

*THE NEW HAMPSHIRE DEVELOPMENTAL SERVICES
QUALITY COUNCIL*

*ANNUAL REPORT TO THE NEW HAMPSHIRE LEGISLATURE
OCTOBER 2014 – SEPTEMBER 2015*

INTRODUCTION

In 2009 the New Hampshire legislature passed, and Governor Lynch signed into law, HB 483 establishing the New Hampshire Developmental Services Quality Council (hereafter referred to as the Quality Council). The creation of the Quality Council came about as a result of the State Legislature's repeated consideration of issues affecting New Hampshire's developmental services system. In 2007 the New Hampshire Legislature passed SB 138 providing funding for the developmental services wait list, proposed increasing salaries for certain direct care workers, and establishing a broadly representative committee (known as the SB 138 Committee) to improve the capacity of New Hampshire's developmental services system to address workforce and quality assurance issues. In its final report, *SB 138 Quality Improvement Committee Report*, issued in November 2008 the committee recommended establishing, in statute, an ongoing council to review quality assurance efforts and make recommendations to improve the ability of the developmental services system to meet the needs and goals of the individuals it serves. The purpose of the Quality Council would be "to provide leadership for consistent, systemic review and improvement of the developmental disability and acquired brain disorder services provided within New Hampshire's developmental services system." (See Addendum #1 – *RSA 171-A:33*)

By statute the Quality Council is required to report to the New Hampshire Legislature. This is the Council's fifth report; it covers the Quality Council's work and achievements from October 2014 through September 2015.

ORGANIZATIONAL STRUCTURE AND SUPPORT

In its first year, the Quality Council created an organizational structure and adopted by-laws. The by-laws call for the Quality Council to meet at least six times a year with an annual meeting in September. The meetings are open to the public and a period for public comment is included on every Council agenda. The Council's meeting schedule, agenda, and meeting minutes are posted on the Department of Health and Human Services (DHHS) website at <http://www.dhhs.nh.gov/dcbcs/bds/qualitycouncil/>

In accordance with its bylaws, the Quality Council has two elected offices, Chair and Vice-Chair. Cathy Spinney is the Council Chair and Robin Carlson is the Council Vice-Chair. At the September 2015 annual meeting, voting was deferred until November 2015 due to a lack of nominations.

During this reporting period, the Quality Council held regular bimonthly meetings, with the exception of the July 2015 meeting, which was cancelled due to lack of a quorum. During the March 2015 meeting the members voted to change the meeting length from 2 to 3 hours and continue to meet every other month. Quality Council subcommittees during this reporting period included: Managed Care and Workforce/White Paper Training. Transparency and Domains did not meet and both subcommittees are in need of Chairs. During the March 2015 Quality Council members recommitted to sub-committees. The Bureau of Developmental Services provides administrative support to the Quality Council, including: 1) staffing for meetings and work projects 2) researching issues that come before the Council 3) access to eStudio (a secure on-line workspace used by Council members to post information and share materials) and 4) maintaining a Quality Council link on the DHHS website.

The Quality Council meetings are held at the New Hampshire Council on Developmental Disabilities located in Concord, NH. Council members who are unable to travel to Concord have the option of participating in the meetings via teleconference.

QUALITY COUNCIL MEMBERSHIP

The membership of the Quality Council as defined in the statute includes representation from the Bureau of Developmental Services; Area Agency Board of Directors; Family Support Councils; Institute on Disability; Brain Injury Association of New Hampshire; New Hampshire Council on Developmental Disabilities; Disability Rights Center; Autism Society of New Hampshire; People First of New Hampshire; ABLE NH and Private Provider Network. The statute also calls for one direct support professional and one enhanced family care provider, appointed by the New Hampshire Council on Developmental Disabilities. At least 51% of the Council members shall be individuals served by the State's developmental system or parents of individuals who are served by the system.

The Quality Council has a committed and active membership. During this reporting period there has been a quorum at every Quality Council meeting (except for one which was subsequently cancelled). The amount of time volunteered and the quality of professional experience and expertise provided by Council members has been exceptional. During this reporting period (not including subcommittee hours), members have donated over 191 hours of service to the Council. In addition to the bimonthly meetings, nearly all members serve on at least one Quality Council subcommittee. The membership list is regularly updated as representation changes. (See Addendum #2 – *New Hampshire Developmental Services Quality Council Members*)

While more than half of the Quality Council's active members are individuals with developmental disabilities or parents of individuals with disabilities, the Council has had difficulty maintaining consistent representation from People First of New Hampshire and Family Support Councils. The Council's representative from People First attended only two (2) meetings during this reporting period and was not active on any of the Council subcommittees. The Council's enabling legislation calls for three (3) representatives from local Family Support Councils appointed by the State Family Support Council. Historically, the Council has struggled to have full Family Support representation at the meetings. During this reporting period there were only 2 representatives from Family Support Councils attending Council meetings.

QUALITY COUNCIL FOCUS AND PRIORITIES

By statute, the Quality Council is charged with reviewing rules to ensure that the state's developmental services system works as intended in RSA 171-A:1. To meet this obligation, the Council reviews all proposed changes in developmental services regulations. The Quality Council also tracks proposed legislation that could impact individuals with developmental disabilities and acquired brain disorders and their families.

The Quality Council also reviews data from regularly issued and special governmental reports and makes recommendations as needed. The Council reviews the Bureau of Developmental Services quarterly Employment Report and Complaint Investigation Reports. The Quality Council is represented on the Bureau of Developmental Services National Core Indicators (NCI) subcommittee and the full Council reviews the annual Nation Core Indicators Report.

Medicaid managed care has been a top priority of the Council since June 2011, when the Governor Lynch signed into law Senate Bill 147 requiring the Department of Health and Human Services (DHHS) to implement a managed care model for financing and delivering all of its Medicaid-funded services. New Hampshire's developmental services system is funded almost entirely by Medicaid. From the outset, the Quality Council has been deeply concerned about the potential impact that managed care will have on the availability and quality of long-term supports and services for New Hampshire residents with developmental disabilities and acquired brain injuries. The Council has formally opposed DHHS's plan to contract with commercial managed care organizations (MCOs) to deliver long-term services and supports for individuals served by the State's developmental services system. The Quality Council created a Managed Care subcommittee to focus on this topic.

REVIEW OF RULES, REGULATIONS AND SPECIAL REPORTS

The Quality Council reviews State developmental services regulations as they come up for renewal and recommends changes to ensure that the regulations retain their relevancy for the current service system. During the previous reporting period, the Council reviewed and made recommendations for changes in He-M 503 regulations for eligibility and the process of providing services; He-M 521 regulations for certification of residential services, combined residential and day services, or self-directed day services provided in the family home; He-M 524 regulations for in-home supports.

He-M 503: The subcommittee continued to review and recommend additions and changes to the regulation. The Bureau of Developmental Services has sought an extension to continue working on He-M 503 and the Quality Council's recommendations are being considered and will be integrated wherever possible. The revised rule was adopted in May 2015.

He-M 521: The Quality Council proposed regulatory change to stakeholders and fire marshals to require integrated smoke detectors (paid for by the State) in family homes where services are being provided.

He-M 524: Work has not begun on this regulation, but the Quality Council's proposed recommendations will be submitted for incorporation into the regulation.

At the September 2015 Quality Council, Cathy Spinney created a Rules sub-committee. Amy Messer agreed to be the Chair. Council members were asked that 3 members volunteer by November to sit on this subcommittee.

BUREAU OF DEVELOPMENTAL SERVICES COMPLAINT INVESTIGATIONS

In its first year, the Quality Council supported changes in He-M 202 (the State regulations governing client rights) that shifted the responsibility for conducting formal complaint investigations from Area Agencies to the Bureau of Developmental Services. The Quality Council receives updates on complaint investigations from the Bureau of Developmental Services. Melissa Nemeth, the attorney with the Bureau's Office of Client and Legal Services, reported to the Council at the January 2015 meeting.

STATE LEGISLATION

The Quality Council receives regular updates during the legislative session regarding the budget status and process, elections and any relevant legislation.

MEDICAID MANAGED CARE

The Quality Council's first priority has been closely following New Hampshire's implementation of Medicaid Managed Care. In March 2014, the Council was approached by the Bureau of Developmental Services and asked for the Council's support in developing the Bureau's recommendations for implementation of Step 2 of Medicaid Managed Care (the move to put Medicaid funded long-term services and supports (LTSS) for individuals with developmental disabilities or acquired brain disorders under managed care). Although it was made clear that the Council would remain firmly opposed Medicaid Managed Care, it was also recognized the importance of having a voice in the process and Council agreed to work with the Bureau. The Council's Medicaid Managed Care Subcommittee assumed responsibility for drafting recommendations on managed LTSS.

Cathy Spinney had a preliminary meeting with two members of the Joint HHS Oversight Committee on September 30, 2014 and was invited to present to the full Committee regarding Quality Council's position on commercial managed care on November 14, 2015.

During this reporting period, the Quality Council continued the process of reviewing and refining the Medicaid Managed Care Subcommittee's draft report.

In October 2014, the Quality Council and the Bureau held a forum on Medicaid Managed Care. The forum was part of a series of Medicaid Care Management Step 2 Stakeholder Input Sessions with the Bureau of Developmental Services. The Quality Council's Medicaid Managed Care subcommittee has reached out to other states to learn of their experiences with managed LTSS, gathered input from individuals and families, and studied the issue of managed care for LTSS. The Quality Council's Medicaid Managed Care subcommittee drafted a report with detailed recommendations for what the State should include in its contract with MCOs that would be providing long-term care services.

On October 9th, 2014 Quality Council Chair Cathy Spinney sent a letter to Lorene Reagan, Bureau of Developmental Services Administrator, seeking an extension to the timeframe in which the Bureau planned to submit recommendations to DHHS, as the Council was still working to review and improve the comprehensive draft report and also the full Council had yet to complete and vote on the final report. (See Addendum #3 – Letter to Lorene Reagan – October 9, 2014).

On December 15, 2014 Quality Council Chair Cathy Spinney sent a letter to Lorene Reagan, Bureau of Developmental Services Administrator seeking additional reference material from the DD/ABD focused stakeholder forums. (See Addendum #4 – Letter to Lorene Reagan – December 15, 2014).

During the January 21, 2015 Quality Council meeting final revisions were noted and the full Council voted and approved the NH DD/ABD Quality Council Recommendation Report. (See Addendum #5 – NH DD/ABD Quality Council Recommendations Report)

Quality Council Chair, Cathy Spinney, presented the report to DHHS Commissioner Nicholas Toumpas, BDS Administrator Lorene Reagan and other members of DHHS personnel on January 22, 2015.

On February 9, 2015 Quality Council Chair Cathy Spinney sent a letter to New Hampshire Governor Maggie Wood Hassan presenting the NH DD/ABD Quality Council Recommendations Report. (See Addendum #6 – Letter to Governor Hassan – February 9, 2015).

On February 12, 2015 Quality Council Chair Cathy Spinney presented the report to the Governor's Commission on Medicaid Care Management.

The report was uploaded to the Department of Health and Human Services / Bureau of Developmental Services website: <http://www.dhhs.nh.gov/dcbcs/bds/qualitycouncil/>

On February 12, 2015 DHHS Commissioner Nicholas Toumpas sent a response letter to the Quality Council, after the January 22, 2015 meeting regarding the report. (See Addendum #7 – Letter from Commissioner – February 12, 2015).

On March 31, 2015, Quality Council Chair Cathy Spinney sent a letter to DHHS Commissioner Nicholas Toumpas requesting a proposed meeting be scheduled to continue to work together and have the opportunity to meet with the Commissioner and others at DHHS in order to review the Councils recommendations in detail.

Quality Council Chair, Cathy Spinney invited Scott Westover, Executive Director from the Medicaid Care Management (MCM) health plan NH Healthy Families' (Centene) to discuss the NH DD/ABD Quality Council Recommendations Report with the Council during the May 2015 meeting.

DOMAINS

The mission for the Quality Council's Domains subcommittee is to ensure that quality indicators reflect New Hampshire State laws and inform MCO contract so that services meet each person's quality of life needs. Realizing that this work was beyond the scope of what a six-person volunteer committee could accomplish, the subcommittee recommended that the Council ask DHHS to contract out this work. Denise Sleeper, Bureau of Developmental Services representative to the Council, informed members that Dr. Doris Lotz, Medicaid Medical Director for New Hampshire, is working ongoing in this area. Dr. Lotz also serves on the National Advisory Panel for Improving Healthcare Systems for the patient-centered Outcomes Research Institute. This is an independent, non-profit organization authorized by Congress that funds research to provide the evidenced-based information needed to make better informed health care decisions. Patrick McGowan from the NH DHHS/OMB presented the current and future organizational structure of the Medicaid Quality Program during the Quality Council October 2014 meeting (See Addendum #9 NH Medicaid Managed Care Quality Overview).

The Domains subcommittee did not meet during this reporting period and does not have a Chair.

WORKFORCE TRAINING / WHITE PAPER

The White Paper subcommittee developed a chart with recommendations (the vast majority of the recommendations from the November 2011 DRC – NH White Paper, were actually taken and reiterated from prior DHHS reports or legislatively or gubernatorially created commission/committees of which DHHS/BDS and Area Agencies were a part).

Workforce Training and White Paper subcommittees merged when the Commissioner tasked the Quality Council to review the DRC-NH White Paper recommendations and develop recommended proposals and action steps to change the He-M regulations.

The subcommittee spent 18 months developing recommended proposals and action steps to implement. As the proposals and recommended action steps had been finalized, they were transmitted to the Commissioner and/or Matthew Ertas. Most had been done in collaboration with and had received Matthew's concurrence, yet a formal response from neither the Commissioner nor the Bureau had been received. The Quality Council voted and agreed to send a letter to the Department seeking a formal response due by October 31, 2014 on whether the proposals/action steps have been or will be accepted or implemented from the Department. (See Addendum #10 – Letter to Lorene Reagan - October 3, 2014)

BDS responded on October 31, 2014 with the response and/or implementing actions being taken. (See Addendum #11 – BDS Response to DRC White Paper Recommendations) At the November 19, 2014 Quality Council meeting it was discussed that the sub-committee is working on a response to present to the full Council in March based upon BDS response. They need to choose a few critical recommendations to focus on, then further review those recommendations and summarize a response. The Workforce sub-committee did not report again in this reporting period. In September 2015, Robin Carlson took over at the Chair of the Workforce sub-committee. Robin will be seeking recommitment of members and hopes to have a minimum quarterly connections going forward.

TRANSPARENCY

The Quality Council believes that for families and individuals to be able to make informed decisions about their supports and services, they need to have much better access to information. The Council formed a Transparency Subcommittee to improve accessibility to information and general transparency in New Hampshire's Developmental Services System. During this reporting period, the subcommittee Chair William Cohen reported in November 2014 that they were working on a more homogeneous presentation for families across the state that people are looking for, there are many similarities and there needs to be a standard practice. The Transparency subcommittee did not meet during this reporting period and does not have a Chair.

LAKEVIEW

The Disability Rights Center – NH conducted a full investigation into the 2012 death of a resident at Lakeview Neurorehabilitation Center in Effingham, NH. In September 2014 the DRC issued two reports and called for action on abuse and neglect at Lakeview. DHHS/BDS and the Governor have been very responsive to these reports. The Governor ordered two external reviews to be completed, one for licensing review and the other to determine if Lakeview had the capacity to serve the population and if DHHS oversight was sufficient and/or if changes needed to be made in the oversight process. The Quality Council agreed that they should have a regular agenda item to discuss Lakeview updates and status.

IN SUMMARY

New Hampshire Developmental Services Quality Council continues to provide leadership for the review and improvement of New Hampshire's services for individuals with developmental disabilities and acquired brain injuries. The Quality Council has a diverse and active membership; those serving on the Council have given generously of their time and talents and are committed to helping New Hampshire provide the best possible services for individuals and their families.

During this reporting period the Quality Council's primary focus has continued to be on the implementation of Medicaid Managed Care. The Council is steadfast in its commitment to preserving the quality and scope of New Hampshire's developmental services system and strongly advocates against including long-term supports and services in the State's implementation of Medicaid Managed Care.

The Quality Council also reviewed Bureau of Developmental Services' Summary of Complaint Investigations and follow-ups; Employment Leadership Committee report; the proposed DHHS Transition Plan; NCI data for 2012-2013; Health Risk Screening Tool (HRST); Quality improvement Plan Overview; START annual report; Updates on the BDS Redesignation process and spoke with NH Healthy Families regarding the Managed Care Recommendations document.

ADDENDA

Addendum #1 – *RSA 171-A:33*

Addendum #2 – *New Hampshire Developmental Services Quality Council Member list*

Addendum #3 – *Quality Council letter to Lorene Reagan – Administrator DHHS/BDS Re: Joint Quality Council/BDS Recommendations for DD/ABD LTSS Contract Content*

Addendum #4 – *Quality Council letter to Lorene Reagan – Administrator DHHS/BDS Re: Reference material needed for Quality Council's work on Medicaid Managed Care recommendations report*

Addendum #5 – *Executive Summary, NH Quality Council Recommendations to DHHS regarding NH's Transition to Commercial Managed Care*

Addendum #6 – *Quality Council letter to Governor Hassan Re: NH Quality Council Recommendations to DHHS regarding NH's Transition to Commercial Managed Care*

Addendum #7 – *Response letter from DHHS Commissioner Nicholas Toumpas Re: NH Quality Council Recommendations to DHHS regarding NH's Transition to Commercial Managed Care*

Addendum #8 – *Quality Council letter to DHHS Commissioner Nicholas Toumpas Re: NH DD/ABD Quality Council Recommendations*

Addendum #9 – *NH Medicaid Managed Care Quality Overview*

Addendum #10 – *Quality Council letter to Lorene Reagan – Administrator DHHS/BDS Re: Update on the DRC-NH White Paper Recommendations*

Addendum #11 – *Chart on DRC White Paper, Department and other Recommendations, with BDS responses*