

Jake Jacobs, President
Developmental Disability Services
Of Jackson County - EITAS
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Jennifer Wooldridge, Past President
Jefferson County, jgwooldridge@jcddrb.org

Missouri Association of County
Developmental Disabilities Services
www.macdds.org

Our Mission:

MACDDS is dedicated to the promotion of county initiatives in developmental disability services.

MINUTES

Wednesday, August 24, 2011

Lodge of Four Seasons, Lake Ozark – Valencia Room

1:00 – 2:00 PM

Call to Order: Jake Jacobs, President

Introductions/General Announcements/Celebrations of Success

- Ann Graff thanked the membership for the floral arrangement sent for her father's funeral.
- Jennie Ames reported that they had a sudden death of one of their consumers due to a blood clot and asks that the membership keep the family in their thoughts.
- Deb Wohlers stated that she attended the Real Voices Real People conference with seven individuals from her county.

1. Minutes from July meeting – Ron Kruse made a motion to approve the minutes. Max Lytle seconded and the motion passed unanimously.
2. Finance/Treasurer Report - July Financials: Ann Graff, Treasurer. Charlie Washburn made a motion to approve the financials. Lynn Smith seconded and the motion passed unanimously.
3. Report of the Nominating Committee - Slate of Officers for 2012: Jennifer Wooldridge made a motion for the membership to accept the following slate of officers for 2012:
 - i. Les Wagner- President
 - ii. Ann Graff– President-Elect
 - iii. Jake Jacobs- Past-President
 - iv. Lynn Smith- Treasurer
 - v. Debra Miller- Member-At-Large
 - vi. Jan Jones- Secretary

Mary Sullivan Thomas seconded and the motion passed unanimously.

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4. **Agency Liaison Reports:**

MARF (B. Barnes), Betsy reported that MARF is working on addressing the issues which have resulted from the renewal of the Comprehensive and Community Support Waivers. She stated that some of the issues are with the ratios and personal assistant codes. Les Wagner reported that he participated in a meeting with DMH and MARF representatives to discuss contractual issues and potential audit issues and this topic will be discussed in detail at tomorrow's meeting.

Coalition (A. Graff), No report.

Voc Rehab (M. Cook & R. Largent), VR/CRP team is meeting next week. New information for CRPs will be released after review is completed. All contracted CRP's will be trained with regard to the new information as soon as the VR reviews are completed.

Supported Employment (W. Hays), No report.

MO Planning Council (B. Blackwell), No report.

Sheltered Workshops (A. Graff), Annual meeting will be in Branson this year.

Congress on Disability (M. Whitlock), No report.

Mental Health Commission (D. Miller), Cindy Langford reported that the commission met in Joplin this month and addressed some of the tremendous needs created by the tornado which hit in April. The Jasper County Board projects that they may lose as much as 30% of their property tax levy. The Commissioners expressed thanks for all the great work done by direct care staff to support individuals during and after the storm. Keith Shaefer will be planning a ceremony to honor the direct care workers who went above and beyond to care for consumers during the disaster.

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5. **Committee Reports:**

Executive (J. Jacobs); Jake reported that the Committee discussed the purchase of a new sound system which will cost approximately \$9,000 to \$10,000. Betsy Barnes recalled that the membership had discussed just adding microphones to the current system. Jake stated that the current system is obsolete and new microphones are not available. Les Wagner reported that his agency was found to be the employer of respite providers which are used by families in Boone County. He noted that they are appealing that decision and that Independent Living Centers have it in statute that entities with which they contract are not considered to be employees. Jake stated that he had legislators in his district request that he host a meeting to address issues that could be brought up in the next session.

Public Awareness (D. Miller); Jennifer Woodridge reported there is a draft letter, brochure, and survey that is going to be sent out to non-member SB40 Boards. She also reminded the membership to complete the annual survey. Mary Sullivan-Thomas stated that the Missouri Planning Council is gearing up for Developmental Disabilities Awareness month for March. Ann Graff stated that the MACDDS budget includes \$1,000 for this purpose.

Education & Training (J. Casey); Doris reported that the Conference program has been sent out. The links are being tested and will be posted on the website soon so registration can be completed online. Credit card payments can be made through the CAB office, just not online. Doris stated that there will not be a dance at the Conference this year. Les Wagner stated that Chuck Snow had offered to host a hospitality room for the Conference. Jake asked Doris to research this idea and report back.

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Governmental Affairs (P. Capo/M. Sullivan-Thomas); Mary announced that there is a legislative call on September 22 due to the special session. Mary also stated that Sarah will be updating the committee on the special session as it moves forward.

Regulations/Standards/Policy (J. Tilman); No report.

Finance (A. Graff); No report.

Quality Assurance/Enhancement (R. Kruse); No report.

College of Direct Support (R. Garlich); No report.

Respite Coalition (J. Casey). No report.

6. **Workgroup Reports:**
7. *TCM* (K. Butler); No report.
8. *QE* (J. Richards); No report.
9. *SIS* (A. Purdome); No report.

The membership discussed rate issues related to group homes and personal care hours. The service definition for personal assistant has not been changed but we are being told that the only way PA can be used in a sheltered workshop setting is to help with activities of daily living (ADL's) not with Instrumental Activities of Daily Living (IADLS)—which is what was used to support individuals at the workshop and help them stay employed. Wendy reported that she was informed by the regional office that the individual has to be leaving a facility (day program site) in order to be able to bill off site individual day habilitation. Roger stated that CMS clarified that Day Habilitation cannot be provided at the individual's place of residence. Roger stated that the Division is open to working in partnership with providers to address the concerns. The issues arose out of CMS guidance received by the Division. Roger believes the Division will be asking for a moratorium on changes to services until a solution is found. Roger stated that Robin interprets the definition of personal assistance has nothing to do with other services being provided, but things to do with the person himself (i.e. toileting, insulin, etc.). Les emphasized that there is

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also an issue with the fifteen minute units for personal care and that the service has to be a continuous 15 minutes. The group discussed a change in the ratio of supported employment group from 1:8 to 1:6. Les also stated that he has

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been told that Supported Employment provider rates have all been changed to the same rate. Wendy stated that there is indeed only one rate for all providers in the State. It is the maximum allowable rate. Les asked how that impacts county boards with match agreements for supported employment. Jake suggested this be addressed with Robin Rust during tomorrow's discussion. Roger stated that there is an anomaly in the employments rates and currently providers are paid more for job preparation/training than for actually getting the person a job. Roger stated the Division wants to rectify the rates, but there is a timing issue and there are more questions that have to be answered before the Division can move forward with changing the rates. Roger stated that the Division wanted to be flexible with regard to ratios and wants to continue working with providers. The Division was under a deadline when the waivers were amended and had to get things turned in, but wants to continue working together to rectify the problems. Supported Employment rates have been set as a uniform fee across the state. Rates for other services are still being established on an individual agency basis. Wendy asked if Personal Assistance rates could also be set at the maximum at least during the moratorium. Roger stated that the rate needs to be supported by the agency cost. If the agency cost is more than the maximum allowable rate then that needs to be addressed. Roger mentioned that there has been discussion about creating statewide rates for services.

2:00 – 2:15 PM **Break**

2:15 – 3:00 PM **Missouri School Boards' Association** – Tec Chapman
Chief Program Officer & Federal Relations and CEO, MSBA Medicaid Consortium
Tec discussed opportunities for collaboration. He also discussed budget cuts and deficit with regard to the federal budget as well as state. Mutual advocacy efforts with regard to budget would help stakeholders represented by the School Board Association as well as MACDDS.

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The School Board Association has a regional structure for governance and guidance. Tec invites communication both association to association and at the local level—school board to county board. Looking toward better coordination and collaboration between what goes on at

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home and what goes on at school. The Early Childhood Challenge Race to the top fund was released and creates opportunities. Another area of opportunity to collaborate include transition from high school. Tec discussed the emphasis school board's have placed on getting continuity and coordination between mental health providers and schools. He also discussed their support of Early Childhood and Early Intervention services. Tec discussed the achievement gap between certain groups of students and the effort to eliminate the disparity. They included people with disabilities in their thought process with regard to achievement gaps. Tec discussed that tobacco tax and internet sales tax could be avenues to increase revenue. Missouri has the lowest tobacco tax in the country. Discussion was held about the Board training offered by MSBA and mandated by state statute for all new School Board Members. Betsy asked how dues are set for MSBA membership. Tec replied that there is a sliding scale fee for members based on the member's budget. Peg asked about a school district ending school services for a student immediately upon turning age 21 rather than allowing them to finish the year. Tec stated this is a good example of ways to collaborate and improve planning. Districts are not required to continue education once the student is 21, though some choose to do so.

3:00 -4:00 PM

Executive Committee's Proposed MACDDS Budget and Dues Structure Expanding Member Technical Assistance and Training for Targeted Case Management

Treasurer Ann Graff and the Executive Team

Jake discussed the one percent proposal which has been discussed at other meetings. The person in the position would be asked to keep ongoing communication with the DMH, create a credibility system around SB40's, best practice, technical assistance, Board Training, among

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other things which would be fully defined in a job description should the membership determine to move forward with this plan. The job description in the original grant to MFFH, which was not funded, would need to be tweaked slightly.

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Ann presented and discussed the budget she prepared for the position and MACDDS. Ann stated that the membership should understand that the proposal does not change the amount of dues currently paid by the membership. The fees for the position would be new, and the old revenue and associated expenses would continue. The proposal includes two positions, an Executive and a secretary, as well as office and other associated expenses. The membership discussed different options for both payment and structure. Jennifer proposed that the executive committee develop a document that would include the job description and expectations, goals, and other specifics including different options on budget. Ann stated that the committee could do more research as to what other state association directors earn. Jake asked the membership if it wishes the Executive Committee to do further research and bring more detailed information to the next meeting. Jennifer stated that she believes the group needs to be comfortable with the decision and should not rush a vote. Ann stated that the MACDDS budget does need to be discussed and voted upon. Marcus stated that the members would need time to discuss the issue with their Board's. It was decided that the Executive Committee would work on getting more information and present it to the membership.

4:00 – 5:00 PM

General Discussion -Issues; Task List; develop questions for Bernie

Discussion Items:

- Special Olympics Statewide Training Center: Funding Support - Michelle Darden, St. Louis Office for Developmental Disability Resources
 - Michelle stated that she was approached by Special Olympics to provide funding for a building they are constructing to be used by Special

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Olympians, but which will be located in Columbia, Missouri. Her Board does not fund capital projects which are outside of their area. The membership discussed capital expenditures and the majority do not

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provide funds for Special Olympics, nor for capital projects in areas outside of their geographic area.

- Off-Site Day Hab Changes - Betsy Barnes, Pike County Agency for Developmental Disabilities
 - Discussed earlier in the meeting.
- Issues with Waiver Revisions and Ratio Changes - Les Wagner, Boone County Family Resources
 - Les indicated this was covered in the membership's earlier discussion.
- Learning Disabilities Definition (see attachment) - Ron Kruse, Developmental Services of Franklin County
 - Ron stated that he researched the definition of learning disabilities and applicable CSR and he found the critical issue to be how the learning disability relates to a brain dysfunction. A medical diagnosis to confirm brain dysfunction ties the learning disability to an objective causation which would be indicative of eligibility for County Board services. Ron made a motion that the membership adopt the position summarized in his handout which was provided to the membership with the meeting packet this month. Betsy seconded. The motion passed unanimously.
- Medicaid Audits and their "surprise" visits to consumer's homes - Peg Capo, Developmental Disabilities Resource Board of St. Charles County

Peg stated that none of the three agencies audited were notified ahead of time. Also, an individual was visited by an auditor and no one else was notified. The individual was unsure how to respond, so he let the auditor into his home

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because the auditor showed a badge and an identification card. Peg contacted Jeff Grosvenor and Jeff stated that the auditors said they would not be notifying individuals prior to the audit. The

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- membership discussed that the event was traumatizing to the individual and family and what actions could be taken to prevent this from continuing to occur.
- TCM Referral Packet – Form Draft
 - Roger presented a form prepared by DMH to address issues of inconsistency with TCM referral packets across the state. He asked that the membership review it and let the Division know if it is acceptable. If it is, then the checklist will be included in the new TCM agreements. Every Regional Office would be expected to use the form. County Boards would not accept a referral until all information is received.

Jake Jacobs adjourned the meeting at 4:45 pm.

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9:00 - 9:15 AM **Call to Order:** Les Wagner, President-Elect

Jane Kruse announced that there is new statute which allows a guardianship which was obtained in another state to be registered in the State of Missouri. Roger has the information and will forward it to Mary who will then post it on the MACDDS website.

Robin Rust stated that the Partnership Waiver amendment will include 10 new counties, a new service for employment, and several new slots. She stated that CMS has requested more information and the Division is complying. She stated that she believes the amendment will be effective July 1, 2011 and hopes to have the approval from CMS in September. There are over 990 people enrolled in the waiver. Discussion was held about the amendment process.

9:15 - 10:45 AM **Training on New Services and Changes in Comprehensive and Community Support Waivers** - Robin Rust, Division of Developmental Disabilities
- Ron Berg, Division of Developmental Disabilities

Robin presented a handout to the membership detailing changes in the Comprehensive and Community Support Waivers effective July 1, 2011. Robin stated that the process for amending the waivers is a fluid process, so if things are not working they can be addressed. She stated that the process is becoming more and more technical, even though the process is designed to be flexible. Robin stated that Missouri has 50 performance measures in its waiver and the average is about 36. Some of those measures were added by CMS. Robin discussed the importance of consistency across the waivers. She stated that the Day Service definition changes were made to correct inconsistencies in the waiver, and apologized for the way the information reached the community providers. She stated that she would be working with the Regional Offices to make sure they understand the changes. Ron Berg discussed how the DDD is working to implement enhancements to CIMOR to match the changes in the waiver. He used the example of out of

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home respite which formerly was only a daily rate and now can be an hourly rate. He believes that CIMOR will be able to do the necessary conversion from hourly to daily and will create the acceptable format to bill MOHEALTHNET which only accepts a daily rate for respite. Robin discussed the documentation and billing requirements for personal care assistant and the impact of 15 minute units. Ron indicated that if the units are provided consecutively, then it is acceptable to bill as a batch. For specific information as to the billing and documentation requirements 13CSR70-3.030 Provider Requirements should be referenced. The CSR can be found using the following link <http://www.sos.mo.gov/adrules/csr/current/13csr/13c70-3.pdf>. Ron Kruse asked if, as a practical matter, there should be a VR referral before employment services can be accessed through the waiver. Robin stated that she needs to review the technical guide and will provide clarification as to when it is appropriate to access employment services through the waiver versus VR. The concern is that CMS guidance specifies that VR funds should be exhausted before accessing waiver funds and there cannot be any duplication to state plan services. She stated that the waiver is intended to augment, not supplant other state services. Ron Berg stated that there are situations when state plan services are not a good fit and the waiver can be a better resource. Behavior Therapy has been replaced with Positive Behavior supports. Ron discussed the OHCDS. OHCDS is applicable to all services in the waiver. Contractor is responsible to verify the eligibility and provider qualifications of all sub-contractors. Ron Berg asked the membership to discuss the possibility of developing templates that any OHCDS could use to create agreements with sub-contractors. Robin gave the following link to check the office of inspector general:

<http://exclusions.oig.hhs.gov/>

She stated that the Regional Office can put dentists in CIMOR and be the OHCDS for dental services and suggested it might provide more options if a Regional Office subcontracts rather than the county. Dentists should provide ADA codes, dates of service, in a detailed invoice to the OHCDS. Jeff Grosvenor suggested that DDD look into using technology to cross reference provider lists and the OIG list electronically and routinely so ineligible would be automatically dropped.

10:45 - 11:00 AM

Break

11:00 AM – 12:00 PM

Updates and Open Discussion – Bernie Simons

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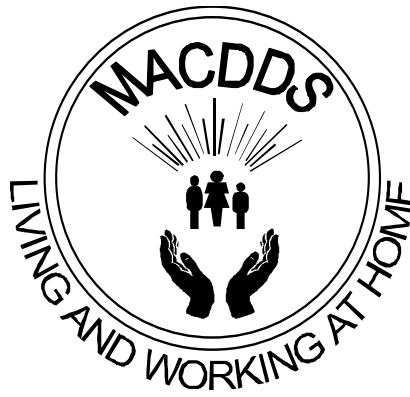
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Bernie discussed the situation and presented the membership with a handout detailing concerns that have arisen with regard to the waiver definitions. Issues include Day habilitation services provided in residential settings, personal assistant group changing from 1:6 to 1:3, supported employment group changing from 1:8 to 1:6, group homes having 24 hour rates, independent contractors, and personal assistant services delivered to individuals in group home settings. He stated that although 1:6 is the goal, if an agency is doing 1:8 now they need to get an exception from the Regional Office to continue as it is in order to move toward the goal. Jeff stated that they are asking for an amendment to the waiver to address the ratio issues. Bernie discussed the Partnership for Hope Waiver and how to celebrate the one year anniversary. He suggested getting some quantitative information together in addition to the vignettes that are currently being collected. He asked if the membership could create and implement a satisfaction survey to gather feedback from individuals who are participating in the waiver. Mary Sullivan-Thomas stated that the rate for personal assistant is far too low for her agency (as well as most agencies) to continue to provide the same service currently being provided under day habilitation, but in a personal residence. Betsy stated that there is also concern because the personal assistant currently being used at workshops is now being only allowable if it is helping an individual with ADLs. Bernie stated that the number of individuals served by DDD who are employed has actually decreased from 12% to 8%. He stated that Missouri has one of the lowest employment rates in the nation for individuals with DD.

Betsy proposed that a group of representatives from MACDDS, MARF, and the DDD should develop a new service definition which is a better fit than the current day habilitation and personal assistant and could be used similar to the Community Specialist, but would be provided by non-degreed direct care staff. She also suggested a single rate be developed for the new service code. Bernie agreed that this should be investigated and perhaps the Division could bring in an expert, such as John Fortune, who has looked at similar issues nationwide. After some discussion it was decided that a group would look at a short-term goal of a waiver amendment to address the code, ratio issues. A longer term goal is to address the issue of uniform rates and how to convert to that type of system.

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Les stated that speaking on behalf of MACDDS he appreciates the Division's focus on solutions and on working together to develop those solutions.

Les Wagner adjourned the meeting at 12:00 p.m.