



# Developmental Disabilities Advisory Council

## Meeting Agenda and Minutes

<b>Date</b>	March 4, 2021
<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, <b>Meeting ID: 202 849 015</b>
<b>Purpose</b>	To assist and advise the Division of Healthcare Financing (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, Maria Clark, Heather Dodson, Jeff Gardner, Kayla Green, <del>Buck Gwyn</del> , Arkansas Le Marr, Shaye Moon, <del>Erin O'Neill</del> , <del>Sandy Root-Elledge</del> represented by Eric Moody, Bob Sell
<b>Division Staff</b>	Tyler Deines, Elizabeth Forslund, Teri Green, Lee Grossman, Samantha Mills, Jeff Oliver, Shirley Pratt

### AGENDA ITEMS/KEY POINTS DISCUSSED

Topics and Highlights	
1.	<p><b><u>Roll call and approval of minutes</u></b></p> <p>Jeff called the meeting to order at 2:02pm. Rita moved to approve the minutes of December 3, 2020 as circulated; Maria seconded. Motion carried.</p>
2.	<p><b><u>Waiver amendments and budget update</u></b></p> <p>Lee updated the Council on the status of the Comprehensive and Supports Waiver (DD Waiver) amendments that have been submitted to the Centers for Medicare and Medicaid Services (CMS).</p> <ul style="list-style-type: none"> <li>• The amendments were submitted to address budget reductions, including the 2.5% decrease to provider reimbursement rates.</li> <li>• The elimination of homemaker, therapy, and skilled nursing services was not included in the waiver amendments. The elimination of services has been temporarily delayed pending additional clarity on required budget reductions.</li> <li>• The 2.5% rate reduction went into effect on February 1, 2021.</li> <li>• Proposed Phase III reductions were included in the Governor’s supplemental budget, and are currently being discussed by the Legislature. These proposed reductions, which include an alignment of all participant individual budget amounts (IBAs) to the current rate methodology, are not in effect at this time.</li> <li>• The Division is waiting for final legislative direction on if and how we should move forward with implementing proposed budget reductions.</li> <li>• <i><b>Member comment:</b> People who have an interest in seeing the proposed reductions change, including members of the Wyoming Community Service Providers, family members, and other stakeholders, have been educating legislators on the impact of the proposed reductions. It is not too late to reach out to legislators.</i></li> <li>• <i><b>Member comment:</b> Please update the Council on final legislative decisions before the next meeting.</i></li> </ul> <p><i><b>Division response:</b> We will communicate with the Council and other stakeholders at the conclusion of the session.</i></p>
3.	<p><b><u>IBA Methodology</u></b></p>

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- Lee introduced the IBA methodology discussion. He reminded the Council that this methodology is not a commentary or plan on the implementation of future budget reductions, but is an overview of the current process for establishing participant IBAs.
- Samantha reviewed the [Comprehensive Waiver Individual Budget Amount \(IBA\) Methodology](#) and [Comprehensive Waiver LOS/IBA Matrix](#) with the Council.
  - The methodology has been in place since 2014, and was not developed as a budget reduction. When the methodology originally went into effect, a 7% cap was implemented so that no IBA increased or decreased more than 7%.
  - The Division understands the challenges that the decreases in IBAs will present, but implementing the methodology across the board level sets the process and ensures the Division is implementing processes and procedures consistently.
  - The Inventory for Client and Agency Planning (ICAP) assessment, which is a building block of the methodology, is administered through a partnership with the Wyoming Institute for Disabilities (WIND). The ICAP is a nationally recognized assessment tool. Wyoming's process for determining funding is not unique, but is more rigorous than many other states.
- **Member comment:** *The formulas look like an IRS form, and it is difficult to understand how they actually work. Division response: It is a complicated process, and the math certainly goes above and beyond algebra.*
- **Member question:** *How much impact does the psychologist report have on the formula? Division response: The psychological report is part of the eligibility process, but does not have an impact on the IBA formula.*
- **Member question:** *Level of service scores are not calculated based on the current ICAP. Will this change? Were the proposed reductions based on the current level of service or the score based on the current ICAP? Division response: If this budget reduction is approved by the Legislature, the first step in implementation will be to ensure that level of service scores are accurate. The projected budget impact was based on a point in time review of participant scores. There will be changes to the impact once the level of service scores are recalculated.*
- **Member question:** *In 2014 there was a 7% cap placed on IBA increases and decreases. Will that cap be implemented with the proposed budget reduction? Division response: No, the budget reduction would remove the cap from all current IBAs.*
- **Member question:** *Several participants have additional funding through the Extraordinary Care Committee (ECC). How will this additional funding be impacted? Division response: Over the last year or two, the ECC has reviewed the participant's level of service based on ICAP scores, and has approved funding based on the calculator. Services must stay within the IBA. Member comment: Several people have ECC funding for additional supported employment services. It appears that these additional services will be reduced or eliminated altogether.*
- **Member comment:** *The 7% cap was put in place to prevent large increases or decreases, as decreases would be harmful to participants. Division response: Unfortunately, any budget reduction for the waiver program results in a decrease to the amount paid to the provider or a decrease to the services provided. By removing the 7% cap, it removes a grandfathered provision and allows the methodology to be applied consistently across the board, regardless of when someone came onto the Waiver. Member comment: People who have joined the waiver since 2014 have plans that were built based on the methodology. Participants who were on the waiver prior to 2014 have plans built on higher IBAs. I am concerned that people may not be safely and adequately served with such a large reduction.*

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- Member question: *What phase of the Governor’s reduction included the 7% cap?* Division response: *The 7% cap was put into place in 2014, and is not part of the proposed reductions.*
- Member question: *Since the methodology was implemented, how often has there been a request for a fair hearing?* Division response: *Not often.*
- Member comment: *Applying the methodology consistently is logical. In 2014 there were concerns about where the 7% came from. The methodology pushes people towards the middle so that the people getting the increases are the people who are already getting what they need, while the reductions are applied to the people who need it the most. While the consistent application makes sense, I am worried about the impact for the people with the highest levels of need.*
- Member comment: *I want to again bring up the decision to disallow case managers from participating in the ICAP and again ask the Division to consider that decision. A case manager’s rate of pay does not change if a level of service or ICAP service score changes, but a provider’s does. There seems to be less conflict of interest with case manager participation.*

### Division updates

- 4.
- Legislative update
    - House Bill 111 has been introduced and would prevent discrimination of individuals with disabilities when seeking organ transplant. This and the budget bill are currently the only bills that could affect participants of waiver services.
  - Website changes
    - The Division has updated the website to combine information for the DD Waiver program and the Community Choices Waiver program. Jeff Oliver, Communications Analyst for the Home and Community-Based Services Section, was commended for his work on this project. Council members were encouraged to visit the website and provide feedback on how we might improve.
    - Member comment: The Home and Community-Based Waiver title may be confusing for a person new to the waiver.
    - Member comment: Searching for “Wyoming Developmental Disabilities Waiver” took me directly to the website, and was helpful in searching for providers.
    - Member comment: The website is very easy to use. I found what I needed. Great job Mr. Oliver!
  - COVID-19 vaccine update
    - Individuals with intellectual or developmental disabilities who live in congregate settings of three or more are included in Phase 1a of Wyoming’s vaccination plan, as are the providers who work with them. All remaining participants and providers of the DD Waivers are included in Phase 1b.
  - Electronic visit verification (EVV)
    - EVV is scheduled to go live in October. The project is still in the design phase, but is beginning to pivot to user outreach and training. Carebridge, the contractor for the project, sent out introduction letters last week.
  - Provider background screening process
    - Elizabeth presented changes to the background screening process that will be implemented in the next few months.
    - Background screening requirements will remain the same, but the process for obtaining and submitting the screenings will change. Currently, individuals are required to submit paperwork

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and payment to the Department of Health Human Resources (HR) office. HR sends the information to the appropriate screening agencies, receives the results, and sends a “Meet/Does Not Meet” response to the provider.

- Over the next few months, the Department of Health will be removed from the process, so the provider can submit information and receive results directly from the screening agency. The provider will be responsible for monitoring the results and making necessary staffing changes based on the results.
- The Division will communicate this information and provide training and resources to providers in April and May.
- Member question: *How long is it taking for background screenings to clear?* Division response: *This requirement has been temporarily suspended due to COVID. The response time ebbs and flows, depending on the time of year. Typically it can take anywhere from a few weeks to a couple of months. The Department of Family Services and Division of Criminal Investigation screen on a first come, first served basis.* Member comment: *This provider’s experience has been the same before and during COVID. We have been getting results within three to four weeks.*
- Member question: *Who is in charge of determining screening times?* Division response: *DFS screening requirements are established in state law. The Division recently changed provisions in Chapter 45 to allow providers to employ staff members on a provisional basis while waiting for background screening results.* Member comment: *The change to rule has been very effective, and allows providers to conduct a supplemental screening while waiting for official results. Taking the middle agency out of the process will speed things along as well.*

### Member updates

- 5.
- One Council member expressed that they have been vocal with the Governor and Director Ceballos about concerns with the IBA methodology. Council member stated that the concern wasn’t with the Division staff, and expressed appreciation for staff and everything that they do.
  - The Wyoming Department of Education Web-based Academic Vision & Excellence Symposium (WAVES) continues to be held virtually through April 2021. The March 25th session on literacy for children with significant disabilities may be of particular interest for the group. Go to <https://edu.wyoming.gov/educators/pd/> for more information. The Department of Education is utilizing a contract with the University of North Carolina at Chapel Hill to improve communication access and literacy for all people who have significant intellectual and/or communication disabilities. All WAVES sessions are recorded and can be accessed at a later date by providers by going to the WDE website.
  - The Division of Vocational Rehabilitation will be meeting with Division staff to discuss how budget reductions will affect mutual clients, and how the Division’s can work together to streamline processes.
  - WIND has transitioned ICAP interviews to a virtual system during COVID. David Heath has accepted another position, but will continue to help with ICAPs. The Family to Family program has released an RFP for mini grants for small community projects. The Equality State Research Network is holding a conference in May that will address how to make healthcare systems work in rural states. Anyone is welcome to attend.
  - One Council member stated that providers spent a great deal of time and energy educating participants and family members about the proposed budget reductions. There has been a lack of information available, so providers were required to offer the education. People should have



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	<p>known about the proposed changes beforehand. Moving forward, the Division needs to make a commitment to educate people so they are aware of what is actually happening.</p> <ul style="list-style-type: none"><li>• One Council member stated that it was encouraging that the Division intended to review ICAP and level of service scores. The real challenge is the ECC process and how people can request changes in funding, given that the ECC standards will be more difficult to meet.</li></ul>
6.	<p><b><u>Bylaws Review</u></b></p> <p>Ginny briefly reviewed the proposed changes to the bylaws. The proposed bylaws will be sent to Council members for review, and a vote will be conducted at the June meeting.</p>
7.	<p><b><u>Election of Officers</u></b></p> <p>Current Council officers were thanked for their year of service.</p> <ul style="list-style-type: none"><li>• Bob nominated Jeff as Chairperson; Maria seconded. Motion carried.</li><li>• Ginny nominated Rita as Vice Chairperson; Bob seconded. Motion carried.</li><li>• Rita nominated Ginny as Secretary; Heather seconded. Motion carried.</li></ul>
8.	<p><b><u>Public Comment</u></b></p> <p>Dawn Lacko, case manager - To provide a broader picture impact of the potential budget reduction, of the 20 individuals on my caseload, 7 IBAs will increase and 13 will decrease. The most significant decrease will be a decrease of \$85,000, with the average decrease coming in at \$20,000 to \$30,000 per IBA. This is a massive thing to take in.</p>
<p><b>NEXT MEETING – June 3, 2021</b></p>	