

DD Stakeholder Transition Plan Task Force Meeting Summary

A meeting of the DD Stakeholder Transition Plan Task Force was held 1:30 pm February 4, 2020, at the Region IV Office in Montgomery, AL.

Members Present:

Connie Batiste, ADMH	Gena Richardson, Arc of Alabama
Ken Oliver, Glenwood/Alabama Council	Terry Pezent, ADMH/DD
Susan Ellis, People First of Alabama	Zina May, ADMH Advocacy
Jo Poates, ID 310 Boards	James Tucker, ADAP
Chris Stewart, Arc of Central Alabama	Arvy Dupuy, ID 310 Boards
Carla Stallworth, Other Providers	Anne Riddle, The Arc of Alabama
Kathy Sawyer, ADMH/DD Consultant	Susan Klingel, ACE/Arc
Vivian Warren, ADMH	DeAnna Ferguson, Other Providers
Jerry Pike, Eagles' Wings	

Members Absent:

Donna Foster, Future Living Community Services	Kevin LaPorte, Region III Community Services
Katy Johnson, People First of Alabama	Jamie Herren, Alabama Council on MH Centers
Carrie Bearden, BHAA	

Guests:

Byron White, ADMH/DD	Andy Slate, ADMH/DD
Dr. Ileeia Cobb, ADMH	
Dan Zupata, AADD	
Laquita Robinson, Alabama Medicaid Agency	
Beca Houser, Eagle Wings	
Veronica McGee, People First	
Lisa McKinney, People First	

Recorder:

Velma McElrath	
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Welcome and Introductions:

Kathy Sawyer, Consultant with the Alabama Department of Mental Health, Division of Development Disabilities, called the meeting to order and welcomed task force members and guests.

Review of Minutes of Last Meeting and Agenda Overview:

Ms. Sawyer asked if there were any changes or corrections to the minutes from the previous meeting; there were none. Minutes were approved as emailed. The agenda was also approved as distributed.

Task Force Chair Report

Ms. Sawyer discussed the progress of the work of the DD Division regarding the HCBS rule and asked the task force members to be patient with the staff regarding any requests, as the staff is balancing multiple tasks. The following updates were provided:

- Ms. Sawyer reported that Rebecca Wright, State Medicaid Agency Consultant, gave a brief overview of the State Transition Plan at the DD sub-committee meeting held earlier. The target date for submission of the State Transition Plan is still for spring (April instead of March).
- It was also reported there is a part of the plan now being flushed out around heightened scrutiny because the state must now develop a process and procedures on how to handle settings that are presumed to be isolated (Prong 3 of the assessment tool). The department also participated in a call with other states, who shared some great ideas on how they are handling this issue. A meeting has been scheduled on February 5th with the both state agencies' attorneys (AMA and ADMH) to discuss this process and how to roll this part of the plan out.
- All the workgroups have been meeting as needed to continue to address their work plans. Ms. Sawyer also meets periodically with the workgroup chairs to make sure they are staying on track with their work plans. She also encouraged those that are members of these workgroups to be engaged and involved as well.
- On behalf of the DD Division, the Commissioner's office, DHR, and BSI, Ms. Sawyer completed a review of the department's process for addressing allegations of abuse in community settings. After the review, it was decided that it was important to give some attention on how to engage BSI in community cases of alleged abuse and neglect. Since BSI does not have the authority to go into the community and investigate, the role decided for BSI is to be the ADMH's point of contact when there are cases allegedly involving criminal activity.
- Ms. Sawyer also reported there has been collaboration with DHR around 2 (two) issues. The first issue was the department alleging that DHR will not engage or get involved with cases in the community. In some regions they do; however, in some they do not. After speaking with Commissioner Buckner and their legal director, it was concluded that DHR policies, under the Protective Services Acts, require them to investigate cases in programs and facilities owned and operated

by the ADMH or any other agencies. However, county offices were considering community programs as being owned and operated by ADMH. DHR has issued a directive/policy guideline to their county offices for clarification. The second issue with DHR is the failure to share results of their investigations with the ADMH, which is important since ADMH has the responsibility to enforce compliance and corrective action. DHR responded that their due process responsibility to the alleged perpetrator had to be considered. However, they are revisiting this practice and will get back with ADMH regarding this issue.

Associate Commissioner's Update:

Ms. Sawyer provided the following update on behalf of the Associate Commissioner:

- CMS has given the state approval to proceed with the new waiver; however, it will not only include the 1115 waiver that was originally proposed but will be a combination of 3 (three) waivers: 1915c, 1915i with an overlay of the 1115 waiver. The focus for the new waiver will be to preserve the family unity and to support individuals who are seeking to maintain competitive employment but need resources and support.

The task force discussed whether the waiver waiting lists would be combined or not. Ms. Sawyer stated she did not know but would bring this issue to the Associate Commissioner.

Workgroup Reports:

Ms. Sawyer asked each of the workgroup chairs to give an overview of their work since the last meeting. The following reports were given:

Education and Advocacy: Byron White provided the following updates:

- Mr. White presented to the task force the final marketing materials that were created by Copperwing. He stated these materials were distributed at the regional meetings in December. Printing of these marketing materials is also available on the website. The central office provided one round of printing and will probably do one more. However, Mr. White reported that if you need marketing materials you should notify the Regional Community Service Directors.
- It was reported that most of the work on the plan is completed; however, this will be on-going work to educate individuals, their families and others about the HCBS rule. He also reported that they still plan to have a video to show some success stories around the state; but needing to find resources to cover costs.
- At the last meeting, a sub-group was formed to address the process of getting the marketing materials into the hands of self-advocates and families. This sub-

group is chaired by Zina May and other members include George Neal, James Tucker, and Susan Ellis. Zina provided an overview of how the sub-group is planning to distribute the materials to self-advocates and families using conferences and other state/regional meetings.

Ms. Sawyer suggested the need to invite other state agencies to: 1) help other agencies understand the obligations under the HCBS rule; 2) get them engaged in the work to better serve people with intellectual disabilities and 3) develop more partnerships. Ms. Sawyer also asked Gena Richardson, ARC representative, to join the Education & Advocacy sub-group. She also suggested since Myra Banks has retired, the new chair of the DD Council should be invited to join the Education and Advocacy workgroup.

Ms. Sawyer charged task force members to notify Byron White of educational /informational opportunities. She also asked Amy Warren to have the Regional Offices identify opportunities for this information to be shared.

The task force members inquired as to how the department or, if it was possible, could share the marketing materials to their social media accounts instead of providing a link, since most people are skeptical of clicking on links. Mr. White will follow up on this.

Person Centered Planning/Support Coordination Services: Francilla Allen provided the following updates:

- Ms. Allen presented to the task force a copy of the Person-Centered-Planning System Transformation Policy/ Vision. She gave an overview of the vision statement and the five key values. She expressed the importance of the support coordinators involved at the beginning for the self-directed services and for all support coordinators to have the same training. Once the plan is completed, the support coordinators will be provided training on the plan, self-directed services and services for persons who are not self-directed. There will also be training on how to empower the support coordinators to be the person who listens to the person being served and to make sure they are helping to guide them to services they need.

Ms. Sawyer explained there are a number of different actions required under the person-centered planning and support coordination work plan. For example, the need to employ the support coordinators, train them and develop standards. The goal is to have person-centered planning, support coordinators on board and de-confliction all in place by October 1st in order to roll out a new support coordination system.

A task force member inquired about the pilot. Ms. Sawyer explained that according to the Associate Commissioner, the work group still plans to use the results of the pilot to inform final decisions about the person-centered tools and a standardized plan format

to be used across the system. In addition, Ms. Allen has been working with Inclusa to develop training curriculums and models for the new service coordinators.

Task Force members also suggested to make sure the roles of the QDDP's and support coordinator are clearly defined, which Ms. Allen stated they are working to do so.

Residential and Non-Residential: Amy Warren provided the following updates:

- Ms. Warren reported there are no changes to the work plan. The work is still in process and on-going. They are also continuing to get transition plans back out to the providers and back to the regional offices; to date about 60% of the plans have been received. Although she reported they have not found any settings 100% compliant with all requirements, there are only approximately 28% of the settings non-compliant with Prong #3 requirements (isolation). Ms. Warren provided an overview of the heightened scrutiny section.

Ms. Sawyer further explained that Prong 3 relates to heightened scrutiny. The state must do an assessment of the setting and then decide whether the setting isolates individuals from the broader community. In July, Medicaid must then report to CMS the settings in the state that the operating and oversight agencies presume to be isolated and have not yet remediated or come into compliance. There will be another reporting period on the rule later of settings that have failed to come into compliance and/or overcome isolation. The department is reporting quarterly to Medicaid on the data validation and transition plans.

De-Confliction: Case Management: Kathy Sawyer provided the following updates:

- Ms. Sawyer reported verification of all case managers agencies' de-confliction statuses are being conducted using two verification processes: 1) Fiscal review of billing and contracts (by Andy Slate) and Certification review (Connie Batiste and Debbie Popwell).
- An update was provided on the current status of de-confliction based on preliminary verification data received from the DDD certification and fiscal offices (hand-out provided). Ms. Sawyer indicated a detailed chart would be sent out with the task force minutes.
- The workgroup has recommended that the ADMH not put out an RFP, but instead, hire service coordinators for those counties that are still conflicted. Ms. Sawyer reported that ADMH had worked with the Medicaid agency to make sure that the department could directly employ service coordinators. To address this, Medicaid has submitted and received approval from CMS to amend the State Plan. However, she indicated that she was not sure if there would be a public comment period.

- Ms. Sawyer also shared that the Associate Commissioner had sent letters informing all case management agencies of their status, deadlines and next steps. Since there seemingly some confusion about Firewalls, Ms. Sawyer explained that Firewalls are an improved strategy or option by CMS, but it is with the understanding you have exhausted all possibilities. Therefore, the department will consider Firewalls an option if all other de-confliction strategies fail.

Connie Batiste provided the following updates on certification verification:

- Ms. Batiste reported they have received policies and procedures from Dekalb County and the application has been signed.
- Kiddie Castle is still under Cahaba Center and still have some major changes to complete, as well as, update their certification packet. However, they are working on it.
- She also reported they have not heard yet from Mr. Maxwell (Macon County). They have offered help but have not received a response from them.

Andy Slate provided the following updates on fiscal/billing verification:

- Mr. Slate reported that the DD fiscal office conducts end of the month audits to see if the organizations are billing for case management only or for both case management and waiver services. A spreadsheet is used for these updates. He has also been charged to work with Regional Offices in cases where fiscal managers cannot drill down by county.
- He further reported an exhibit page would be added to the contracts, which signifies the contractor is conflict free. It will be an amendment to the contract and will have to be signed and returned to the department.

Ms. Sawyer informed of meetings with other department officials i.e. Commissioner's staff, Legal, DD and certification staffs to discuss any last-minute issues that have not been considered. She indicated they were waiting to hear back from CMS on some questions that were submitted by Samantha McLeod. The goal overall is by October 1, 2020 we will have de-conflicted Alabama's case management services.

The task force inquired about the implementation of Firewalls. Ms. Sawyer explained the firewalls will be issued and monitored by the department. She also reported the department had reached out to CMS (through Medicaid) to get the guidelines for the

firewalls. These guidelines will be used to review and finalize operational guidelines drafted by Karen Coffey before she retired.

New Business/Other Business: A task force member recommended the Plan of Care Workgroup reconvene since there were a lot of issues around the plan which needed to be addressed. Ms. Sawyer stated that she will get with the Associate Commissioner to re-establish this workgroup.

Next Meeting Date:

May 5, 2020

1:30-3:30 pm

Regional IV Office