

Olmstead Plan Stakeholder Advisory

OPSA Quarterly Meeting

September 9, 2022; 11:00 AM– 1:00 PM Online

Welcome - Betsy MacMichael, Community Co-Chair and Bryan Dooley, Community Co-Chair (11:00 – 11:10)

- Community Co-Chair Betsy MacMichael welcomed the Advisory and thanked everyone for attending. She noted that this will be the first Olmstead Plan Stakeholder Advisory (OPSA) meeting where data on progress under the Olmstead Plan would be presented. Sherry Lerch, a Senior Consultant with the Technical Assistance Collaborative (TAC), she said, would share TAC's summary of findings from the first quarter of reporting on the Plan. She encouraged attendees to read the report in full.
- Ms. MacMichael shared that her daughter, Jane, a young adult with developmental disabilities, lives independently in Durham. Ms. MacMichael described some of Jane's gatherings with her friends, saying that these "filled her mother with joy." Jane recently completed a National Core Indicators (NCI) survey and found the NCI's measures of community inclusion to be so much the way that she, Jane, lived that she could hardly believe anyone had to ask. Jane, her mother said, has also faced some difficult situations in the community. Someone, for example, stole half of her SSI check amount. But Jane, as a result, had the positive experience of advocating for herself in a restorative justice process. Ms. MacMichael shared these stories to illustrate how *Olmstead*, with its goal of community inclusion, can give people with disabilities enriching opportunities and experiences that led to personal growth. She encouraged that the OPSA exert "steady pressure" on the State to implement the Plan fully and that OPSA "focus on the numbers" as a means of gauging the State's success.
- Community Co-Chair Bryan Dooley thanked Ms. MacMichael for her opening remarks and shared that he saw the Direct Support Professional (DSP) shortage as a key issue for *Olmstead's* success in the State. He has had personal experience with the shortage, particularly since the death of his mother, who had assisted in providing him day-to-day support. Currently, he noted, had only one DSP helping him at his job and at home. This professional, Dave Owen, an OPSA member representing DSPs, has put in 12-14 hour days – for which Mr. Dooley thanked him publicly. Mr. Dooley pointed out that community inclusion is not possible for many without a reliable, robust workforce. He encouraged the group to work together on the DSP shortage, continuing to make it a key component of the Olmstead Plan.

Opening Remarks - Deputy Secretary Dave Richard, NC Medicaid (11:10 – 11:15)

- Deputy Secretary Dave Richard thanked both Community Co-Chairs for sharing their personal experiences and noted that their concerns, including those regarding the workforce shortage, were helpful reminders of the Olmstead Plan's goals and the Department's commitment to reaching these.
- He remarked that while there had been progress in raising DSP pay, there was more to do, including, for example, additional strategies to raise pay and enhance DSP training.
- The Deputy Secretary spoke to the continued importance of the Administration's efforts to secure Medicaid expansion. Mr. Richard noted that he wanted to see North Carolina join the 38 other states that had expanded Medicaid and noted that an expansion would provide 600,000

people in the state with health insurance. Such expansion would realize some 1.5 billion in one-time, federal dollars and additional billions in subsequent years. The federal dollars, were the State to expand Medicaid, would allow significant re-direction of funds to, among other issues, *Olmstead* priorities.

- He thanked Holly Riddle and Sam Hedrick for “passionate advocacy” behind the scenes and their sharp focus on advancing policies and practices related to the Olmstead Plan.
- Mr. Richard noted that he was excited to hear the upcoming presentations from TAC’s Sherry Lerch and Mathematica’s Kent Davis about both the progress the Department is making with the Olmstead Plan and the new approaches being devised to measure those gains. He noted that, without measuring progress, it would be difficult to chart next steps.
- The Deputy Secretary reminded all in attendance of the importance of working collectively, rather than in separate silos, to move the Olmstead Plan forward. The launch of the Tailored Plans, along with the 1915(i) Medicaid authority, are particularly aligned with *Olmstead*. There may be some bumpy moments, he said, as Plan implementation moves forward; but he stressed the importance of keeping all voices involved.
- Deputy Secretary Richard ended his remarks by thanking the OPSA members, Ms. Riddle, Ms. Hedrick, Ms. Lerch and Mr. Davis for their shared commitment, with NCDHHS leadership, to making the plan a reality.

First Quarter Report: What We See - Sherry Lerch, Technical Assistance Collaborative (11:15 – 11:45)

- TAC’s Sherry Lerch presented information on the first quarter, Olmstead Plan implementation report (1/1/22-3/31/22). She shared examples of strategies in the plan that have been completed, are in process, require some revision or are targeted to begin later during implementation.
- Examples of strategies that have been completed include:
 - Direct Support Professionals were given bonus/wage increases (see Priority Area 2)
 - Division of Vocational Rehabilitation Services revised its policy on the supports provided for students and youth with disabilities who participate in comprehensive transition and post-secondary programs, allowing additional funding for those that meet the established criteria (see Priority Area 4)
 - Division of Health Benefits (DHB) issued clarification on criteria that allows individuals receiving a Medicaid service, Supported Living-Level 3, to exceed the \$135,000 Innovations Waiver cap (see Priority Area 5)
 - The Rapid Response Team process was refined to improve timeliness of response and concomitant outcomes (see Priority Area 6)
 - NCDHHS submitted a waiver amendment to the Centers for Medicare and Medicaid Services (CMS) and received approval to expand research-based, behavioral health services for adults with autism (see Priority Area 6)
 - NCDHHS achieved 51% representation of people with lived experience on the OPSA (see Priority Area 9)
 - NC Council on Developmental Disabilities completed its second cohort of peer support training for people with lived experience with an Intellectual or other Developmental Disability (IDD) (see Priority Area 9)
- Examples of strategies that are in process currently include:

- NCDHHS is seeking additional Medicaid waiver slots for Innovations (people with IDD); the Community Alternatives Program for Adults with Disabilities (CAP-DA); and the Community Alternatives Program for Children (CAP-C) (see Priority Area 1)
- There is a 59.9% increase over the baseline in the provision of Assistive Technology (see Priority Area 2)
- NCDHHS's Division of State Operated Healthcare Facilities has begun hiring Olmstead Specialists at the State Developmental Centers (see Priority Area 3)
- NCDHHS has submitted to CMS a 1915(i) Medicaid State Plan amendment that includes Supported Employment (see Priority Area 4)
- The Strategic Housing Plan is underway (see Priority Area 5)
- NCDHHS is awaiting federal approval to allow a parent to retain Medicaid eligibility when their child is being served temporarily by the foster care system (see Priority Area 6)
- A broad-based stakeholder workgroup has drafted detailed, proposed reforms to NC General Statute 35A, Incompetency and Guardianship Proceedings. (see Priority Area 7)
- Allocations were made to Local Management Entities/Managed Care Organizations (LME/MCOs) to increase access to Community Support Team (CST) and Assertive Community Treatment (ACT) programs in rural and underserved communities by June 2022 (see Priority Area 8)
- There are three strategies that may need clarification or revision. They include:
 - Clarification from DHB as to whether high-fidelity wraparound services are available as an "in lieu of" service
 - Clarification from DHB on the requirement of Tailored Plans and Standard Plans to collect and report quality data on race and ethnicity to assist the Department in assessing disparities in access
 - Clarification from DHB regarding NCDHHS working with Standard Plans, LME/MCOs and, subsequently, Tailored Plans to enhance Medicaid coverage for Non-Emergency Medical Transportation in compliance with the Consolidated Appropriations Act of 2021.
- There are two strategies that may be duplicative of other efforts or duplicative of other strategies within the Plan; these are under consideration for removal. They are:
 - The NCDHHS will develop steps in its Strategic Housing Plan to bridge transitions between institutional settings and permanent housing.
 - The NCDHHS will propose reforms to General Statute 35A to provide a description of rights for respondents and adults subject to guardianship
- In addition to these updates, Ms. Lerch noted that twenty-two (22) strategies had been added to the plan via division/agency reporting, eleven (11) of which have not started or are slated for implementation in the latter half of year 1 or in year 2. She also stated that there were thirty two (32) strategies that are pending.
- Inputs for the second quarter status report of plan activity, from April 1 through June 30, 2022, will be due on September 15, 2022. TAC will track progress made between quarter one and quarter two and issue a second, quarterly report.
- TAC and Mathematica are working closely with the Department to identify additional data and targeted measures that can be used to assess progress with implementation of the plan and the impact of strategies.

Discussion, Suggestions, and Questions - Co-Chairs and OPSA Members (11:45 – 11:55)

- NCCDD executive director Talley Wells shared that NCCDD will soon have in place a new initiative to study provider rates. This work should help to further an understanding of the way that rates play into the Direct Support Professional (DSP) shortages. He noted that he appreciates that there are new rates but that there is still a long way to go to the identify provider rates and DSP pay that will recruit and retain DSPs.
- Michael Mayee, Marketing Association of Rehabilitation Centers, added that the rate increase of \$15.00 per hour was long overdue. Rates, he said, have not kept pace with inflation; therefore, further rate increases will be necessary, going forward.
- State Consumer and Family Advisory Committee representative Jessica Aguilar added that DSP shortages seriously impact families of children with disabilities. Many parents, she observed, have had to stop working to care for their children since the families cannot find DSPs.
- Corye Dunn expressed Disability Rights NC's concern that more outcomes (vs. outputs) were needed in the Plan. She described the wage increase for DSPs in facilities as "a mis-step." Ms. Dunn asked whether NCDHHS intended to submit the 35A guardianship reform legislation as an agency bill and whether the 1915(i) application had been submitted. NCDHHS representatives confirmed that the 1915(i) had been submitted and approval was pending.

Measuring Progress - Kent Davis, Solutions Architect, Mathematica (11:55 – 12:10)

- Kent Davis gave an overview of Mathematica's work with NCDHHS and TAC to create a prototype for data dashboards for the Olmstead Plan. These may be modeled after the Transitions to Community Living (TCL) dashboards that Mathematica currently hosts.
- Mr. Davis noted some difference between TCL dashboards and those for the Olmstead Plan. The TCL dashboards house granular level data, specifically, some one hundred (100) measures to evaluate individual, TCL participant experience, outcomes and services. In TCL, the goal is to show improvements in individuals' access to services and service delivery. The Olmstead dashboard is likely to be broader in scope. As Ms. Lerch noted, the source of data for the plan will be quarterly reports, with measures that are largely at the *systems* level versus at a *participant* level.
- Mr. Davis explained next steps to build out the Olmstead Plan dashboards. These include gathering additional information on measures and aligning them with outcomes for the plan; interviewing dashboard users to provide information on content and functionality; and building the structures that will feed data into the dashboards.
- He showed an example of a prototype for an Olmstead Plan dashboard. The prototype's graphs will show progress in priority areas and with respect to outcomes, based on data gathered on strategies within each priority area. He explained that measures could be filtered by strategy and division. Mr. Davis also noted that users would have the ability to drill down to see the specifics of a strategy.

12:10 – 12:20 Discussion, Suggestions, and Questions - Co-Chairs and OPSA Members

- Guest Anna Cunningham suggested a category that would track individuals' access to Olmstead-related services.
- Ms. MacMichael asked about the intended users of the database. The NCDHHS, answered Ms. Hedrick, will explore this going forward. Mr. Davis suggested a community-facing view and a manager's view for staff needing more details.
- Barton Cutter asked if education and employment data needed to be combined in the database or if they could be separated. Mr. Davis answered that de-coupling the data sets could be considered moving forward.

- Ms. Hedrick noted that NCDHHS will be reaching out to get more feedback as the dashboard design moves forward.

What's Next? - Holly Riddle, Office of the Sr. Advisor on the ADA (12:20 – 12:25)

Ms. Riddle requested that this section be skipped in the interests of time.

Olmstead Plan and the Tailored Plan - Sam Hedrick, Sr. Advisor on the ADA (12:35 – 12:40)

- Ms. Hedrick noted that the Department is working on the Housing Strategic Plan. It will go out for public comment in the fall. That plan's target population is broader than that of the Olmstead Plan target population but includes those under the Olmstead Plan.
- Regarding Medicaid transformation, Ms. Hedrick stated that NCDHHS would incorporate many of the Olmstead Plan's principles and components into the Tailored Plans. This is underway and touches on housing, employment, services and supports, community integration. The effort will integrate the Tailored Plans and the Olmstead Plan.

Discussion, Suggestions and Questions - Co-Chairs and OPSA Members (12:40 – 12:45)

There were none.

Public Comment Members of the Public (12:45 – 12:55)

- Marty Knisley, the independent reviewer for the TCL/US Department of Justice settlement agreement, commended Mathematica's work on the TCL dashboards. She observed that the dashboards allowed the state to track the numbers of persons who have moved from adult care homes into the community. Ms. Knisley said she looked forward to learning how many TCL recipients are employed. She suggested that the State could benefit from tapping into Mathematica's data tracking capacity for the Olmstead Plan and encouraged the State's continued commitment to data collection.
- Talley Wells suggested a strategy involving provider bed taxes to raise funds for DSP pay.

Closing Remarks - Bryan Dooley, Community Co-Chair (12:55 – 1:00)

- Mr. Dooley thanked everyone for their passion, suggestions and questions. He closed the meeting by stating that *Olmstead's* promise could be reached with everyone continuing to work and advocate together.