



Coalition Of Provider Associations

Representing More Than 250 Provider Agencies in New York State

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Provider Association Meeting Minutes – February 26, 2018

1. **Provider Compliance Report Card.** OPWDD will be convening a work group on the Report Card “dashboard.” This dashboard will include information regarding provider’s performance on surveys and various performance criteria including Person Centered Planning regulations/requirements. Report cards and dashboards are intended to increase transparency about the quality of providers in the service system. The goal is to share information that providers can use to benchmark themselves and that can also be useful to individuals and stakeholders. The development of OPWDD’s scorecards/dashboards for external reporting is anticipated to occur in two phases and is contingent on collaboration with the Office for Information Technology Services (ITS). By late 2018 (using data collected during the 2017-18 survey cycle), OPWDD would like to be able to report on general information about the developmental disability system in New York State. In 2019 (using data collected during the 2018-19 survey cycle), OPWDD will also be able to comprehensively assess provider agency performance with the addition of the new agency review tool. As part of the agency review, other reporting areas will include staffing and staff training.
2. **ISS Work Group Update.** A work group has completed its work and will be releasing recommendations over the next couple of months.
3. **Employment Update.** OPWDD is reviewing comments on Pre-Voc regulations and ADM. A re-worked ADM will be released upon release from Counsel’s Office. Another work group is being formed to review issues regarding access to employment programs.
4. **CAS Accuracy.** In response to provider concerns, OPWDD has identified various areas that accounts for disagreement regarding accuracy of assessments including process issues in performing assessment, review of assessment, interpretation of results, and finally, accuracy of assessment. OPWDD will be working with a select group of providers that identified significant errors and will then determine how to fix incorrect assessments.
5. **Justice Center Update.** Laura Darman, Executive Deputy Director, and Davin Robinson, Deputy Director, Outreach, Prevention and Support, from the Justice Center (JC) joined the meeting and made a presentation. JC has “toned down” the notification letter by using term “subject” instead of “suspect” and removing threatening language. JC is now “holding” a report for up to 3 days pending receipt of additional information that may permit clarification and proper classification and reduce classification of abuse or neglect to serious reportable. JC will also discontinue practice of routinely identifying the provider agency when its staff are subject of criminal proceedings. Over 400 individuals are now on the disqualified list and in 100 instances, these individuals have applied for a position in the field after they were disqualified. There are 1,200 appeals pending from adverse determinations and JC anticipates resolving this backlog by the end of this calendar year.

6. **Family Care.** OPWDD is working on updating the family care manual and ADM including fire safety, fire drills, evacuation plans, certification and re-certification, suspension and revocation procedures and family care provider agreement. DQI will now be issuing Operating Certificates. Currently, there are 1,100 Family Care homes.
7. **CCO Implementation.** 6 applicants for CCO approvals were given preliminary approval and 4 applicants were not approved. Transition plan training for MSCs is scheduled for March regarding transitioning individuals to care management and health home enrollment and options available. Timeline for development by CCO of initial life plan was extended up to one year.
8. **HCBS Waiver Amendment 3.** Key element is transition to 1115 waiver from 1915(c) waiver. Note that individuals in PCSS must also transition to care coordination and choice of a CCO. Also, the waiver includes provisions for funding of high-needs individuals and transportation funding for day programs. Effective January 1, 2018, an individual who is in the waiver and who enrolls in a mainstream Medicaid HMO (most enrollees are with Fidelis) will be able to secure community habilitation through the mainstream plan and these plans will likely seek to enroll community hab providers in their provider networks. Also, it is possible that under this process, an OPWDD community hab program could be asked to provide community hab for a person who does not have an I/DD. MSC meetings and trainings will continue through the month of March. Public comment period for the 03 Amendments is extended to 3/19/18.
9. When asked, OPWDD stated that there is an internal work group that is reviewing the CMS requirement that will be rolled out beginning in 2019 and completed by 2023, the requirement for Electronic Visit Verification (EVV).
10. **Liability for Services Limited Exceptions.** There are 170 individuals statewide receiving OPWDD FSS funding for case management and respite with no federal share because such individuals are not enrolled in Medicaid or the waiver. OPWDD regulations provide that individuals receiving more than one service are not eligible for 100% state funding. DDRO will be reviewing the list of enrollees receiving such services and then notify providers of these services on March 1. As a result, these individuals will need to enroll in Medicaid and waiver to continue to receive services funded by the State or make arrangements for private pay.
11. **Minimum Wage and BFair Rate Adjustments.** January 1 waiver rates were posted two weeks ago, but will not be available for billing until early-March. ICF rates were posted the following week and will be available for billing in mid-March. These two rate adjustments were performed separately and were not compounded by each other. Minimum wage was calculated using the survey submitted last year and BFair dollars were calculated using 2015 CFR salary data. For future minimum wage adjustments, DOH is considered a request that DOH use the survey previously submitted for future calculations to avoid co-mingling of BFair adjustments with minimum wage adjustments and thereby suppressing benefit of BFair dollars. Most regional rates that were subject to BFair adjustment have been posted.

12. **Recoupment of Overpayments.** Overpayments resulting from the delay in release of 7/1/17 rates will be recouped. Any retroactive money available will be offset against any recoupments pending. All recoupments will be completed by 3/31/18. When questioned, Donna Cater did state that for some of the larger recoupments, the recovery was taken in lump sum.
13. **IRA Acuity Adjustments.** OPWDD was requested to provide additional information regarding calculation of acuity adjustment and analysis of impact of changes in acuity adjustments. DOH indicated a willingness to provide additional information and explanations to permit providers to better understand how the acuity adjustment impacts final rates.
14. **ICF Transitions – New Policy.** Effective July 1, 2017, OPWDD and DOH have abandoned preservation of the ICF rates for ICF conversions and instead will be only preserve hours neutrality. It was pointed out that this change will likely prevent further conversions of ICFs.