



State of Louisiana

Department of Health and Hospitals
Office for Citizens with Developmental Disabilities

Quarterly Update to the DD Council June 2010

WAIVERS Children's Choice Waiver: OCDD intends to add 425 additional opportunities for Children's Choice (CC) Waivers, specifically for children with developmental disabilities who have been identified by the OCDD regional offices and Human Services Authorities and Districts to be eligible to receive state-funded family support services. These children have been identified as needing more services than they receive through state-funded family support services and can benefit from additional services offered through the Children's Choice Waiver. OCDD is in the process of creating and publishing an emergency rule, and amending the CC Waiver Application to add these additional opportunities. **NOW:** The Centers for Medicare and Medicaid (CMS) has approved statewide implementation of the Self-directed Option for individual and family support services within the New Opportunities Waiver (NOW). This Option is now available in Regions 1, 2 and 9. OCDD will complete the necessary processes to insure the fiscal agent contract is approved and the contractor is ready to perform statewide to develop and conduct trainings to interested participants and their families. It is the OCDD's intent to complete training to ensure qualified participants and their families can begin enrolling in this option no later than January 1, 2011. Implementation will be completed in three phases as approved by CMS. The next enrollment phase is to be implemented in Regions 7 and 8, followed by Regions 4 and 5, then Regions 3 and 6. **ROW:** Residential Options Waiver (ROW) was approved by CMS on October 1, 2009. OCDD has been working with DHH Medicaid to complete all processes and systems to implement this new waiver. Since the last quarterly update, the ROW Rule has been published, the billing system has received final approval, internal documents/forms have been finalized, and the ROW Provider Manual is in the last stages of Medicaid review. Training is being prepared for regional offices, Human Services Authorities, and Districts, providers, and support coordinators. Additionally, OCDD will provide assistance to support coordinators and providers to ensure ease of participant's transition from institutional care to waiver supports.

EarlySteps: The Office received a verification visit response letter from the U.S. Department of Education (OSEP) in March 2010 regarding the visit in October 2009 and no findings were issued by OSEP to the State. In June, EarlySteps received its annual determination from OSEP on the Annual Performance Report of Needs Assistance, which was the second highest category out of four, and the same determination received as the past three years. In April, the Center for Medicaid and Medicare Services (CMS) approved the rate increase retroactive beginning September 2008 for support coordination. The request for the increased amount was worded incorrectly and was approved \$121.26 per six units rather than \$130.00 per six units. Claims were recycled and providers were reimbursed the approved, but less amount, in May. OCDD

and Medicaid are working with CMS to obtain approval for the greater amount to be paid to providers. EarlySteps Application for Federal Part C funds was submitted to OSEP in May. Approval for \$6,040,146 is anticipated by July 1.

Direct Support Initiatives: The Direct Support Advisory group met on two occasions in the recent quarter. A survey will be mailed out to HCBS providers statewide for their direct support professional staff to complete. The intent of this survey will be to gather valuable information from direct support staff concerning working conditions, pay, and other issues for future initiatives.

Community Based Employment Four-part series webinars have been completed for Community-Based Employment targeted to an audience of vocational providers, support coordinators and others interested or involved in supported employment. This was the first initiative to increase awareness of Community Based Employment as OCDD works to become an Employment First State. As a member of the State Employment Leadership Network (SELN) <http://selnmembers.org/>, OCDD will receive technical assistance for the development and implementation of the Louisiana's Employment First Policy. Additionally OCDD awaits final approval of a contract with the Medicaid Infrastructure Grant wherein OCDD will collaborate to write a strategic plan for Employment for Individuals with Disabilities with the Higher Level Leadership Council, which is comprised of consumers, private and state agencies.

Rebalancing Initiative Grant - Money Follows the Person: The Money Follows the Person Demonstration (*My Place* or *My Place Louisiana*) received CMS approval for a revision to its Phase I Operational Protocol to include hospital transitions for children. As approved by CMS, participants will use the Residential Options Waiver (ROW) to transition. Participants may include 1) children from nursing facilities and hospitals; 2) people in ICFs/DD through voluntary conversions; and 3) people moving from ICFs/DD who are eligible, based on their Request for Waiver Services Registry date. The Phase II Operational Protocol will enable participants to receive a New Opportunities Waiver (NOW) to support people moving from public ICFs/DD into community settings. The OCDD and Office for Aging and Adult Services *My Place* program received a \$249,999 HOME Investment Partnership Program Grant to support participants and their families in finding housing, providing rental and utility deposits, and also providing as much as two months of the tenant's portion of the rent with a maximum individual disbursement of \$2,500. As of June 15, two children transitioned with Children's Choice (CC) waivers and three children's families have provided Informed Consent (IC) for the Demonstration. As of mid-June 21 people transitioned to the community using NOW waivers, and an additional 12 people or their families have provided an Informed Consent. Currently enrolled into the *My Place* program are 33 participants who will move from public ICFs/DD, Support and Services Centers, into the community with a NOW waiver, and 20 participants already transitioned into the community. During early March, CMS made a site visit to Louisiana and spent their first day in Baton Rouge meeting with DHH, Medicaid, OAAS, OCDD and *My Place* staff. Later the group met with four participants who were transitioning from a public community home into the community with a New Opportunities Waiver. CMS also visited a young man who had

moved from a nursing home using Children's Choice Waiver into his own apartment, and who currently receives a NOW waiver.

Supports Intensity Scale (SIS) and LA PLUS: OCDD is implementing a revised review and approval process for SIS and LA PLUS assessments. Upon submission, the SIS and LA PLUS assessments will be given a preliminary level assignment to enable the support coordinator to commence service planning immediately. Once complete, the support coordinator will submit the Plan to the regional certified OCDD reviewers who will evaluate both the Plan and the assessments for completeness and accuracy, and note any inconsistencies or problem areas for correction by the support coordinator. Once completed, a final level determination will be issued. The intent of this new workflow is to shorten the time between assessments and Plan approvals. Additionally, the OCDD information technology team is developing an automated tracking system based on this new processing and review of assessments.

Regional Office and Human Services District /Authority Quality Partnership: Effective fiscal year 2009-2010, regional offices and Human Services Districts and authorities began submission of quarterly outcome indicators that measured performance data on a wide range of regional functions. Each quarter, statewide results are summarized in the Human Services Accountability and Implementation Plan (AIP) Quarterly Performance Report. Validations visits are made annually to each region, District, and Authority office. During the validation visits, data reports are reviewed to confirm the performance indicator results reported to OCDD central office, and quality improvement strategies are reviewed for performance indicators in which the performance target was not met. Technical assistance is provided when needed. Preliminary Quality Partnership Reports are completed for review and response following the validation visit made to each office. Once responses are received from all offices and incorporated, finalized Quality Partnership reports are released. A workgroup has been formed to revise current performance indicators in the AIP to include additional performance indicators to provide accountability in the delivery of waiver services. Changes and implementation is planned for July 1, 2011.

Support Coordination Monitoring

OCDD's implementation of its support coordination monitoring process s progressed significantly during the past quarter. In June 2010, the Support Coordination Monitoring Tool was piloted in two regions, allowing OCDD an additional opportunity to fine-tune the process prior to electronic automation of the tool. The two support coordination agencies and regional staff participating in the pilot provided valuable feedback and suggestions. Automation of the tool is scheduled to be completed no later than September 30, 2010 and staff will trained for statewide implementation. OCDD anticipates complete implementation in all regions and support coordination agencies January 2011.

2010 Regular Legislative Session Update:

DHH Bills:

SB 216 – Update of the Nursing Home Resident’s Bill of Rights. Act 128 – *Approved and signed by the Governor effective date of 6-8-10.*

SB 239 – Update of Louisiana law on HIV/AIDS. Act 129 – *Approved and signed by the Governor effective date of 6-8-10.*

SB 401 – Amends the Rural Hospital Preservation Act to provide for maximization of federal funds. *Signed by the Speaker of the House 6-18-10.*

HB 1219 – Clarifies regulation requirements for prepaid entities participating in Medicaid. Act 1 – *Approved by the Governor effective date of 4-29-10.*

HB 596 – Authorizes DHH to implement Medicaid non-emergent ER co-pay. Assigned to House Health and Welfare 4-28-10. *No movement. (Withdrawn)*

HB 462 – Prioritizes placement of incarcerated individuals into the State Feliciana Forensic Hospital. *Amended and sent to the Governor 6-20-10.*

HB 1370 – Provides for license actions imposed against outpatient abortion facilities. *Sent to the Governor 6-16-10.*

Other bills of interest to DHH and OCDD are as follows:

HB 776 – Extends until January 1, 2012, the facility need review approval for licensed intermediate care facilities that are located in certain areas, particularly for three community homes operated by ResCare. *Sent to the Governor for his signature 6-9-10.*

HB 959 – Imposes a moratorium on implementation of the resource allocation models administered by DHH, and provides for new implementation recommendations based on national best practices. *Sent to House Health and Welfare with no movement.*

SB 204 – Removes provisions, which allow an employer to waive the existence of certain criminal offenses when hiring any licensed ambulance personnel or non-licensed persons. House Final Passage 6-15-10 with amendments added to provide a list of offenses and remove the offense of general theft. *Sent to the Governor 6-18-10.*

HB 1185 – Creates the Home and Community-Based Long-Term Care Act. Enrolled and signed by the speaker of the house 6-10-10. *Signed by the Governor and Act 305.*

SB 539 – Requires the DHH Secretary to license and enroll in the Medicaid program certain providers who operate intermediate care facilities for the developmentally disabled, particularly The Milne Home for Women. *Assigned to Senate Finance. The department has reached a compromise with the provider without further action needed by this Legislation.*

HB 865 – Requires that the DHH continue disability waiver benefits for family of military on active duty who have temporarily relocated to another state due to military assignment and intend to return to Louisiana. Legislation was amended to offer the next available waiver to said family upon returning to Louisiana following this temporary relocation. *Enrolled and signed by the speaker on 6-9-10. Sent to the Governor 6-11-10.*

SCR 77 – Directs the department of Health and Hospitals to investigate and study to develop a plan or strategy to modernize and improve the state developmental centers focusing on current operation and maintenance of the existing developmental disability

centers. *Passed and signed by speaker of the House and President of the Senate 6-15-10.*

HCR 94 – Suspends the law providing for Direct Service Worker Registry. *House and Senate adopted Conference Committee Report 6-21-10.*

SCR 75 – Requires legislative committee approval of DHH contracts of a term of more than three years in duration for the privatization of any portion of the activities which were performed by certain existing facilities or programs during FY 2009/2010 and directs DHH to include certain requirement and evaluation factors in RFP's for contracts. *Pending House final passage. Scheduled for 6-21-10 not heard.*

HCR 234 – Urges and requests DHH to create a task force which shall study funding options for services to persons with disabilities and the elderly and to present recommendations to certain legislative committees. *Enrolled and signed by the Speaker of the House on 6-10-10 and filed with the Secretary of State 6-15-10.*

HB 1443- Establishes requirements for contracts for the privatization of services currently provided by facilities operated by the office of mental health. *Sent to the Governor 6-20-10.*