

West Virginia Quality Improvement Advisory Council Meeting	January 13, 2016 10:00am-4:00 pm Bureau of Senior Services
Members Present:	
Jeannie Elkins, Chair (member/family representative), Marilyn Nichols (member/family representative), Kelly Miller (member/family representative), Sheila Harper (member/family representative), Marian Layne (general stakeholder), Richard Covert (general stakeholder), Susan Given (general stakeholder—WV Advocates), Steve Wiseman (general stakeholder—WV DD Council), Georgette Hensley (provider representative), Chris Messenger (provider representative), Craig Greening (provider representative), Mary Lea Wilson (provider representative)	
Members Not Present:	
Marilyn Osborne (member/family representative), Darrell Alt (general stakeholder)	
Other Representatives Present:	
Patricia Nisbet (Director, Home and Community-Based Services, BMS), Taniua Hardy, (Program Manager, I/DD Waiver Program, BMS), Steve Brady (BBHFF), Laura Barno (BCF), Vanessa Van Gilder (OIG Olmstead Coordinator), April Goebel (APS Healthcare), Janice Brown (APS Healthcare)	
WVDHHR and ASO Representatives Not Present:	
Teresa McCourt (CED SFCP), Jim Cooper (OHFLAC), Lori McGurty (APS Healthcare)	
Ancillary Members Present:	
Angie Breeden	
Ancillary Members Not Present:	
Nicole Britt, Christine Dickson	
Public Present:	
Amber Hinkle (provider), Linda Higgs (WV DD Council)	
Meeting Minutes from October 2015 approved	

MINUTES

Agenda Item	Welcome, Introduction of New Member Approval of October 2015 Minutes, New Member Elections	Presenter	Jeannie Elkins
Discussion and Conclusions:			
<ul style="list-style-type: none"> • <u>Welcome:</u> <ol style="list-style-type: none"> 1. Co - Chair Jeanie Elkins welcomed everyone and introductions were made of all parties in attendance. 2. New Member, member/family representative Sheila Harper, was introduced. 3. October 2015 meeting minutes were approved. 4. Amber Hinkle and Jon Sassi were elected as new general stakeholder representatives. 			
Action Items	Person Responsible	Deadline	

April Goebel to notify new members of election and provide them with recent meeting minutes and bi-laws	April Goebel	Next Meeting
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Agenda Item	CMS HCBS Final Rule Setting Surveys	Presenter	Dr. Rose Lowther-Berman, BMS
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Discussion and Conclusions:

- WV Setting Assessment Visit and Evaluation (SAVE) Protocol and Data:
 1. The SAVE Protocol and Data were presented to the Council. The SAVE Protocol requires that Supported Employment and Facility-Based Day Habilitation settings receive an on-site review, that all residential settings serving 4 or more people receive an on-site review, that all providers will have at least one setting reviewed, and that a 56% sample of 3-bed or less settings will receive an on-site review.
 2. As of 1/15/16, 29/54 Facility-Based Day Habilitation settings, 15/17 Supported Employment sites, 15/57 1-3 bed settings, and 16/19 4+ bed settings have received the on-site review.
- Sub-committees Update:
 1. The subcommittee to advise on the final rule for residential settings met on 11/23/15. This subcommittee determined it is not necessary to continue to meet, and the following was discussed:
 1. “Hybrid” settings—settings not owned by provider but owned by provider affiliate. CMS changed the definition of ‘owned or leased’ to ‘owned, co-owned, or operated’ in November 2015. With this new definition, the “hybrid” settings meet the definition of ‘owned, co-owned, or operated.’
 2. 4-bed maximum rule—the sub-committee recommended that the state assist providers and persons who receive services in transitioning from larger settings.
 3. Language/definition—CMS’ language “to the same degree as individuals not receiving HCBS” means “to the same degree as persons without disabilities.”
 2. The sub-committee to advise on the final rule for non-residential settings met on 11/20/15. This subcommittee has another meeting scheduled for 1/29/16. The following was discussed:
 1. Definition of “Secure” in a non-residential setting—the subcommittee defined “secure” as “access to a locker with a lock if they choose, or a locker closed with access to the key.”
 2. Language/definition—CMS’ language “to the same degree as individuals not receiving HCBS” means “to the same degree as persons without disabilities.”
 3. Supported Employment in a Segregated Setting—the subcommittee determined that WV should replicate the DRS criteria for integrated settings, as follows: “The determining factor is the total number of persons who have the same job description as the HCBS Waiver member. In order to be considered integrated, no more than 75% of the total number of employees with each job description (not total employees) may be disabled.”

3. Steve Wiseman requested specific examples/scenarios in WV to further illustrate to the QIA Council how the 75% integration rule will affect providers/persons who receive services. Dr. Lowther-Berman agreed to provide examples at the next meeting.		
Action Items	Person Responsible	Deadline
Provide specific examples to illustrate how the 75% integration rule will affect providers and persons who receive services	Rose Lowther-Berman	Next Meeting

Agenda Item	Public Comment	Presenter	Public
Discussion and Conclusions:			
<ul style="list-style-type: none"> No comment provided. 			

Agenda Item	General Updates: BMS	Presenter	Tania Hardy
Discussion and Conclusions:			
<ul style="list-style-type: none"> <u>Member Deaths:</u> During this quarter, 13 Deaths reported: 3 in hospice of natural causes (reasons given—testicular cancer; respiratory pneumonia; Polymicrogyria); 5 in residence of natural causes (reason given—cardio-pulmonary arrest, undetermined, respiratory arrest/seizure, acute pulmonary arrest/hypertension, pneumonia); 2 occurred out of state with no further info given; 3 in hospital of natural causes (reasons given—seizure disorder/autism, complications of quadriplegia from a car accident 21 years ago, cerebral infraction/aspiration/pneumonia/seizure disorder/MR). 			
Action Items	Person Responsible	Deadline	
None			

Agenda Item	General Updates: PPL	Presenter	Randy Hill
Discussion and Conclusions:			
<ul style="list-style-type: none"> As of 12/31/15, 1,117 members are currently enrolled with PPL. Effective 1/1/16, minimum wage increased from \$8/hour to \$8.75/hour. PPL's referrals have increased as a result of the impact this has had on traditional providers. Due to the Department of Labor Fair Labor Standards Act (FLSA) that was effective 1/1/16, traditional providers must pay all employees overtime for any hours worked over 40 per week. For individuals who use Personal Options, this rule does not apply to workers who live in the home; this has also resulted in an increase in PPL's recent referrals. PPL participated in the Nov-Dec 2015 statewide New Manual Trainings. During the Nov-Dec 2015 trainings, Mr. Hill reported that, in addition to respite funds, transportation funds may not be "cashed out" to access additional PCS services. This was reported in error and has since been clarified as follows: while approved respite funds still may not be utilized to access additional PCS services, transportation funds <i>can</i> be used for additional PCS services. 			
Action Items	Person Responsible	Deadline	
None			

Agenda Item	General Updates: APS	Presenter	April Goebel
Discussion and Conclusions:			
<ul style="list-style-type: none"> • <u>Major Policy Manual Changes Effective 12/1/15:</u> April Goebel reviewed the major policy changes that occurred with the 2015 renewal. Based on the report, the following questions were asked: <ol style="list-style-type: none"> 1. Q: Why was the minimum applicant age changed to 3 years old? A: Until age 3, individuals may access WV Birth to Three services. In addition, eligibility testing for individuals under age 3 is not as reliable as it is when they are 3 and older. 2. Q: With respect to Supported Employment and Job Development, is it still required that the Division of Rehabilitation Services (DRS) receive a referral before these services are provided to the individual? A: Yes. Agencies must make a referral to DRS prior to providing Supported Employment and/or Job Development. The agency should maintain documentation supporting that the referral was made. 3. Q: Does the 3-year limit to receive Facility-Based Day Habilitation and Pre-vocational services apply to individuals who are receiving those services via the waitlist grant? A: No, this limit will only apply to individuals who are actively enrolled in the program. • <u>Discovery & Remediation Report:</u> There were no questions or comments. • <u>Provider Review Summary:</u> Overall providers continue to make improvements, particularly in staff qualifications. The primary clinical issues continue to be with BSP services, including lack of clinical opinion. • <u>QIA IMS Report:</u> This report was reviewed and there were no questions. 			
Action Items	Person Responsible	Deadline	
None			

Agenda Item	New AMAP Regulations	Presenter	Tina Maher
Discussion and Conclusions:			
<ul style="list-style-type: none"> • Tina Maher presented on the Title 64 Legislative Rule: "Medication Administration and Performance of Health Maintenance Tasks by Approved Medication Assistive Personnel" and changes made to that rule effective 6/29/15. The primary changes are in section 2.14 "Health Maintenance Tasks." 			
Action Items	Person Responsible	Deadline	
Forward the Title 64 Legislative Rule to Council Members	April Goebel	Next Meeting	

Agenda Item	Identification of Workgroup Topics and Members	Presenter	Group
Discussion and Conclusions:			
<ul style="list-style-type: none"> • The Council identified that they would like to advise BMS on their interpretation of the CMS Integrated Settings Rule. Susan Given will chair this sub-committee, and the other members are: Jon Sassi, Jeannie Elkins, Steve Wiseman, Amber Hinkle, and Mary Lea Wilson. April Goebel will provide Ms. Given with the contact information of the sub-committee members. The sub- 			

<p>committee will present their recommendations at the next Council meeting.</p> <ul style="list-style-type: none"> In addition, the Council identified that the bi-laws should be revised. Craig Greening will develop a draft to be presented at the next meeting. 		
Action Items	Person Responsible	Deadline
Forward sub-committee members' contact information to Susan Given	April Goebel	2/1/16
Present recommendations on interpretation of CMS Integrated Settings Rule to Council	Susan Given and other sub-committee members	Next Meeting
Develop and present draft of revised bi-laws	Craig Greening	Next Meeting

Agenda Item	Wrap-Up/Confirmation of Next Meeting		
Discussion and Conclusions:			
<ul style="list-style-type: none"> The next meeting will be April 13, 2016 at the Bureau of Senior Services (BoSS) located on the 3rd floor of the Charleston Town Center Mall. 			
Minutes submitted by April Goebel			