

DAIL Advisory Board Meeting Minutes
September 14, 2023
Microsoft Teams Phone/Video Conference

ATTENDEES

Board Members: Ruby Baker, Lynne Cardozo, Jane Catton, Eliza Eager, Kim Fitzgerald, Joseph Greenwald, Jeanne Hutchins, Nick McCardle, Delaina Norton, Steven Pouliot

State Employees: Monica White, Megan Tierney-Ward, Hope Smith, Jessica Bernard, Dylan Frazer, Angela McMann, Jason Pelopida, Rebecca Silbernagel,

Guests: Kali Kuiper, Rachel Lee Cummings, Sara Levesque, Susan Garcia Nofi, Jen LaGro, Stephanie Parker, Ericka Wolffing, Devon Ayers, Rick Neu, Susan Aranoff, Kristen Murphy

Motion to Approve Minutes:

August 10, 2023, minutes: Motion to approve minutes:

First: Jane Catton

Second: Steve Pouliot

Minutes were approved as written.

DAIL Updates:

Commissioner updates – The Division of Licensing and Protection (DLP), Adult Protective Services (APS) held a two-day training for APS staff on new the statute which went into effect July 1, 2023. In addition to the changes that came with the updated statute, the [ACL issued new draft federal regulations pertaining to APS](#). The draft regulations were released this week and are open for a 60-day comment period. In the Survey and Certification Unit, work continues on drafting updated residential care and assisted living regulations. The revision process began before covid and the was picked back up over this past year. It has received public input and is scheduled to be reviewed by the Interagency Committee on Administrative Rules (ICAR) in October.

The Developmental Disabilities Services Division – The DDS bill that passed a few years ago included language that established a residential program developer and language that authorizes the development and issuance of grants for residential pilots and other innovative ideas. Three agencies were recently awarded grants.

Notice was issued to GMSS that they are once again fully designated and in good standing. GMSS has done a great job at addressing their deficiencies to accomplish this designation.

The Adult Services Division – The Act 167 Extending HCBS Working Group has finished their work. That group will be writing its finding report, which will be submitted to the legislature in January 2024.

HireAbility Vermont – hosted the 14th Summit on Performance Management in Vocational Rehabilitation (PEQA) conference at the end of August. HireAbility is also collaborating with the Governor’s Committee on Employment of People With Disabilities, on the Spirit of the ADA awards. Awards are given to Vermont companies for excellence working with people with disabilities.

Division for the Blind and Visually Impaired – Currently, DBVI is organizing their annual White Cane Awareness Days. A White Cane event is scheduled for Friday, October 13th, in Rutland.

An update was provided regarding stakeholder engagement on nursing home rates. DAIL is working closely with DVHA. DAIL holds the budget for CFC, while DVHA holds the expertise and professionals around Medicaid rate setting. There has been some stakeholder input work with Nursing facilities on what parts of the rules and regulations negatively affect the rates. The State is working with a new consultant on a new payment model called participant driven payment model (PDPM). The State is required to make changes as the current model is going away. Stakeholder work will wrap up early October.

DAIL procured the services of the Vermont Health Care Association to assess the capacity of the residential facility network. We are learning what barriers and options exist. This report will give us an overall picture and will address capacity. It will also address what might be available now and what might be available for expansion. The goal of this work is to access that service for folks in emergency housing, and if needed, make proposals around other types of improvements. DAIL will review report and make recommendations.

Agency [opportunity for FMAP funds](#) has been launched. DAIL has been engaged for a while with the Agency of Human Services to use the money to expand and improve services. The money has to be spent by March 2025. The current phase allows external partners to apply for funds.

DBVI received the Pathways to Partnership grant through the Dept of Education. It is a collaborative grant opportunity that provides services to students. The grant is for 10 million dollars over 5 years. Director of DBVI, Fred Jones will attend a future meeting to share more information.

DS Payment Reform Update:

The SIS validation study week is set to take place the week of Sept 25th-29th. The purpose is to look at the services participants are receiving compared to their needs. The group reviewed the SIS A Validation Study presentation which can be found on the DAIL Website. Jessica Bernard reviewed the six levels of support; four levels for different general support needs, one level for high medical support needs, and one level for high behavior/mental health support needs.

The study will begin with a representative sample of 160 consumer records, (10 from each agency). The purpose of the study is to look at what the participants supports have been and then look at their SIS to see if the person has the right level of support. The Human Services Research Institute (HSRI) will lead the review teams. DS staff and service providers will be involved but will not be leading the review. Individuals and families will not be able to participate due to privacy laws. This review will help us move to the next step of drafting a payment model.

Some things the study will be looking for include: level of care needed, staff to client ratio, participation in the Act 248 program, participants who have high budgets , ongoing high tech or equipment needs, challenging behaviors, and guardianships.

Future planning includes residential settings, and answers to supplemental questions, sleep support needs, communication support needs, parenting and might need additional supports.

Reviewed Vermont support Level descriptions

Conflict of Interest Case Management Presentation:

The group continued conversation around conflict free case management.

Options that DAIL have developed were reviewed.

[Options for CFC being proposed](#) – (1) competitive contracts, (2) AAA's deliver all CFC mgmt © AAAs/HHAs deliver case mgmt. with COI protections.

Reviewed pros and cons of each. More information can be found on the website.

Link to options page: [HCBS-COI Options – Vermont HCBS](#)

Comment was made regarding the issue of workforce. As soon as we know what the new system will be, the sooner we will be able to ramp up our efforts to address.

[BI program options](#) were reviewed. One of the challenges is building capacity regardless of what option is chosen. Reviewed pros and cons. More detailed information can be found on the website.

[DS Option](#) was reviewed. The one option being proposed is to put the case management services out to bid. The idea would be to find two contractors that would allow DS participants to have a choice. The pros and cons of this option were reviewed.

Reviewed timeline of next steps: October through November will include public input being wrapped up, reviewed and summarized. In December, recommendations will begin to be drafted. A similar public comment period on draft recommendations in January February will occur. Implementation planning will start in 2024, with implementation occurring in by 2025.

[Events for September 2023 – Vermont HCBS](#)

Clarification was given between the role of the case management service provider and the direct service provider.

Vermont LTC Ombudsman Annual Conflict of Interest Review:

Overview of the Long-Term Care Ombudsman program and review of the requirement an annual conflict of interest review. Reviewed the statutory language in Vermont about the duties of the LTC Ombudsman, and DAIL's responsibility in this. A subcommittee from DAB will review and meet and decide if the LTC Ombudsman can operate conflict-free. The request is for five volunteers DAB board members to convene, review policies and practices and to provide a recommendation to the entire DAB on whether the LTC Ombudsman can operate conflict-free. The following five board members volunteered to serve in this capacity:

Eliza Eager
Joe Greenwald
Jeanne Hutchins
Kim Fitzgerald
Delaina Norton

Meeting was adjourned at 12:08