

**QUALITY REVIEW PANEL**

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**ANNUAL SYSTEM REVIEW METHODOLOGY**

Community Services

**CONTENTS**

**I** INTRODUCTION ..... 1

**II** REVIEWS ..... 1

**III** USE OF CONSULTANTS/STAFF ..... 3

**IV** MEASURING AND ASSESSING PROGRESS ..... 4

**V** SCORING ..... 5

**VI** REPORTING..... 5

**ATTACHMENTS (IN-DEVELOPMENT)**

A. INDIVIDUAL ASSESSMENT RATING TOOL

## **INTRODUCTION**

The Quality Review Panel has developed this methodology in accordance with the requirements set forth in X(A)(3)(d) of the Settlement Agreement: “This methodology is intended to give a framework for the Panel’s reviews, but shall in no way operate to amend, alter or otherwise displace the requirements of this Agreement.” Consistent with the requirements of the Settlement Agreement, the Panel and State Defendants will work cooperatively to improve the services and supports provided to class members living in the community.

## **REVIEWS**

### ***Approach***

The Quality Review Panel will conduct its annual system reviews by focusing primarily on community services agency performance in order to determine the quality of services and supports provided to class members in the community, in compliance with the Settlement Agreement. The annual review process will be conducted over a ten-month period. This period will include completion of community provider agency reviews and reports and completion of the annual Settlement Agreement Compliance Report. Each agency review will be followed with a report to that agency reflecting its measured performance. During the review period, if the Panel identifies systemic issues, it will notify the State Defendants and Parties by letter within two weeks of making that determination.

### ***Review Procedures***

The annual review is intended to be comprehensive and accurate. During the time leading up to the onsite review, the Quality Review Panel will be accumulating information that will be utilized as part of the annual review process. The Panel will consider all relevant information including reviews and reports prepared by the State and other monitoring bodies, and information obtained through the Panel’s review of individual support and transition plans.

The Panel’s reviews will be conducted with as little intrusion as possible upon class members’ lives and programs, with due regard for each individual’s interest in personal and informational privacy and consideration of their personal schedule and also respectful of the privacy interest of any non-class member(s) in the home. (The Panel will, however, review any and all information it believes necessary to conduct a thorough review of compliance with the Settlement Agreement.)

These reviews may occur during early morning, day, and evening hours in order to gain a clear, first-hand understanding of the supports and services being provided to class members. The State may have a staff person accompany the Panel during these visits, but will in no way interfere with the Panel’s review activities. The reviews will enable the Panel to validate the documentation provided in preparation for the review

and for the Panel to compare its findings to the State's monitoring system.

### **Sampling Procedures**

To select a sample for conducting the annual individual assessments for class members receiving community-based day and residential services, all day and residential agencies providing community-based services for class members will be divided into categories based upon the number of class members served. Within each agency that is selected, a random sample of class members served by that agency will be drawn for the individual assessments, according to the table below<sup>1</sup>:

# of class members served by agency	# of agencies (based on DIDS data as of 6/10)	Frequency	Sample size per agency	Total class members per year
1	12	Bi-Annually	1	6
2	7	Bi-Annually	2	7
3-5	28	Bi-Annually	3	42
6-10	24	Bi-Annually	4	48
11-15	14	Bi-Annually	4	28
16-20	2	Bi-Annually	5	5
21-50+	8	Bi-Annually	6	24

Agencies certified and funded as an Intermediate Care Facility for Persons with Mental Retardation (ICF/MR), including State-operated ICF/MR agencies, and providing services to class members will be reviewed using the Panel's Individual Assessment Rating Tool. (ICF/MR Conditions of Participation were reviewed in the development of the Individual Assessment Rating Tool.) The Panel will review the agency's ICF/MR survey and certification documents and any corrective action plans related to deficiencies noted and may incorporate findings into the agency's overall report. The same formula described above will be applied when determining the number of class members to be included in the sample and the frequency of the agency reviews.

The Panel also will be conducting monitoring activities for those class members who receive services through a microboard, live with their families or in their own homes, or do not receive conventional services through the Division of Intellectual Disability Services (DIDS).

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<sup>1</sup> Adjustments will be made each year based on the numbers of agencies and class members served.

## **Scheduling Procedures**

The Panel's annual review process will be conducted over a ten-month period. This period will include completion of community provider agency reviews and reports and completion of the annual Settlement Agreement Compliance report. The Panel will provide a 30-day notice to each agency and DIDS regional and central offices, prior to a scheduled review. The Panel's selected class member sample for review will be provided to the agency by email (followed by a fax notification) 5 business days prior to the review. If issues arise regarding a class member selected for the sample, a random substitution will be made and communicated to the agency and regional office. The Panel will coordinate the scheduling and any additional requests directly with the provider agency. The Panel expects a provider agency review to take one reviewer day for each class member in that agency's sample

In preparation for the agency reviews, the State or its provider agencies will provide the Panel with requested information such as individual support plans, agency monthly reviews, ISC notes, and all other ancillary service(s) plans for class members that will be part of the sample. Review of this information, along with site visits, will provide the Panel with multiple opportunities to assist in monitoring compliance with the Settlement Agreement.

## **USE OF EXPERTS / STAFF**

Annual reviews will primarily be conducted by the Panel members and staff; however, experts (such as those listed below) may be used to assist in evaluating compliance with the Settlement Agreement. The numbers and types of experts may vary from one review to the next, depending on factors such as the Panel's review of existing information, concerns or complaints received, or specific incidents that have occurred which warrant special consideration. The experts will work under the direction of the Quality Review Panel and will have access to information, records, class members, staff, programs, and living areas as if they were members of the Panel.

- **Medical Care** – physicians or other primary medical care providers who have knowledge and experience in providing medical care to individuals with developmental disabilities;
- **Nursing Care** – nurses who have knowledge and experience in providing nursing care to individuals with developmental disabilities;
- **Speech/Language/Hearing** – clinicians, therapists, or other specialists who have knowledge and experience in providing communication and related services to individuals with developmental disabilities;
- **Physical/Nutritional Management** – physicians, nurses, therapists, nutritionists, or other specialists who have knowledge and experience in providing physical or nutritional management to individuals with developmental disabilities;

- **Behavior Supports and Services** – psychologist or other specialists who have knowledge and experience in providing behavior supports, services, and treatment to individuals with developmental disabilities;
- **Mental Health Care** – psychiatrists, psychologists, or mental health professionals who have knowledge and experience in providing treatment to individuals with developmental disabilities and mental health needs.

## MEASURING AND ASSESSING

The Panel's approach for measuring and assessing the quality of the system of services and supports provided to class members in the community will be based on a set of performance expectations organized by domains related to the planning and delivery of services and supports for class members living in the community. This Individual Assessment Rating Tool will be completed for each class member in a particular provider agency sample.\* The results of these individual assessments will form the basis for each agency's report. The Panel has developed a guide that it believes identifies the basic performance expectations for community services providers, organized by domains related to the planning and delivery of services and supports for class members living in the community, and based on requirements set forth in the Settlement Agreement. This guide will be available to community services providers upon request.

As the Quality Review Panel conducts its community services reviews, significant amounts of data and information will be collected (e.g., statistics regarding abuse and neglect investigations, information from incident review committees, staff training records, staff turnover records, statistics from mortality reviews, etc.). All of this information may be used by the Panel to determine compliance with the Settlement Agreement.

As part of its annual review, the Quality Review Panel will use personal interviews as a means of collecting information. First and foremost, the interviews will include class members who are receiving supports and services. The Panel will also interview staff who work throughout the system, and whenever possible, family members, conservators, and advocates.

Personal observation of the direct provision of support and services will be an important component of the Quality Review Panel's review process. Observation in a variety of settings will be conducted to enable the Panel to have an understanding of the complete array of supports and services and the manner in which they are actually being provided. Sites for observation will vary, but may include the work setting, the residential setting, mealtime, therapy services, and leisure activities.

If during the review, there are items or issues that require immediate attention, those

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\* If a class member selected for an agency review is school-age, the Panel will review the requirements of section VIII of the Settlement Agreement and include findings in the agency's overall report.

will be communicated directly to the agency director and the DIDS regional office for prompt resolution. Within 24hrs the Panel will provide written follow-up documentation of immediate concern(s) to the agency director and DIDS regional and central office T.Q.I./compliance director.

## SCORING

Once the review activities are completed for an agency, the Panel will review all findings from the Individual Assessment Rating Tool(s) completed for the agency and a score for each pertinent domain will be assigned based on the number of Performance Expectations questions answered “yes”. The score is computed by dividing the total number of “yes” responses by the total number of “yes” and “no” responses, which excludes any expectations marked as “not applicable.” The Panel will be using the following ratings for each domain of the Individual Assessment Rating Tool and the overall agency rating:

<u>Rating</u>	<u>Score (based on % of questions answered “yes”)</u>
Substantial Compliance	85% - 100%
Partial Compliance	70% - 84%
Non-Compliance	0% - 69%

The Panel will review all scores from the Individual Assessment and Rating Tool and after conciliation will apply professional judgment when making a final determination of compliance for each domain and for the overall rating for each provider agency.

## REPORTING

**Provider Agency Report:** Within 14 days of completing the annual review for a provider agency the Quality Review Panel will submit to the provider agency a report for review and comment. The agency will have 14 days to return the report with comments to the Quality Review Panel and within 7 days the Panel will consider all comments, make revisions where warranted in the opinion of the Panel, and issue a final report to the provider agency, DIDS, and the Parties that details its findings and conclusions. The report will be a table showing each domain, the compliance rating and numerical score for each pertinent domain, and list the performance expectation(s) that are of concern and which led to a domain receiving a non-compliant rating. If requested, the Panel will make available the Individual Assessment Rating Tools for class members surveyed for each provider agency.

**Annual Settlement Agreement Compliance Report:** The Annual report on Settlement Agreement community compliance will include the State’s systemic compliance with the Agreement as well as a summary of information from the Provider Agency Reports (i.e.,

there will be one report, aside from individual agency reports and any necessary systemic issue notifications). This report will be issued to the State, Parties, and the Court.

## **ATTACHMENTS**

- A. Review Tools for Community Services
  - 1. Individual Assessment Rating Tool