



REHABILITATION & COMMUNITY
PROVIDERS ASSOCIATION

Meeting Notes

Intellectual and Developmental Disabilities Committee

December 13, 2018

Co-chairs Will Stennett and Dan Sausman welcomed everyone to the meeting. All present introduced themselves.

Carol Ferenz provided an update on recent events with ODP. Kristin Ahrens has been officially named Deputy Director of Office of Developmental Programs. At a recent meeting held with Kristin, she asked Richard Edley and Carol for RCPA's thoughts regarding Managed Care for IDD services. As a result there is a small group working on developing a brief position paper to share with ODP. As the ideas are developed, the concepts will be reviewed by members of the IDD division...

ODP is submitting waiver amendments to CMS in order to delay the implementation of Transportation Trip rates/payment system change, and also delaying the requirement for employment and CSP staff to hold CESP or ACRE certifications until July of 2019. Adult Autism Waiver will be changing to a needs-based system instead of the "first come, first serve" methodology currently in use.

Provider Self-Assessments for the HCBS setting rule have been reviewed by ODP staff. They are happy to report that over 6,000 residential site assessments were received, and self-assessments were not completed for only 4 sites. Only 24 non-residential sites did not submit self-assessments. For those sites that did not submit their assessments, ODP staff will be completing on-site visits after July 2019. If providers need to make corrections in order to comply with the HCBS settings rule, the progress on their plans will be validated through the QA&I process in the future.

ODP has developed a Special Populations Unit that is focusing on increasing communication strategies for individuals who do not communicate in the traditional manner, (e.g. Deaf Culture Webinars (currently scheduled every Friday in December). The Special Populations Unit is also addressing children who are medically fragile and as a result are living in congregate care settings. ODP hired Heidi Arva to lead this department. Heidi will be working with ODP staff, as well as the Office of Children, Youth and Families, and Office of Medical Assistance to develop alternative service settings for these children. There are currently 230 children in congregate care settings. RCPA staff Richard Edley, Carol Ferenz and Robena Spangler are also involved in discussions with staff at ODP regarding this initiative.

The Office of Inspector General presented their preliminary report to ODP last week. The focus of the report is on Incident reports and mortality review for trend analysis. The final report is expected in February 2019. ODP will then have 30 days to respond to the findings.

Chapter 6100 regulations were reviewed by the Attorney General's office and they did present 7 questions to ODP for clarification. ODP staff is working on providing the additional information necessary and anticipates that the regulations will be published at the beginning of January 2019. As a result of concerns raised by advocates during the IRRC review of the regulations, particularly in regard to Emergency room visits no longer being required to be entered into EIM, a Provider Oversight Committee has been formed. The committee is co-chaired by Gene DiGirolomo and Dee Ciccio and

includes representation from advocates, self-advocates, provider association representatives, ODP staff, etc. and will meet quarterly. Richard Edley was appointed to the committee.

The RCPA Sexual Abuse Prevention committee has been working to develop a two day “Boot Camp” for providers to assist them in developing a comprehensive policy that will meet the intention of ODP’s bulletin. The training is scheduled for May 7 and 8, 2019, so please hold these dates if you are interested in attending the training. More information will be available soon with the details of the training. A request was made that we attempt to have a template available to share at the training to assist providers in developing their own policy. It would be helpful to have ODP “bless” a format for providers to use and adapt for their own agencies.

Rick Smith from ODP recently shared that the results of the QA&I data for Claims documentation. Year One review resulted in a claims denial rate of 35%, Year Two review resulted in a 40% denial rate. The trend is concerning and demonstrates a need for more clarity in expectations to providers. Federal regulations require a state to develop a plan of correction if the claim denial rate is above 15%, so PA is definitely not meeting expectations. RCPA staff are considering developing a third Compliance Boot Camp that would be focused on Documentation for IDD Providers in the coming year.

RCPA staff and members have been working collaboratively with APSE and PAR members to advocate for changes to the current OVR Supported Employment policies. We recently developed a survey that was sent to all IDD providers who contract with OVR to provide SE and/or PETS services. The survey was distributed to all providers on OVR’s list. If you provide these services, and did not receive a survey, please contact Carol and she will forward the link to you. The plan is to utilize the information gleaned from the survey to present data and concerns to the OVR Board of Directors in the near future.

Another collaborative project that involved providers throughout the state, is the DSP Wage survey. At the recent ID/A Coalition meeting, we learned the preliminary results of 169 provider surveys reporting data for 32,369 employees. The data collected demonstrates that while the wages have gone up (the average wage increased from \$11.26 in 2015 to \$12.84 in 2018), turnover and vacancy rates have also increased. Turnover average is 32% for full time employees, 53.5% for part time, with an average turnover rate of 36.5% overall. Also, 47.6% of employees separate employment in the first 6 months on the job.

RCPA has joined ANCOR as a full member. This means that all RCPA provider members will now have the additional benefit of full membership to ANCOR as well. This will be effective in the beginning of 2019. There will be more information coming in January to explain how this will be of benefit to your agency and the options for participation with their activities. ANCOR advocates on a Federal level for individuals with disabilities and is very active in Washington.

In 2019 we will be trying a little different arrangement for our IDD and Subcommittee meetings. In January we have several speakers planned that are of benefit to the group as a whole (i.e. Julie Mochon to discuss Chapter 6100 regs, and Kristin Ahrens to discuss Managed Care and the future of the IDD system), so we will have a combined meeting on January 31, 2019 from 10 am – 3 pm. For the remaining meetings, we will be holding sub-committee meetings in the morning, and the full group meetings in the afternoon. Two times there will be a Residential Sub-committee, and the other two mornings will be for an Employment Sub-committee meeting. The SCO Sub-committee will meet at the same time the other sub-committees meet on those mornings.

Peg Van Schaick from CSG has been serving on the Residential Strategic Thinking Group that ODP developed earlier this year. She reported that the group has developed draft recommendations regarding policy changes, procedures etc. that will be published soon. One of the outcomes was to develop a Learning Collaborative of Residential providers who can help identify the ingredients necessary for a provider to be successful in providing Residential Services. The collaborative will be

developing a framework for success for Residential providers to improve quality and standards for provider of this service as well as defining ways we can determine if we as providers are meeting the vision for Residential services. Four meetings are planned and will eventually involve staff from various levels in these organizations. The first meeting will be attended by 20 CEO's of agencies who have a track record of providing good quality services, and historical perspective and will be held in January.

Will Stennett reported that earlier this week The Home Improvement Act, HR 7217 which includes Money Follows the Person Act, passed this week and will be moving to the Senate. These funds are important for services, and it would be helpful if members called their Senator to encourage them to support this.

ODP Presentation: Kyla Shultz and Lisa Hanna from ODP presented information regarding ODP's Incident Management policies including updates coming for the IM Bulletin, Best Practices in IM, Investigation procedures, and the Administrative Review process. (*The power point presentation is attached to these minutes for review*). While there is not a draft of the new IM Bulletin available yet, with the Chapter 6100 regulations going into effect soon, Kyla shared some high-level changes that are being considered. Much research was done in order to find state of the art information regarding Human Rights, etc. Attempts were also made to assure that policies are aligned with other requirements to assist with implementation. ODP staff reviewed the OIG audits from other states to learn from their experiences. Education related to recognizing and reporting incidents for staff will play a big part of the new policy. More information regarding "what happened" in the early sections of EIM reports will now be included. Primary and secondary categories of incidents will be more clearly defined, and secondary categories will be used to determine more detail of what issues may need to be addressed in the field. The number of secondary categories has changed from 90 to 67. Focus will be moving toward determining if things that "could" be abuse or neglect are incidents of that nature. (i.e. spiral fracture – could be an indicator of abuse and reported as such instead of injury requiring medical treatment). There will be more of an expectation of investigating more incidents.

Kyla recommends that providers read the regulations carefully to see if your organization may need to change internal procedures and/or structures in order to meet the requirements – especially the need for more investigations in the future that will add more responsibility to agencies. All individual to individual abuse will require certified investigations in the future. A question was asked if there is any thought regarding the current definition of I to I abuse? This is a huge topic of debate.

The draft policy will go out for public comment and ODP will be holding Listening Tours in each region to collect comments and questions starting in February/March 2019.

Jack Phillips, Director of Governmental Affairs at RCPA provided an update on current legislation that is being considered. Managed care is going to be a big area of discussion for IDD as well as other divisions at RCPA. Currently there is consideration of elimination of the Behavioral Health Carve Out, and other changes are sure to be considered. RCPA's position is that we support the Carve out continuing. We are going to look for data of other states who have eliminated the carve out so that there is actual data to refer to.

Carol and Jack attended a meeting with the Office of Administration regarding the desire to make the application process for civil service positions easier for people with disabilities. The Office of Administration is working on improving this process for anyone to apply for civil service jobs including online applications and testing, possibly eliminating testing centers in the future. There has been a concerted effort within OA in order to modernize the process. We will continue to work with OA on these issues and we felt it was a positive meeting.

Jack will be meeting on January 8th with Meg Snead from the Governor's office to discuss priorities for RCPA members including employment, the DSP situation, shortage of psychiatrist/psychologists, Managed Care, Behavioral Health, etc. Jack will continue to set up appointments. January 1st is swearing in day for the new Legislature, February 5th is the Governor's budget address and hearings will be held throughout February and into March. Committee assignments are being considered currently and it is likely that Senator Baker will be leaving Health and Human Services Committee, as will Mike Cortez, which will mean we will need to assure whomever comes in receives training and information in order to understand our issues. It is likely that Rep. Kathy Rapp will be chair of House Health committee and Rep. Gene DiGirolamo will continue to chair House Human Services committee. Senator Michelle Brooks will probably take over as Health and Human Services Chair on the Senate side. Donna Overlander will become the Republican Policy Committee Chair and she has a good understanding of our needs which will be helpful in education Kathy Rapp and Michelle Brooks.

A question was asked about RCPA's position regarding the Behavioral Health carve out. The Board of Directors met yesterday, and the position is that we support the continuation of the carve out. Richard will also be investigating data and how other states that do not have a carve out manage these services (positives/concerns). This data will allow us to make educated recommendations to the legislature.

Lisa Hanna from ODP continued with the ODP presentation regarding Investigation processes. The purpose of an investigation is to objectively describe and explain what did or did not occur at a any given place and time When agencies assign a CI to investigate an incident, conflict of interest is important to consider to assure that the investigation is done in an unbiased manner, all potential evidence is collected, and that "fact finding" investigations are thorough.

The administrative review process was introduced in 2012 and was most recently revised in 2018. The purpose of the administrative review is to assist individuals negotiate choice and mitigate risk, assist providers determine the final conclusion of the investigation, develop a plan of corrective actions and to avoid repeat occurrences of incidents. Speed, objectivity and thoroughness are the three key elements evaluated in investigations review. The findings can be "confirmed, not confirmed, or inconclusive". The determination is based on preponderance of the evidence. If the majority (51%) of the evidence supports that the allegation occurred, then it is considered to be confirmed. Less than 51% supporting the allegation is considered not confirmed, and if there is equal evidence supporting that the allegation occurred and did not occur, then the finding will be inconclusive. If an agency is not conducting administrative reviews, they should begin conducting them immediately. It is recommended that two or three people should serve on the committee. Quarterly CI forums are held and are helpful to answer questions that CI's may have. The power point presentation is attached to minutes. Kyla shared that any questions that arise regarding incident investigations can be sent to the RA-impolicy@pa.gov to be answered. CI trainings are scheduled based upon demand, so it is important to sign up for the wait list if courses are full.

APS Presentation: Laura Deitz, Adult Protective Services Director at DHS and Kirk Golden from Liberty Healthcare spoke about the Adult Protective Services system. The Protective Services Hotline number for all adults is 1-800-490-8505. The person taking the call will send the report to the Adult Protective Service office or Older Adult Protective Service based upon the age of the individual in need (APS covers age 18-59, OAPSA covers individuals age 60 and older). Individuals have the right to refuse protective services unless there is evidence that without intervention the individual is at eminent risk of death, serious injury or serious bodily injury. In those cases, court intervention may be necessary.

The APS Agency (Liberty Healthcare) is required to

- Investigate allegations
- Determine if individual is at imminent risk and if protective services are necessary

- Cooperatively develop a service plan with the individual and possibly services and natural supports
- Provide protective services to adults who voluntarily consent
- Provide services in the least restrictive environment and most integrated setting
- Provide guardianship as needed

When reports are made to the 800 number, it is very helpful to report the age of the individual who may need protective service to help with determining where the call should be directed.

Mandatory Reporters have additional responsibilities to follow such as calling the police, DHS and submitting written reports as well as making the phone report.

Data that was collected for the annual report for the 8/1/16 to 8/1/17 was reviewed. Forty-eight % of the reports that came in were for people who were not known to any service system. The other reports were received regarding individuals who are already connected to some services.

The DHS website has a wealth of information available. The website has a resource account where you can email questions, direct number for questions, almost every month a webinar is offered regarding Mandatory Reporting requirements, and forms are available.

Liberty Health would like to spread the word further into the general public regarding the APS law to assure that judges, police, the public, etc. is more aware since a large percentage of the reports coming in are for people who are already receiving services. Laura and Kirk both are interested in hearing feedback in order to assure that they are reaching all those who need the service. Laura can be reached at leitz@pa.gov Kirk can be reached at kirkq@libertyhealth.com

The power point presentation with further information is attached. Questions regarding the APS program can be sent to the following email address:
RA-PWAPSQuestions@pa.gov

Simply Home Presentation: For the last part of the meeting, we joined a webinar presented by Cameron Kempson from Simply Home. Simply Home's mission is to connect innovation and technology solutions to increase independence for individuals with disabilities. For more information regarding the services visit their website www.simply-home.com.

The meeting was adjourned after the webinar.