations* – the PA group suggested that there should be specific guidance on what OPWDD wants to achieve with the new governance regulations. Jim Moran stated that a number of governance regulations were to address issues that came to light in the NQE report. The group felt that training mandates on individual board members was excessive and that most board members, by virtue of their lengthy experience in the field, already meet the qualifications. The group also felt that agencies should be given broader directives regarding policies and be allowed to develop their own policies based on best practices provided by OPWDD. It was agreed to further discuss the issues within the regulations that are of most concern and said a conference call will be scheduled by the end of next week (8/3) to discuss sensitive governance issues.
- *OPWDD Quality Work Plan for the Comprehensive Waiver Response and Implications* – Maryellen Moeser reported that the Work Plan resulting for the National Quality Enterprise (NQE) environmental scans is very detailed and that CMS is expecting a waiver amendment to reflect recommendations in the Work Plan and other related quality reforms. As a result, the original Work Plan is being posted to the OPWDD website now since we are not anticipating a formal CMS approval of the Work Plan apart from the Waiver Amendment process. Jim said OPWDD can review specific items from the work plan at the next PA Meeting if there are questions after members review it.
- *Clarification of Regulatory Reform Workgroup* – It was clarified that the Regulatory Reform Workgroup is not one of the waiver workgroups.

Olmstead and Employment Initiatives

- Ceylane Meyers-Ruff reviewed the Olmstead plan and stated the Most Integrated Coordinating Council (MISCC) is providing recommendations to the Governor for the

OPWDD/Provider Association Partnership

Monthly Meeting – July 23, 2012

final plan. The MISCC group will be hosting a number of statewide Video Conferences and hearings beginning in August 2012 to solicit feedback from the public. Ceylane asked the group to let her know if any of their associations want a presentation from a representative of MISCC. Ceylane also reported that prevocational services are being looked at to see if a redesign can help transition people into employment.

Governor's Interagency Coordinator Non-profit Organizations

- Fran Barrett introduced herself as the Coordinator for the Governor on Non-profit organizations and talked about her lengthy history in the non-profit sector. Fran said she has been in the position for three to four months and noted that New York and Connecticut are the only two states that have created a cabinet level position to deal with non-profits. With most of the workforce employed by a non-profit, it is important for contract reform to be studied in order to make it easier for providers to get contracts and receive payment. She is working with DOB to streamline current processes and get more information posted on line. Other things she is working on include standardized systems and language, and providing guidance in other areas. Fran stated that the governor is aware that executive and admin levels can't be capped without restructuring regulatory requirements. Fran also accepted the commissioner's invitation to come back periodically to give updates to the group.

Individual and Community Supports (ICS)

- Jerry Huber, Shelly Okure and Emilie Wright reported on the development of the Individual and Community Supports initiative, which will encompass CSS, ISS and the Portal. A precursor to the People First Waiver, ICS will be a financial and policy platform, driven by the needs of the individual, which will allow the OPWDD system to move forward with individualized services and supports. Three subcommittees (Front Door, Streamlining and Budget and Fiscal) were established in late 2011 to develop the conceptual framework for ICS and also to establish consistent statewide guidelines. Implementation will be done in phases, beginning with informational sessions that started in July 2012, and more in-depth training beginning in August 2012. Phase I, set to begin September 1, 2012 will include those individuals new to the OPWDD system. Phase II, scheduled for November 2012 will begin to consolidate all individualized service options under one umbrella, and Phase III, scheduled for March 2013, will include those individuals currently being served. More details will be made available in August 2012 regarding the reinvestment process.

Fire Safety Upgrades Briefing

OPWDD/Provider Association Partnership

Monthly Meeting – July 23, 2012

- *Office of Fire Prevention and Control (OFPC) Review* – Jonathan Pease gave an update on the gap analysis project and the status of OFPC reviews in the voluntary agencies. He said that OFPC will start routine Life Safety Code (LSC) surveys in voluntary agencies in September. In addition, the gap analysis project is underway, and OFPC are assisting with these reviews. The gap analysis project is a multi-year plan which includes upgrading non-LSC homes to LSC status, and to review Board & Care (B&C) homes to see if they need to be upgraded to Health Safety status. The schedule calls for visits to 50 voluntary sites by the end of August 2012 and another 50 sites by the end of November. The PA group expressed frustration with local fire marshals and requested a single source for agencies to bring issues to when there is a disagreement with building code interpretation. Jim stated that the conduit should be Division of Quality Improvement (DQI), but will discuss the issue further with Megan O'Connor. *Financials* – Henry Hamelin reported on how the voluntary projects are going to be funded. The board and care impractical is the more straightforward group and if the risk assessment shows an immediate need to achieve compliance with a healthcare occupancy, funding for those improvements required for compliance will be through PPA and reimbursed through the rate. The LSC homes will use an existing funding mechanism, the standby voluntary preservation contract, with a fixed amount of approximately \$57,000, and upon certification of compliance, the agency will receive the dollars that were expended for the upgrade.

Updates

- *ADM on Choking* – Jill Pettinger gave a report on the draft ADM on Choking Prevention and stated that comments on the training timeline will be accepted for the next three weeks. The PA Group expressed concern about implementing the training within the time frame specified in the ADM. It was also suggested that once staff completes the training, a move to another agency should not necessitate another full training. Jill also said she will be sending the revised 633 draft to the PA Group in the next couple of days and reminded the group that comments should be made within the next three weeks.
- *ICF Provider Agreements* – Brian O'Donnell from DQI reported on Intermediate Care Facilities (ICF) certifications stating that ICF certifications will never expire, however while yearly recertification will no longer be required, yearly visits will continue.
- *Update on Day Hab and ICF Billing* – Chris Doran reported that Federal law prohibits a provider from assigning payment to another agency other than a government entity.

OPWDD/Provider Association Partnership

Monthly Meeting – July 23, 2012

The PA Group asked if school districts are considered government agencies, since school districts are able to directly bill Medicaid for early intervention. The group requested that this topic be discussed further at the next PA meeting.

- *Plan of Care Support Services (PCSS)* – Eric Pasternak reported that the proposed regulations are out for public comment, with a September 4, 2012 due date. The proposed changes will allow for up to 4 services a year and delete the requirement for an individual to be enrolled in MSC for 3 months prior to being allowed to enroll in PCSS. There will be an initial transition rate for individuals who have never received service coordination, but the regular rate is not changing. The weighting of a PCSS recipient on a service coordinator's caseload is 0.3 – unless that service coordinator is serving a class member, in which case it is 1.0. October 1, 2012 is the target date; however, changes necessary to the billing system may require an extension of the implementation date.
- *Rate Rebasings* – Jim reiterated that OPWDD wanted work on rate reform analyses now rather than wait for the implementation of managed care. While looking at pilots, we will also be doing rate analysis. Guidance and expectations will be released for DISCOs once OPWDD moves into a managed care environment.
- *Mortality Data* – The commissioner reminded the group that a call for members to join local mortality committees was made and she hoped member agencies were responding.

Wrap Up

- The next meeting of the Provider Association will be Monday, August 20, 2012.