***OPRA Board of Trustees***

***Consent Agenda***

***September 28, 2016***

***NOTE: Some of the information is carried over from the prior month. Updates are in red font and underlined.***

***A. Efficiencies and Simplification Focus Area***

**1. Licensure and County Board Accreditation/National Accreditation**

The Partnership is continuing to pursue abbreviated reviews for county board accreditation and licensure. Nancy Neely and Mark Davis are coordinating this effort for the Partnership. The Partnership sent a letter to Director Martin, requesting a meeting to discuss making this effort a priority. We will follow up with Director Martin at a later time due to the current system reform workload. The Partnership will continue to pursue this issue in 2016.

**2. SSA and Program Management**

CMS has informed DODD that an end date is needed, for county boards to discontinue delivering HCBS as the boards also deliver TCM. DODD negotiated a 10-year timetable for county boards to be out of delivering HBCS. We will continue to monitor the county boards’ compliance progress.

**3. Threshold for Exempt Status**

The US DOL released their proposed rule that would increase the $455 weekly threshold for exempt status to $970/week, or $50,440 annually. ANCOR provided testimony to The Education And Workforce Committee,  Subcommittee On Workforce Protections of the US House of Representatives. ANCOR’s testimony highlighted DD provider’s almost sole reliance on Medicaid, our strong desire to pay our staff fairly and to be able to afford to stay in business. ANCOR suggested a conversation with lawmakers, so they may better understand our situation and review our data. OPRA has asked our members to participate in a data collection effort by ANCOR. This regulation has the potential to have a major impact on provider’s viability and we will actively participate with ANCOR in their efforts on this regulation. Mark is co-chairing the ANCOR national campaign to impact the regulation. A kick-off conference call was held with ANCOR members on Wednesday, December 9th. A lobbyist, consultant and PR firm have been engaged by ANCOR for the campaign. Mark has participated in several meetings with lawmakers in DC in hopes of securing legislation for provider relief and to impact the DOL regulation. It is possible that the regulation could be released as early as April. ANCOR continues to work on building partnerships to impact the rule and to gain funding too.

The rule is expected to be finalized no later than May 16th, to avoid potential invalidation of the rule under the Congressional Review Act. The rule is expected to have a 60 day implementation period. ANCOR continues to ask for a longer implementation period, a lower OT exemption threshold, and a temporary increase in funding to allow time for states and providers to plan for dealing with the rule.

The Save Our Services (SOS) Campaign is getting more attention from legislators, the administration and the media. A letter is being circulated for House democrats to sign, asking for special consideration with the implementation timeframe for human services organizations. Two potential sponsors of legislation for a temporary FMAP bump have been identified, with legislation introduction as soon as possible, perhaps by mid-May.

4 OPRA members (Matt Ottiger, Lisa Reed, Kurt Miller and Adam Guinther) and Mark participated in an ANCOR fly-in to DC on April 21st. Rep Stivers and staff from Senators Brown and Portman and Rep Fudge met with the OPRA group. Ohio federal legislators may play an important role in any solution for DD providers.

It has been reported that US Department of Labor Secretary Perez acknowledged that IDD providers are one of two groups that have a valid concern with the rule. ANCOR has requested a meeting with Secretary Perez.

US DOL published the OT rule on May 18th. For the synopsis of the rule and more information go to:  <https://www.dol.gov/featured/overtime/>. DOL issued a notice of nonenforcement for IDD Medicaid residential providers in settings of 15 or less beds. The ANCOR team is working to get clarification from DOL on a few points of the rule and is meeting with Sec Perez and his staff on May 26th in DC. Mark talked with VP Biden, Sec Perez and Sen Brown about our appreciation of the nonenforcement policy and the need for additional funding to implement the rule successfully.

ANCOR representatives, including Mark, met with US Dept of Labor (DOL) Sec Perez. He pledged ongoing cooperation with ANCOR to mitigate any challenges presented by the implementation of the rule. ANCOR staff has subsequently met with DOL staff and DOL has agreed with some guidance issued by the ARC of the US. We continue to work with DOL and others, on clarification of who is included in the nonenforcement policy and other implementation questions. Sec Perez has been invited to speak at the ANCOR Leadership Summit in DC, Sept 19 – 20th.

The Disability Community Act of 2016 was introduced by Rep Tonko (D-NY) and Rep Stivers (R-OH) with the support of the leaders of the House Disability Caucus. OPRA members have been encouraged to attend the ANCOR Leadership Summit and to stay in DC for Hill visits, on Sept 20th and 21st. As of the August 16th, we have appointments scheduled with 10 members of the Ohio US congressional delegation. For additional information, please go to [www.disabilitysos.org](http://www.disabilitysos.org).

OPRA members and Mark met with 15 members of the Ohio congressional delegation (2 senatorial offices and 13 house offices) about the Disability Community Act of 2016 (HR 5902). Rep. Marcy Kaptur decided to sign onto the legislation following our meeting with her staff. OPRA members were encouraged to email Senators Brown and Portman, to encourage them to introduce/support a companion bill in the senate. We hope to get a companion bill introduced this week.

Secretary Tom Perez spoke at the ANCOR Leadership Summit in DC. He voiced strong support for provider rates to support adequate DSP wages. He said he will work with his federal counterparts and also referred us back to our states for relief.

**4.** **ODH and DODD Streamlining**

The budget bill contained language that gave DODD the authority to delegate licensure reviews to ODH. It has been reported that ODH has begun doing ICF surveys on behalf of DODD, in some instances. This is not moving at the pace we had anticipated. DODD recently stated that the process of transferring licensure reviews to ODH would begin in 2017.

There have been conflicting comments from surveyors. There may be other solutions possible to establish a date certain for the transfer, such as date certain language in the upcoming budget bill.

***B. Workforce Sustainability and Quality Focus Area***

**1. Waiver Pilot**

The budget bill contains language that allows DODD to request authorization from CMS to do a daily or weekly rate in the IO waiver. The final report on the waiver pilot was completed and sent to OHT. The report recommended the state look into residential habilitation as a waiver service. DODD released a draft rule for residential habilitation with a daily rate. DODD expressed a willingness to consider a weekly rate instead. The OPRA Waiver Kitchen Cabinet will evaluate the draft rule and research residential habilitation in other states, to be discussed at the next cabinet call on October 11th.

***C. Quality, Accountable and Sustainable*** ***System Reform Focus Area***

**1. Healthcare Integration Workgroup**

Mark continues to make national connections at CMS, providers, managed care company, US Congress and others associated with doing similar research. Director Martin is considering partnering with CERIIDD and may have a proposal to CERIIDD by the end of 2015. OPRA had engaged an epidemiologist and consultant to help with the feasibility, funding and start-up of CERIIDD. These are monthly arrangements and may be discontinued if CERIDD does not happen. The epidemiologist switched back to unpaid status January 1, 2016, until such a time as OPRA secures funding for CERIIDD. Mark has spoken again with CMS, and found them receptive of the need for this data analysis. We are continuing to write our start-up business plan. We are exploring an Ohio GRF budget ask for CERIIDD funding. Representative Amstutz has drafted an amendment to that would permit DODD to fund epidemiological research on people with IDD. The concept was discussed at the HHS Subcommittee of the House Finance Committee and no clear objections surfaced.

Energy continues to grow around the CERIIDD project - On April 11th , Mark Davis and Lisa Mathis traveled to Washington, D.C. and met with employees representing ACL, including Commissioner Aaron Bishop, Director John Tschida, Program Specialist Katherine Cargill-Willis, Deputy Director Dr. Jennifer Johnson, Dr. Dawn Carlson from NIDRR, and Terrill Curtis to discuss the need for epidemiologic research investigating the relationship of LTSS, healthcare, and quality outcomes for individuals with IDD. Interest was strong enough that a follow-up meeting was requested, although a date for the meeting has not yet been confirmed.

On April 22, Mark Davis and Lisa Mathis met with Dr. Julie Gentile, M.D. and Director of Intellectual Disability Psychiatry at Wright State University. Dr. Gentile is interested in CERIIDD and will staying with the CERIIDD team.

As approved at the last board meeting, the CERIIDD team is currently in the process of applying for non-profit status for CERIIDD. The CERIIDD board will be asked adopt the following at the August meeting; (a) a conflict of Interest Policy, (b) a Whistleblower Policy; (c) a Document Retention and Destruction Policy; (d) a Joint Venture Policy; and (e), a Mission Statement. CERIIDD board members will also be asked to authorize the filing of the documents necessary to obtain tax exempt status from the IRS and the filing of the documents necessary to register the Corporation with the Ohio Attorney General. Lastly, CERIIDD board members will need to sign a copy of the Conflict of Interest Policy. Once these tasks are completed, the application for non-profit status will be submitted and we will be able to send the letter of intent for the Robert Wood Johnson Foundation.

Mark Davis has been recruiting CERIIDD supporters on a national level. A brochure explaining CERIIDD is being developed to further spread CERIIDD’s mission.

We have a draft CERIIDD brochure developed that is going through the finalization process. We are waiting on one signed document and then we will be able to file for non-profit status.

**2. Adult Foster Care (Shared Living Services)**

We are convening a stakeholder meeting Wednesday, June 17th with interested members, county board SSAs, advocates and the Department to create a statewide Strategic Marketing Plan focusing on recruiting host families and educating families and SSAs about Shared Living as a model.

On September 1st b.complex creative delivered the revised marketing plan to OPRA and OACBDD. The plan will be discussed with DODD on September 22nd. Carolyn Knight of Ohio DD Council has indicated an interest on the part of Council to review the plan to see how Council might assist. DD Council approved our project request and awarded $20,000 to help fund the marketing plan. DODD has indicated that they have the capacity to perform most of the tasks listed in the marketing plan and will take the lead. In a meeting with DODD and OACB it was decided that Council funds will be used primarily for the development of the video(s). OPRA and OACB will assist. It remains clear the DODD expects Shared Living to grow significantly.

**3. Trauma Informed Care**

Kim Kehl is presented “Trauma-Informed Approach: Key Assumptions & Principles” at the Spring Conference as part of the Program Directors track on 4/6.

***D. Business Intelligence Tool***

Data has been collected from DODD that identifies all providers in the State of Ohio and the counties which they offer services. This along with the OPRA Provider Capacity Survey that was collected in recent weeks, are being used to categorize providers throughout Ohio. In addition, requests have been made for DODD to provide the amount of individuals being served by geographical locations and their acuities. This information should aid OPRA members in making an educated decision on increasing their services and where to potential develop their business within Ohio.

***E. DSP Pilot Project [Community Connections, Career Partnerships-***

We will have four classes in the 2016-17 school year. One additional at Franklin Heights High School, another at Rushmore Academy and the other at Medina City Schools.

Janice Hall and Bethany Toledo met with Dave Bruce and Matt Wells with the Ohio Department of Education (ODE), to discuss the pending approval of DSPaths credentials by ODE.  It is a possibility that OPRA will be deluged with inquiries on how schools can do this and to gear up, once the credential is approved.

Lisa Reed and Janice Hall met with Foxfire Schools in Zanesville.  Although unlikely, they may want to begin the program this school year. A meeting may be scheduled with them for next week.

About 40 people attended the kick-off event at RHAM for program at Rushmore Academy.  Several family members, Dr. Bruce, a county commissioner and the Marion City Schools superintendent were there. We may include 2 students from Marion City Schools with the Rushmore Academy class.

About 47 people attended the kick-off event at Medina High School.  Rep. Steve Hambley was there and Sen. Obhof sent commendations.

Janice has been busy, working on the administration of the pilot and having meetings with interested schools.

The four C3P(O) classes have started for this school year.

ODE has approved the CIP and CAP credentials.  They will be stacked credentials:  First Aid - 1; Occupational Safety and Health Administration - 10 hr.- 1; CIP - 4 and CAP -6.

We have also been told that, because of credit flex, the credential can be used even if we do not have a specific pathway for it yet; i.e. the students who finish this school year will be able to use the alternative pathway for graduation if they need it..

Here is the link to ODE's website that lists the credentials: <http://education.ohio.gov/Topics/Ohio-Graduation-Requirements/Graduation-Requirements-2018-and-Beyond/Industry-Recognized-Credentials/Health>

Anyone interested in C3P(O) is encouraged to contact Janice at [jhall@opra.org](mailto:jhall@opra.org).

***F. Member Relations Data***

During 2015, OPRA staff interacted heavily with committee members and created a dialogue that has helped develop OPRA’s events, trainings and conference sessions. Based on the utilization of the Communication Plan, OPRA increasing attendance at committee meetings, District meetings and the OPRA Member Only Friday Conference call we have seen an increase in member and staff communication and outcomes. Please see Events section M.

***G. Communication Plan***

The Communication Plan for 2016 will being mirroring the new OPRA Strategic Plan and Mission statements. During 2016, OPRA staff are working to develop new and interactive methods to engage our members. During 2015, the OPRA Member Only Friday Conference call was created and was met with an overwhelming success and interaction between OPRA staff and members. This personal and efficient tool has generated positive feedback and increased member interaction. During 2016, staff are continuing to develop new and creative vehicles to keep our members informed and educated. Cheryl Jacobs began work as the OPRA Communications Coordinator on August 22nd. Work has formally begun on revising our communications plan.

***H. New Member Orientation***

The New Member Orientation was held in March, with presentations from CompManagement, Provider Resources Group, OADSP, and OPRA.

***I. Technical Assistance Projects***

Staff has decided to not offer website development nor maintenance services at this point. We will continue to TA to our members.

***J. CMS Regulations on Definition of Community, Conflict-Free Case Management, Person-Centered Planning – State’s proposed transition plan***

The state submitted the “revised” transition plan to CMS, but made no revisions from the October 2015 version. OPRA will talk with other stakeholders who submitted comments to determine our response. Facility-based combination of work/non-work (for settings that are determined to have institutional qualities based on an on-site evaluation) are proposed by the state to be remediated by March 2024. CMS spoke at the ANCOR conference and indicated that any request for an extension of time to come into compliance with the rule will be denied, but also indicated that states who are on a clear path to compliance will be dealt with moderately. Governor Kasich vetoed the language in the budget that would have required the continuation of sheltered employment and provider capacity in sheltered employment. Both requirements if enacted, would have appeared to be in violation of federal law. It is possible that the House and Senate will move to override the governor’s veto. OACB and OPRA sent a letter to Director Martin, expressing our concern with stakeholder input not being seriously considered as evidenced by no changes to the state transition plan.

OACB has issued a position statement (related to the DRO lawsuit) that includes keeping sheltered employment as an option.

***K. Internship Program***

A new intern will begin in the Fall 2015 semester. Christine Touvelle is a BSW student at OSU who has experience in the I/DD field. She is very interested in learning more about our field of services on a macro-level. She will be with us for both the fall and spring semesters. Christine has successfully completed her internship at OPRA. We are an official placement site for OSU students interested in macro social work and hope to have another intern in the coming months.

***L. Provider Information and Selection Tool Pilot***

Cuyahoga and Coshocton Counties, along with OPRA members in those counties, are designing a provider information and selection tool pilot. The pilot will propose an “Angie’s List”-type tool for people to obtain useful information on providers. DODD is aware and supportive of our efforts.

We have selected Provider Search as the company to proceed with the pilot. We are in the process of contracting with Provider Search. The 4 OPRA member participants, 2 county boards and 1 parent on the leadership team for the pilot agreed on draft Goals for the pilot. DODD and OACB have approved funding and will partner with the OPRA Foundation on the new website. January 15, 2016 was the implementation date for the pilot. We are starting with provider set-up and then in two weeks will open it up to individuals receiving services and families.

The website is up and running, but only 1% of individuals in the pilot have submitted reviews. The team is discussing possible strategies to maximize participation.

The Provider Guide Plus (PG+) planning committee has decided to expand the PG+ pilot to all agency providers in Cuyahoga and Coshocton Counties as well as Knox County. This will be done as soon as data issues are worked through with the state. Our plan remains to expand PG+ to the entire state by the end of this year.

We have been told by DODD, that the IT changes necessary to expand the pilot will be done by November 3rd.

***M. Events***

The Partnership Symposium was held in Cleveland. Regional groups determined dates for meetings to continue their discussions on how to prepare for systems change at the local level.

Future events throughout 2016: Frontline Supervision, Nursing & Behavioral Health Updates (Part 2 of 2), Advance 2016-2017, 2016 Fall Conference, DODD CEO Training Session 2&3, ICF Updates, and the OPRA Board Retreat

The 2016 OPRA Fall Conference venue is being moved to the Nationwide Training & Conference Center in Lewis Center, Ohio. Over the last few months, OPRA staff had visited several potential new locations for the conferences. The Embassy Suites in Dublin, Ohio has been a very good site for several years, but with the increase in attendance and vendors, it was time to find a new venue. Contracts were negotiated for a two year period (4 Conferences). Our goal is to continue the fiscal management of these events, but also offer a more enjoyable location. Lewis Center, Ohio is located just north of I270 close to Polaris Mall, Interstate 71, and SR315 for more information click <http://www.nwhotelandconferencecenter.com/>

Frontline Supervision Training scheduled for October 19th in Medina. Registrations at 22 as of today. We will set up 2 additional sessions in Columbus and Athens in 2017.

We are working with Scott Warrick on scheduling a Social Work Ethics training before the end of the year.

Also working on one more CEO training for 2016. We plan on making this training part of the CEO track for the 2017 spring conference.

***N. Employment First/Day Services***

Jeff Davis and Lisa Mathis have focused on developing ways to support OPRA members to transition toward community-based day services and competitive employment, as well as build private provider capacity in order for the county boards to disengage from direct care. Individual and group meetings have been held with superintendents, county boards, OACB, and private providers in an effort to pinpoint barriers and build on successes. It seems that the current challenges are facilitating communication between agencies that perhaps is unprecedented.

At the OPRA Spring Conference, SWOCOG superintendents returned for a follow-up session and superintendents from SOCOG hosted an informational meeting for any interested parties. Stacy Collins from DODD presented on the future of Adult Day Services in Ohio. Stacy confirmed that DODD will be posting proposed day rules and rates sometime in May for public review, and that the new rules are planned to go into effect on October 1, 2016.

On March 28th an OPRA Employment First Workgroup was held. Julie Hance from OOD presented on DODD-OOD integration and the Ohio Transition Support Partnership. Tom Sawyer from the Cleveland Site Center demonstrated visual adaptations for home and work for people with low vision and blindness.

On April 25th, another OPRA Employment First Workgroup will be held featuring the Employment Collaborative of Cuyahoga County.

Lisa Mathis and Jeff Davis continue to bring county boards and providers together to encourage collaboration and build provider capacity. Lisa is currently working on a startup guide for providers interested in expanding into day and employment services.

An Employment First Workgroup will be held May 23rd. Tom Hess from DODD and Tracey Willis will be presenting. Tracey will present on transition. Tom Hess will be presenting on DODD proposed rules going into effect October 1st.

DODD has recently publicized a new fee schedule that will negatively impact OPRA members providing OOD services. Lisa and Jeff are working with OOD to accomplish the following objectives:

* OOD should reconsider the proposed fees, especially for Tiered Job Development. - the proposed fees are much too low. OPRA members are being asked to provide additional data in support of higher fees. The data will be submitted to OOD by May 31st.
* OOD should unbundle mileage and report writing
* OOD should create an enhanced fee schedule for Supportive Employment

Lisa and others continue to work with OOD and DODD concerning proposed rules and rates. OPRA’s comments on the most recent proposed OOD fee schedule were sent to OOD on August 11th. OOD is expected to make significant changes to the fee schedule based on stake holder responses. OPRA will also be making an official response to DODD by August 25th. Changes to proposed DODD regulations are expected to be minor. Through OPRA’s advocacy, DODD agreed to not eliminate the daily rate.

The OPRA team, working alongside OACB, has successfully encouraged DODD to reconsider their recent firm stance on when a provider can, and cannot use, the daily rate when providing vocational and/or day habilitation. On September 21, DODD filed revisions to the Vocational Habilitation and Day Support rules that allow providers more freedom when choosing to the use the daily rate versus the unit rate. OPRA encourages providers to look closely at the financial impact to their organization when choosing to utilize the daily rate versus the unit rate.

OOD is drafting guidance for providers who have a 14 (c) certificate and pay sub-minimum wage. The OOD guidance is based on specific criteria developed by the Department of Labor. OPRA will present this information to the Day Array and Employment meeting on Monday, September 26th.

OPRA, as a key player in Project Circle, recently participated in multiple workgroups developing guidelines for waiver service outcomes.

***O. Membership***

2016 Membership materials and processes have been developed this year in tandem with upgrades/updates to OPRA’s website – and as such, faced set-backs affecting the proposed timeline for 2016 Membership strategies and tactics. Three “touches” are planned for the 2016 Membership Year’s renewal campaign:

1. Email renewal notice – this will include a link directly to the dashboard of an organization’s OPRA Representative. We included invoices with the second round of notices. This increased the response rate.
2. Letter renewal notice – this will include facts and figures related to the success of OPRA and its Membership in 2015
3. Email renewal notice – this will include a link directly to the dashboard of an organization’s OPRA Representative, and a link to the new OPRA promo video.

Several high-level glitches have delayed the ability for Members to renew and other providers and businesses to join online. In the meantime, simplified renewal and join forms (planned simplification) are available via PDF. This delay does not seem to be causing a lag in renewal figures.

Please see Membership handouts for the current status of the 2016 campaign.

***P. Workforce Grant (Healthier Buckeye Grant)***

OPRA participated in constructing a staff retention and recruitment grant with the Lucas County Healthier Buckeye Council (LCHBC), Lucas County Commissioners, Lucas County Department of Planning and Development and OADSP. LCHBC was awarded $750,000 over a one year period to increase staff retention in DD provider agencies and to inform individuals seeking employment about job opportunities in DD settings. OPRA’s role will be to replicate the successful elements of this pilot in other areas of the state. OPRA members participating include: Anne Grady, Josina Lott, Triad, Community Residential Services, Epilepsy Center of NW Ohio and CRSI. The grant includes several components designed to improve staff retention. All will be monitored and data collected so that we can ascertain which are the most successful. Components include: OADSP training of DSP’s and supervisors, designated community health workers for DD provider staff, availability of small dollar low interest loans, Bridges out of Poverty training for provider agencies and the establishment of an Employer Resource Network (ERN) for participating agencies. The ERN is the main point of contact for assisting DSP’s with issues (examples include public benefits, transportation, child care, finances, clothing, energy assistance, legal, domestic violence). The goal is to have all details ironed out and the full process in place by 12/01.

To date preliminary meetings have been held regarding the establishment of the ERN. The first Bridges out of Poverty training took place on 8/18.

A job description for the ERN Liaison was developed and approved. Position to be posted. Community Health Workers are in place and can be accessed by staff.