

## DD Stakeholder Transition Plan Task Force Meeting Summary

A meeting of the DD Stakeholder Transition Plan Task Force was held 1:00 pm November 19, 2019 at the Region IV Office in Montgomery, AL.

### Members Present:

Connie Batiste, ADMH	Jamie Herren, Alabama Council on MH Centers
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	
Kathy Sawyer, ADMH/DD Consultant	
Vivian Warren, ADMH	
Jerry Pike, Eagles' Wings	

### Members Absent:

Donna Foster, Future Living Community Services	Kevin LaPorte, Region III Community Services
Katy Johnson, People First of Alabama	Anne Riddle, The Arc of Alabama
Gena Richardson, Arc of Alabama	Carrie Bearden, BHAA
DeAnna Ferguson, Other Providers	Susan Klingel, ACE/Arc
Samantha McLeod, Alabama Medicaid	

### Guests:

Byron White, ADMH/DD	
Dr. Ileeia Cobb, ADMH	
Malissa Valdes-Hubert, ADMH	

### 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.

## Transition Plan Update

Ms. Sawyer reiterated to the task force that the purpose of these meetings is to keep them updated on the HCBS rule compliance and informed on the work each of the various workgroups are doing. The following updates were provided:

- There is still work on-going with the DD Division and Medicaid State Agency on developing and finalizing the Transition Plan to be submitted to CMS. However, the plan was submitted to Medicaid, but it was discovered there was an update that was neglected regarding the requirements that came out with the March guidance (some proposed language).
- Ms. Sawyer is gathering information on an appeal process to be submitted to Medicaid regarding settings, particularly around heightened scrutiny, for settings that are determined to not be in compliance or potentially will never come in compliance by the March 2022 deadline. The processes must be clearly spelled out and several submissions will be made to CMS prior to the date to alert them to settings that will not be in compliance.

## Work Group Reports:

Ms. Sawyer asked each of the work group chairs to give an overview of their work since the last meeting.

The following reports were given:

- **Education and Advocacy:** Byron White and Malissa Valdes-Hubert provided the following updates: (updated Work Plan Attached)

The next meeting will be Thursday, November 21, 2019 via zoom to finalize how the materials will be distributed. One plan is to have providers and case managers to distribute the materials at the regional meetings that will take place in December. An email was also sent out to the workgroup representing families and advocates asking them to start thinking about the best way to distribute materials to the families and advocates.

The work group had another review of the materials and requested some changes and final edits for Copperwing to make. A webpage will also be developed, with lots of materials posted, which can be printed from the webpage (Malissa presented an overview of the webpage).

Copperwing developed a video; however, the workgroup felt it did not capture what they needed. Therefore, the workgroup decided that some clips from the video could be used for the website which Malissa will put together.

A task force member recommended the work group reach share education materials with the Department of Education in view of the number of youth transitioning into the community. Ms. Sawyer encouraged the task force to share any other ideas with the Education and Advocacy workgroup.

Ms. Sawyer also charged the Education and Advocacy workgroup to get with Holly Carraway to put together educational materials for lawmakers to further educate them on the HCBS Rule. In addition, the advocates, family members and self-advocates on the work group were asked to meet and make recommendations for distributing educational materials and offering informational sessions for individuals and families served. Zina May was asked to coordinate this effort.

- **Person Centered Planning/Support Coordination Services:** Terry Pezent provided the following updates: (Updated Work Plan Attached)

Francilla Allen is new the chairperson for this workgroup. She has been working with an organization called Includa, a case management group, to collect data and help develop case management tools, guidance, trainings, etc.

The consultants will also be working with Francilla to update policies and procedures and Administrative Code changes by the end of February.

Associate Commissioner Pezent also presented the results of the Person-Centered pilot recently conducted. It was explained the new pilot was done since the pilot conducted years ago received a lot of criticism. Results of the new pilot revealed that the person-centered plan format was too lengthy. (Attached) With the new pilot they wanted to look at three things (good or bad):

- 1.) Ensure that person centered planning is the key to the success of the system's transformation;
- 2.) Standardize the format to ensure required elements of the pan are included;
- 3.) Provide guidance on the standards, policies and procedures that are necessary to fully implement person centered planning.

Associate Commissioner Pezent also shared plans to add two to three more case management agencies to participate in this workgroup.

- **Residential and Non-Residential:** Amy Warren provided the following updates: (Updated Work Plan Attached)

The workgroup met November 14, 2019. It was discussed that a little over 90% of the validations are completed and about 60% of the transitions are completed. The first report was sent to Medicaid the end of October and the next report will be due in January.

The overall process is on track. However, there have been a few concerns with the plans not being returned (having to follow up). Some of providers also deleted some of the questions on the tool rather than answering the them.

Monitoring will continue with follow up of progress of transition plans and observations of health and safety.

The workgroup has been discussing a process for settings to appeal decisions that might impact their ability to provide services and a small workgroup has been formed to work on this process. Ms. Sawyer stated that it was a good idea and informed them to bring forth any recommendations to the Associate Commissioner.

- **De-Confliction: Case Management:** Kathy Sawyer provided the following updates: (Updated Work Plan Attached)

The workgroup met November 12, 2019. Ms. Sawyer reported that there are 29 case management agencies reporting in the state. The department received 27 responses from the case management agencies, 2 did not officially respond. The agencies were required to inform the department of their plans to deconflict. Results of the agencies responses were:

Ten (10) agencies and counties reported already being de-conflicted. A second group planned to de-conflict by discontinuation of the sub-contracts, 6 agencies operating in 11 counties. A third group stated they planned to de-conflict by discontinuation of case management services (2 agencies operating in five counties). A fourth group stated they would de-conflict by discontinuation of waivers services (only 1 agency operating in 2 counties). A fifth group reported they would enter into a MOU with another 310 (2 agencies in eight counties). A sixth group reported they were de-conflicted; however, they did not state how they were de-conflicted or planned to de-conflict. A seventh group reported not being de-conflicted and stated they wanted the RFP or the Firewalls. However, the confusion is they thought they seemingly thought they would set up the Firewalls. For clarification, Ms. Sawyer stated the Department would establish the firewalls and relate compliance monitoring.

Ms. Sawyer explained the challenge for the workgroup was to verify if a case management entity was indeed deconflicted. The workgroup decided on two processes in order to verify deconfliction: 1) verify through the DDD Office of Certification, by Connie Batiste, that all certification requirements had been met and 2) verify through the DDD's fiscal managers, by Andy Slate, that billing and contracts were consistent with the de-confliction plan.

Next steps include the Associate Commissioner sending out an official letter to all case management agencies to inform their plans were received and whether the plans are approved by the DDD. The letter will also give them until the end of the calendar year (December 31<sup>st</sup>) to de-conflict. If there are still agencies that are conflicted in certain counties, the RFP will be reissued statewide for case management service agencies for those counties. The RFP will be limited to 310 agencies as per the statute and the Medicaid requirements in Alabama. It was discussed that based on a previous recommendation of the workgroup, a request was made to the ADMH Legal Division to review and provide opinions and guidance on a 310 delivering services in a county that they were not originally incorporated in. In the original opinion received an incorporation for 310 would be considered statewide. However, Ms. Sawyer stated she wanted to go back and verify this opinion before the RFP is reissued.

Ms. Sawyer reported that the next step being considered, if there is still conflict, is for the department to hire its own case managers for conflicted counties. She further explained to the task force that it was important to demonstrate and to provide evidence to CMS that the department has done everything possible to deconflict. However, the last option if you cannot deconflict is to rely on Firewalls established by the Department.

Finally, Ms. Sawyer reported there were some agencies that are confused and have not attended any informational meetings. She recommended that those task force members representing organizations work with these agencies and offer technical assistance if needed.

- **New Business/Other Business:**

Ms. Sawyer stated the department has been working with DHR on cases of allegation of abuse with children and adults in community settings where the DMH employees are finding inconsistency practices by DHR as to whether DHR intervenes and conduct an investigation. There have been a couple of meetings with DHR Commissioner Buckner on this issue and last week had clarifications of DHR policies issued that stated in facilities owned and operated by the ADMH, ADPH, etc. DHR did not have to do investigations. However, the community programs under ADMH are not owned and/or operated by ADMH; thus, requiring DHR's intervention and/or investigation.

There was also a presentation made at the DD Sub-Committee regarding Incident Management that is a serious initiative that the department will be focusing on. Ms. Sawyer started she conducted a review of the incident, prevention and management system of the department, for both DD and MH/SA. A report was issued for their consideration and included recommendations based on a 2017 HHS, Inspector General's report of findings in the states receiving federal funds incident, prevention and management systems.

James Tucker, ADAP, reported making recommendations for final appointments for the DD Advisory Council next year. Please send James Tucker an email if you know of anyone.

Mr. Tucker also reported on a New Representative Payee program, where ADAP will review/investigate the performance of a person serving as representative payee of social security beneficiaries. Task Force members were asked to contact ADAP if they have concerns or circumstances of this nature needing their attention.

- **Next Meeting Date:**  
February (Date-TBD)  
1:00 pm-3:00 pm  
Location-TBD