

# DS State Program Standing Committee (SPSC)

September 15, 2022

Meeting Held Virtually on Microsoft Teams

## Attendees

**Committee Members:** Max Barrows, Barbara Lee, Susan Yuan, Dawn Danner, Karen Price, Chad Cleverly, Ed Place, Bethany Drum, Lehana Guyette, Priscilla Connolly, David Ballou, and Connie Woodberry

**Guests:** Jess Moore, Kirsten Murphy, Rachel Seelig, Susan Aranoff, Colette Wilson, Susan Garcia, Kara Artus, Marie Lallier, Jessica Stehle, Hasan, Kelly Eifert, Elise Haydon, Marie Lallier, CMS staff; Amy Coey, Michelle Mackenzie, Ralph Lollar

**State Employees:** Jennifer Garabedian, Jessica Bernard, Hilary Conant, Jeff Nunemaker, June Bascom, Shawn Skaflestad, Judy Spittle

## Roll Call and Review Agenda

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

The August minutes were reviewed and approved. Motion was made to approve the minutes by Bethany Drum, and it was seconded by David Ballou.

## System of Care Plan (SOCP) next steps

Developmental Disabilities Services Division (DDSD) will be presenting a draft of the System of Care Plan to SPSC next month (SOCP). DDSD held 17 stakeholder input sessions in 3 months and sent out an online survey. DDSD is pulling together a summary of all the input which will be included in the SOCP and website.

Karen Topper raised concerns about reports of abuse of individual living with home providers and would like to have a discussion next month.

Hilary - The grievance and appeals process in the SOCP is going to be replaced with a link to the CMS rules. DDSD recognizes that grievance and appeals processes need to be in plain language. A workgroup is being developed for this purpose.

Many SPSC members shared concerns of the shared living model and agree that issues need to be addressed and the Division needs to make a report for oversight

Jessica Bernard – SIS-A Update

Communication was sent to providers in August about the start of the 3-year assessment cycle. SIS-A engagement sessions are ongoing and posted on the website.

Settings Rule

Introductions – Jennifer introduced Shawn Skaflestad, Director Compliance, Evaluation and Quality from the Agency of Human Services (AHS), Chris O’Neill, Quality Management Team Leader, Developmental Disabilities Services Division (DDSD), Center for Medicaid and Medicare Services (CMS) Staff, Administration for Community Living (ACL) staff and New Editions staff

Key components of the HCBS settings rule are having full access to the community, including opportunities for the individual to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community to the same degree of access as individuals not receiving Medicaid HCBS.

It ensures an individual’s rights of privacy, dignity and respect and freedom from coercion and restraint. Facilitates individual choice regarding, daily activities, physical environment, and with whom to interact. Services and supports, and who provides them

## 2014 HCBS Settings Rule / Regulations

CMS required the state to conduct a provider assessment that would show how well the state is doing with following the rules. The state had 5 years to comply with the rules and there were a couple of extensions. The new due date for full compliance is March 17, 2023.

Vermont uses a 115 waiver. This is a special waiver that has different terms and conditions.

CMS conducted a Systemic assessment where they looked at the regs, standards and policy on the State side to make sure that they aligned with the Feds side. Corrective Actions were then put into work plans for the areas needed. There was a 30-day public comment for input and feedback. Vermont's plan got initial approval in 2017. For the State to get final approval specific settings need to be looked at and action plans need to be developed and implemented. The State is required to determine whether the facility has institutionally qualities. CMS has a requirement and process for review for settings that are high scrutiny level. Activity related to final approval - specific settings need to be looked at. Action plans developed to come into compliance.

State got final approval – March 2022

### Heartbeet Visit

CMS conducted a site visit to Heartbeet as it was identified as requiring “heightened scrutiny” during the 2018 HCBS settings assessment. Chris O’Neill gave an overview of the visit and stated that all individuals who live at Heartbeet said they have choice in activities and settings. Kathy Hamilton conducted the survey and Heartbeet stood out as an isolating environment. The State will continue to work with Heartbeet to ensure that people living there are receiving choice and access to the community and are in line with the HCBS settings rules.

### Comments from Committee

It should be a foundational requirement that anyone living at SLP’s should have access to community.

Topper – HCBS – looking at the bigger picture – provide education as to what the HCBS rules are to families and individuals.

Dawn D – there are great homes around the state. Some homes need to be looked at for more oversight but there are really good homes as well.

Kirsten – PCP, HCBS and assurance metrics are connected around the HCBS services – Council is very disappointed on these metrics- failed to address that the state is under a POC (Plan of Correction). Want the metrics to speak more clearly about choice

Ralph Lollar from CMS expressed appreciation and thanks for the focus on regulations for both sides of the spectrum.

Kirsten indicated we need a middle ground. Coming up with metrics that are goal oriented. The use of National Core Indicators (NCI) could be a step in the right direction for outcomes. The Division is not using NCI currently.

We need a meaningful way to measure these outcomes. What is the next step to engage people in this process.

This group will decide if there needs to be a workgroup created.

HCBS Assurances

The 12 measures were shared, and review began but was unable to go through them all due to lack of time at the meeting. Individuals can continue to send their feedback to Jennifer Garabedian, and she will share with Shawn.

The meeting adjourned and the Committee went into Executive Session