

## DS State Program Standing Committee (SPSC)

February 16, 2023

Meeting held virtually by ZOOMGov

### **Attendees**

**Committee Members:** David Ballou, Max Barrows, Dawn Danner, Bethany Drum, Barbara Lee, Ed Place, Karen Price, Karen Prine, Cheryl Thrall, Connie Woodberry and Susan Yuan

**Guests:** Chuck Medick, Jess Moore, Hannah Eye, Judith Jackson, Jen Hayes, Amy Schumacher, Jessica Stehle, Elise Haydon, Marie Lallier, Kirsten Murphy, Susan Aranoff, Karen Topper, Kara Artus

**State Employees:** Hilary Conant, June Bascom, Jennifer Garabedian Jessica Bernard, June Bascom, Julie Abrahamson, Dylan Frazier, Conor O’Dea, Bard Hill, Dylan Frazier, Judy Spittle

### **Roll Call and Review of Agenda**

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

The January meeting minutes were reviewed and a motion to accept by Ed Place and 2<sup>nd</sup> by David Ballou.

### **Director’s Updates**

Legislative update: H1 passed thru legislature and signed by Governor. This corrects the administrative error from Act 186 which passed the wrong language.

H151 introduced to House Human Services– related to guardianship. Include a statement for petitioning within 6 months of their 18<sup>th</sup> birthday of the filing petition.

June shared UVM is having a showing of films, Tuesday April 11<sup>th</sup> join in person at the Davis Center or livestream. VFN partnership with this and is also offering a parent conference.

### **HCBS Conflict of Interest**

Dylan Frazier gave an overview of Home and Community- Bases services Conflict of Interest.

Coming into compliance with federal partners Medicaid/Medicare. The Choice model allow individuals to choose how they want to receive their case management services. This model did not comply with CMS and had to take a step further in separating. Corrective Action Plan – May 2025.

Dylan reminded people of the stakeholder engagement activities we engaged in a few years ago. That set of activities led to our proposed choice model, reflecting the divergent/different opinions across stakeholders. Eventually, as Dylan described, CMS rejected the proposed choice model.

Conflict of Interest Advisory Committee being formed and includes DAIL, DMH, and DVHA Staff. The SPSC committee will select a representative and an alternate for this committee. Departments are working with a Contractor, Health and Management Associates (HMA). This Committee will review options to comply with federal conflict of interest requirements.

CMS is trying to avoid Service bias and to require a fully informed choice of services.

Future state options are:

- Completely separating case management from service delivery
- Sharing responsibilities across current providers
- Receiving exemption in areas where there is only one willing and qualified provider (high bar for federal approval)
- For DMH only, redesigning programs to limit the reach of the regulatory requirements to only HCBS and not State Plan services.

Barbara Lee mentioned having sharing responsibilities; 1 Designation Agency (DA) providing the direct service and another agency providing case management. Choices for Care.

Kirsten Murphy commented that the shared approach is being used in NH.

Cheryl T indicated that conversations are already happening on how shared services could work with nearby agencies.

The Committee will meet monthly through at least March 2023 for 2 hours. Materials will be shared in advance. Pre-meeting to review materials and help people understand. Accessibility options provided. The first meeting will be February 22, 2023, from 3-4 pm.

The Committee will have 14-22 members made up from consumers, family members, advocacy organizations, HCBS providers. Diversity is encouraged (age, race, gender, ethnicity, sexual orientation, etc.)

More ways to be involved:

- attend HCBS Conflict of Interest Advisory Committee meetings as they are public meetings.
- Email listserv: monthly updates
- Virtual and in-person meetings
- New website coming soon
- Journey Mapping (focus groups)
- Provider Survey
- Public Survey

Dylan will send info on how to get on e-mail list

**CMS Settings Rule**

March 17<sup>th</sup>

## Setting Rules Bill of Rights – DRAFT

Jennifer reviewed the Settings Rule Bill of Rights – DRAFT document with the committee. Below is a summary of comments.

### Comments:

- Plain language; statements in an active voice – currently in passive voice
- GMSA interested in having a link to DS. Jennifer will use this link from GMSA.
- Content: person centered planning process – needs to specifically say HCBS settings rule that you have a right to get a person-centered plan. Choices guaranteed by this plan.
- A right to conflict free case management.
- Under the list of shared living – how many
- allowed to have exceptions of specific needs – for example; having a food obsession
- health and safety need to be put in writing – exceptions need to be indicated.
- indicate choosing from options needs to be re-visited and how often they need to be re-visited.
- full access to the community - people should have the same access as their neighbor.

Cheryl T – having consistency. The issue is not to have a right taken away, in my mind it IS individual exceptions for health and safety. We do need consistency in how those are documented and how an independent case manager will document in ISA or need assessment. If we don't have consistent language, situations can be reviewed differently.

### **Locks on Door for Privacy Guidance**

Exception to the Rule Section – page 6

#2 health and or safety need rationale for an exception to the rule must be documented in the ISA

#3 – confusing – needs to be moved

Meeting time was running over and some participants did not get the documents prior to this meeting and needed more time to review. Additional comments can be sent to Jennifer.

### **Key placement –**

DD Council has funding to do trainings on the Settings Rule

### **Workforce**

Susan Yuan and David Ballou drafted the legislative letter that will be sent to 4 Legislative Committees from the SPSC Committee asking for a 10% increase. Barb Prine made a motion to

send the letter the 4 committees and Bethany 2<sup>nd</sup> the motion with the amendment to change “Direct Service” to “Direct Professionals”. The Committee unanimously voted.

Marie will send e-mail info to Barbara on the Legislative committees.

#### Other Updates

GMSA – Voices and Choices – 4/24 and 27<sup>th</sup> –info is on GMSA website.

DD Council – Under Act 186 – Council charged with developing a needs assessment and other housing models from other states. This report will be released in March 2023.

VCP – Kirsten to board meeting last week – grant to expand community practices to 3 agencies.

The meeting adjourned and moved into Executive Session