

Developmental Disabilities Advisory Committee

Meeting Minutes

February 22, 2019

I. Call to order

Joseph Valenti called to order the regular meetings of the Developmental Disabilities (DD) Advisory Committee at 10:06 am on February 22, 2019 at the Nebraska State Office Building, Lower Level C, 301 Centennial Mall South, Lincoln, NE.

II. Roll call

The following persons were present:

Advisory Members Present: Joseph Valenti, Diane Focht, Lisa Pruitt, Linda Jespersen, MaryAnn Schiefen, Kristen Larsen, Dianne DeLair, Cathy Martinez, William Ehegartner, Janelle Smith, Vicki Deppenbusch, Jennifer Miller, Angela Willey, Lori Broady, Butch Crookedfoot

Advisory Members Absent: Wayne Stuber, Margaret Huss, Norma Mercer, Debbie Salomon

DHHS Staff: Courtney Miller, Tyla Watson, Lee Rettig

Others Present: Robert Davis

III. Review/Approval of Order of Business

Order of business approved as presented. MaryAnn Schiefen motion to approve minutes as presented, Cathy Martinez 2nd. Agenda was approved as presented.

IV. Approval of minutes from November Meeting

Kristen Larsen made a motion to approve minutes as presented, motion 2nd by Cathy Martinez. The minutes were approved as presented.

V. Disability Rights Nebraska Presentation – Dianne DeLair

- Fact Sheet & Eligibility Guidelines and Inside Olmstead handouts shared with the committee.
- Disability Rights Nebraska has been designated by the Governor as the Protection and Advocacy System for the State of Nebraska.
- Discussion followed.

VI. Committee Code of Conduct

- Joe reminded all members that everyone is coming to this committee with their own experiences and we will not always agree on everything. There is a way to communicate that and be respectful to each other.
- Kristen Larsen handout out copies of Kansas and Ohio code of conduct for their DD planning councils.
- Joe asked that members review and if they would be interested in working on a sub-committee on this topic. This will be on the agenda for the next meeting.

VII. DHHS Division of Developmental Disabilities – Updates/Review of Action Items

a) Legislative Bills the Division is following

- LB202 – Wishart - Designate funds appropriated to the Department of Health and Human Services for state aid
- LB540 – Walz - Eliminate the termination date of a developmental disability service
- LB558 – Hilkemann – Appropriate funds to the Department of Health and Human Services
- LB570 – Walz - Change provisions relating to Olmstead advisory committee and a strategic plan for services for persons with disabilities
- Discussion Followed.

b) DD Court-Ordered Custody Act (COCA)

- 24 Active DD COCA Cases and One (1) Pending
- Since November 1 meeting we have had three (3) new cases
 - Two (2) Court reviewing plan for care and treatment and looking for providers
 - One (1) new this week - Not DD Eligible- this individual will be funded at 100% state funds.

c) Systems Update

- **Medicaid Home and Community Based Service (HCBS) DD Waiver Services Amendment**
 - The public comment period for the Medicaid HCBS Waiver Services application amendment took place December 10th through January 9, 2019.
 - Finalizing the comments into the waiver application with submission to CMS end of February or beginning of March.
 - Expected effective date with CMS approval to implement is anticipated in summer 2019.
 - Shared Living Services Handout shared with the committee.
 - Discussion Followed.
- **Medicaid DD Waiver Program Update**
 - 4719 Individuals receiving DD waiver services
 - 36 Newly eligible in calendar year 2019
 - 142 Funding offers in fiscal year 2019

d) Rate Rebase and Objective Assessment Redesign Project Update

- Rate Reform Phase I (*understanding of service costs and cost components*) is completed.
 - To fully fund the rate model, which includes some new services and a risk funding tier, an additional 6.6% of current appropriation is needed.
 - Absent additional appropriations the Division has calculated budget neutral rates to be included in the waiver amendment to satisfy the corrective action plan, which requires a rate rebase. Governor's proposed budget includes recommendation to appropriate 4% increase to partially fund model.

- Objective Assessment Redesign Project
 - The Division continues their work with Optumas and Alvarez & Marsal, along with 3 Advisory groups on the Objective Assessment Process (OAP) Phase II (*changing reimbursement structure for services*).
 - On January 15, 2019, internal clinical hypothetical study was conducted. Two additional studies were conducted with external clinicians in February 2019. The studies conducted will help inform the modeling process by providing detailed expertise in developing a Resource Balancing Model. The clinical experts will be reviewing historical data for predicting future needs.
 - Phase II is anticipated to be completed in early 2020.
- e) **Disability Services Stakeholder Olmstead Planning Advisory Committee (LB1033) Update**
 - Contract with Technical Assistance Collaborative (TAC) has been extended
 - TAC was onsite January 30-Feb 1. Met with Stakeholders, DHHS, Senators, DD Planning Council.
 - Tyla will resend the December 15, 2018 report via email to committee members.
 - Next Committee Meeting is March 14, Lower Level A, NSOB 1:30 – 3:30 PM

VIII. Unfinished Business and General Orders

a) Mental Health and Developmental Disability

- In May 2018, DD began offering temporary Risk/Enhanced funding to DD Participants to assist with behavioral interventions, and the transition for post institutional placement.
- Risk Funding: (\$548.63 per day)
 - To date DD has supported 66 people with a Risk Residential rate to support their increased behavioral needs to keep them in the community
- Enhanced Funding: (\$1,070.53 per day) (limited to 6 months)
 - To date DD has supported 13 people with an Enhanced Residential rate to support their transition from an ICF/DD, Regional Center or Nursing Facility into community-based services.
- BSDC Crisis Unit:
 - 8 Current placements
 - 16 Total Admissions since opening Unit in May 2017
 - 8 Discharges to Community Placement

b) New Member Handbook/Orientation

- For anyone interested in helping with putting together a possible new member handbook please contact Joe Valenti
- Topic to be on next meeting agenda.

c) January 2018 – Joint Report: Ensuing Beneficiary Health and Safety in Group Homes Through State Implementation of Comprehensive Compliance Oversight

- Governor Ricketts recently released his Executive Budget proposal for the 2019-2021 biennium fiscal years. The recommendation includes transferring funds from the

BSDC budget (421) to DD administration budget (033-269) to continue with the next phase of quality management strategy. This transfer will accomplish two things:

- Add up to 19 FTE positions to the Division. The increased positions will allow the Division to keep service coordination caseloads at an acceptable level and provide focused resources for those we serve with high behavioral and medical needs; and
 - Funds to contract with a quality improvement organization-like (QIO) entity to continue our commitment to the quality management strategy and implement model practices for components of a robust oversight framework that were identified in the joint report. The contract scope of work would include a robust incident report management system death mortality reviews, training and technical assistance to assist in building community based provider capacity. 75% Federal Financial Participation is available for the performance of these activities.
- Discussion Followed.

IX. New Business

- a) Next meeting dates
 - Meeting Dates confirmed:
 - Thursday, April 18 – LLB
 - Thursday, June 20 – LLC
 - Discussion followed
- b) Question raised by Joseph Valenti: Would it be beneficial to invite Vocational Rehabilitation to the next meeting?
 - Discussion followed.
 - Suggested to consider waiting to invite them to the June meeting.
 - No action at this time.
- c) What issues do members currently feel need to be discussed?
 - Individuals in Jail
 - Discussion followed regarding meeting with corrections vs. law enforcement.
 - No action at this time.
 - Transitional services from High School into services
 - Discussion followed.

X. Adjournment

Meeting adjourned at 2:20PM by Joseph Valenti.

Next meeting to be held:

Thursday, April 18

10:00-2:00 PM

Nebraska State Office Building - Lower Level B

301 Centennial Mall South, Lincoln