

Provider Association Discussion – 6/21/2021

Here are some of the items discussed with OPWDD at yesterday's Provider Association meeting.

Roger Bearden opened the meeting and recognized that the workforce crisis has been *the* topic of discussion over the past several weeks. John Kemmer and other PA Reps spoke to the need for urgent action on the part of OPWDD. Roger then introduced Adrienne Mazeau who is taking the role over Workforce planning initiatives at OPWDD, taking the place of Sharon Devine who has left the agency. He continued to present some of the thinking at the agency about the crisis. The FMAP resources were cited as an opportunity that has limitations. While OPWDD intends to push the majority of the \$ to the DSPs, the 'how' is a work in progress. Among the items to confirm are the exact value of the enhancement and the limited amount of the impact any issuance, either as wage enhancement or one-time bonus has longer term, will have on their financial plan. OPWDD intends to submit a plan by the weekend of July 4th. He mentioned NYDA's Workforce Summit, and I assured him that he would be receiving a copy of NYDA's White Paper which should be released by next week.

Levels of Supervision:

Here began a lengthy discussion led by Leslie Fuld. The concerns over complexity and the added amount of documentation were raised. Leslie explained that the reasoning for the design and implementation came from the amount of incidents of Abuse and a Neglect, 34% of which were directly attributable to improper oversight or lack of supervision that could have prevented such incidents. After further conversation, OPW has agreed to engage further with the members of the Statewide Committee on Incident Reporting, SCIR; each PA has a representative on that Committee. More to come.

Risk Stratified Survey Process:

OPWDD has responded to requests from the PAs to examine their survey processes and develop a mechanism to allow some 'well-performing providers' to experience less surveys and utilize more remote visits. The use of the 3-year Operating Certificate will be allowed in combination with this lighter touch approach. They are finalizing their roll out over the next several weeks.

Hero Act:

The recent New York legislation, the Health and Essential Rights Act, will mandate health and workplace safety precautions for all airborne infectious diseases. While this was raised by the PA reps, OPWDD has not analyzed the impact to providers within the system. While the State DOL will be drawing up standards, OPW has not determined its role in its enactment.

Capacity Restrictions for Day Services and Transportation:

Willow Baer spoke to OPW's efforts while working with DOH to respond to the many calls from advocates and providers to lift the current restrictions and allow an increasing amount of people to be on vehicles and in Day Services sites. Willow is still experiencing resistance but is working on a compromise to increase the number of people who may ride on a vehicle that still may require mask wearing as part of increased capacity. There will be more to come on this shortly, and we will keep you posted. She believes we are close.

Housing Checklist:

Much back and forth as to the need for such an extensive list of items to review for individuals living independently and where the responsibility to review living conditions should rest. This function had always been carried out by the Care Managers. Also raised were many questions about the difficulty for FI providers and for those living independently with ISS contracts and the conversation migrated to FI contracting. Kevin Valenchis joined the discussion about the ISS contracting process. He cited the overspending by providers, very early on in the contract

period, with some agencies utilizing 70% of their contracted funds within 6 months of a 5 year contract. Providers raised the inadequacy of the process and limitations within a provider's FI contracts; an individual receiving support is entitled to funding, regardless of the agency's contract limitations. Additional discussion suggested a need for training and the mandate not to exceed the contract authorization. OPW agreed to bring the concerns back for internal discussion on both areas.

Office of New Americans (ONA):

Attached are two Power Points that introduce the ONA to various NYS state departments and provide information about their initiatives. One discovery has been the number of new Americans who have an intellectual and developmental disabilities. The goal is to take a holistic approach to help integrate them into society with sufficient resources to achieve success. The provider network also expressed support and inquired if the ability to recruit those who qualify for services in certified programs and as those who seek employment may be an opportunity for further meetings and review. As it states in the Power Points, there will be a Webinar on Tuesday June 29th that will explain this new Office and discuss best practices, especially in translation and language interpretation services.

Upcoming ADMs:

In the next couple of weeks, there will be ADMs that will provide some overview and add some clarity over the recently adopted Appendix K Waiver authority for In-Residence Community Habilitation that will replace the current In-Residence Day Habilitation, and the delivery of HCBS services via remote technology. There will be a listing of conditions that will need to be in place as the system transitions from Day Hab services in residences to Community Hab. Those will be released in the next weeks. The effective date of this transition will be no later than 6 months following the end of the Public Health Emergency. More to come here as well.