

## MEETING NOTES

### OPWDD PROVIDER ASSOCIATION (PA) MEETING

Monday, January 12, 2015

10:00 a.m. – 2:30 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; Abiba Kindo; Kate Marlay; Laura Rosenthal; Sally Berry; Megan O'Connor; Neil Mitchell; Maryann Riviello; and topic-specific staff (Dianne Henk, Greg Roberts, Joanne Howard, Ceylane Meyers-Ruff, Leslie Fuld).

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

### Welcome /General Remarks

Acting Commissioner Kerry Delaney welcomed PA members to the monthly meeting and provided the following update on OPWDD activities.

- OPWDD Transformation Panel
  - Kerry announced the formulation of panel of experts that represent different sectors in the field to guide OPWDD's transformation path forward.
  - The panel will make recommendations on how to best achieve OPWDD's Transformation Agenda objectives, including offering managed care in service system and ensuring its long-term fiscal sustainability for people currently receiving services and those who need to access services in the coming years.
  - The panel will also create forums for participation statewide to promote meaningful dialogue, discussion and input.
  - At this point, must resolve rate-related issues with CMS before can move forward with managed care. The final waiver application will not be submitted until the panel has made its recommendations.
  
- Other Updates
  - Disallowance Updates: OPWDD is in the process of appealing CMS' decision on the disallowance to the DHHS Departmental Appeals Board. There is no repayment due to CMS while the matter is under appeal.
  - Community Fund/VAP: OPWDD will schedule a follow-up conference call within the next two weeks to share details on the parameters and rollout of the VAP Program.
  - BIP Grants Announcements: Grants awarded under the Balancing Incentive Program (BIP) will be announced during the week of January 19.
  - Nursing Practice Act: OPWDD is looking for clarity from the State Division of the Budget (DOB) on working with the State Education Department to implement regulations that

extend provisions of the current Nurse Practice Act exemptions to the administration of medication in non-certified settings.

- Fall 2015 Symposium: As a way to advance strategies that support OPWDD's Transformation Agenda, particularly for individuals and families with significant needs, OPWDD will convene a statewide symposium later this year. PA members were encouraged to provide input on identifying best practices and national experts with experience in this area. Dianne Henk will be the lead OPWDD staff person on this initiative. OPWDD will send an email to PA members to solicit potential ideas, best practices and panelists for a Fall 2015 symposium focused on innovative ideas to advance the agency's Transformation Agenda.

## **Open Discussion**

### **Managed Care Update**

- OPWDD, in conjunction with DOH, is evaluating start-up grant applications for potential Developmental Disability Individual Support and Care Coordination Organizations (DISCOs). These resources may be used by DISCOs to develop the information systems that will support care coordination, and information sharing that will improve service provision and ensure important information is available to support people in the most integrated setting possible.
- OPWDD and DOH are working with CMS to implement the FIDA-IDD (Partners Health Plan) plan with a target implementation date in 2015. This is a voluntary health plan for individuals (dually eligible for Medicare and Medicaid) in a nine county downstate catchment area. Individuals may opt to enroll and if they do the FIDA-IDD will coordinate both medical and long term, community-based support services. Both the FIDA-IDD and the DISCOs will be vehicles for coordinating services available through the 1915(c) waiver agreement.
- In light of the next open window for providers to join PPS, OPWDD will work with DOH to schedule a webinar for PA members and provider agencies interested in learning more about affiliating with a PPS network. OPWDD will invite Greg Allen from DOH to the February PA meeting to offer a DSRIP update.

### **Flu Guidance**

- Providers should follow the same flu guidelines that were followed last year until the new guidelines are posted. This includes the use of Tamiflu, or other antiviral medication, within 48 hours of symptom onset and the use of activity/movement restrictions to prevent the spread of the influenza virus.
- The use of the influenza vaccine is still highly recommended despite the fact that DOH has reported the presence of a mutated virus causing widespread influenza. Having had the vaccine still affords protection, even with a diagnosis of influenza, by decreasing the intensity and duration of symptoms.
- OPWDD will soon issue a revised guidance document that details protocols for handling influenza cases during the 2015 flu season. PA members were encouraged to contact Jill Pettinger and her staff with any questions they might have.

### **BIP Grant Update**

- The announcement of tentative Balancing Incentive Program (BIP) funding awards is planned for next week at which time awards will be shared on the OPWDD webpage and entities will be contacted on next steps. Given the confirmed flexibility to expend BIP funds for these contracts after September 2015, OPWDD will be requesting updated budgets and work plans to reflect the extended contract period. It is anticipated that contracts will be retroactive to 12/1/14 and can be extended thru 12/31/15.

- Reviews of the elements under consideration for DISCO start-up funds are coming to a close. We are looking to mid-February to announce the tentative awards. It is anticipated that the end date for these contracts will be extended as well.

#### Development of Additional Residential Options

- PA members continue to advocate for initiatives that stimulate the development of more affordable housing options for individuals awaiting residential supports as well as what can be done to increase funding for supported IRAs. According to OPWDD, the issues surrounding moving from supervised to supportive settings needs to be discussed with DOH. Under rate rationalization, an acuity adjustment would not directly identify the amount of direct support hours needed for the transition. As a result, DOH would need to update the DDP more often – either quarterly or on a monthly basis. Further discussion is also needed about “freezing” DDPs for a period of time. Now that rate rationalization methodologies are nearly complete, PA members would like more background on DDP calculations as these discussions with DOH move forward.

Helene DeSanto suggested that an agenda item be included at the February 2015 PA meeting on the residential registration list and initiatives in the proposed 2015-16 State Budget to address residential needs.

PA members stated that residential issues, particularly data on waiting lists and updates on the CSS/ISS approval process, is a top priority for providers.

#### Justice Center Update

- Jeff Wise (Executive Director) and Laura Darman (Director of Intergovernmental Affairs) provided an update on recent Justice Center activities.
  - Justice Center Annual Report/Data Sharing
    - On December 17, informational data was released on the Center’s website. This included an annual report as well as statistical data that will be updated monthly.
    - It is anticipated that newly launched web submissions by providers to the Center’s data base will improve accuracy and get the case volume under control. Any providers with pressing concerns were instructed to contact Jeff.
    - The group discussed trend analysis relating to reported vs. substantiated incidents. It is anticipated that information will soon be ready to share with providers.
  - Chapter 394 Implementation
    - Laura detailed an aggressive timetable for the implementation of Chapter 394 which established a uniform reporting protocol for all Justice Center oversight agencies. The updated version is awaiting final approval; it should be released in the next several weeks. An FAQ, webinars, instructional Power Point presentations and training for investigators will accompany the codified document’s release. Regulations are due by 4/1/15.
  - Status of Justice Center Guidance
    - In an attempt to provide consistency among all populations, the Justice Center is working to provide guidance and new regulations to all reporting agencies on peer-to-peer incidents, false allegation protocol and clarifying

reportable incidents. A work group has been convened by the Governor's Office of Counsel and has been meeting regularly to smooth out the differences.

- A more long-term project involves the establishment of a universal incident management system/single reporting portal that would eliminate much of the current redundancy between the multiple systems. The old system can't be dismantled, however, until a new one is ready. The Executive Chamber supports this initiative; funding has been made available for consultants to scope by early fall.

## **Division of Quality Improvement (DQI) Update**

### **Corrective Action Plans for Incidents of Abuse/Neglect**

- The requirement for corrective action plan (CAP) record submissions for Reportable Incidents of Abuse and Neglect where corrective actions have been identified will be effective for incidents dated 1/1/15 or later. For these incidents, agencies must submit CAP records via the file upload functionality in IRMA, which will be available to providers effective 1/15/15. OPWDD is requiring that the submission of the CAPs be accompanied by the OPWDD Form 161, Submission Form for Corrective Action Plan of Abuse/Neglect, which will be available on the OPWDD website. OPWDD has made an enhancement to Incident Report Management Application (IRMA) to automate submission of CAPs.
- The Memorandum to the field will be posted on the OPWDD website shortly. Two WebEx sessions will be held to detail this initiative to provider agencies. For all Reportable Incidents of Abuse/Neglect OPWDD requires that the Corrective Action Plan (CAP) be submitted to OPWDD's Incident Management Unit (IMU).
- Additional changes will be made in the near future to IRMA related to corrective action plans.

### **Web Submission for Investigative Reports (WSIR)**

- The Justice Center WSIR becomes operational on January 15, 2015. A series of three memorandums have been sent to the field with information about the implementation. OPWDD has also made changes to IRMA that will also upload the investigative record into IRMA once submitted through the WSIR. This will prevent duplicative work on the part of the agencies who will not have to put the investigation into IRMA for these cases.

### **Case Closures**

- Significant progress has been made on the backlog of case closures. As OPWDD issues letters relative to past due case closures, DQI will send PA members a copy of the master list. The next list is expected to be issued on 1/16/15.

## **Rate Transformation Discussion**

### **DSP Compensation Increase Update**

- Increases have been put in place for the majority of programs (supervised and supportive IRAs, template funded programs and community hab) in EMedNY. For those remaining (day hab), funding will be in place shortly and reimbursement will be retroactive to January 1. Attestations are required by the end of the quarter (January payment due March 31<sup>st</sup>). OPWDD will e-mail PA members with instructions related to the submission of Board attestation letters.
- DOH will respond to a question about the inclusion of FTEs in the conversion price when the rate rationalization methodology was applied in FSS respite to waiver respite programs.

- DOH will also respond to a question involving the minimum wage and direct support worker salary averages in family care, supported employment, respite and pre-voc programs.

#### Four (4) Services Update

- Preliminary information was submitted to CMS on the four remaining services. Supported Employment and community pre-voc will be fee-based. Site-based Pre-Voc will be Agency Specific Rates including all clinical and regional hourly salaries. Respite will be Agency Specific rates. Family Care will have 6 Regional fees plus Agency Specific rates. Donna will walk through details.
- OPWDD provided methodology to CMS on 12/31/14 on the next four services per discussions with PA members in December. The document will be published for public comment, likely in early February, but the timeline is under development. The service description is a separate application; while it has been very general in the past, CMS is now asking OPWDD for more specificity. Some of this description will be spelled out in forthcoming regulations and an ADM to be issued by 7/1/15. Several changes have been made in the methodologies as previously discussed:
  - **Supported Employment** – as discussed an hourly fee; rate language does not detail 'billable time' discussions as it is not part of the rate supplemental language. Changes are under review for the service description section of the application per discussions with PA members and will be published.
  - **Family Care** – as discussed with future efforts for enhancement to methodology and programmatic design. Six fees for the ISPM levels, regional averages for administration.
  - **Prevocational Services** – as discussed follows day habilitation methodology for site-based and a fee based (similar to community habilitation) for community-based prevocational services.
  - **Respite** – not as discussed; a provider specific rate combining hourly and site-based respite funding. The intent is to look at potential for future development where medication administration/oversight is required.

#### SEMP ADM Status Update

- The SEMP ADM is anticipated to be completed by the end of February. Pathways ADM is anticipated by the end of the month. "Therapy leave days" and "medical days" will be reconciled.

#### Rate Revisions Update

- OPWDD is in the process of finalizing the day services corrections and expect them to be in a weekly payment shortly.
- With respect to the new DOH policy for distribution of rate sheets to provider agencies, OPWDD will send an electronic copy of a memo that was distributed at the PA meeting involving provider registration for the new notification process. Additionally, a revised list will be sent to PA members sorted by agency name.

#### **Wrap-up**

The next meeting of the Provider Association will be held on Monday, February 23, 2015 @ 10am @ 44 Holland Avenue in Albany.