

# DS State Program Standing Committee (SPSC)

November 17, 2022

## Meeting Held Virtually on Microsoft Teams

### Attendees

**Committee Members:** Bethany Drum, Barbara Lee, Susan Yuan, Chad Cleverly, Priscilla Connolly, Barb Prine, Karen Price, Cheryl Thrall, Connie Woodberry, David Ballou, Dawn Danner

**Guests:** Colette Wilson, Will Manley, Katrina D, Ashleigh Goldberg, Delaina Norton, Jess Moore, Jess Moore, Mary Moulton, Tonya Mason, Chuck M, Keith Grier, Marie Lallier, Mary Kay Kasper, Katie Jennings, Levin Paul, Jessica Stehle, Susan Aranoff, Kirsten Murphy, Kara Artus, Beth Slighter, Amy Schumacher

**State Employees:** Chris O'Neill, Jeff Coy, Jennifer Garabedian, Hilary Conant, Jessica Bernard, June Bascom, Nikki Marabella and Judy Spittle

### Roll Call and Review Agenda

A roll call was completed, and the meeting agenda was reviewed

Jennifer reminded SPSC Committee to send back their written System of Care Plan (SOCP) feedback to DDSD. 11/23 was the original due date but due to holiday it can be sent back by 11/28/22.

October minutes were reviewed and approved by a motion by Chad Cleverly and seconded by Cheryl Thrall.

### WCMH Re-designation

There are 16 categories for Designation, 13 were met. The Division is requiring a Corrective Action Plan because even though guidance about Appeals and ABD notices has been repeatedly provided, the guidance hasn't been followed. We'll continue to partner with Washington County to assure that internal supervision is in place. We can't provide that supervision, but we will certainly continue to provide accurate process information and help to understand policies and expectations. We'll also continue to offer help with the development of Equity proposal standards but will expect improvements there as well.

The 3 areas that did not meet the standard requirements were 4.2 Governance, 4.8 Quality Improvement and Outcomes and Personnel Practices. Below is a brief summary of each category

#### Administrative Rule 4.2 Governance

4.2.3 Bylaws need to be updated to reflect the following two items. The department requirement that Board meetings be open to the public, except when the Board determines the need to convene in Executive Session.

##### 4.2.3.4 Board of Directors responsibilities

A statement of its policies and procedures for disposal of assets and debts and obligations in the event of dissolution of the agency, including the return to AHS of any assets and property directly obtained with AHS funds, as allowed by law. When a designation agency merges with another organization, they agency shall obtain written authorization from AHS approving the transfer or requiring return of the assets and property purchased directly with AHS funds.

#### Administrative Rule 4.8 – Quality Improvement and Outcomes

##### 4.8.2 Timely and Effective Response to DAIL recommendations

WCMH will develop a Corrective Action Plan to assure directives from the DAIL Commissioner's Office and guidance from the DDSD are followed with timely and substantive responses

## 4.10 Personnel Practices

### 4.10.3 Job description for each employee.

Due to turnover in staff, this slipped thru but Mary Moulton assured the Committee that WCMH does have them and will submit them

Local System of Care Plan – WCMH still working from the pre-pandemic local System of Care Plan, as all provider agencies are.

Mary Moulton, Executive Director introduced new staff at WCMH staff Levin Paul, Mary Kay Kaspar and Kathleen Jennings

### Abuse/Neglect Discussion

The conversation started by Jennifer stating that the incident that involved 4 individuals who did some despicable things are being criminally charged for what happened. This is being taken very seriously. The Medicaid Fraud and Residential Abuse Unit (MFRAU) is charging with jail time, the Quality Management Unit is doing a review, providers to improve their processes to help make sure that this doesn't happen again.

<https://vtdigger.org/2022/09/13/4-caregivers-for-vulnerable-adults-charged-with-abuse-and-neglect/>

Discussed concerns about oversight and what could be done differently.

Talked about what is done now, including the role of the service coordinator and use of unannounced visits in shared living homes, or staffed by agencies.

Also talked about some of the systems issues that we are facing:

- Provider staff turnover.
- Red flags that staff should be trained to recognize.
- State-level quality management/review staff needs to do more reviews or different quality activities.
- APS reporting and investigation timelines.

Discussion was focused on challenges and concerns with abuse and neglect, did discuss that there are strong relationships and good providers within the system as well.

Request for a presentation/discussion about addressing these issues specifically for individuals with alternative communication approaches. This topic will be added to a future meeting (lead by Sherry Thrall)

Talked about opportunity to develop an Ombuds program for individuals with intellectual/developmental disabilities

- Would provide a confidential opportunity to report things.
- Department is working with a Disability Law Project to develop a pilot/planning grant.
- Would determine how Ombuds would work in the DDS system.
- Have enhance FMAP dollars for the pilot
- Looking to learn what other states, like the State of Washington, are doing.
- Will build off the Ombuds program that Vermont has for the elderly.

Workforce Challenges – will be standing agenda item

Talked about how this topic will be added as a standing item to our agenda.

There used to be a workgroup for this issue

Workforce has always been a challenge

COVID has brought the issue to a crisis level

Will be re-establishing the workgroup to work on figuring out ways to address this.

Request for data about workforce, which was provided by Vermont Care Partners and information about the Agency of Human Services (AHS) recommendation for provider rate increases.

Budget information from AHS is not final and available to share yet.

SIS/Payment Reform – Jessica Bernard

Summary of SIS-A of need – Centers of Medicare & Medicaid Services (CMS) requires that we use an independently administered assessment tool to address conflict of interest in case management (the people who assess need can't also deliver the service)

DDSD chose a standard tool because it offers an independent assessment of a person's support needs in a reliable, validated format, which will help reduce conflict of interest in services and provide an equitable approach to matching people to the services that fit their individual needs.

Sample update – 500 people who receive HCBS through Developmental Services (DS), representing all regions of the state, agencies who provides services, types of services received and housing/living situations. The sample started in July of 2021 and ended in September 2022.

These sample assessment results will be used to help determine a possible payment method. We need to finish analyzing the sample assessments, work with our contractors to create a budget framework before we can present it to stakeholders and ask for input. Our contractors at HSRI are currently analyzing the 500 sample assessments.

#### Next steps for SIS-A Assessments

As the sample was ending, we asked for feedback about starting the 3-year cycle of regular SIS-A assessments. We asked the DS Directors, The DS Payment Reform State Leadership Team, the DS Standardized Assessment Team, DS Payment Reform Advisory Committee, the DS SPSC (7/21/22) and the DAIL Advisory Board (DAB) if we should move forward with the starting of regular assessments in order to be aligned with the new conflict of interest rules going into effect in Vermont in 2025.

Most people providing feedback agreed that it would be better for individuals/families and providers to start the 3-year cycle now to avoid getting everyone assessed in a short amount of time.

Everyone receiving HCBS will complete a SIS-A assessment once every three years, or more often if needed due to a change in their life that results in needing new or different services.

<https://ddsd.vermont.gov/projects-initiatives/dds-payment-reform/dds-payment-reform-standardized-assess-workgroup>

<https://ddsd.vermont.gov/content/sisa-plain-language>

## Payment Model Update

There are three phases in the payment model design

1. Identify the different levels of support people need
2. Check the 2<sup>nd</sup> edition of the SIS-A, which is coming in 2023, is like the first edition to use the levels of support identified in the first sample.
3. Draft a payment model that connects the SIS-A results with a level of support need, which then informs a budget amount needed to provide the support.

A future payment model will include

- A way to request a new SIS-A, if needed
- A way to request an exception if funding is not enough
- A way to identify people who will budget and service for high level needs
- An appeal process if the exceptions process do not meet the person's needs

DAIL and DS has updated written communications, available on website

DAIL/DS is hosting engagement sessions each quarter to be sure everyone understands the SIS-A

The Standardized Assessment Team which advises DAIL/DS, helped choose the SIS-A, for supplemental questions, and is currently working on way to add more context to the assessment process. This group will become the basis of a Payment Modeling Workgroup and will help with advised on the payment modeling work so drafts can be presented to everyone for input.

This group is made up of Self-Advocates, families/guardians, DS Providers, (representatives from DAs, SSAs and TII), DD Council member, State/DS staff and VT Care Partners.

Any questions or suggestions, contact Jessica Bernard,  
[Jessica.Bernard@vermont.gov](mailto:Jessica.Bernard@vermont.gov)

There is a TA Conflict Free management meeting which Jeff Nunemaker and Jessica Bernard are our leads. More to come on this.