



# Developmental Disabilities Advisory Council

## Meeting Agenda and Minutes

<b>Date</b>	September 3, 2020
<b>Time</b>	2:00pm – 4:00pm
<b>Location</b>	<b>Call In Information:</b> <a href="https://uwyo.zoom.us/j/202849015">https://uwyo.zoom.us/j/202849015</a> , (669) 900-6833, Meeting ID: 202 849 015
<b>Purpose</b>	To assist and advise the Division in implementing a statewide service delivery system for persons who are identified as having developmental and intellectual disabilities, and acquired brain injuries (ABI).
<b>Members</b>	Rita Basom, Ginny Chidsey, Heather Dodson, Jeff Gardner, Kayla Green, Buck Gwyn, Arkansas Le Marr, Wayne Lindgren, <del>Shaye Moon</del> , Erin O’Neill, Sandy Root-Elledge, Bob Sell
<b>Division Staff</b>	Teri Green, Lee Grossman, Samantha Mills, Shirley Pratt , Bethany Zaczek

### AGENDA ITEMS/KEY POINTS DISCUSSED

Topics and Highlights	
1.	<p><b><u>Welcome and roll call</u></b> Jeff called the meeting to order at 2:00PM.</p>
2.	<p><b><u>Approval of minutes</u></b> Bob moved to approve the minutes of June 4, 2020 as circulated; Wayne seconded. Motion carried.</p>
3.	<p><b><u>Budget reductions</u></b> Lee reviewed the proposed budget reductions that will affect participants of the Comprehensive and Supports Waivers.</p> <ul style="list-style-type: none"> <li>• Target date for implementation is February 1, 2021. An amendment to the Waivers must be approved by CMS before most reductions can be enforced.</li> <li>• The majority of the DD budget (97%) is spent for service provision. Only 3% of the budget is used for administrative costs, including salaries. Administrative reductions are being implemented, such as travel restrictions and the elimination of the contract with Vital Research, the organization that was conducting National Core Indicator (NCI) in-person surveys. The reduction related to the Inventory of Client and Agency Planning (ICAP) is also an administrative savings.</li> <li>• The reductions were extremely difficult decisions. The Division understands that there is a negative impact, either through reducing a needed service or paying less for the service.</li> <li>• <i><u>Member question:</u> If you eliminate a service but don’t decrease the IBA, is it really a cost savings measure? <u>Division response:</u> When a service is eliminated, it often changes the utilization of other services. Some services, such as Skilled Nursing, are prior authorized and the Division is confident about realizing savings in such services being eliminated. We will be reviewing this regularly to determine if the projected savings are aligning with realized savings.</i></li> <li>• <i><u>Member question:</u> Will eyeglasses still be covered under specialized equipment? <u>Division response:</u> Specialized equipment changes include the elimination of corrective lenses, including eyeglasses, as covered equipment. <u>Member comment:</u> The Division should reach out to Council members for suggestions on how to get eyeglasses and other equipment covered through other sources.</i></li> <li>• <i><u>Member question:</u> There have been cuts to home and community based services, but not to the institutions. Is there concern that these cuts will result in more instances of institutionalization,</i></li> </ul>

# Developmental Disabilities Advisory Council

## Meeting Agenda and Minutes

which is a more expensive service? Has there been a calculation on the costs that will be shifted to counties (i.e., emergency rooms, public assistance, incarcerations) due to the reductions? Division response: Such analysis has not been completed to date. Given the services being eliminated, additional institutionalizations are not foreseen, nor do we anticipate burdensome shifts of cost to the counties. The DD Waivers received a budget reduction equaling approximately 5.3% of the budget, while the Department of Health received an overall 9% reduction. Member comment: P&A will offer more formal comments.

- Member comment: While the 2.5% reduction in provider reimbursement rates was not as bad as anticipated, there is still a budget hole to fill. There will most likely be additional reductions.
- Member comment: There is a perception that the 2.5% reduction only affects providers, but there is a decrease to participant budgets as well. We haven't reached a breaking point yet, but there will be one. People's needs are the same, and providers have to provide the same service for less money. There is concern that we are trying to cut our way out of this problem.
- Member question: Could the Council get more information on the services requiring rule changes? Division response: The state respite program is required by statute and will require statutory change in order to be eliminated. Additionally, the ICAP changes will require rule changes before they can be implemented as these relate to eligibility. Chapter 45 establishes the provider qualifications for services that will be eliminated. Although rule change is not required in order to eliminate the services, this Chapter will also need to be revised.
- Member comment: This blows the Direct Support Professional (DSP) initiative out of the water. This reduction will result in less money available to pay DSPs, which reduces the quality of services. Division response: The Division has had to balance the required budget reductions with maintaining quality. We understand that providers have similar variables.
- Member comment: The budget reductions may present an opportunity to look at service delivery and implement new ways to provide services.
- Member question: Even though this isn't a Division issue, WLRC was not subject to budget reductions. Is there an explanation on why not? Member response: During a meeting with Director Ceballos, he stated that the State needed to protect, to the extent possible, the most vulnerable citizens. The institutions are the safety net. Member comment: The safety net is the community, not the institutions. This potentially violates Title 2 of the ADA and Olmstead.
- Member question: Will these cuts affect the extraordinary care committee and its ability to fund emergency cases? Division response: No. The ECC will be able to fund cases that meet emergency criteria, as well as reserved capacity slots for individuals transitioning out of an institution.

### Division updates

- 3.
- Changes to organizational structure
    - The Community Based Services Unit (CBSU) and the Developmental Disabilities Section will merge into a single working Section that will administer the Comprehensive, Supports, and Community Choices (CCW) Waivers. Lee will serve as the Section Administrator.
    - The CCW serves older adults and individuals with physical disabilities.
    - This merger has been in process for some time, and is not a result of budget reductions.
    - Tyler Deines, the current Administrator for the CBSU, will be taking on the role of Senior Policy and Planning Analyst for the Division.
    - There should be little to no impact on participants, providers, and other stakeholders. The Section will continue to be responsive and provide technical assistance as needed.
    - The merger is anticipated to be completed by November 1, 2020.

# Developmental Disabilities Advisory Council

## Meeting Agenda and Minutes

- Provider rate rebasing
  - The provider survey deadline was September 2, 2020. The response rate was much better than previous projects:
    - Full surveys (large providers) - 65% response rate
    - Short surveys (small/independent providers) - 37% response rate
    - Case manager surveys - 42% response rate
    - Overall response rate - 38%
  - Lessons learned: survey format and wording (survey) may need to change for the next project.
  - The Division will hold focus groups for independent providers and case managers in late October/early November.
  - Member question: Will the rebasing project consider national accreditation? Division response: Yes. Services that require national accreditation will have that component included in the rate methodology.
  - Member question: Can the Division determine the number of individuals who are served by the providers that responded to the survey? Division response: Yes, although there is no way to determine if one person is served by more than one provider, which could skew the numbers.
  - Member question: How much does the rate study cost? Division response: The project covers the rebasing of rates for three waivers. The cost of the project is estimated at \$632,530.00.
- Electronic visit verification (EVV)
  - EVV is a federally mandated requirement for all Medicaid personal care and skilled nursing services. It verifies that home visits actually occurred.
  - Wyoming has two paths for EVV. A path for self-directed services and one for traditional services.
    - An IT system must be procured for traditional services. This contract is still in negotiations.
    - The system for self-directed services is being handled by ACES\$, the financial management service. ACES\$ is currently conducting training, and is encouraging employees to use the system. The system will be required beginning December 1, 2020.
  - Member question: Will current provider systems, such as Therap, be integrated into the traditional system? Division response: We are still working through the contracting process, so this information is not yet available.
  - Member question: What is the federal deadline and state timeline for this project? Division response: The federal deadline of January 2021 was set by Congress. There is speculation on if this deadline will be extended due to COVID. The state timeline is tentative until the contractor has been secured, but we are anticipating a mid 2021 implementation date.
- Ongoing COVID-19 flexibilities
  - The Division implemented a temporary provider reimbursement rate increase beginning March 13, 2020. The temporary increase ended September 1, 2020.
  - The Division implemented a temporary increase to self-directed budgets for the purpose of increasing employee wages. The increase was implemented on June 1, 2020 and ended September 1, 2020.

# Developmental Disabilities Advisory Council

## Meeting Agenda and Minutes

- Virtual support has been an option since mid-March. The Division has received positive feedback. This option will be considered as an ongoing option. The Division will have more information on the services affected and the requirements and limitations of this option. The Council was encouraged to read the waiver amendments when they are released for public comment.
- Virtual provider certification renewals will begin in October. The Provider Support Unit is preparing notification letters and a step-by-step guide on the process. The Unit will use Google Duo or Zoom platforms to conduct virtual site reviews.
- Currently there are eight positive cases of COVID in participants of Waiver services statewide. Staff numbers are presumed to be higher, but the Division does not have a mechanism for obtaining that information.
- *Member comment: The Division's response to COVID has had a huge impact on where we as providers are today. The commitment to the program has been tremendous.*
- *Member comment: As a case manager, I have had to field questions from providers that are concerned about the delays in obtaining certification renewals. A suggestion to provide targeted guidance to affected providers.*
- *Member comment: We commend the Division for its response to COVID. However, some providers seem to believe that the flexibilities offered by the Division allow providers to restrict participant access to the community, which presents a violation of fundamental participant rights. Division response: We are aware that there is ongoing concern about the exposure risk for people living in group homes, and know that providers and guardians want people to be safe. The Division has issued guidance for providers to encourage participants and staff members to follow public health recommendations to keep people safe while they go about their business. However, participants have the right to access their community to the same degree as people who don't receive waiver services.*
- Quality Improvement Strategy - Tabled until December

### Member updates

- 4.
- The Wyoming Department of Education Web-based Academic Vision & Excellence Symposium (WAVES) will be held throughout the 2020-21 school year. Virtual conferences, webinars, and seminars are appropriate for administrators, directors, related service providers, general and special education teachers, and paraprofessionals. As with the in-person WAVE conference, high quality training will be delivered by local and/or nationally accredited presenters. Continuing educational credit is being offered. Go to <https://edu.wyoming.gov/educators/pd/> for more information.
  - The Division of Vocational Rehabilitation (DVR) continues to serve clients via Zoom, Google Hangouts, in person, and over the phone. All staff continue to work both in the office and by way of telework. There has been a steady overall reduction in new applicants in the Cheyenne office, so DVR is able to get clients in pretty quickly for intakes and appointments.
  - The Wyoming Institute for Disabilities (WIND) continues to offer the Wyoming Telehealth Network (WyTN). WyTN offers free HIPAA secure Zoom licenses for providers. The ECHO networks are in session. For more information, go to <http://www.uwyo.edu/wind/echo/index.html>.
  - The Wyoming Community Service Providers will be honoring the Direct Support Professional of the year on September 15, 2020.
  - Erin provided an update on Pumba.



# Developmental Disabilities Advisory Council

## Meeting Agenda and Minutes

5.	<b>Council Membership</b> Rita and Wayne's terms expire on September 30, 2020. Both have been invited to reapply for the Council. The Division will send a call for applications. Jeff, Ginny, and Kayla volunteered to sit on the Membership Committee. The Membership Committee will review applications and make a recommendation to Director Ceballos, who appoints all committee members.
6.	<b>Public Comment</b> There was no public comment offered during the public comment period.
<b>NEXT MEETING – December 3, 2020</b>	