

THE NEW HAMPSHIRE DEVELOPMENTAL SERVICES QUALITY COUNCIL

ANNUAL REPORT TO THE NEW HAMPSHIRE LEGISLATURE

OCTOBER 2015 – SEPTEMBER 2016

ABOUT THE QUALITY COUNCIL

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 sixth report; it covers the Quality Council's work and achievements from October 2015 through September 2016.

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. These seats were voted on at the November 2015 meeting. Cathy Spinney was elected as the Council Chair. The vote for Vice-Chair resulted in a tie; a unanimous decision was reached by the Quality Council to have Co-Vice Chairs. Sarah Aiken and Brian Young were elected as the Co-Vice Chairs.

During this reporting period, the Quality Council held regular bimonthly meetings. Quality Council subcommittees during this reporting period included: Managed Care, Workforce, and Rules Review & Recommendations. Transparency and Domains did not meet and both subcommittees are in need of Chairs.

In May 2016 BDS contracted with NH Family Voices to provide administrative support to the Quality Council. The Bureau of Developmental Services provides administrative support to the Quality Council, including: 1) researching issues that come before the Council 2) access to eStudio (a secure on-line workspace used by Council members to post information and share materials) and 3) 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; NH Council on Autism Spectrum Disorders; 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. 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 219 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 the Family Support Councils and Board of Directors. The Council's enabling legislation calls for three (3) representatives from local Family Support Councils appointed by the State Family Support Council and (3) representatives from the Area Agency Board of Directors appointed by CSNI. During this reporting period there were only 2 representatives from Family Support Councils and 2 representatives from Board of Directors 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 Bureau of Developmental Services 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

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 November 2015 meeting.

SUB-COMMITTEES OF THE QUALITY COUNCIL

During this reporting period the Quality Council had 5 committees. When possible, the committees meet between the Quality Council meetings. The committees were created to address issues the Quality Council was looking to further focus on. These committees are Medicaid Managed Care, Domains, Workforce, Transparency, and Rules Review and Recommendations.

MEDICAID MANAGED CARE

The Quality Council's first priority has been closely following New Hampshire's implementation of Medicaid 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.

SB553 established a committee to look procedures for the implementation of phase 2 of the Medicaid managed care plan. In May 2016 the Quality requested and was granted a seat on this committee. Denise Colby serves as the representative with Sarah Aiken as the alternate.

DOMAINS

The mission for the Quality Council's Domains subcommittee was 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.

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

WORKFORCE

The purpose of the workforce committee during this reporting issue was to look at issues related to Direct Support Professionals (DSPs), including the shortage of DSP, increased pay, and increased access to trained DSP's.

At the January 2016 meeting this committee presented results from a survey conducted by the NH Chapter of NADSP (National Association of Direct Support Professionals) and the NH Council on Developmental Disabilities. The intent of the survey was to learn who makes up NHs DSP workforce, the financial situation for DSPs, the challenges and rewards of providing direct support and what is need to keep DSPs inspired and motivated.

The Workforce subcommittee does not currently have a chair.

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.

The Transparency subcommittee did not meet during this reporting period.

Adrienne Evans became chair of this committee in September 2016.

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.

Amy Messer agreed to be the Chair, with Ben Sahl becoming chair at the May 2016 meeting.

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

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.

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*