

The information below was sent to VT Care Partners via e-mail on October 6, 2020

October 6, 2020

Mary Moulton, President
Beth Sightler, President
Vermont Council/VCN

Dear Mary and Beth:

In response to your letter of September 25, 2020 regarding DAIL issuing an RFP for an organization to conduct needs assessments for people with developmental disabilities utilizing the Supports Intensity Scale – Adult (SIS-A) we have offered to meet with you and any interested Executive Directors to discuss your thoughts and concerns about the assessment. VCP has asked us, additionally, to address those questions not being responded to as part of the bid process in writing. We are hopeful that this serves to answer some of your questions and to alleviate some of your concerns

As the pandemic continues, there continue to be ongoing challenges for families, community partners and the State. We recognize that some conversations that we had prior to the onset of COVID-19 might have been lost. In particular, we've taken a six-month hiatus from the payment reform project. Although we are beginning to move forward again, slowly, a reminder of where DAIL was in the process may be helpful. You will recall that a standardized, validated needs assessment was foundational to the payment reform work. However, there are many steps involved before the results of independent needs assessments will be used as part of a process to allocate resources for individual budgets.

During the initial phase of conducting assessments, the information will not be used in the resource allocation process. The information collected will be used to help in the design of the future payment model. Agencies will continue to conduct intake as usual and resource allocation will continue according to the process outlined in the SOCP. There will be opportunities for stakeholders to participate in the payment model design through workgroups and the State Program Standing Committee. Two major pieces of information are needed to help design a



payment model: the results of 500-700 SIS-A assessments and at least six months of solid encounter data. These are the two building blocks of payment reform that we are resuming. These two efforts will take time, so new processes will not be in place in the near future.

DAIL also agrees that the recent CMS guidance related to conflict of interest in case management (COI in CM) provides an opportunity to determine the best strategies for mitigating conflict and to examine options with stakeholders. It is important to remember that the CMS guidance indicated that we were in compliance with the assumption that certain mitigation strategies would be enacted. One major area of conflict in need of mitigation identified during the Phase 1 and 2 of collecting stakeholder feedback of COI in CM, was in the conducting of needs assessments. More specifically, two areas of potential conflict of interest with providers conducting needs assessments were identified:

- A provider may have a financial interest in over-representing needs in order to secure a higher budget for an individual thus increasing revenue to the agency,
- A provider may have an interest in under-representing needs because of limitations in their resources to provide some services.

Ultimately, DAIL determined that in addition to payment reform and COI mitigation, there were multiple reasons to move forward with an independent needs assessment. These have been discussed in multiple meetings with stakeholders over the past several years and lead to inconsistent results across agencies and for individuals. They include:

- The tool is not a validated, standardized tool
- There are no standards or training for administering the current tool
- There are multiple staff from agencies conducting the assessments in varying ways within and across providers
- There is much subjectivity in the information gathered
- There is no standard method of translating the information from the tool into determinations for resource allocation for individual budgets.

The decision to move forward with using a standardized assessment tool administered by an independent entity supports the overall goal of the Payment Reform project to “create a transparent, effective, and administrable payment model for DS services that aligns with the Agency’s broader payment reform and health care reform goals.” As you will recall, the decision to move forward with an independent organization administering the SIS-A was made last fall. DAIL has taken into consideration the impact of the continuing pandemic and the guidance from CMS and has determined that moving forward with an independent assessment is still the right direction for advancing DS payment reform and addressing COI in CM.

Below are the answers to the questions posed in your letter that we believe are systems questions not related to the RFP. For many of the questions posed, there are not currently answers; we will

be working together with you and stakeholders to build the system that gets us to those answers as part of our payment reform work.

1. How will the intake process work? Currently this is a function of designated agencies DAs. Will DAs continue to do intakes?

Answer: Yes, agencies will continue to do intake. In addition, the agencies will continue to assess needs and follow the processes outlined in the SOCP for requesting and managing funding until new processes for doing so under payment reform have been established. DAIL will be reaching out to providers soon to assist in developing the process of working with the independent contractor to complete the SIS-A.

2. When an individual applying for supports is deemed to need immediate services will the DA be funded for services in advance of the assessment being done by a contracted assessment agency?

Answer: For now, the current process will continue. The processes in the future will need to be determined.

3. When an individual already receiving services is deemed to need immediate increase in services will the DA/SSA be funded for services in advance of the reassessment being done by a contracted assessment agency?

Answer: For now, the current process will continue. The processes in the future will need to be determined.

4. Is there still an expectation that we maintain a zero-reject system? The continuation of a zero-reject system needs to be renegotiated in the context of payment reform, particularly how the SIS will be used to determine payment tiers. If a DA cannot meet service needs with the budget awarded is it expected to still serve the individual? What will be the appeal process for the agency? Will there be a wait list for services to start once budget is completed and the agency receives information on the funding amount?

Answer: For now, the current process will continue. The processes in the future will need to be determined.

5. With no new funding in the FY21 budget how will the costs be covered in the first and subsequent years?

Answer: DAIL has set aside some funds from FY19 to cover the cost of the contract. It will not come from provider budgets.

6. Is there a plan to reduce the revenue currently attributed to DA/SSA for costs associated with the current assessment processes? If so, by how much on annualized basis will revenues be reduced for each agency and for the system as a whole?

Answer: No, funds will not be reduced for providers for this purpose.

7. Is there an expectation of increased costs due to the added infrastructure of new statewide agency and a proprietary assessment tool? If so, is the assumption that service levels for people served will be reduced? If not, how will added costs be funded?

Answer: As noted above, DAIL has funds to cover the costs and they do not come from individual or agency budgets.

8. If the objective is to use the SIS for standardizing assessment information, why not build on existing knowledge and expertise, and maintain comprehensive services and supports by having the DAs administer the SIS with training by AIDD for consistent interrater reliability?

Answer: DAIL made the decision to use independent assessors last fall. We considered use of provider agency staff, state contractors and independent contractors. We sought input on this topic during Phase 2 of soliciting stakeholder feedback of the COI in CM. Based upon that stakeholder feedback and an inability to secure state positions for this purpose, the use of independent contractors was determined to be the best available option for addressing potential conflict.

9. The current System of Care Plan is explicit about the role of the DA in the intake and assessment process. Before changes can be implemented won't the SOCP need to be amended with the approval of the Legislative Committee on Administrative Rules? Before that occurs, isn't it premature to issue the RFP?

Answer: No, the current intake process, including conducting the current needs assessment, will stay in place for now. The new processes under payment reform will be proposed and the usual procedures for review and approval of the SOCP and regulations will occur. The current regulations specify that the Department will approve the uniform needs assessment and process for determining what a person needs (4.5 (c) (2)). The independent contractor administering the SIS-A will start as a parallel process for gaining information regarding the current needs of people in the system that will be used for designing the new payment model.

10. Will DAs still be responsible to conduct intake including determination of financial and clinical eligibility?

Answer: Yes, it is anticipated at this time that agencies will continue in that role.

11. There had been discussions about how to assess, develop and fund care plans for individuals with extremely high needs. Given the fiscal strain that DA/SSAs are already under, shouldn't this process be worked through before the RFP is issued?

Answer: For now, the current practices will continue. The processes in the future will need to be determined.

12. Has a crosswalk between the SIS and the DS funding been designed yet? When will specific information on funding levels become available?

Answer: For now, the current practices will continue. The processes in the future will need to be determined. The initial use of the information collected from the SIS-A is to help design the payment model. The State intends to include stakeholders in the design of the resource allocation methods. Two major steps are having at least 6 months of solid encounter data and 500-700 assessments completed.

The remaining questions posed in your letter have been deemed relevant to the RFP and will be answered along with other bidder questions and posted to the bid website by 10/15/20. As we said, we would be happy to arrange a meeting for further discussion.

Sincerely,

Monica Hutt, Commissioner, DAIL
Selina Hickman, Director, DDS
Clare McFadden, Deputy Director of Payment Reform, DAIL