

# DS State Program Standing Committee (SPSC)

September 17, 2020

## Skype Meeting

### Attendees

**Committee Members:** Max Barrows, Rachel Colby, Ed Place, Lyn Ujlaky, Susan Yuan, Bethany Drum, Anne Bakeman, Connie Woodberry

**Guests:** Judy Cookson, Lee Reilly, Jess More, Mark Prior, Julie Cunningham, Nancy Breidan, Lynne Cleveland Vitzthum, Julie Martin, Tonya Mason, Anne Vernan

**State Employees:** Susan Aranoff, Kirsten Murphy, Selina Hickman, Lisa Parro, June Bascom

### Review Agenda and Minutes

A roll call was completed. The DS State Program Standing Committee (SPSC) meeting minutes from the August 20, 2020 meeting were not available to review.

### SPSC Member Check-In

- Max is continuing calling birds.
- Rachel is writing stories.
- Anne has re-discovered Little River State Park – she did the history hike that has a lot of stone walls and remains of homes back to 1790, and they moved out around 1930's when the damn was built.
- Selina's family has found a fun kid's music and dance group – Koo Koo Kangaroo, so they are having some dance parties.
- Connie is taking weekly walks on the dirt roads along the river, having fun getting to know the areas in which she didn't know.
- Susan has been going to a place on the lake, her place to escape, and on the weekend will see Bethany next door.

### System of Care Plan (SOCP)

DDSD has been planning for the updates to the System of Care (SOC) Plan that will start next July. A 1-year extension to the start date was requested. A timeline for the updates to the SOC has been shared. The next milestone on the timeline is to come to the SPSC in October to discuss whether there should be another extension of the state SOCP

## DS Payment Reform

### **Encounter Data**

The work with encounter data has picked up where things were left in March, when it was paused due to COVID. There is a lot of work to do; however, it is expected that agencies will be reporting encounter data by January 1, 2021.

Last fall, staff from VT Health Access (DVHA) assisted the agencies with network flow and utilization items. The information collected from the agencies is being made into generic information to be shared with all the agencies; DAIL is working internally to get the information out to the agencies. Updated guidance has been sent out to the agencies and DAIL is preparing to do a webinar for providers and staff about the update on requirements, improved guidance, and a checklist for providers to consider all steps. DVHA and DAIL staff are available for technical assistance. DAIL also wants to reconvene the Encounter Workgroup for guidance.

The data that is currently available is not complete. Encounter data is a record of what services have been provided and what services were funded. Getting encounter data and being able to report it is an important function to the system and is a federal requirement. The information from the encounter data from the agencies will enable the system to be able to see what services agencies are able to provide, which will reflect services provided and services stopped during the pandemic. DAIL is also exploring if the encounter data can capture if services were provided in person or by phone. However, information from February during the pandemic is not normal work, and this data would not be used as a normal baseline.

The information is not being used to determine payments initially, but the intent to gather information to structure payments for the future.

### **Standard Needs Assessment**

Back in February the State posted a Request for Proposal (RFP) to find an entity who could administer the standardized assessment tool for people in DS, a tool that more than 20 other states use. By using the standardized assessment tool, it will create more equitable funding across the State. The RFP was stopped when COVID hit, and it was re-posted yesterday. The only thing that was changed in the RFP from February was, in the midst of COVID, how assessments would be conducted remotely.

Due to the number of assessment and quick turnaround, the RFP specifies that the entity has to have an in-state presence and expect the evaluators to be located in Vermont. It could be a national company; however, it is expected that the vendor will have people locally in the State of Vermont. The entity determining what services are needed should be different from the agency providing the services, therefore, an independent organization needs to administer the test to prevent a conflict of interest. The entity that is awarded the contract cannot have a conflict of interest so it cannot be an organization that provides direct services or an advocacy organization.

There was a lot of discussion about adding questions beyond the standardized tool as the tool does not cover some areas as thoroughly as Vermont desires. The Standardized Needs Assessment Workgroup made recommendation, feedback was given from the DDS team, and the questions were drafted. DAIL would like to get feedback from the SPSC on the questions. The process to add 6 additional questions to the tool is about halfway through the process, and DAIL would like to reconvene the Standardized Needs Assessment Workgroup to finalize the questions. The questions will need to be determined before the contract can be put in place.

The contracting of vendors is a State function, and there is a broad scoring matrix for the RFP proposals. However, feedback about the selection may be possible. It is expected the entity that is hired for the RFP will have a contract in place by February 2021. It will take time to develop the process and procedures before they are put in place.

## DDSD Director Updates

### **COVID-19 Survey**

Last month June talked about DAIL's interest in knowing how people's access to activities, the community, family and services has changed as a result of COVID-19 and that DAIL is planning to conduct a survey about people's experiences during that time. Similar to the National Core Indicators, this information will be the person's perception. The survey is being done in coordination with DAIL's Adult Services Program (ASD), and DAIL is partnering with GMSA, DD Council, VT Family Network (VFN) and community partners – it is a system wide initiative.

DAIL would like to get input from as many people receiving services as possible. The survey will be done through Survey Monkey, an online survey, as this is the only way DAIL will be able to collate the information. Paper surveys will also be allowed to be completed and DAIL will enter this information into the survey. The survey will be short, probably less than 20 questions and some of these questions will be demographics. There are complications and challenges with open ended questions, but it is still being considered. The survey is anonymous, and other people will be able to assist or fill out the survey on behalf of someone.

DAIL is working on a draft of the survey with the goal to have it ready for review by mid-October. The survey will be finalized by the end of October and distributed in November/December (4-6 week period). DAIL will put together materials and instructions for the agencies and Transition II, who will be asked to distribute the survey by e-mail to the people they serve. The agencies can contact DAIL if there is a need to have the survey translated into other languages.

### **Conflict of Interest for Case Management**

Vermont has been getting Technical Assistance regarding requirements for person-centered planning, with the goal of determining whether a Choice Model for DS services would be viewed favorably by CMS. This process started during the winter when Vermont had a call with CMS representatives about our proposal for a choice model, followed up with written questions about our current DS service model. The response from CMS at the time, which the division has shared,

is that Vermont appeared to comport with HCBS requirements and regulations regarding conflict of interest in case management, as long as we implement safeguards.

As a part of our TA this summer, we asked our TA consultants if they would meet with CMS to discuss and clarify the response which Vermont received over the winter.

During the last HCBS TA meeting, the Division heard from our technical assistance consultants that CMS reiterated their prior response regarding Vermont's compliance with COI requirements, and that this is due to our 1115 demonstration waiver which requires us to follow requirements for managed care entities.

The Division is still working through any possible implications. Most importantly, we want to say again that DS is strongly committed to improving and strengthening our system of care through implementation of safeguards that mitigate any potential conflicts. This is the right thing to do, and we also know that our waiver is vulnerable to changes in interpretation over time, making it even more prudent to continue with planning for changes that will strengthen our system of care and benefit Vermonters.

The CMS determination is true across all our systems, not just DS, and all Departments will be looking to determine what types of systems improvements can be made to continue to pay attention to safeguarding against conflicts.

DDSD will continue to share updates with the State Program Standing Committee, especially as we approach decisions points. At this moment, our plan is to continue with our TA contract, to build out more specificity and detail about what safeguards would be most effective for improving DS services.

### **Other DDSD Updates**

DAIL is keeping track of individuals being served who are testing for COVID. Due to the limited data requirements, due to the low numbers, DAIL can only report that less than 11 individuals have tested positive and less than 11 have passed.

A report has been released by the U.S. Commissioner on Civil Rights about the sub-minimum wages for people with disabilities. Vermont and Virginia were two field visits that were featured as being against sub-minimum wages and work, and the need to eliminate sheltered workshops. This is a good example of the things Vermont is doing right. The report can be found at:

<https://www.usccr.gov/files/2020-09-17-Subminimum-Wages-Report-PR.pdf>

## Community Partner Updates

### **DD Council**

The DD Council is continuing to partner with GMSA and VT Family Network (VFN) to visit all parts of state to give out packages of PPE. The feedback received is useful and there is a personal touch when self-advocates are there. The DD Council hope they will be able to find additional resources if they choose to continue this project.

The DD Council is writing their upcoming 5-year plan. This plan is used to direct how the DD Council uses its resources, staff and funding, and is written by the Council members, who are people with DS and their family members. The first step is to get input from Vermonters. As of 10:00 today, the DD Council is launching 13 focus groups as part of DD Council's federal requirement to obtain input from Vermonters for the plan, 7 of the focus groups are for families and have an independent facilitator. The sign-up information will be out soon.

### **GMSA**

In the last few months, GMSA has done 3 different online presentations about using plain language. Our booklet on COVID in plain language attracted people to ask us to talk about plain language.

GMSA has been partnering with the DD Council to hand out PPE to people with disabilities across the state. They want to ensure that people have PPE and it is a good time to check-in with people. GMSA partners with local peer leaders at the sites. GMSA has included information about the RISE fund, which is a pot of money for people with disabilities who are affected by COVID.

People are writing to the legislature as to why money is needed for services, especially during this time in uncertainty.

GMSA presented to self-advocates about the census and mail-in voting.

Max was involved in a sex talk webinar for self-advocates about marriage.

GMSA assisted the Vera Institute develop training for first responders about interacting with people with disabilities, which will be used nationally.

The Self-Advocates Resource and Technical Assistance Center (SARTAC) website, [www.selfadvocacyinfo.org](http://www.selfadvocacyinfo.org) , has had an increase from 7,000 visitors from September to February, to 30,000 visitors from March to September.

Max was on a panel that was interviewed on the PBS news about the 30<sup>th</sup> anniversary of the Americans with Disability Act (ADA).

## **DS Director updates**

Families First and most of the other providers are working hard to complete the assessments for safely returning to work and into the community. Most of the agencies have tents outside where teams can meet, which is nice especially on a nice fall day. There is a lot of online things going on. Families First is trying to keep the workforce intact; with most people working \$14 - \$15/hour, they are usually working two jobs and without the second job, there have been a lot of people in the community struggling.

There are some concerns about reporting encounter data during the midst of COVID, and there could be another wave, with the complexity things happening - staff scheduling, trying to continue to provide person-centered services, assisting people to get back to work safely, forms to turn on and off services, and all the other things happening on the ground level. The agencies are putting in a lot of time and energy to do things correctly and safely.

There are also some concerns with the agencies about the independent assessment for DS Payment Reform. A budget for a separate assessment system has not been shared, so there are also concerns about how this will be funded and if funding will be pulled from the agencies. Selina indicated that this may be a time to revisit the context and what means to have a RFP and an independent assessor, and whether this changes anything for the agencies now or over time.