



In-Person location: NHDOE, Walker Building
21 South Fruit St.
Concord, NH 03301
Online location: ZOOM

**Quality Council
Meeting Minutes
August 9, 2023
10:30AM-1:00PM**

Agenda

- **Welcome, Introductions**
- **Welcome to DHHS Commissioner Laurie Weaver (10:30-11:30 a.m.)**
- **Legislative Update**
- **Committee Updates**
 - **Data**
 - **Members Relations**
 - **Person Centered Planning BDS Update**
 - **Provider readiness**
 - **Family Support Council/Recreation funding**
- **Bureau of Developmental Services Update**
- **Other Business and Announcements**
 - **Planning the September Meeting**
 - **Other Business**
- **Public Comment**

Member Attendees

Members Present:

- Stephanie Patrick
- Sarah Tollefsen
- Jim Piet
- Emily Manire
- Rich Crocker
- Cathy Spinney
- Ann Sonok
- Jessica Gorton
- Lisa Steadman
- Lauren Ramsey
- Karen Hatch
- Adrienne Evans
- Marissa Berg
- Mary St. Jacques
- Donna Corriveau

Members Not Present

- Tammy Mills
- Isadora Rodriguez-Legendre

In-Person Guests:

- Laurie Weaver, DHHS Commissioner
- Chris Santaniello, DHHS Associate Commissioner

Alternates:

- Kelly Ehrhart (Not Present)
- Pam Stiles (Voting)
- Karen Blake (Not Present)
- Dennis Greenwood (Not Present)
- Laurie Vachon (Not Present)
- Krysten Evans (Not Present)
- Jennifer Sulewski (Not Present)
- Karen Rosenburg (Not Present)

Online Guests:

Not able to identify

Administrator:

N/A (position not filled)

Discussion with DHHS Commissioner Laurie Weaver

1. Quality Council History - Brief Overview - provided by member Cathy Spinney
2. Commissioner Weaver
 - a. Commissioner Weaver introduced herself further, asked a few clarifying questions about the Quality Council and provided an overview of the department. (2 handouts provided to members in the room)
 - b. Commissioner Weaver stated partnership and collaboration is a priority.
 - c. Commissioner Weaver is committed to working together. Asked the QC if they are ready to work together and improve the relationship between BDS and the QC.

Question and Answer:

Question One: The transition to direct billing has not gone smoothly. Providers report significant delays in getting payments -some have not been paid except in small amounts since July 1. They can't hold on any longer and messages to the help line and email don't seem to be helping. We can't afford to lose providers or direct care staff. What are you going to do, five weeks past the change to address these problems and make sure providers have the cash flow they need?

Commissioner Weaver:

- Stated CMS (Center for Medicaid Services) would not have given us an extension on this deadline. DHHS has been working hard to pay providers.
- Update today: First week paid out: \$135,000 to providers.
- Week 4 paid out: \$4.4 million to providers
- Constantly trouble shooting every day
 - How to innovate so providers can sustain
 - Mitigating strategies forthcoming
 - We do not want anyone to be in financial risk
 - Call center is working hard to answer questions
 - Email address just for providers to reach out to
 - Checks are sometimes hand delivered
 - We are seeing steady improvement
 - We have a goal of less challenges by the end of September
 - Providing provider trainings for technology and submission process
 - QC members asked to encourage providers to reach out to BDS for assistance anytime in submitting claims.

Question Two: CMS has made clear it will not allow anything deemed "recreational or diversional in nature" to be billed for Federal Medicaid Match reimbursement. But clearly the State of NH is obligated under RSA171-A to provide such services regardless. (See RSA 171-A:13: Every developmentally disabled client has a right to adequate and humane habilitation and treatment including such psychological, medical, vocational, social, educational or rehabilitative services as his condition requires to bring about an improvement in condition within the limits of modern knowledge.). Recreational and diversional activities are available to the general population and are an ordinary part of the human experience, encouraging participation and socialization, and participating in the greater society. Currently allocated family support dollars are limited and many aren't eligible. How will you ensure the state meets its obligations under 171A related to recreation if federal Medicaid matching funds are not available? How is the state tracking the number of services denied? Plans to reassess when the AA contracts are negotiated in two years leave an unacceptable gap in services.

Commissioner Weaver:

- CMS will not pay for recreation
- There are other ways to use money to meet this request

QC:

- We are concerned about where BDS thinks funds for recreation will come from.

Commissioner Weaver:

- Asked what data is available for how much recreational funding is not being met

QC:

- This data is not tracked by BDS or the area agencies or providers.

Jessica Gorton:

- Historically budgets have not utilized this line item. \$1200 per individual served.

Karen Hatch:

- Recreation is important to meet the individuals goals as listed in their services plan. Per 171A and Olmstead decision BDS should be providing this opportunity. What is the plan to address this issue?

Jessica Gorton:

- Appropriations BDS receives, can we utilize those funds differently to meet this need. Eliminating the cost of care an

Commissioner Weaver:

- We agree with the QC that recreation is important. CMS limits what we can do. How do we work together and find other ways to solve this need?

QC:

- Federal match money: Where is the other half of the match going?

Associate Commissioner Santienello:

- Stated BDS is only allowed to use funding as it is outlined in their budget. How do we free up funding when we do not have this line item (recreation) in our budget? Other sources need to be explored and we currently do not have the data to quantify the need.

Jessica Gorton:

- We will be taking a look at unmet needs as part of the re-design process

Karen Hatch:

- Very concerned about where the money in the BDS Budget is going. Concerned we have an aging population of caregivers and a lack of resources.

Question Three : *Given the delay in rate increases for the DD system and the continuing shortage of direct support professionals---and the likelihood that workforce shortages will no doubt continue given NH's aging demographic and NH's cost of living challenges—what is DHHS doing to address this crisis and its inevitable impact on the quality of services? What system changes can you envision that would confront this workforce crisis?*

Commissioner Weaver:

- CFO will send a letter to clarify misconceptions about the budget. Budget: 80 million dollars for developmental services. \$31 million for DADS rate. HB2 \$24.6 million added to our federal match and it's \$50 million. '
- Workforce development: Workforce challenges are pervasive across the department and state. BDS is short staffed. Possible solutions: Using retiree's, paying off student loans, Housing stipends, sign on bonuses

Associate Commissioner Santienello:

- Can workforce shortage become a subcommittee of the Quality Council before the next budget cycle?

QC:

- We are happy to collaborate but it is important for BDS to be working on solutions and not wait two years.

Associate Commissioner Santienello:

- We have never had the data to assist with this issue. We are not developing the capability to collect data.
- Creative solutions:
- Request for Grant Awards: Pipeline workforce investments. 28 funded grants
- Cliff Effect: What happens to families when their income goes up slightly and they lose services and supports but the raise in income isn't enough to make up the difference of the services lost? We want to utilize the untapped workforce who are receiving TANF. We eliminated TANF Disregard if working in a high demand job. We have also added the opportunity to receive childcare scholarships. NH

Employment Employment Program: Will come and meet with any provider or agency to discuss creative solutions to support lower income workforce.

- High School and College Career and Technical Programs - making those connections.
- How to use waiver dollars more creatively? Remote Support? Think outside of the box.
- We have a 1.8% unemployment rate: makes hiring difficult.

Cathy Spinney:

- Can we provide health insurance to PDMS families and staff?

Associate Commissioner Santienello:

- Perhaps we can include that in Medicaid Expansion, Childcare Scholarships are also an area we can help with.
- Graduating from Public Assistance Program in HB2, (Originally [HB 241](#), Sponsored by Senator Lang.) BDS must devise a program to assist participating individuals to graduate from public assistance. Stakeholder Group potentially being developed to assist with Graduating from Public Assistance Plan requirement.
- Stakeholder group is a potential option
- We are open to suggestions to improve our Waivers. Please reach out with your thoughts.

Cathy Spinney:

- Suggestion to read the HB 138 Workforce Report for a resource.

Stephanie Patrick:

- Any resources to suggest, share with her to be forwarded and perhaps be on the agenda for a future Quality Council Meeting.

Question Four: What is your plan to measure the impact of the success of systems design efforts in measurable ways? How will the department ensure that stakeholder feedback is acted upon and not just noted?

Commissioner Weaver:

- We need to improve the way we track our information. Mindset moving forward should be to listen to the voice of those who use the system, which includes families and providers. I will not support any big changes without the support and inclusion of those being impacted. I believe in involvement, not bureaucracy. This is an opportunity to use the money and information we have to improve the system in the right way. My vision; whatever we do, we will listen.

Stephanie Patrick:

- We try to be thoughtful with our feedback and approach. We appreciate your commitment that you will be listening and we will be heard and responded to.

Associate Commissioner Santienello:

- I welcome conversations rather than letters to have personal discussions. Sometimes the letters lose the nuance of the conversation.

Commissioner Weaver:

- The needs of DHHS are so challenging and complex. I make a commitment to you personally and ask my associates to carry it out. If they are not, I need to know. Please also trust my staff.

Quality Council Members Share their most Important Concern:

1. Day programs, recreation, work with CMS and using the federal initiative. Focus on olmstead and 171-A. How DHHS will cover these programs.
2. Person Centered Services and honoring the individual.
3. We need to be creative on how we push back on regulations and CMS.
4. Short Term: Solve the billing issue as quickly as possible. Ongoing: We must ask ourselves with any potential change, How will this affect the person served and their family. The system only exists because families are in it for the long haul. Families work for free at no cost to the state. Trade off of that partnership is do not make changes without us. Nothing about us without us! The state is getting an insurmountable amount of free care. Please work with us. 5,
5. Focus on the collaborations and partnerships of other bureau's within the state. Get out of the silos.
6. Families have no breathing room. That can't afford to lose the staff they have. Do no Harm: What is the downstream effect to families of any decision or changes made.
7. Workforce Shortage: Billing and payments
8. Transparency and equity. If the department makes new rules, policies and procedures it needs to be fully transparent. The people who are not at these tables need the most help and can't be involved in the advocacy or quality control process. The state needs to look at what happens to individuals with the greatest behavioral or mental health challenges? What is the plan for that?
9. We have been having these conversations like this in 1988. I am concerned because we knew this time would come. Everybody has been worried about this. Now we are 30 years later and we are having the same conversations. The first commissioner, Harry Burt. I am 65 years old, I don't want to hear the same conversations 20 years from now.
10. Create a directive to support BDS for housing. Comprehensive plan that is a clearinghouse for families. Group homes, community resources, families. We need a broader lens to look at the alternatives. Intensive Treatment Services: My son received treatment in his group home. The model works for him. There is

nothing available. Resource coordinators have no information. 65 ITS shouldn't be happening. We need housing programs. It should be a priority.

11. Workforce. DPS low income, no benefits.
12. Building the bridge as you are crossing it. Solid relationships need to be built in the process. Timely communication, action and review is needed.
13. This is an opportunity to make some changes for the better. Do not focus so much on the price but on the benefit. On behalf of all of us, we appreciate you giving us the time today.

Members thanked Commissioner Weaver and Associate Commissioner Santaniello for attending the meeting. They left the meeting.

Committee Updates

Data Committee: Emily

- Data Matrix reviewed
- Employment Status Information Requested from BDS
- Data Committee meets on the first Tuesday of the month at 9:00 a.m.

Member Relations: Adrienne

- Submitted the names of the new members to the governor's office. Waiting on the appointment letter
- New Members are welcome to join the meetings but can not vote or speak until official m.
- Develop an orientation process. Binder for orientation used to be provided. Administrative support person perhaps develop something. Orientation for new members being offered at 8:30 a.m. before the next Quality Council meeting.

Person Centered Planning:

- Letter from BDS about Person Centered Planning received
- Stephanie will follow up with Isadora and the committee about next steps

Community Integrated Services (CIS) Recreation Letter:

- Draft letter has been formatted
- Will be presented for a full council vote next meeting
- Discussion regarding CMS's decision to no longer reimburse for recreational opportunities. How have other states handled this situation? What is the

discussion on a national level? How is this ongoing need going to be handled by BDS?

BDS Update: Jessica Gorton

- Rules: Please keep BDS updated as to what is working and not working
- Housing and Intensive Treatment Services
 - Individuals being supported outside of New Hampshire
 - How do we bring them home?
 - American Rescue Plan Act (ARPA) funds: Increasing housing funding and supports for individuals who receive a high level of medical supports
- 1. Contract to bring in an entity to evaluate Person Centered Planning
 - a. Training will be provided in Person Centered Planning

2. Please share what you learn at the Quality Council meetings with your other networks and groups you belong to and provide any feedback to BDS if needed.

Focus on Four Initiatives:

1. Information technology system
2. Intensive Treatment Services
3. Waiver
 - a. What services can we bring in?
 - b. Cost Neutral to support their best life
 - i. le. housekeeping services
4. Rates
 - a. DADS rate
 - b. Are the rates adequate and sustainable?

Council comments and suggestions to BDS:

1. BDS give a deeper dive into important initiatives each quarter
2. Can BDS do a survey with families on the BDS Redesign and how things are going?
3. How is the department following up with Stakeholder engagement and reporting back to CMS?
4. We invite BDS to see us and use us as a resource.

Chair and Legislative Updates: Stephanie Patrick

- Chair and Vice Chair Nomination
 - Nominations are welcome
 - Stephanie is happy to answer any questions about chair and vice chair responsibilities
- 1. HB 238 has been signed into law
 - a. October meeting we will be able to count individuals and family member's as voting members even if on Zoom
- 2. HB 642 Legacy Budgets was signed into law
 - a. BDS please let QC know how family members can access these funds, there is a lot of money available

Public Comment

No Public Comments Received

September Meeting Suggestions

- Direct Billing Updates
- Direct Support Professional raises; when is money to be released?
- American Rescue Plan Act (ARPA) funds update
- State Family Support Council Update

Follow-up Tasks

- Send out Provider Readiness Meeting dates for families
- Send out the Annual Report to the appropriate State officials

*Draft Minutes Respectfully submitted by:
 Carrie Duran, Council Administrator
 September 11, 2023*