

2016

Statewide Planning and Policy
Council Recommendations

Tennessee Department of Intellectual & Developmental Disabilities



For all recommendations made in this report, the Department of Intellectual and Developmental Disabilities (DIDD) Statewide Planning and Policy Council (SPPC) would like to encourage that the efforts applied to resolution be directed by a continued effort to ensure diversity, inclusion, and equity. Please ensure these issues are considered and, if necessary and appropriate, applied to all recommendations past, present and future.

LEGACY RECOMMENDATIONS FROM 2015

- 1. Recommendation: DIDD Policy and Innovation review and reexamine the Title 33-5-601 authority for the SPPC to ensure stakeholder involvement as systems shift to a managed care service delivery system, wherever services are provided, whether through managed care organizations (MCO) or DIDD.**

Response: DIDD will continue to review and re-examine the Title 33-5-601 authority for the SPPC to ensure stakeholder involvement. In 2017, the SPPC was renewed by the Tennessee legislature, for five (5) more years to assist DIDD in providing the best possible supports to people with I/DD served through the 1915(C) Waivers. The authority of the SPPC in regards to the Employment and Community First (ECF) CHOICES Waiver program will be examined in conjunction with TennCare.

- 2. Recommendation: DIDD continue the Prevention of Harm Committee. It would be beneficial to expand the committee to include a family member and an active self-advocate or two. This committee should continue to be progressive in its vision and seek to find ways to eliminate all acts of abuse, neglect and mistreatment throughout the service delivery system and to, as much as possible, finally eradicate it from the lives of people.**

Response: DIDD will continue the activities of the Prevention of Harm Committee. DIDD has invited a family member and a self-advocate to join the committee. The mission of the committee is to provide recommendations for the development of systems of prevention, that are progressive, innovative, and promote DIDD's vision to incorporate prevention of harm strategies into the current Protection from Harm system. While it will never be possible to prevent all acts of abuse, neglect, and mistreatment throughout the service delivery system, just as it is not possible to prevent all crimes in the general population, DIDD is committed to the development of prevention of harm strategies that will allow the system to become more proactive, while continuing to appropriately respond to incidents that occur.

2016 RECOMMENDATIONS

- 1. The SPPC would request that the Office of Policy and Innovation complete the re-examination of the Title 33-5-601 authority for the SPPC to ensure stakeholder involvement as systems shift to a managed care service-delivery system, wherever services are provided, whether through Managed Care Organizations (MCOs) or DIDD, such that the authority of the SPPC ensures representation for the stakeholders of the ECF waiver.**

Response: DIDD will re-examine the Title 33-5-601 authority for the SPPC to ensure stakeholder

involvement. The SPPC was recently renewed by the Tennessee legislature for five (5) years to assist DIDD in providing the best possible supports to people with I/DD served through the 1915(C) Waivers. The authority of the SPPC in regards to the Employment and Community First (ECF) CHOICES Waiver program will be examined in conjunction with TennCare.

- 2. Recommendation: The DIDD is encouraged to continue to concentrate efforts and to raise wages for Direct Support Professionals (DSPs) where services are provided in the 1915(c) waiver.**

***Response:** In the fiscal year 2018 budget submission, DIDD requested to make a nonrecurring one percent increase permanent and to increase DSP rates by an additional one percent. Moreover, the department also requested an increase to personal assistance and nursing rates to more closely align with the rates in the Employment and Community First CHOICES program. Both of the one percent increases were included in the Governor's Recommended Budget. In addition to these funds, the Governor and General Assembly approved an additional \$23.5M for DSP rate increases (almost 4%) in the appropriations act. The department will continue to work closely with the Provider Rate Study Group, headed by the Department of Finance and Administration, as it continues to evaluate compensation rates and future recommendations related to provider rate increases.*

- 3. Recommendation: The DIDD is encouraged to emphasize its expertise in intellectual and developmental disabilities services as it continues redefining its leadership role in the changing landscape of disability services in Tennessee.**

***Response:** DIDD continues to work closely with partner agencies, advocacy groups, and other stakeholders to bring innovative and successful solutions to the modern service environment. As the state agency charged with leading services and supports for people with intellectual and developmental disabilities, DIDD will continue to leverage its expertise in pursuit of the highest quality of supports across the HCBS service system. With continued recognition as a national leader in employment, accreditation, protection from harm, and quality management; DIDD is well-positioned to continue to lead the progressive service agenda both here in Tennessee and across our borders as is often requested.*

- 4. Recommendation: The SPPC would appreciate being provided with any written progress reports regarding outcomes such as the Basic Assurance Plan, the Rights Assessment Tool, Finalization of the DIDD Provider Manual, Development of tools that assist people with disabilities in managing their own healthcare; and self-advocacy strategies at each SPPC meeting. A personal, verbal presentation is not required.**

***Response:** Beginning in November 2017, DIDD will prepare and present in a written format a Quarterly Progress Report that will include at a minimum; Status of the Basic Assurance Plan, the Rights Assessment Tool, Finalization and or Implementation of the DIDD Provider Manual, Development of tools that assist people with disabilities in managing their own healthcare; and self-advocacy strategies.*

- 5. Recommendation: The SPPC would appreciate having access to any information that the study to review all of the rates paid by Tennessee for medical and other social services has revealed,**

and the SPPC encourages continued efforts toward supporting wage increases for DSPs.

Response: *As work progresses within the statewide rate study group commissioned by the Deputy Governor and Commissioner Martin, DIDD will share updates as available. DIDD will also share the NCI Staff Stability Survey Data upon receipt from NCI/HRSI and will do a presentation for stakeholders at Regional Provider Meetings, as well as the link posted on the DIDD web page for the NCI Study.*

- 6. Recommendation: The DIDD institute a more substantial increase in rates to support both DSP wages and nursing wages in all Long Term Supports and Services (LTSS) programs in the 1915(c) HCBS waiver.**

Response: *(See #2) The ability of the department to institute a more substantial increase in compensation rates is primarily dependent on the overall financial health of the state and funding recommendations made by the Governor and provided by the General Assembly.*

As previously noted, the department requested in the fiscal year 2018 budget an increase to personal assistance and nursing rates to more closely align with the rates in the Employment and Community First CHOICES program. Although this particular request was not approved, the department was fortunate enough to receive both a one percent increase and an additional \$23.5M for DSP rate increases (almost 4%) in the appropriations act. As noted earlier, the department will continue to work closely with the Provider Rate Study Group, headed by the Department of Finance and Administration, as it continues to evaluate compensation rates and future recommendations related to provider rate increases.

- 7. Recommendation: The DIDD should assist the SPPC in finding additional members from the Department of Labor and Workforce Development and any other state agency that might be useful in planning and problem solving regarding the work force crisis in long-term care.**

Response: *DIDD will assist the SPPC in finding additional members from the Department of Labor and Workforce Development, as well as any other state agency that might be useful in planning and problem solving regarding the work force crisis in long-term care. DIDD is assisting the EPPC in developing initiatives to address and plan an aggressive focus on innovative solutions to the DSP Crisis.*

- 8. Recommendation: The DIDD support the SPPC in exploring the critical issues at hand. The SPPC is aware of other ad-hoc workgroups that are engaging the issue of direct care crisis, i.e. the QuILTSS subcommittee on Workforce Development and the ECF University concept efforts. These approaches are all taking on bits and pieces of the issue. While part of the problem surely is the inefficient wage for DSPs, there are other things to consider. An effort to consolidate all these fragmented efforts should be considered. This will require a state employee or two from both DIDD and TennCare to structure the consolidation. SPPC would appreciate the DIDD creating this approach.**

Response: *DIDD will work with TennCare to establish a more consolidated effort in pursuit of addressing the emerging workforce crisis. Collaborative efforts including membership on the existing and referenced workgroups is being pursued and advocacy for varied representation, both within the Planning and Policy Councils (PPCs) statewide and provider participation, will receive active advocacy from DIDD. DIDD currently has two staff who will focus immediate attention to the issue and will continue as Ambassadors to bring the*

Provider Network, Managed Care Organizations, Community Stakeholders, other State Departments, and National Organizations together to develop a stronger solution to the lack of Direct Support Professionals applying for positions in Tennessee.

- 9. Recommendation: The DIDD continue to work on the action described in its response to the 2015 recommendations regarding the Protection from Harm workgroup meetings with stakeholders. The DIDD is encouraged to exercise heightened awareness of differences in engagement of the ECF CHOICES waiver components and services in ways that allow for recognition of diverse types of risks and responsibilities for stakeholders. Education of stakeholders regarding ways to mitigate risks and reduce instances of abuse, neglect, and mistreatment should be proactively pursued.**

***Response:** DIDD will continue its workgroup meetings with stakeholders and will continue to provide leadership and direction in pursuit of attaining the very best balance between proactive identification of risk, fostering independence for persons supported, and the administrative duty of protection for vulnerable persons within all HCBS service systems. In a post-litigation era, the DIDD is already working with the stakeholder community in the development of standards and practices that both supplement existing systems and push forward with progressive intentions to further expand the person-centered principles of service delivery for which we are already recognized.*

- 10. Recommendation: The DIDD further explore more options to remedy and alleviate the barriers to mental health and behavioral services for people with intellectual and developmental disabilities (I/DD). There are still many challenges to getting behavioral services and mental health services.**

***Response:** DIDD, in partnership with TennCare and other state departments, will continue to explore additional delivery models for mental health and behavioral supports for people with I/DD. Through this partnership, all parties will work to create a more comprehensive approach to evaluation and treatment of people with I/DD before, during, and after a mental health crisis. DIDD requests of the SPPC if they would like for us to approach the Department of Mental Health and Substance Abuse Services for a representative on this council.*

- 11. Recommendation: Continued updates to SPPC regarding the success and progress of DIDD Office of Health Services efforts to work hand-in-hand with the SPPC to make inpatient psychiatric services more available and to ensure that hospitals are operating in accordance with the Americans with Disabilities Act.**

***Response:** DIDD will report quarterly to the SPPC regarding the Telehealth Initiative, Inpatient Psychiatric Services, and Dementia Care Coordination for people with Down Syndrome. DIDD does not have oversight of hospitals; however, when an act of failing to operate in accordance with the American with Disabilities Act is identified we will report this to the Department of Health and work with the hospital's Ombudsman to resolve the issue.*

- 12. Recommendation: The DIDD to review the language in the contracts for conservatorship/guardianship for the possibility of amending them to include language in the minimum standards that encourage training in person-centered practices; best practices in conservatorship; and the protection of human and civil rights.**

***Response:** Conservatorship requirements and duties are those imposed by statute and/or the court, as a conservatorship is a fiduciary duty imposed by a court order. DIDD cannot encourage specific training for conservators through the contract, as contracts list requirements that must be met not preferences, however*

requirements already in the contract are person-centered, such as conservators must have training and knowledge about the support needs and wishes of each person. During the next RFP cycle for conservatorships, the DIDD Office of General Counsel will work closely with the Office of Accreditation and Person-Centered Planning to make certain that all requirements in the contract are written in a manner to encourage the most person-centered approach to conservatorships. DIDD suggests that the SPPC Chairperson invite a representative from Comcare and Michael Dunn Center to discuss concerns related to conservatorships.

13. Recommendation: The DIDD explore avenues for creating and/or increasing training offered for persons that are appointed as a conservator or legal representative for Tennesseans with intellectual and developmental disabilities.

Response: *DIDD does not provide training to conservators on how to be a “conservator”. DIDD provides training on different types of legally recognized Alternative Decision-Makers in Tennessee, such as Durable Power of Attorney and Conservatorship. This training is made available to family members, DSPs, providers, ISCs, and anyone else that is interested in learning about the different options available in Tennessee. Conservators are appointed by the court and while there are basic mandates that must be followed by all conservators, which are explained by the court at the time of appointment, there are requirements that are specific to each case that are outlined in each conservatorship order.*

14. Recommendation: The DIDD continue its commitment to Employment First for people with intellectual and developmental disabilities:

- a) ***Collaborate with other employment initiatives and programs for people with disabilities across the state, including but not limited to Tennessee Works, Employment Consortia, Workforce Development Centers, etc., to develop plans that further identify employers interested in hiring people with disabilities, especially small businesses, and develop paid internship opportunities for people with disabilities. Investigate how self-advocates can be involved effectively in this recruitment process, especially small businesses.***

Response: *DIDD continues to collaborate closely with state agencies and other organizations to increase employment opportunities for people with disabilities. In addition to being an active member of the Tennessee Works Partnership, DIDD also provides leadership to the Employment First Task Force, which is charged with addressing barriers and creating solutions to help people with disabilities access the workforce. During FY17, the Employment First Task Force revised its strategic plan (attached) to reflect current progress and challenges. The goals, objectives, and strategies outlined in the plan cover many areas, including a focus on paid internship opportunities, incentives for disability-owned businesses, and employer engagement. DIDD will also provide a copy of the 2017 Expect Employment Report to SPPC members once it is completed.*

- b) **Expand community collaboration with TN Department of Labor and Workforce Development, Knoxville Area Employment Consortium (KAEC), Workforce Innovation and Opportunity Act (WIOA), State of TN Employment Consortium, East Tennessee Economic Council (ETEC), Office of Disability Employment Policy (ODEP), Vocational Rehabilitation, and school systems through the Employment First Task Force, Tennessee Works, Memorandum of Understanding (MOUs), and other initiatives to increase training options for local/city/county government about people with disabilities as an untapped source of reliable employees.**

Response: As stated above, DIDD continues to collaborate closely with the groups mentioned above to meet the stated goals of the Employment First Strategic Plan. Of note, this year DIDD participated in ODEP's Employment First State Leadership Mentor Program (EFSLMP) for the sixth year in a row. DIDD also continues to be an active member of the Employment Roundtable, convened by the TN Council on Developmental Disabilities, which has made important headway in finalizing and implementing an MOU designed to streamline the delivery of services to youth transitioning out of the school system. DIDD convenes statewide and regional employment consortium meetings, which include representatives from Vocational Rehabilitation (VR), TennCare, and other agencies.

- c) Share information on job fairs with providers and people with disabilities through Open Line, Facebook, email, and other means to increase opportunities for employment networking.**

Response: DIDD actively promotes employment-related events and initiatives through Open Line, Facebook, Twitter, provider forums, TEC meetings, and email.

- d) Collaborate with other government departments and community stakeholders to increase awareness of the Occupational Diploma among employers and the general community and improve understanding that this diploma option means that a young adult has completed high school with a specific set of skills to ready them for employment.**

Response: DIDD is an active member of the Employment Roundtable, where Department of Education representatives keep member agencies informed on the Occupational Diploma and opportunities to promote awareness.

- e) Collaborate with other government departments, community organizations, and other stakeholders to develop initiatives that create mentoring opportunities for job coaches to learn best practices for locating job opportunities and for providing job training to people with disabilities.**

Response: Job coaches have the opportunity to network at venues like the statewide and regional employment consortium meetings. DIDD also helps connect providers with local representatives from the Department of Economic and Community Development (ECD), who can help make connections within the business community for job development.

- f) Explore possibilities for additional training for other members of the Circle of Support (COS) to learn best practice in "wrap-around" services to support people with disabilities who have secured employment.**

Response: DIDD requests clarification on this recommendation.

- g.) Explore the possibility of expanding the Knoxville Employment Consortium (KEC) model to other regions; collaborate with Tennessee Works and the Employment First Task Force.**

Response: DIDD continues close collaboration with Tennessee Works and Employment First Task Force members to promote business engagement. DIDD has also partnered with ECD and is considering a pilot initiative modeled after KEC that would help bring together providers, job seekers, and businesses in cities across the state.

h.) Continue efforts toward implementation of the MOU between DIDD and the Division of Vocational Rehabilitation; enlist the advocacy community to draw attention to the barriers to employment for people with intellectual and developmental disabilities created by the ongoing challenges experienced by Vocational Rehabilitation. Explore options that TennCare has put into place with the ECF CHOICES Program.

***Response:** DIDD continues to work with VR to ensure providers understand what the MOU entails and how to efficiently process cases and payments between the two agencies. DIDD also ensures providers have strong partnerships with their local VR representatives and regional support coordinators. DIDD refers individuals to the ECF CHOICES program as appropriate.*

15. Recommendation: The DIDD explore a revision to the current definition of Day Habilitation to include the following components:

- a) Choice in the location of service delivery at home or in the community;**
- b) Distinguished from sheltered workshops services;**
- c) Meeting criteria for enriched day experiences;**
- d) Pre-vocational training support when appropriate;**
- e) Enhances a person's ability to live independently;**
- f) Reflects person-centered programming related to 'what, when, and where' Day Habilitation services occur.**

***Response:** DIDD is collaborating with TennCare to revise the 1915(c) waiver services, definitions, and rates. The timeline is still undetermined, but the change will likely take place in 2018.*

16. Recommendation: The DIDD explore the possibility of aligning DIDD Quality Assurance (QA) standards with national accreditation standards. Develop a process that streamlines surveys for organizations accredited by a nationally recognized body, thereby giving a longer period of time between surveys or has the DIDD survey occur concurrently with the national accreditation survey so that there is only one.

***Response:** DIDD has cross-walked the Quality Assurance Standards with National CQL Standards. This will occur again with the new Provider Manual, as it was written to align with the CQL Standards. The rules around Quality Assurance Surveys are specific, though DIDD is considering ways to streamline and utilize parallel opportunities where we can. DIDD is weighing options around organizations who successfully become accredited.*

Recommendations Specific to People with Developmental Disabilities other than Intellectual Disabilities

17. Recommendation: Continue full funding for the Family Support Program. The ECF CHOICES Program does not diminish need for this resource.

***Response:** DIDD will continue to operate the Family Support Program as long as the legislature continues to*

provide funding for the program. DIDD sees this the Family Support Program as essential and often fills the gap most needed to keep a person healthy and safe at home with their family.

18. Recommendation: The DIDD support the creation of an Autism Council.

Response: DIDD has made the commitment to develop and staff the Tennessee Council on Autism Spectrum Disorder, which the Governor signed into existence May 2017. DIDD has developed a DD Advisory Group, hired an extremely experienced and capable staff, and is currently taking applications for the Autism Council. The first meeting of the council is scheduled for September of 2017. DIDD will report the progress of this initiative and Autism Council quarterly to the SPPC.

19. Recommendation: The DIDD continue exploring flexible transportation options for people to fully embrace their lives.

Response: DIDD will continue to work through multiple collaborative avenues to meet the need for independent and flexible transportation options for people within our service systems who are ready to take advantage of all that their communities have to offer. Most recently the suggestion was made within the Governor's Employment First Taskforce membership to develop a workgroup charged with this very same topic. The Department continues to explore diverse options throughout the state that might assist persons in meeting this need. Efforts currently involve increasing awareness of resources like local human resource agencies. There are a total 13 of these across the state offering different services related to transportation, free travel training, guidance on public transportation, and even fleets of vans that can be used to help provide transportation. Other awareness opportunities involve TN Department of Transportation (TDOT) grants and, where achievable, door-to-door transportation options through both traditional providers, as well as newly emerging opportunities, such as Lyft and Uber. As the demand for these supports has grown, so too has the desire to provide them, and DIDD will continue to spearhead the process to bring those supports to the service sector.

20. Recommendation: The DIDD to explore internship options within the department for people with developmental disabilities other than intellectual disabilities for students in work-based learning transition programs or post-secondary programs for students with I/DD.

Response: DIDD helped facilitate two internships for students from Lipscomb IDEAL and Vanderbilt Next Steps, at the Department of Economic and Community Development (ECD). This helped set a model for how other state agencies, including DIDD, can create internship opportunities for students with disabilities. This is also outlined in the Employment First Strategic Plan.

21. Recommendation: The DIDD to support the creation of a supported decision-making model as an option for people with I/DD to retain their rights while getting the assistance that they need to make informed decisions.

Response: DIDD will continue to explore and educate stakeholders regarding "supported decision-making models" as an option for people with I/DD to retain their rights while getting the assistance that they need to make informed decisions. DIDD realizes the impact of protecting a person's human and civil rights. Supported decision-making is a natural and respectful way to assist a person with I/DD to make informed decisions.

- 22. Recommendation: DIDD to develop a new Critical Incident Management system to allow for 14 days from notification completion with 2, 7-day allowable extensions.**

Response: DIDD will take this recommendation under advisement.

- 23. Recommendation: DIDD to develop a focused data collection/trend analysis of ECF CHOICES Program numbers to inform future programmatic decisions.**

Response: DIDD will discuss with TennCare the possibility of providing a written report prior to the SPPC meeting.

- 24. Recommendation: Wherever possible, the SPPC would like to have more written reports from the state regarding the items for which the council is debriefed. The council finds that oral presentations are best if abbreviated, and then it can see on a written report take-away subject matter to further consider. Too many times the council runs out of time to engage in proper discussion after all the presentations.**

Response: DIDD provides written reports from the various divisions in DIDD prior to each quarterly meeting. This provides members time to review before the SPPC and ask questions of the DIDD Representatives to allow more time for the SPPC to work on their Focus Area tasks.

- 25. Recommendation: If the House and Senate Joint committees recommend that the SPPC have quantifiable and measureable outcomes, the SPPC recommends that these be kept simple. The council agrees with the DIDD that the function of the SPPC is rightly considered an ongoing discussion between DIDD and the SPPC members. However, if outcomes must be established, perhaps the council could focus on attendance of members, appropriate representation according to Title 33, the completion of an annual report, and the SPPC's ability to hear personal testimonies of at least 2 self-advocates per year. Also, the council could measure the attendance of visitors to each meeting with an annual requirement.**

Response: DIDD will review the recommendations by the joint committees of the House and Senate to ensure that the deliverables meet their expectations, and these outcomes will be reported out to the SPPC on the next Quarterly Report to the SPPC.

- 26. Recommendation: DIDD study Title 33 and other policies to determine if the DIDD and SPPC may make a role for Vice-Chair to stand in the absence of the Chair and to be groomed to take the Chair position at the Governors wish.**

Response: DIDD will study Title 33, as well as supporting policies to determine if a Vice Chair in the SPPC is allowable and appropriate. This outcome will be reported in the DIDD Quarterly Report to SPPC.

- 27. Recommendation: The DIDD to work with the SPPC to establish 2-4 priority areas for the SPPC to address in the calendar year. The SPPC believes that this will create a more focused council that will generate concrete recommendations that will also include suggestions on how to implement the recommendations.**

Response: DIDD has met and implemented this recommendation at the final SPPC meeting in February 2017. Each Grand Region is working on an identified area, with work groups doing tasks working toward a focused deliverable.