

**QUARTERLY DEVELOPMENTAL DISABILITIES (DD) COUNCIL REPORT**  
**(Submitted for 4<sup>th</sup> Quarter 2020)**

**December 22, 2020**

**SERVICES**

**Developmental Disability Waiver Activities**

The following figures reflect **waiver activities thus far in state fiscal year 2020 - 2021 (July 1, 2020 – December 10, 2020)**:

<b>WAIVER</b>	<b>Offers # *</b>	<b>Linkages # **</b>	<b>Certifications</b>
<b>NOW</b>	0	43	17
<b>Children's Choice</b>	224	139	79
<b>Supports</b>	372	287	108
<b>ROW**</b>	0	166	130

\* This is the number of unique individuals made an offer or final offer during this time period.

\*\* An individual made a CC or Supports offer may request an exception and be linked to the ROW or NOW.

The following figures reflect **total waiver numbers as of December 01, 2020**:

<b>WAIVER PROGRAM</b>	<b>Total # of Slots Allocated</b>	<b>Linked/Filled</b>	<b>Total # of Certifications</b>	<b>SLOTS W/O CERTIFIED RECIPIENT</b>	<b>VACANT SLOTS</b>
<b>Mixed I/DD Waivers</b>	14,184	13,895	13,136	1,048	289

Source: SRI Certifications Report – 12/01/2020

**Request for Services Registry (RFSR) Cumulative From 10/01/2016 to 12/09/2020**

- Developmental Disability (DD) RFSR = **13,066**
  - Individuals with urgent/emergent unmet needs (SUN score 3/4) = **0** (offers made to all as screened and identified 3 or 4—**2,431** in process)
  - Individuals with current needs met (SUN score 0/1/2) = **11,126**
  - Individuals with no identified unmet needs = **6,620** [estimates based on previous information available and information available in Louisiana Service Reporting System (LaSRS)]
  - Individuals in process of scheduling/receiving screening = 5,481

**Request for Services Registry (RFSR) (Current Quarter) 09/01/2020 to 12/09/2020**

- Developmental Disability (DD) RFSR = **13,066**
  - Individuals with urgent/emergent unmet needs (SUN score 3/4) = **0** (offers made to all as screened and identified 3 or 4—**275** in process)
  - Individuals with current needs met (SUN score 0/1/2) = **744**

- Individuals with no identified unmet needs = **291** [estimates based on previous information available and information available in Louisiana Service Reporting System (LaSRS)]
- Individuals in process of scheduling/receiving screening = **5,481**

### **Request for Services Registry Screening**

- A total of 13,066 Screening of Urgency of Need (SUN) tools have been completed (as of 12/09/2020) \*\*Note this number does not include the individuals who were closed on the Developmental Disabilities Request for Services Registry (RFSR) for any reason (e.g. acceptance of a waiver off, no current Statement of Approval (SOA), declination of services.
- OCDD continues to screen everyone on the RFSR who can be located and who is willing to participate in the screening, including people who newly move onto the Registry and people who have a change in status. Additionally, routine re-screenings for people with previous SUN scores of 2/1/0 are being conducted.

## **HOME AND COMMUNITY BASED WAIVER SERVICES**

### **Intellectual/Developmental Disabilities Waivers**

OCDD requested that CMS grant exceptions to the rules and regulations in the four Intellectual and Developmental Disabilities (I/DD) Home and Community Based Services (HCBS) Waivers during the COVID-event. These exceptions are as follows:

- Allow participant and worker to live in the same home.
- Allow legally responsible relatives to be paid direct support staff.
- Suspend background checks for immediate family members who live in the home and become temporary paid staff.
- In ROW/NOW, allow for sharing of staff when needed.
- Convert day habilitation hours to in-home hours when needed.
- Add Monitored In-Home Caregiving (MIHC) as a service in the ROW and NOW.
- For NOW, waive rule of requirement of a service every 30 days.
- Allow 16- and 17-year olds to be paid staff, when no other worker available.
- Allow 20 hours/week above capped hours in Children's Choice Waiver and 20 hours of respite in Supports Waiver.
- Allow 90-L to remain in place until the conclusion of the epidemic.

The exceptions CMS granted are set to expire in January 26, 2021, and the services included in the exceptions will no longer be offered after January 25, 2021. OCDD sent a memorandum to our HCBS providers, Support Coordinators, Local Governing Entities and Fiscal Employer Agencies (FEA) on December 15, 2020 regarding the Appendix K Exceptions (*Appendix K Exceptions Ending 1/26/2021*, OCDD-P-20-066, OCDD-SC-20-030). CMS has advised that they plan to allow for an extension beyond one year; however, they have not formally announced this at the time of this report or given details on the length of time for the extension. If CMS extends the exception timelines OCDD will review those extensions and advise participants, providers, and support coordinators as needed of further extensions.

Prior to COVID-19, OCDD had been actively engaging stakeholders in moving toward a consolidated waiver. Many of these activities have been delayed by COVID-19 response and hurricane emergency response efforts, as well as information technology concerns that have arisen. However, OCDD is continuing to work on building an infrastructure that will help move toward the consolidated waiver in the future. OCDD has continued to meet regularly with vocational and day program providers (as well as national subject matter experts) to update and standardize the service definitions for all employment and day habilitation services in the three adult waivers. OCDD also continues to work to ensure that rates incentivize individualized services over group services. OCDD is working to develop technology services for inclusion in the waivers beyond the COVID-19 response, including virtual day habilitation and remote supports. OCDD is exploring opportunities for services that allow family members to be paid caregivers under certain circumstances.

### **Residential Options Waiver (ROW)**

**ROW/Office of Aging and Adult Services (OAAS) Transition:** OCDD and OAAS are in the final stages of implementing the Centers for Medicare and Medicaid Services (CMS)-approved transition of OAAS Community Choices Waiver (CCW) and Adult Day Health Care (ADHC) participants with an OCDD Statement of Approval (SOA) to the ROW. Once complete the transition will have affected approximately 250 people. As of 12/18/2020:

- 243 people have completed the transition and are receiving ROW services.
- 2 participants are currently linked to the ROW and are in the planning/approval process.
- 6 cases have been closed for the following reasons:
  - 2 are deceased,
  - 1 entered a nursing facility,
  - 1 entered an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID), and
  - 2 families refused OAAS and OCDD services.

**ROW Amendment 2019:** CMS approved the ROW amendment on October 6, 2020. OCDD has started the rulemaking process to reflect the approved language and service changes. Changes to the ROW include:

- Monitored In-Home Caregiving (MIHC) was permanently added as a service in the ROW. Clients began receiving MIHC thru the COVID-19 Appendix K in August 2020. OCDD, along with the Louisiana Department of Health's (LDH) MIHC Provider, completed training with Human Services District and Authorities and Support Coordination Agencies for MIHC services in the NOW and ROW.
- Transitional Expense Planning and Approval (TEPA) language was clarified. TEPA is a one-time payment designed to assist individuals in transitioning from an institution to their own home or apartment in the community of their choice.
- In the *Community Living Services* the exclusion of parents of adult children as paid staff was removed (Note: A parent **may be** paid staff of a provider agency if he/she **is not the legally responsible person or authorized representative** for waiver.); and
- Language was added to allow ROW participants to exceed their individually assessed ROW acuity/budget to prevent institutionalization on a case-by-case basis, as approved by the OCDD Assistant Secretary/designee. A reassessment

of the participant's ICAP level will be conducted to determine the most appropriate support level.

- Note: Rulemaking cleanup will restore language to original birth to end of life as well.

**Increase in ROW Companion Support Service Rate:** OCDD has increased the daily per diem rate to \$ 92.02, with a minimum flow through of approximately \$75 to be paid to the person providing the direct Companion Support. Companions may be family members as long as they are not the legally responsible person or authorized representative for the waiver.

- The day Habilitation, pre-vocational, and group employment rate will be changed to 15-minute unit rate, aligning the ROW rates with Supports Waiver rates and New Opportunity Waiver rates.

### **Pinecrest Supports and Services Center (PSSC) Transition Status**

The following figures reflect transition activities from January 1, 2020 thru December 18, 2020:

- The census of Pinecrest Supports and Services Center to date is 459.
- In calendar year 2019, PSSC admitted 47 individuals and discharged 33. So far in calendar year 2020, 80 people have been admitted and 35 people have been discharged. The reason for the significant increase in this number is because Pinecrest admitted over 40 individuals from the former Robinswood School, who evacuated after Hurricane Laura and were unable to return to their facility due to the damage.
- Thirty three (33) participants are currently planning for a transition from the center.
  - Zero (0) people are anticipated to transition within the next 30 days.
  - Five people are anticipated to transition within the next quarter.

### **EarlySteps**

- As of December 1, 2020, the EarlySteps program was providing services to 4,676 children and their families. COVID-19 led to a decrease in the child count due to some families requesting closure of their child's case, as well as a 25% decrease in referrals overall. Referrals began increasing in July 2020, but the referrals have not increased to the 2019 level.
- Changes implemented since beginning of Phase 3/Phase 2 Modified:
  - Services in child care centers resumed in September.
  - Service visits in homes resumed, initially limiting each provider with 2 in-home visits per day. In November, LDH approved an increased to a maximum of 4 home visits per day (not including daily child care visits) in parishes with less than 5% COVID-19 positivity rates. Each week regional coordinators send out parish positivity rates for all parishes in their region. Providers can use that positivity rate to determine the maximum number of home visits they can make each day. As of December 16, very few parishes are at the <5% rate. The increased positivity rate has led to limiting home

visits to 2 per day. This model results in a combination of home and virtual visits for each family.

- The family cost participation requirements have been suspended for families with financial impact, such as lost income, based on individual family situations. This includes families in the hurricane-impacted areas, primarily in region 5.
- EarlySteps continues to conduct virtual quarterly provider team meetings.
- EarlySteps staff have completed data collection and analysis for the 2019-20 Annual Performance Report. The results will be submitted to the Office for Special Education Programs for February 1, 2021. The final results will be presented to the State Interagency Coordinating Council (SICC) at its regularly scheduled meeting on January 14, 2021 (conducted virtually). Overall, EarlySteps saw improvements in some indicators and slight slippage in others. The system improvement workgroups have continued their work virtually and will also present activities updates in January.

## **INITIATIVES**

### **Employment**

- OCDD hosted a Vocational Services Redesign Workgroup meeting in November to continue the discussion of services and rates. Another meeting is scheduled in December to further discuss rates.
- OCDD continues to participate with the State Employment Leadership network (SELN) annual in monthly group webinars and monthly one on one technical assistance (TA).
- During the 4<sup>th</sup> quarter OCDD has continued to hold meetings with the vocational providers, and providers who are licensed as Adult Daycare Centers. OCDD is currently working to get the final billing codes to allow providers to provide virtual services in day habilitation, prevocational, and individual Supported Employment follow along services. OCDD is also expecting billing codes for small ratio community day habilitation and prevocational services across waivers.
- OCDD and the LGEs continue to work with vocational providers to provide technical assistance to increase compliance with the HCBS Settings Rule. As providers begin to reopen post-COVID, OCDD will be working with the LGEs to move forward with trainings, technical support, and guidance via Zoom webinars or other virtual methods.

OCDD continues to be an active participant in the Employment First Team, as well as the State as a Model Employer Team, spearheaded by the Governor's Office of Disability Affairs.

### **Home and Community-Based Services (HCBS) Settings Rule Activities**

OCDD re-submitted the State Transition Plan for final approval in April 2020. In June CMS submitted a set of questions regarding the STP. The state responded to those

questions in an addendum that same month. In July 2020 CMS sent additional questions. OCDD had a technical assistance call with CMS regarding those questions in August 2020. OCDD is currently working to answer the latest set of questions from CMS.

In order to resubmit the State Transition Plan, OCDD needs to do onsite visits with all of the residential owned and/or controlled residences. At this time, due to COVID 19, OCDD is unable to do this at this time. Once these visits are complete the state will be able to resubmit the addendum.

### **Money Follows the Person (MFP) Rebalancing Demonstration (My Place Louisiana)**

Initially, My Place transitions were scheduled to stop on December 31, 2018 in accordance with CMS Money Follows the Person Demonstration Program rules. However, the Federal government allowed states (like Louisiana) with remaining grant funds to continue all operations (including transitioning new participants). In May 2020 LDH received budget approval to continue transitions through December 2020. OCDD believes that the MFP program will continue to be funded after December 2020.

OCDD has transitioned 12 individuals into the community since January 2020, bringing the total number of transitions to 524 between 2009 and 2020. The Office of Aging and Adult Services (OAAS) also participates in the MFP program. OAAS and OCDD have transitioned a total of 3,287 individuals through the life of the program.

### **Access to Behavioral and Medical Intervention in the Community**

The following information outlines Resource Center (RC) activities, including crisis referrals and trends associated with placement requests to OCDD Central Office for the 2020 calendar year (covering the period of January 1, 2020 – December 15, 2020). Additionally, it provides a current update on the Resource Center and Local Governing Entity (LGE) collaboration on the Non-Consensual Sexual Behavior (NSB) process as of December, 2020.

- Between January 1, 2020 and December 15, 2020 there were 113 crisis referrals. Diversion efforts for 19 (17%) crisis referrals are underway, so these cases remain open and will not be included in the Resource Center consultation or resolution data report. The remaining 94 (83%) cases have reached resolution; 26 (28%) of these individuals have required admission to Pinecrest Supports and Services Center (PSSC).
- 54 out of 94 cases (57%) received a crisis consultation from the Resource Center, with the ability to divert 81% of these individuals from long-term institutionalization. As noted prior, since some cases are still open and diversion efforts are underway these cases are not included in this analysis. However, the Resource Center remains engaged in the cases to assure that no diversion efforts are missed.
- Over the last four years individuals being referred to the Resource Center were referred from more intensive and institutional-type settings (a trend that has continued for the period noted above) with 74% of referrals coming from institutional/acute care settings. Further breakdown within these settings reveals that at the point of referral: 52% were from psychiatric hospital settings, 11% were for individuals who were incarcerated, 27% were supported in ICF/IID settings, 8% were in an acute care setting, and 2% of individuals were in a nursing facility.

The Resource Center has worked to ensure that individuals with a history and/or current challenges related to non-consensual sexual behavior (NSB) continue to have access to needed supports. 216 individuals are being followed by the Local Oversight Team (LOT). To date, there have been four reported subsequent incidents of NSB. None of these incidents involved direct contact and all four individuals were able to maintain their current waiver living option.