

# **DAIL Advisory Board Meeting Minutes**

## **July 8, 2021**

### **Microsoft Teams and Waterbury State Office Complex**

#### **ATTENDEES**

**Board Members:** Jane Catton, Avril Cochran, Jim Coutts, Kim Fitzgerald, Joseph Greenwald, Michael Gruteke, Jeanne Hutchins, Laura McDonald, Nick McCardle, Delaina Norton, Steven Pouliot, Cathy Swain, Marie Zura

**Guests:** Marie Lallier, Virginia Renfrew, Sean Londergan, Laura Pelosi, Pamela Zagorski

**State Employees:** Monica White, Megan Tierney-Ward, Liz Perreault, Kirsten Murphy, Angela McMann, Bard Hill, June Bascom, Dylan Frazer, Angela McMann, Wendy Trafton, Ena Backus, Suzanne Leavitt, Susan Aranoff

**Motion to Approve Minutes:** June 10, 2021, minutes: Move to Approve: Steve Pouliot  
Seconded: Nick McCardle

Abstained: None

**Minutes are approved as written.**

#### **DAIL Updates:**

##### **Monica White, Commissioner and Megan Tierney-Ward, Deputy Commissioner**

- As of July 1, Monica White has been officially appointed the Commissioner of DAIL by Governor Scott. Prior to the July 1 date, Commissioner White served as Interim Commissioner since March 9.
- Selina Hickman, Director of Developmental Disabilities Services has stepped down and the work of hiring for a new director has begun.
- With Monica White having been appointed as the Commissioner of DAIL, the Director of Operations position must be filled, and interviews have begun.
- The Long-Term Care Facility operational guide is in its final stages and will be shared with the board once the document is finalized.
- Each year the Learn, Earn, And Prosper (LEAP) students facilitate a State Rehabilitation Council meeting to showcase the LEAP program and to gain experience in presenting. This year's meeting will be June 24, 2021.
- DAIL's Deaf, Hard of Hearing, DeafBlind Services Director, Laura Siegel, has been working with the Burlington International Airport making their facility more accessible for all travelers.
- The Adult Protective Services division has received another grant from the Administration for Community Living (ACL) in the amount of \$645,000 to hire and employ service navigators through September 30, 2023.
- Adult Services Division Directory, Angela Smith-Dieng, was the keynote speaker at the May Gerontology Symposium.

- Putting the ITS contract out to bid has been postponed until the new Developmental Disabilities Services Division (DDSD) director is hired. The ITS contract supports transitioning people with intellectual disabilities who have complex cases successfully from hospitals to community housing.
- Development of a stronger workforce is a constant consideration at DAIL however, identifying solutions has been difficult. All DAIL advisory board members are encouraged to contact our office with any ideas you may have.
- Work on payment reform is up and running again after a temporary pause during the pandemic. July was a benchmark month to have a way to enter encounter data into a system that could generate reports. The system is up and running and as it is being used; the kinks are being worked out.
- Amy Roth, DDSD Assistant Director, has announced her pending retirement in November. The hope is to have the new Assistant Director hired and work with Amy for the last two months.
- Five million dollars has been allocated to provide Adult Day programs grants for reopening centers. These grants will be paid on a quarterly basis once awarded.

### **DS & CFC Conflict Free Case Management**

**Megan Tierney-Ward, Deputy Commissioner and Dylan Fraser, Medicaid Policy Unit**

Dylan Fraser and Megan Tierney-Ward updated the advisory board the status of the conflict free case management work. The following is a summary of the work that happened prior to the pandemic:

- **January 16, 2014:** The Centers for Medicare and Medicaid Services (CMS) issued final regulations on home- and community-based services (HCBS) requirements (79 FR 2947) that includes a requirement that case management be provided without undue conflict of interest.
- **Conflict of interest in Case Management:** HCBS providers that provide both case management and direct services from the same agency are more prone to real or perceived conflict of interest.
- **2019 DAIL stakeholder engagement** plan was implemented in two phases to address conflict of interest in case management across DAIL programs.

Home and Community-Based Services Developmental Services overview:

- Designated Agencies (DA) and Specialized Services Agencies (SSA) are paid to provide or arrange for all covered home and community-based services.
- Payment includes Services Coordination, Assessment/Care Plan Development, Community Supports, Employment Supports, Home Supports, Respite, Clinical Services, Supportive Services and Crisis Services.
- There are over 3,200 individuals receiving DS home and community-based services.
- **Choice of case management agency does not currently exist.**
- **Independent Options Counseling/Peer Navigator and Long-Term Care Ombudsman does not currently exist.**

There are currently over 2,100 individuals in home & community-based settings in the Choices for Care program. About 550 individuals live in Enhanced Residential Care Homes and about 1,985 live in skilled nursing facilities. Long-Term Care Ombudsman Services available to consumers in all settings. The following is an overview of the CFC program:

- **“Traditional” Home-Based:** A case manager helps coordinate a menu of services with the consumer. Care may be provided through a local certified home health agency or if eligible, individuals may hire their own caregivers through the self-managed option. Case management is chosen by the individual from either their local Area Agency on Aging (there are 5) or Certified Home Health Agency (9). Choice of case management agency currently exists in this option.
- **Flexible Choices:** A consultant from Transition II helps create an allowance and budget for services that is managed by the individual or an eligible surrogate. The individual or surrogate acts as the employer and works within their budget to coordinate services to help stay at home. Choice of case management agency currently exists in this option if the consumer opts to hire a case manager.
- **Adult Family Care/Shared Living (AFC):** AFC is a 24-hour, home-based, shared living option for eligible Choices for Care participants. 11 Authorized Agencies provide service coordination and are paid a daily tiered rate to contract with private, unlicensed family homes that serve one to two people that are not related to the home provider. Choice of case management agency does not currently exist in this option.

Once the plan that has been submitted is approved by CMS, the next steps will include:

1. Garnering CMS guidance.
2. Obtaining stakeholder feedback.
3. Create an implementation and funding plan.
4. Seek legislative and budget approvals.
5. Implement plan.

For the entire presentation, go to <https://dail.vermont.gov/resources/advisory-board/dail-advisory-brd-2021-items> under the July heading.

## **ARPA HCBS 10% FMAP Proposal**

### **Wendy Trafton, Deputy Director of Payment Reform**

Section 9817 of the American Rescue Plan of 2021 provides states with a 10% federal medical assistance percentage (FMAP) increase for Medicaid home and community-based services (HCBS) to implement or supplement the implementation of activities to enhance, expand, or strengthen HCBS.

The funding opportunity and initial spending plan is as follows:

#### **Time Periods:**

- Increased FMAP is for expenditures occurring between 4/1/21 and 3/31/22.
- Use of the funding must be approved by CMS and may be used through 3/31/24.
- Vermont’s Initial spending plan was submitted on 6/14.
- CMS will review by 7/14.
- Spending plans may be modified quarterly as early as mid-July or mid-October.
- Vermont will modify the initial spending plan based on ongoing stakeholder engagement and will engage stakeholders on implementation of approved activities.

The initial plan has a strong emphasis on one-time, transformational investments to decrease ongoing sustainability concerns while strengthening the HCBS system such as:

- Supporting the availability of high-performing providers.

- Furthering care integration across the care continuum including SDOH.
- Promoting value-based purchasing within HCBS programs.
- Developing infrastructure and systems to support program improvement and population health management.

Immediate next steps:

- Discussions with CMS needed about 1115 Medicaid Waiver budget neutrality impact.
- CMS feedback/approval of initial spending plan anticipated by 7/14.
- Collect and analyze initial stakeholder feedback.
- Survey Monkey (prior to submission of initial spending plan).
- Global Commitment Register Public Comment Period.
- Comment period extended through 8/16.
- Public Hearing added on 7/22 from 11 AM – 1 PM

Convene Cross-Department Workgroup to:

- Develop criteria for reviewing proposals.
- Develop longer-term stakeholder engagement strategy.
- Refine initial spending plan based on stakeholder and CMS feedback.

For the full presentation click on this link: <https://dail.vermont.gov/resources/advisory-board/dail-advisory-brd-2021-items> under the July heading.

### **All-Payer Model Renewal Update** **Ena Backus, Director of Payment Reform**

Ena Backus provided an update of the All-Payer Model Renewal process. The Vermont All-Payer Accountable Care Organization Model (VTAPM), launched on January 1, 2017 with an anticipated end date of December 31, 2022. The model aims to assess whether scaling an Accountable Care Organization (ACO) program across all payers in the state can reduce program expenditures while preserving or improving care quality by generating sufficient incentives and alignment across payers for broad delivery system transformation.

For materials related to the renewal and evaluation of the All-Payer Model, please go to: <https://gmcboard.vermont.gov/payment-reform/APM/reports-and-federal-communications>

The June 2021 Vermont progress update to CMS can be found here: [https://gmcboard.vermont.gov/sites/gmcb/files/documents/PY3%20Scale%20Cover%20Letter%20SIGNED\\_06302021.pdf](https://gmcboard.vermont.gov/sites/gmcb/files/documents/PY3%20Scale%20Cover%20Letter%20SIGNED_06302021.pdf).

A summary of the CMS performance review of 2018 and 2019 can be found here: <https://innovation.cms.gov/data-and-reports/2021/vtapm-1st-eval-report-aag>

### **Residential Care Home Regulations Status & COVID Lessons Learned** **Suzanne Leavitt RN, Director of Survey & Certification**

Updating Residential Care Home (RCH) regulations was happening prior to the pandemic and the work had been suspended. That work has now resumed. Some of the things that had been identified as needing updating are updating definitions, training, and the commissioner review process. Since

the pandemic, infection control has been brought to the forefront of these updates. Once the regulations are ready for the public, Suzanne will share it with the advisory board.

The lessons that were learned while responding to the pandemic and the recommendations that will be made for incorporation into the updated regulations are the following:

- Resident's rights and their right to receive outside services.
- Requiring the Registered Head Nurse ensures that staff is following state guidance as intended.
- Implement more stringent infection controls.
- Create a policy that all staff and volunteers are adhering to protocols.
- Facilities must have a process for surveilling communicable diseases and knowledge of who to report to.
- Facilities must have a plan on how to effectively isolate residents.
- Facilities will have to maintain an emergency stockpile of personal protective equipment (PPE).

All the recommended updates to the regulations will have to be scalable for facilities of all sizes.

### **Board Member Highlight – Housing Update**

**Kim Fitzgerald, SASH**

Budgeting for housing in 2021 is higher than in past years. There is \$168,000,000 in total funds going toward various housing efforts. Of that is \$94,000,000 from the American Rescue Plan Act (ARPA) to fund temporary housing to prevent homelessness, and affordable housing construction. A tax break will also be available for new affordable housing construction of 9% and 4% for renovations to affordable housing. Medicaid still will not pay for a person's room and board.

### **DAIL Advisory Board Updates and Agenda Recommendations**

#### **DAIL Advisory Board**

Kim Fitzgerald: Coordinating LNA training to TLC staff that will start tomorrow.

**Meeting was adjourned: 12:30**