

DAIL Advisory Board July 11, 2024, draft minutes

1

Board Members: Jane Catton, Joe Greenwald, Rick Neu, William Kowalewski, Nick McArdle, Andre LaChance, Kim Fitzgerald, Elia Eager, Delaina Norton, Steve Pouliot, Lawrence Seiler.

DAIL Staff: Angela McMann, Jill Bowen, Megan Tierney- Ward, Jessica Bernard, Rebecca Silbernagel, Jennifer Garabedian, Ginny Clark-Ziske Connor O'Dea, Angela Smith-Dieng

Guests: Helen Labun, Marie Lallier, Kaili Kuiper, Gloria Quinn, Erika Wolfington, Devon Ayers, Kelly Kazmarski, Susan Aranoff, Simone Rueschemeyer, Kirsten Murphy

Introductions, roll call, review agenda, review and approve minutes

Quorum: met

Chair Catton reflected on today as the anniversary of the 2023 flooding that devastated Vermonters. Today we are experiencing a very similar situation to last year, with hopefully less damage from the rains.

Meeting minutes for May,

Andre LaChance: Notes to be added: The Board posed many questions of serious concern regarding the length of the assessment tool. Members would like to discuss further and provide input.

Jessica Bernard, Deputy Director of Payment Reform, responded that there was a presentation that was included in the minutes from May, the feedback the Board Members provided at that time was very helpful and used in continuing the work.

Motion to approve May Minutes:

First: Rick Neu

Second: Andre LaChance

Meeting minutes for June,

Andre LaChance: Notes to be added: the word minutes is misspelled. Please correct

The Survey results received regarding the frequency of in-person meetings. Results showed 6 to 5 regarding the number of members requesting in-person meetings. The majority voted for in-person meetings and the decision was made to keep as is. Can this be revisited?

Chair Catton responded that we could review the responses again.

Motion to Approve June Minutes:

First: Kim Fitzgerald

Second: Eliza Eager

Abstained: Joe Greenwald

DAIL Updates

Dr. Jill Bowen, Commissioner, Department of Disabilities, Aging and Independent Living added to Chair Catton's message stating this event triggering to those who has had previous experiences in last year's flood, for staff, neighbors, friends, those affected in many ways, need to be acknowledged, respected and understood. Department of Disabilities, Aging and Independent Living and Agency of Human Services is represented on the State Emergency Operations Center. DAIL's Division leads have reached out to staff, facilities and providers are doing okay. There is a real effort for the Department of Disabilities, Aging and Independent Living to contribute and be helpful. Brian Guy, DAIL's Operations Manager, is actively present and supporting as things unfolded.

Questions: Joe Greenwald asked if there is any damage to the Waterbury facilities.

The response from Dr. Bowen is that assessments are beginning, we will not know the extent of damage until later in the day. There have been evacuations in some areas and some significant road closures. The damage at this time does not appear to be to the scale or scope of last year but it is significant from what we can see.

DAIL Update: Dr. Jill Bowen, Commissioner, Department of Disabilities, Aging and Independent Living, shared that work is continuing regarding budget preparation for FY2026. We are working in collaboration with partners at the Agency of Human Services to define priorities as our budget is tight. We would be happy to review progress at September's meeting if Board members would like.

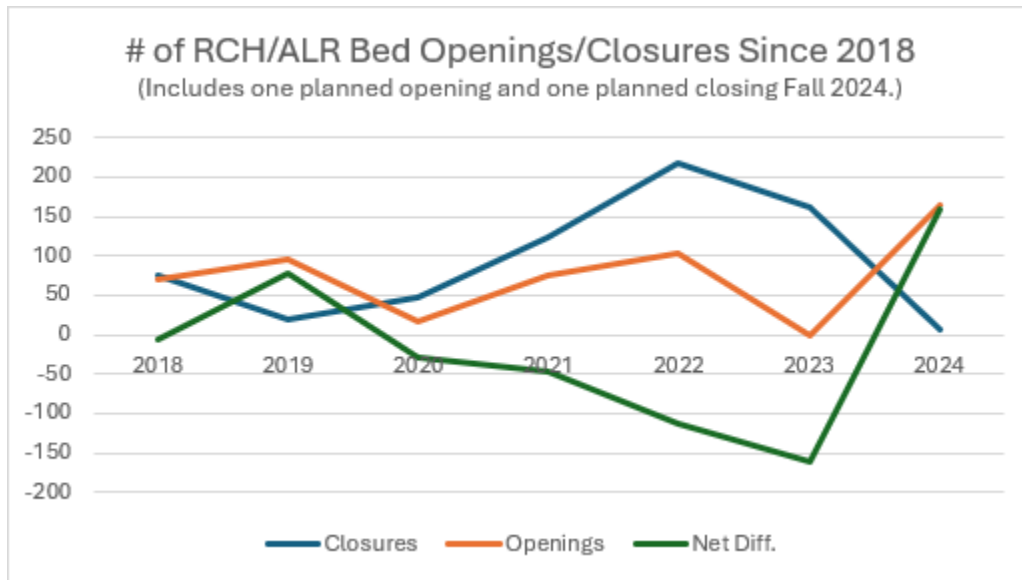
Megan Tierney-Ward, Deputy Commissioner, Department of Disabilities, Aging and Independent Living brought and update on residential care and assisted living facilities. DAIL Advisory Board Members expressed interest in closures, and what happens if facility closes quickly. If the trend holds true, we hope to see more openings than closures. 2022-2023 was the hardest year.

A chart with an explanation was shared with the Board Members and attached in the minutes.

DAIL Advisory Board July 11, 2024, draft minutes

# of beds	2018	2019	2020	2021	2022	2023	2024	Total
Closures	76	19	47	123	217	162	6	650
Openings	70	96	18	76	103	0	164	527
Net Diff.	-6	77	-29	-47	-114	-162	158	-123
# facilities	2018	2019	2020	2021	2022	2023	2024	Total
Closures	4	2	4	8	9	11	1	39
Opening	3	2	1	2	7	0	3	18
Net Diff.	-1	0	-3	-6	-2	-11	2	-21

*Includes Vergennes (80 beds) anticipated opening and Eastview Terr (6 beds) closure, both in Fall 2024.



This item will be added to a future agenda.

Questions asked included,

1) What happens if a Residential Care Home closes?

Deputy Commissioner Tierney- Ward responded that there are a few things known. The situation varies by closure. Regulations are outlined for every licensed facility. The facilities will help families find alternatives. The Department of Disabilities, Aging and Independent Living Survey and Certification Division becomes involved to make sure rules are being followed. Adult Services Division has participated when a facility needs more hands-on help when needing to find placements. Long Term Care Ombudsman, Area agencies on Aging also assist if needed.

2) Are the funds listed in the budget to Nursing Home Facilities able to be used for Residential Care Homes? Members felt the amount of funds was very high.

Dr. Jill Bowen, Commissioner stated that it is specific to Nursing Homes.

Deputy Commissioner Tierney- Ward responded that there are a few things known. The situation varies by closure. Regulations are outlined for every licensed facility. The facilities will help families find alternatives. The Department of Disabilities, Aging and Independent Living Survey and Certification Division becomes involved to make sure rules are being followed. Adult Services Division has participated when a facility needs more hands-on help when needing to find placements. Long Term Care Ombudsman, Area agencies on Aging also assist if needed.

Deputy Commissioner Megan Tierney-Ward reminded the Board Members that the Residential Care Homes are not in the statute.

3) Concerns that the Age Strong plan, rate increase had showed ERC increase on average 37% increase and Providers only received 3% this year. They are losing ground already. The DAIL Advisory Board should be looking at these facilities and how they are faring.

4) Can information be shared on the number of nursing home beds and how many are open?

Deputy Commissioner Megan Tierney-Ward responded that Newport Nursing Home was the only closure and they had only about 50 beds that closed when the facility closed. And to date there are no new Nursing Home facilities

Members asked for an update about iCare.

Deputy Commissioner Megan Tierney-Ward shared that iCare contracts are getting closer to being finalized, at that point Bennington Nursing Facility will be closed and iCare will be opening.

Dr. Jill Bowen, Commissioner shared that she recently visited the iCare facility in Massachusetts it is moving in the right trajectory

Members shared their concerns that in other states there have been short notice facility closures, reasons include, running out of money, not being able to pay staff, and some other states have organized response teams for these situations. The Question is, do we have that sort of response team in Vermont? If we do, could the team include the Long-Term Care Ombudsman? If we do not, could we organize something like that?

Deputy Commissioner Megan Tierney-Ward that would be great. Currently, we have no specific protocol in place. This is something that could be discussed at the next quarterly meeting or a subgroup could be created.

Dr. Jill Bowen, Commissioner asked for an example to be provided for further review.

(Example received and will be shared with Board Members with Meeting Minutes.)

Chair Jane Catton asked if this topic possibly be included in our September meeting.

Members also mentioned that they would like to also know how many of the beds lost were Medicaid and how many new beds are Medicaid.

DS Payment Reform Proposed Rates Jessica Bernard, Deputy Director of Payment Reform presented proposed rates. Before beginning the presentation, she explained that the Items are too extensive to be completely reviewed in one meeting. We will need to break it up and provide a little more over the next few months.

Presentation given.

Questions for today's portion of the proposed rates as received:

Does this paying system still go through Medicaid?

Jessica Bernard, Deputy Director of Payment Reform answered yes, it is Medicaid funding for those who receive Disability Services. It does not change the payment or payment source and it is only for people who receive developmental disability services. It will not cross over to other programs like the Brain Injury Program or Choices for Care.

Guests included those things that are unique to Vermont. The increase in housing costs especially as Vermont is rated #1 in the nation. Providers were asked to look at New England rates and Vermont rates specifically. The 60% model comes from what other states are doing, Vermont's needs are different, and calculation is being discussed.

Delaina Norton included that she appreciates the information that is being provided and the work being put in to being transparent.

Concerns were shared around the New Access Rules that CMS is putting out and worry about the implications going forward. These systems rates are not reviewed on an annual basis like other providers, the Governor's budget seems so level funded and flat, advocates and providers need to spend advocacy time just trying to sustain and then they get 3%. How are we going to sustain rates and what is the administration going to do to sustain a system to keep families together?

Jessica Bernard, Deputy Director of Payment Reform responded that this is a model that can be. Although it does not solve that problem, we don't have the ability to tell the legislature to make this choice. We can say this is what is needed and base models on what we can secure.

Deputy Commissioner Megan Tierney-Ward, Nursing Homes are the only provider that has a statutory increase and rate setting process. That challenge applies to all our

community-based services. The payment reform model sets us up to do a more consistent and predictable model across the board.

Kim Fitzgerald stated she has a list of providers so we should be able to identify which providers accept/accepted Medicaid.

Recently the Howard Center workers picketing in Burlington, if they get a higher hourly rate does that affect what we do?

Member statements: related/ not related - when we look at individuals who are unionized, individuals advocating for high wages to sustain the work they are doing. Kind of muddy.

Guest Comment: Rates absolutely affect wages. Also, DAs/SSAs are primarily funded via Medicaid so do not have other resources such as private insurance like other service providers.

Questions asked; What is the decision-making process and who is involved.

Jessica Bernard stated we will work together providers, stakeholders and leadership team.

Jessica Bernard. Jennifer Garabedian, Jeff Nunemaker, Dr. Jill Bowen; Contractors are important members as they are doing the model for us. We want them to give us overall costs, Our Secretary and our Commissioners are the strongest voices , Jennifer and Jeff are at the table also to put forth thoughts to put forth model piece.

At what point do they move to closed meetings?

Dail Advisory Board Meetings are open meetings, internal meetings will happen, and public comment period will be a time where people can hear what the decisions are. We will keep Board members informed of timing over the next few months.

Will Pick up with Draft rates next meeting

COI CM Project Updates

Connor O'Dea – presentation

Questions:

Rates for direct service. The state put out per member per moth estimates for case management for Developmental Disabilities Service Division services, where did that figure come from?

Jennifer Garabedian replied that DAIL has been working with our consultant to come up with figures for expected duties and experiences across country. This is where we expect and what we have found from resources.

Home community-based programs in adjoining states, some of the practices the lack of choice the provider. Will those on the provider's side have a chance to weigh in on this and guidelines?

Connor O'Dea - Yes, we would want feedback from all interested parties

Jennifer Garabedian responded that we are working to obtain authentic, comprehensive feedback, to protect the delegate balance, and we are trying to be as least disruptive as possible. Yes, want to hear from everyone at the table.

Angela Smith-Dieng added that we will be revising Choices for Care regulations and case management agency certification standards, this is a goal for this coming year. The intent is to build an opportunity for feedback from stakeholders as well.

Members would like to see budget feedback numbers in September please.

Board Business:

Subcommittee Insurance Rate Recommendations & Board Member News

Kim Fitzgerald provided oversight information- the average was 17.9% increase, not agreeing with and not approving, based on data they were basing this increase on, (Covid years) then there was the Cyber-attack UVM had. The second piece, a lot of people were syphoned into Medicare advantage plan.

Andre Lachance asked; Can you put in CEO Salary?

Kim Fitzgerald responded yes, they did put in that 30% will not be going to medical or claims.

Motion to endorse recommendations:

First, Delaina Norton

Second – Eliza Eager

Recommendation Endorsed on to DAIL to pass along.

News updates:

Public Input:

Wrap Up:

See everyone in September 11:51 am

