

Core Committee Members in Attendance:

Participating: Scott Delong, Ryan Knodel, Kurt Miller, Dave Rastoka, Jo Spargo, Abbey Summers, Tim Neville, Jennifer Marshall, Diane Beastron, Mark Davis, Jeff Davis

Excused: Rich Johnson, Wylie Jones

1. **Follow up from last meeting:**

a. **State budget ask**

- Mark Davis and Jeff Davis gave an overview of the budget asks and next steps.
- It is important that the budget ask is something DODD and OPRA can “sell” to the legislature.
 - Need data driven message (number of open waivers, number of MUIs with turnover, provider turnover in a given waiver, etc.)(staff vacancies, turnover, etc.) and simple/succinct message to be able to sell the initiatives.
 - Unified message grass-roots message with families, county boards, and DODD about how this will improve quality.
- Two ideas include asking for a base rate increase so average wages will be at \$13 by 2019 and \$15 by 2020 or revising the DSP wage add-on.

Is the DSP Career Ladder draft concept \$\$ in addition to or in place of the current competency-based add-on? Is it only for waiver?

Concerns DSPs still won't be able to get the add-on since staff are working two jobs or a lot of overtime to actual and that it's only for HPC.

Ease of billing for and tracking staff who earn the additional rate

Concerns about administrative burden of tracking, billing, etc. and that it has not been taken advantage of widely.

Can provider file for waiver with DODD for age in sites with multiple staff on shift?

Yes

Recommendation to the board is that OPRA goes forward with the base rate increase.

- After base rate is increased, the group can look at increasing wages with the DSP ladder/incentive.
- Jeff Davis and Mark Davis will lead the staff, Than Johnson, Rich Johnson, Jo Spargo and Abbey Summers will lead an ad hoc strategy group on developing the ask. Will also ask the Board for additional funds outside the budget in order to develop a message platform/communications plan.

b. **PUCO issue**

- Jeff Davis gave an overview on the progress of the PUCO ask.
- New issues include ICF transportation regulation and hybrid providers.
- New possibility: give DODD administrative authority of PUCO
 - Would allow DODD to do all of the regulating and enforcement. Some questions about how proposal would navigate federal preemption rules.

- PUCO is thinking about the new proposals. Waiting for feedback from PUCO.

Next Steps-

- Have ICF Committee review hybrid provider transportation regulation issues.
- Understand Vory's legal perspective on possibility of transferring some of PUCO's administrative authority to DODD.
- Wait for feedback from PUCO on transferring some administrative authorities to DODD.

c. NMT status

- Lisa Mathis gave an overview of the progress the rule development for NMT.
- DODD working to align post-accident drug testing policies of the NMT rule language with federal Occupational Safety and Health Administration standards.
- DODD says proposed timeline for new rule implementation is still on target. Might be contingent upon CMS' ability to approve the proposal fast enough.

Next Steps-

- Lisa Mathis and Jeff Davis will be meeting with Rep. Romanchuck, DODD, OACB, and other providers who are unhappy with the current proposal today to discuss some issues.
- Lisa and Jeff will update the group at the next meeting.
- When rule is released, Lisa will need quick feedback from the committee.

c. 50% rule regarding voc. hab.

- Lisa Mathis gave an overview of the state workgroup that is being convened to resolve the issues with the rule.
- The state larger workgroup is scheduled to meet through February, but the change of administration may influence the future of vocational habilitation. Providers ultimately need a plan to come into compliance by August 2019.
- Right now between 50% and 55% of individuals receiving vocational habilitation will be impacted by this new implementation.
- Concerns about auditing protocol from DODD and current/future provider liability.
- A smaller workgroup within the state workgroup is looking the rate methodology for deciding if someone is making more than half of minimum wage.

Next Steps-

- Understand 50% of minimum wage rate calculation once the smaller state work group has developed one.
- Fully understand provider liability- working with Vorys to develop some suggestions and guidance.
- Wait to see how the new administration will address the issue.

d. ICF quality indicators

- **Review draft rule, one set of quality to apply indicators across all funding.** Anita Allen reviewed the ICF quality incentives and gave an overview of her concerns about the rule and the capacity of IT infrastructure to handle potentially large uploads.

- Right now rule says that an agency has to upload information of the quality indicators on half of their residents. Potential to be a huge task for large ICFs. Suggestion that it be a statistically valid sample.
- Anita needs written comments/feedback by the end of next week (October 26th) and volunteers to potentially test the IT system.
- **In addition to current rates or earn back DSPP?** Hoping to resolve this issue through the budget by making the Quality Incentive above and beyond the DSPP.

Next Steps-

- Dave Rastoka, Kurt Miller, Scott DeLong and Diane Beastom will have a call to discuss the rule and potential written feedback for OPRA to submit to DODD.
- Kurt Miller and Scott DeLong volunteered to test the IT infrastructure.

e. Provider Certification rule

- Mark Davis and Diane Beastrom gave an overview of the progress of the Certification discussion. The Board was not able to discuss the issue at the last meeting.
- Urgency is driven by the membership, not DODD or changing administration. Jeff Davis gave an overview of conversations and feedback from OACB.
- OACB appeared open to conversations on the GED/diploma requirement but did not seem open to conversations of allowing minors to work as DSPs.
- Likely too ambitious to get change in regulation by July 1, 2019.

Next Steps-

- OPRA staff will gather messaging and proposal to Policy then report on to the board
- Bring discussion to the January Board meeting.
- Board will have ultimate discussion and vote on what direction OPRA staff should take.

f. Waiver quality incentives – Mark Davis – report back from ad hoc workgroup

- Conversation is likely moot since OPRA is going to ask for base rate increase.

2. New items – questions from the field:

A. Additional funding for providers serving high behavior kids/adults to cover high staffing patterns and excessive property destruction – is this being discussed?

- Yes- DODD RFP, county board partnerships to build capacity, and could potentially build this issue into the budget ask. Will talk more in depth about the strategy for developing next steps at the next meeting.

B. Provider compliance rules for ADS – clarity of rule, concerns with complexity, necessity of additional training, and interpretation of who can be the mentor

- Lisa Mathis will get connected to the provider who brought up the issue.

C. Drug testing pre-employment vs reasonable suspicion

- Discussed during NMT conversation.

- Inconsistent between surveys, very specific reviews and citations. Inconsistency will make it difficult for OPRA to fix specific problems.

- OPRA does not have a specific messaging about how much to pay DSPs who meet the requirements for antitrust/price fixing concerns.

- Members discussed priorities and the grid of topics and next steps. Additions to the grid? State budget work will be added to the grid.

- Is there the ability to ask for a waiver for age and high school diploma/GED requirement. DODD is currently accepting waivers and have been responding to requests within a few weeks.

- Mark Davis gave an overview of EVV implementation. Christine Touvelle shared the EVV website for ODM and OPRA. Implementation date has been postponed to August of 2019.

- need mechanism for prompt feedback from membership with any concerns or challenges they encounter on a daily, ongoing basis. Best method now is to directly email Anita Allen or Jeff Davis or use the listserve, as appropriate.

2019: January 22nd, February 19th, and March 18th- additional dates to be announced at future meetings.