

**Legislative Advisory Committee for Reimbursements for Services Under Programs Administered by the  
Department of Developmental Services**

June 1, 2010  
Legislative Office Building, Room 1B  
2:30 P.M.

Attendees: Pat Bourne, Co-Chair; Peter O'Meara, Commissioner of DDS; Joseph Drexler, DDS; Peter Mason, DDS; Mary McKay, DDS; Krista Pender, DDS; Ann Foley, OPM; Jerry Brennan, Kuhn Employment Opportunities; Terry Macy, SARAH-Tuxis; Janice Chamberlain, Camp Horizons Program

Summary of Meeting

Handouts: Agenda, Summary of 5/4/10 Meeting

Senator Harris and Representative Ritter regret they are unable to attend today's Committee Meeting as the Legislature is in session.

1. Review of 5/4/10 Summary of Meeting – Accepted

2. Sub-Committee Reports:

Co-Chairs of the Sub-Committees presented their reports. Co-Chairs are reminded to send their meeting minutes to Maureen Prewitt.

As Sub-Committees meet, they should let Co-Chair Bourne know if the initial proposals are still valid or if there are issues raised that need to be addressed by the larger Advisory Committee or another Sub-Committee.

Mark Schaeffer will be asked to provide a list of services that the federal government allows reimbursement for services not rendered, such as a brief hospitalization for someone in a nursing home where their bed is held for them.

3. Review of April Attendance

Attendance for April was good, particularly higher because some agencies did not observe the Good Friday holiday. This holiday showed variances in how agencies handle holidays.

4. SEI – The group has identified tentative key benchmarks to review. The continuous support doesn't justify the amount of money given providers, but the providers do other things that aren't recognized such as the development process. Providers that reach development benchmarks would receive payment, as well as ongoing payments based on how long people work. Data will now be collected. The Commissioner has agreed to continue the SEI cap for another six months.

Janice Chamberlain asked if the development process used for SEI would also be considered for GSE as many times there is job development for one location with more than one person placed with a job coach. Joe Drexler indicated that the focus has been on SEI and when a final plan is presented there can be a discussion about anything that can be brought over. However, when new items are added some things may need to be removed.

5. Hardship Review

As of June 1<sup>st</sup>, 16 agencies have applied for hardship review. 8 agencies have already been awarded money and should be receiving payment shortly. Based on the applications received, no trends have been recognized. As more data becomes available, if it is radically different, it can be reviewed again. Some providers who did not submit a hardship application could have benefitted from it.

After this fiscal year's hardship applications are processed, the Department will look at its appropriations and then determine what steps will be taken in the future.

## 6. Other Business:

Questions to Other States – Sub-Committee Co-Chairs should submit any additional questions to Maureen Prewitt as soon as possible as the questionnaire will be sent out at the end of this week.

Scope of Committee and Residential Issues - The statute is vague as to the scope of the Committee allowing it the opportunity to look at all issues, including residential. It's important not to impede the Committee's work to finalize the report which is due to the Legislature by January, 1, 2011. This will continue to be the target of the Committee. There are some things that can be done as we move forward. Sub-committees can add to their agenda the impact on residential services and include this in their recommendations.

An additional Sub-Committee with more residential experience may be needed to look specifically at residential services. The following three residential settings will need rates worked out: Community Residential Supports (CLAs of various sizes), Continuous Residential Supports (14 hr. non-licensed settings of 1-3 people) and Individualized Home Supports (previously Supported Living).

Peter Mason explained duties of the previous work group established last spring for Individual Home Supports (IHS). This rate started at \$32.20 under both waivers, with the hourly rate of \$14.20 and everything else built on that with a percentage added for supervision, indirect salary expenses, administrative, benefits as well as a factor built in for some indirect hours for staff. The work group was formed to review IHS as there were some needs that were not being addressed. Varying types of sites include group non-licensed 24-hour supports, clusters of apartments where staff float between apts., some specialized settings that dealt with hearing impaired, physical issues, etc., and the issue of direct and indirect areas of support. The group looked at 11 focus areas. Data from the group's own agencies was first used but it wasn't large enough so a survey was developed for all agencies with IHS and that data was analyzed. A basic structure for a new methodology was developed. Hours of support would be determined by an individual's LON. Two rates were looked at: one without an indirect component and only for those direct service hours people were providing and a "safety net" category - 24 hours supports with issues on benefit, leases, rent, etc. done without direct support by staff. Agencies received a monthly rate for these supports. The same mechanism was used for cluster supports, as it's difficult to determine who staff provide supports to. Health and behavioral scores on LON were used to factor in what types of nursing supports were needed. This new rate system was put on hold due to the Legislative Rate Study.

It was recommended that DDS reconvene this work group. Peter Mason will be the designated representative to this Advisory Committee to bring back reports on the work group's activity.

Next Meeting:

The Advisory Committee will not meet during July and August; however, the Sub-Committee Co-Chairs will meet to work on an interim report.

The meeting of the full committee, originally scheduled for September 7, 2010 is cancelled to accommodate vacation and other schedule conflicts. The next meeting will be held on October 5, 2010 from 2:30 to 4:00 at the Legislative Office Building.

Respectfully submitted,

*Maureen Prewitt*

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Department of Developmental Services