

## DD Stakeholder Transition Plan Task Force Meeting Summary

A meeting of the DD Stakeholder Transition Plan Task Force was held 10:00 am September 22, 2021 via Zoom.

### Members Present:

|                                      |   |
|--------------------------------------|---|
| Connie Batiste, ADMH                 | Terry Pezent, ADMH/DD                   |
| Ken Oliver, Glenwood/Alabama Council | DeAnna Ferguson, Other Providers        |
| Susan Ellis, People First of Alabama | James Tucker, ADAP                      |
| Carla Stallworth, Other Providers    |   |
|                                      | Mattie Jackson, Alabama Medicaid Agency |
| Kathy Sawyer, ADMH/DD Consultant     | Delshonda Thomas                        |
| Jo Poates, ID 310 Boards             | Jana Haggard                            |
| Carrie Bearden, BHAA                 | Vivian Warren, ADMH                     |
| Lasundra Foster                      |   |
| Zina May, ADMH Advocacy              |   |

### Members Absent:

|                                 |  |
|---------------------------------|--|
| Anne Riddle, The Arc of Alabama | Donna Foster, Future Living Community Services |
| Jerry Pike, Eagles' Wings       | Jamie Herren, Alabama Council on MH Centers    |

### Guests:

|                 |                    |
|-----------------|--------------------|
| Lavender Thomas | Andy Slate         |
| Francilla Allen | Rebecca Wright     |
| Barbara Hughley | Elizabeth Hathaway |
|                 |                    |
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### Recorder:

|                |  |
|----------------|--|
| Velma McElrath |  |
|----------------|--|

### Welcome and Introductions:

Kathy Sawyer called the meeting to order and welcomed task force members and guests.

**Agenda and Minutes of the Previous Meeting:** The minutes of the previous meeting were approved as distributed. The agenda for the meeting was also approved.

**Task Force Chair Report:** Kathy Sawyer stated this meeting, very much like previous one, would be focused on updates regarding the HCBS validation data (specifically related to heighten scrutiny), remediation compliance efforts, the Maine Model proposal, and next steps for Statewide Transition Plan.

**Heightened Scrutiny Plan:** Rebecca Wright explained that after reviewing the proposal from DD Division, they decided to tweak it a little as they realized it was not necessary for a setting to meet every single one of the indicators because sometimes the indicators are different strategies for achieving compliance. Therefore, a formula was created for each of the three key areas to determine whether or not a setting is isolating based on its practices. That formula was used to decide who would be in Prong 3. A report must be submitted to CMS by the end of October of all settings that are determined to be isolating practices. However, those settings are assumed to be able to remediate prior to the end of the transition period. This data will be published by October 1, 2021.

For heightened scrutiny, it will be a list that Alabama sends to CMS, by the end of October of settings that continue to have isolation practices but can remediate before the end of the transition period. There will also be a list published of any settings that were in Prong 3 but have remediated. This list will not be sent CMS; however, it has been requested that Medicaid publish this list as well. CMS also stated they do have the right to review any significant public comment on the list of those that have remediated.

**HCBS Validation Data update:** Beth Hataway provided an overview of the findings of the data and the Alabama Model regarding the total of compliant and non-compliant settings as of July 1, 2021. Also, Rebecca explained the reason the numbers looked different. She stated they stripped out all settings that came into existence after the issuance of the HCBS setting rule; therefore, only the settings that were in existence at the time can have a transition plan. Since new settings were required to comply from the beginning, they cannot send to CMS a new setting that came into existence after March 2014. These settings do not qualify for a transition period.

**Notification to Providers:** Amy Warren stated the regional offices will receive the list from Medicaid by Friday, September 24, 2021 or no later than by the close of business on Monday to review. The regional offices will then send to the providers a letter, similar to the last time, with a list of all settings whether in compliance or not. Providers will be instructed to contact Amy if there are any issues. The data will be pulled by regions to make sure it is accurate in the reporting.

There were concerns expressed regarding if errors were found in the data and how to correct the issue. Kathy stated that any provider that finds issues with their data should contact Amy Warren. Rebecca also stated if you see any issues it should be reported immediately so that it is easily corrected before the list goes out for public comment; however, the public comment period is for 30 days.

**Training and Technical Assistance Plans:** Connie Batiste provided an overview of the training. The training will focus on the 5 areas identified as the highest percentages of non-compliance and training format. The first training will be presented at the October's meeting for providers and individuals. Trainings and/or technical assistance

can be requested of the Regional QE staff. ADAP will present a training on Representative Payee, which will be mandatory for all agencies with non-compliance findings related to access of funds.

**State Transition Plan Update:** Medicaid representatives reported that the plan should be ready in a few weeks after the publishing of the data.

**New/Other Business:**

- Mattie Jackson thanked DD Division, Medicaid, and Stakeholder Taskforce for all the effort and hard work regarding the HCBS rule.
- Kathy informed the members that Zina May has been appointed as the Chair of the Education and Advocacy work group. She will be replacing Byron White; however, she will be working closely with him and George Neal.

**Next meeting:**

Wednesday, October 20, 2021

Time: 10:00 am