

**The Maryland Department of Health's Responses to the DLS FY 2020
Developmental Disabilities Administration Budget Analysis
February 25, 2019 (House) and March 7, 2019 (Senate)**

Policy Questions

The Department of Legislative Services (DLS) recommends committee narrative requesting a report regarding the performance measures that will be presented in the fiscal 2021 MFR submission. (pg. 4, 27)

The Department concurs with the recommendation. However, the FY 2021 MFR will include the same performance measures as the current performance measures as their relevance will continue in the foreseeable future.

The agency should provide an update on any plans to expand bed capacity at the Sykesville SETT unit, especially considering the increasing population of court-involved individuals at the Potomac Center. (pg. 10-11)

There are no plans to expand bed capacity at the SETT unit located in Sykesville. Individuals released from the SETT transition into community-based services, are transferred to Potomac as a step down unit before transitioning into community-based services or sent to a detention center or jail. For more information, please see page 8 of the DLS analysis and Potomac Center Population trends holding steady around the 40 resident level over the past four years.

DDA should provide an update on the engagement process with stakeholders and discuss preliminary ideas for how best to utilize the WLEF. DLS recommends restricting \$100,000 in general funds from the M00M01.01 Program Direction budget pending the receipt of a report regarding uses of the WLEF. (pg. 21, 27)

The Department concurs with the recommendation. The Waiting List Equity Fund (WLEF) is part of a broader discussion about DDA's statute which was originally adopted in 1986. With the programmatic and operational changes occurring in the service delivery system, the DDA and the stakeholders believe the statute needs to be revised. The DDA has been meeting with the Developmental Disabilities (DD) Coalition for more than 18 months to work on a revised statute that includes the WLEF. As the analysis noted, the stakeholders agree that the use of WLEF should be expanded but the specific activities have not yet been identified. As part of a proposed statutory revision, DDA intends to gather broader input over 2019 on this subject.

DDA should discuss whether it is possible to begin the waiver application process for individuals on the waiting list. DLS recommends committee narrative requesting performance measures that present enrollment separated by waiver program. (pg. 22)

Approval of a waiver application is a commitment on behalf of the State to provide all services needed to support the individual. Therefore, the waiver application process is initiated after State funding is identified and confirmed.

DDA should describe the new services offered under the Community Pathways Waiver renewal and discuss whether any services formerly provided through the waiver are no longer covered or are covered by another waiver program. DDA should also discuss whether the new services are programmed into the LTSS phase in and how the agency will accurately track individuals' new placements, transitions/movements, and attrition across all services. (pg. 24)

Attached is a crosswalk of current services and new services in the Community Pathways Waiver Program. DDA will continue to provide services such as residential, day habilitation, employment, and support services. The definition of the current services have been revised and updated and new services created based on feedback from stakeholders and guided by the Community Settings Rule issued by the Centers for Medicare and Medicaid Services in 2014.

All of the new and revised services are included in the design and development of DDA functionality in LTSS. The system serves as DDA's database and tracks everyone who applies for DDA funded services, people on the Waiting List and those in community-based services, Clients who change service providers will also be accurately tracked, including those who may relocate from one residential home to another.

Because the enrollment in the Community Supports Waiver is outpacing enrollment in the Family Supports Waiver, DDA should comment on whether its waiver amendment would increase the maximum number of individuals receiving services under the Community Supports Waiver. (pg. 24)

The DDA is proposing an amendment to align service definitions and waiver years in all 3 waivers. The amendment also includes adjusting the number of slots for the Community Supports waiver. The proposed number for FY 2020 is 1,240 and for FY 2021 is 1,710. These numbers include annualization of placements from previous years, plus expansion for people on the Waiting List, Transitioning Youth, and for people who have been State Funded Only but are now eligible for the waiver.

DDA should discuss how the new DDA-funded services and other changes resulting from the Community Pathways Waiver renewal impact the rate-setting study findings. (pg. 26)

The rates are only being developed for the new and revised services in the Community Pathways and by extension, the Community Support and Family Support Waivers. The DDA has been working with the Technical Work Group comprised of service providers and representation from the Maryland Association of Community Services (MACS) since the issuance of the report to verify data and review the assumption used to develop the rates. Work also includes how rates and services will be operationalized and what documentation will be needed for billing and auditing purposes. Based on the feedback during this process and modifications to service definitions since the issuance of the report, DDA expects changes to the rates but not to the methodology. The Brick™ is based on the Direct Support Professional wage and cost components such as Employee Related Expenses, Program Support, Transportation, Training, Facility (Day Service only), and General & Administrative.

DDA should discuss any findings so far on the provider and client impact of the proposed new rates and services. The agency should also discuss any modifications that it will make to the JVGA brick method outlined in the report and update the cost estimate resulting from any changes to the brick method and the delay to fiscal 2021. DDA should explain why the proposed new rate system was pushed back to fiscal 2021. (pg. 26)

As noted above, the rate development process is still in progress; therefore any discussion of provider or client impact is premature. Since the rates are not finalized, a cost estimate cannot be calculated at this time.

The delay in implementing the rates is twofold: it is tied to the implementation of new services and the new LTSS IT system; and, given the importance of the endeavor, DDA wants to ensure that the rate structure and the rates themselves are as correct as possible. The rates cannot be implemented without the new services and these cannot be implemented without the operational support of the new DDA functionality in LTSS.

DLS recommends adopting committee narrative requesting quarterly reports on community services caseloads and costs. (pg. 28)

The Department concurs. The DDA already provides monthly caseload data for services funded through the Community Pathways waiver. In the future, the DDA will include caseload data for the Community Support and Family Support Waivers.

Budget Questions

None.

Existing Service	Updated / New Services
Residential Habilitation (GH and ALU)	Community Living - Group Home Community Living - Enhanced Support
Community Exploration	Trial Experience (Group Home and Enhanced Support)
Residential Retainer Fee	Retainer Fee
Shared Living	Shared Living
Personal Supports	Personal Supports
	Supported Living
Supported Employment	Employment Services - Job Development Employment Services - Follow Along Supports Employment Services - On-going Job Supports Employment Services - Co-worker Employment Supports Employment Services - Customized Self-Employment Career Exploration - Facility Based Employment Career Exploration - Large Group Career Exploration - Small Group
Employment Discovery and Customization	Employment Services - Discovery
Community Learning Services	Community Development Services
Day Habilitation	Day Habilitation
Assistive Technology and Adaptive Equipment	Assistive Technology and Services
Behavioral Assessment	BSS - Behavioral Assessment
Behavioral Support Services	BSS - Behavioral Plan
Behavioral Consultation	BSS - Behavioral Consultation
Temporary Augmentation of Staff	BSS - Brief Support Implementation
Behavioral Respite	Behavioral Respite
Behavioral Mobile Crisis Intervention	Behavioral Mobile Crisis Intervention
Environmental Assessment	Environmental Assessment
Environmental Modification	Environmental Modification
Live-In Caregiver Rent	Live-In Caregiver Supports
Transition Services	Transition Services
Transportation	Transportation
Transportation - Self-Direction	
Vehicle Modification	Vehicle Modification
Respite	Respite Care Services - Day Respite Care Services - Hour Respite Care Services - Camp
New Services	Nursing - Nurse Consultation Nursing - Nurse Health Case Management Nursing - Nurse Case Management and Delegation Family and Peer Mentoring Supports Family Caregiver Training and Empowerment Participant Ed, Training, and Advocacy Remote Support Services Housing Support Services
Family and Individual Support Services	Personal Supports Community Development Services Family and Peer Mentoring Supports Family Caregiver Training and Empowerment Participant Ed, Training, and Advocacy Housing Support Services
Individual Directed Goods and Services	Individual and Family Directed Goods and Services Individual and Family Directed Goods and Services - Staff Advertising & Recruiting
Support Brokerage	Support Broker

DEVELOPMENTAL DISABILITIES ADMINISTRATION
FISCAL YEAR 2020 BUDGET OVERVIEW

Robert R. Neall, Secretary
Bernard Simons, Deputy Secretary
Valerie A. Roddy, DDA

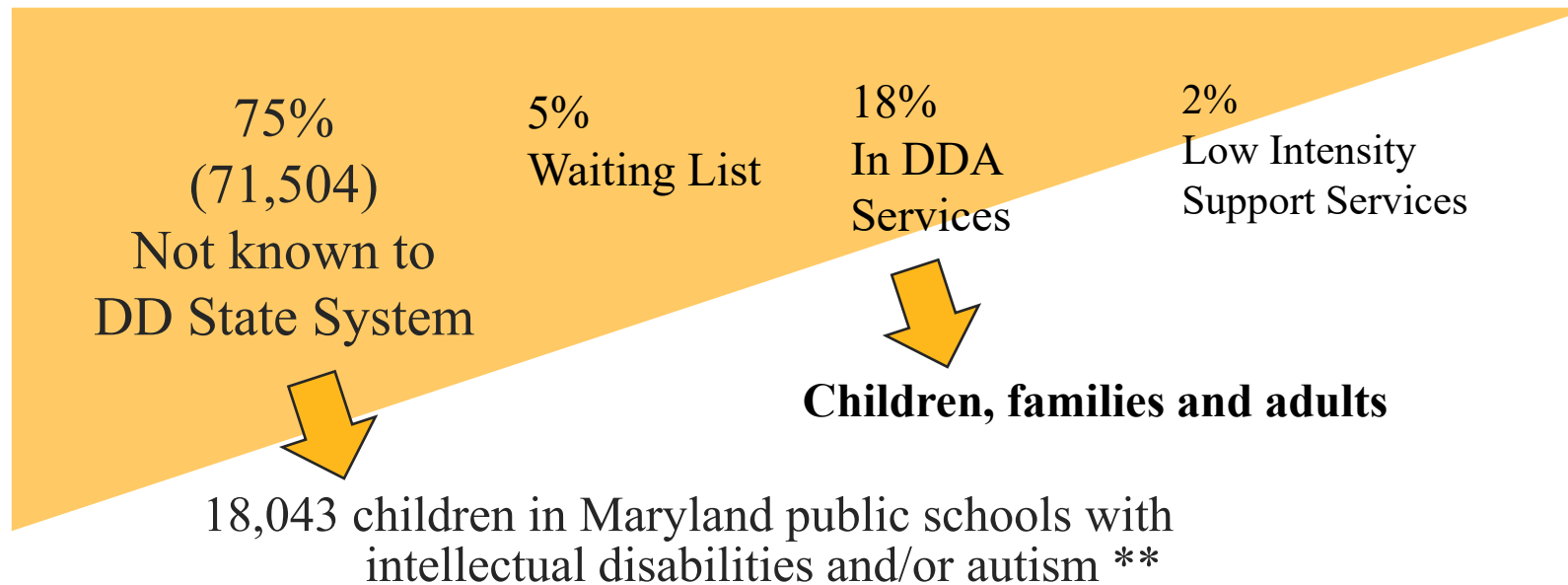
Eligibility Criteria

Health General 7-101(f): Developmental Disability

- Is attributable to a physical or mental impairment, other than the sole diagnosis of mental illness, or to a combination of mental and physical impairments
- Is manifested before the individual becomes 22 years old
- Is likely to continue indefinitely
- Results in an inability to live independently without external support or continuing or regular assistance
- Reflects the need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are individually planned and coordinated for the individual

Prevalence

95,624 people are estimated to have a developmental disability*



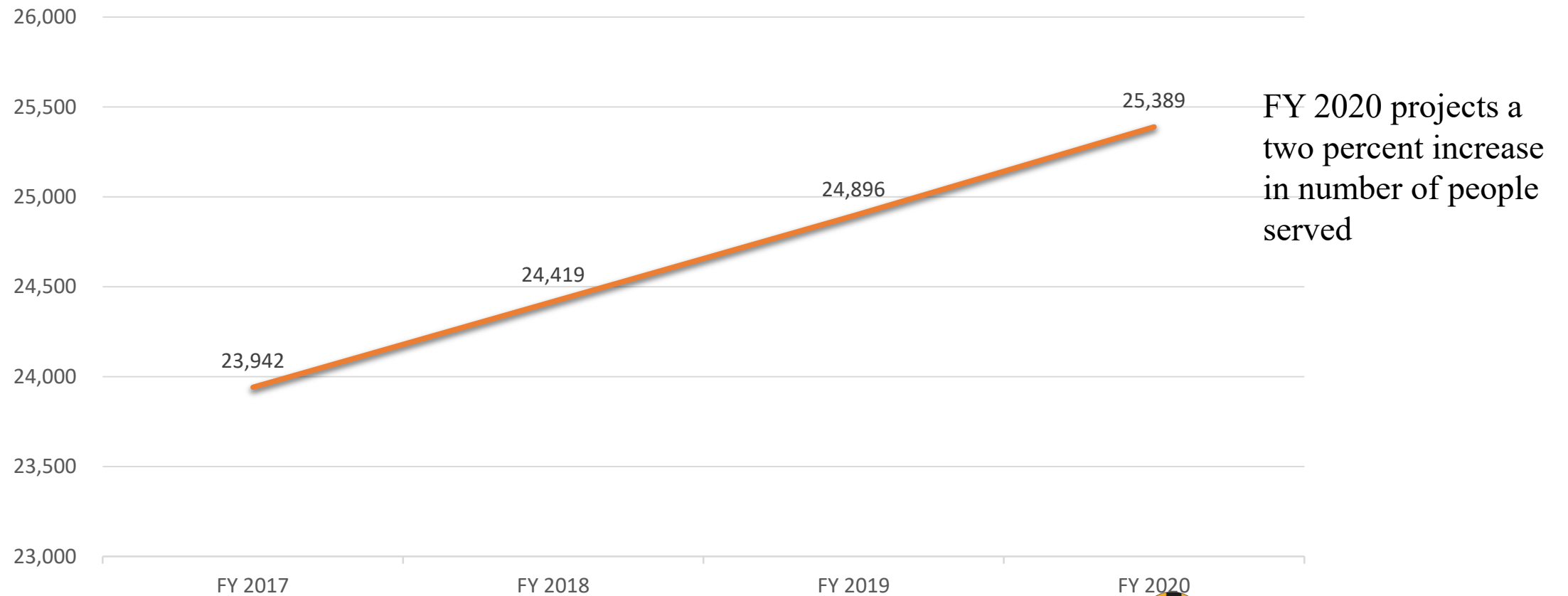
*National prevalence rate of 1.58 percent, Larson, Sheryl A., May 2001, American Journal on Mental Retardation

*Maryland population of 6,052,177, Maryland Department of Planning, 2017 Statistical Handbook

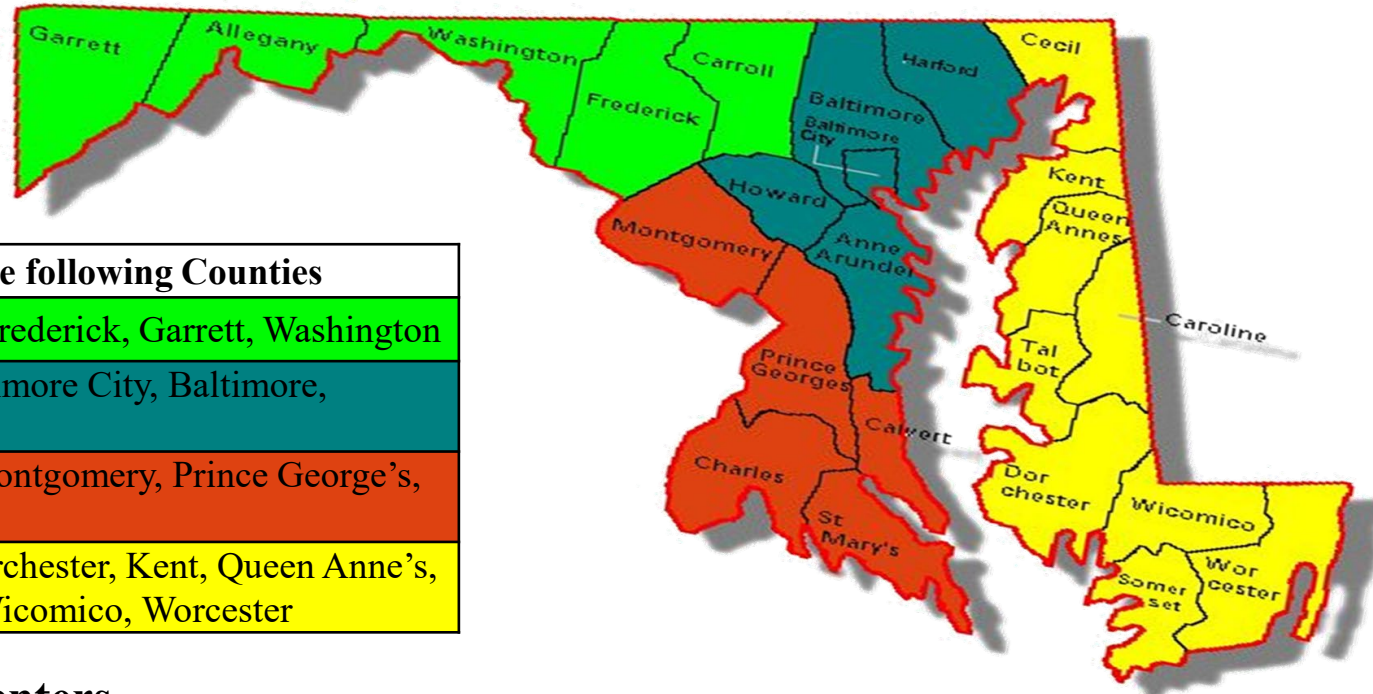
**Maryland State Department of Education, Maryland Special Education/Early Intervention Services, Census Data & Related Tables, Oct. 1, 2017

People in Service

Maryland DDA: Historical and Projected Clients



Regionally-Based Service



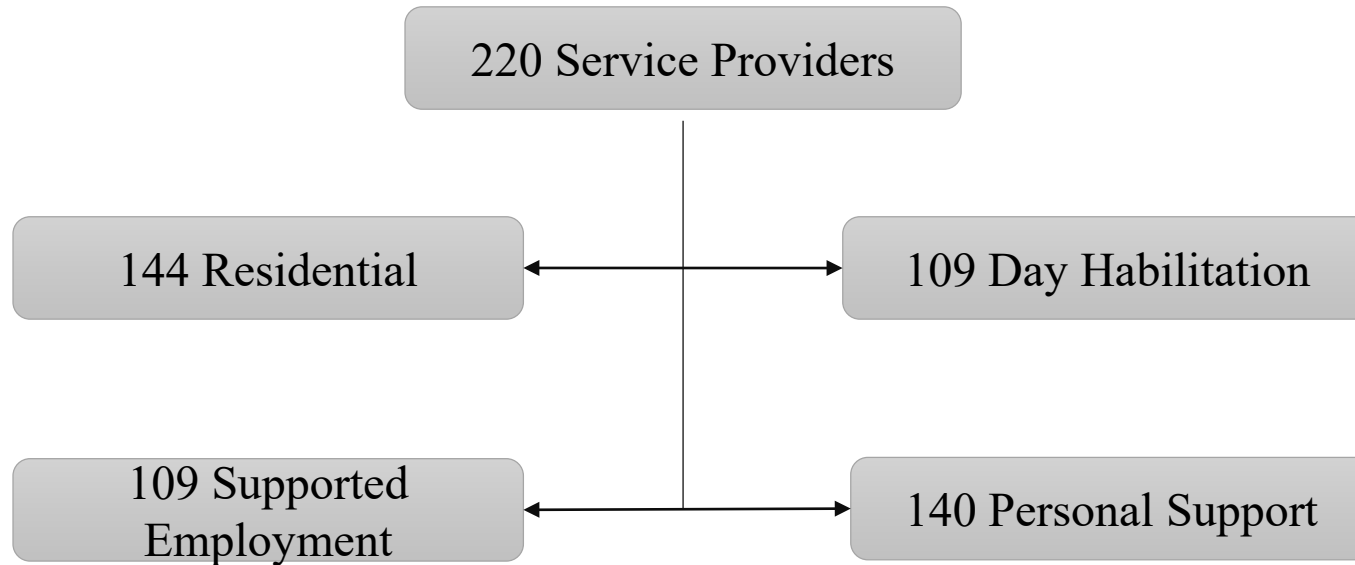
Region	Serving the following Counties
Western	Allegany, Carroll, Frederick, Garrett, Washington
Central	Anne Arundel, Baltimore City, Baltimore, Harford, Howard
Southern	Calvert, Charles, Montgomery, Prince George's, St. Mary's
Eastern	Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, Worcester

DDA Residential Centers

Facility	Budget	FTE's	Capacity	Location
Holly	\$ 16,493,409	204.5	55	Salisbury
Potomac	\$ 17,113,739	200	58	Hagerstown
SETT*	\$ 7,833,888	89.75	32	Springfield
Total	\$ 41,441,036	494.25	145	

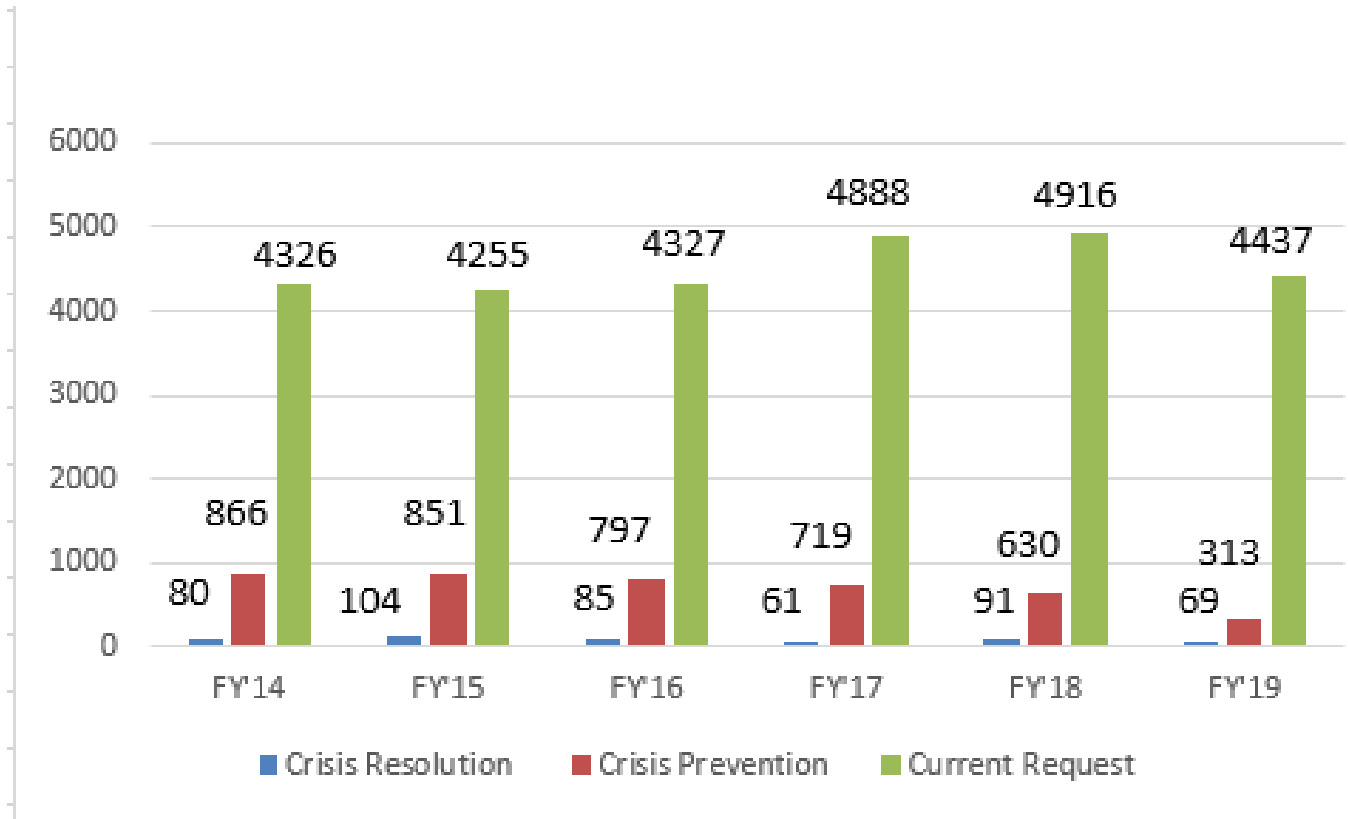
*SETT - Secure Evaluation and Therapeutic Treatment Program

Community-Based Providers



Waiting List

Historical Waiting List



The FY 2019 year-to-date total is showing a decrease from the end-of-year total for FY 2018; the Waiting List is defined as:

- People determined to have a developmental disability with a need for services
- COMAR defines the requirements for each of the priority categories

Guidelines for the Waiting List time frames are:

- Crisis Resolution**—services needed within six months
- Crisis Prevention**—services needed within two years
- Current Request**—services needed in two years or more

Community Pathways Waiver

Comprehensive Waiver Services

- Residential, Day Habilitation, Supported Employment, Personal Support, Case Management, Behavioral Support Services, and Support Services,

Amendment #1:

- Effective date of Community Support and Family Support Waivers is January 2018 while Community Pathways Waiver is July 2018
- Ensure alignment of services and waiver years across all 3 waivers

New Waivers

Community Support Waiver:

- *Eligibility:* People of any age with developmental disabilities on the DDA Waiting List
- *Funding:* Annual limit of \$25,000 – 400 slots

Family Support Waiver:

- *Eligibility:* Families with a child 21 years or younger with developmental disabilities
- *Funding:* Annual limit of \$12,000 - 400 slots

Effective Date for Both Waivers:

- January 1, 2018—CMS approval and State funding available

Implementation Process

February 2018 to Present:

- 800 people on the Waiting List were contacted
- CMS requires providers to submit applications to be approved in the two new waivers

March 2018 to Present:

- Providers applications are still being submitted, reviewed and approved by DDA
- Current Status for approved providers: 116 for Personal Supports under CSW and 59 for Personal Supports for FSW
- 720 people approved for the Community Support and Family Support Waivers

Community Pathways Waiver

Amendment #1

**Family
Supports
Waiver**

**Community
Supports
Waiver**

**Community
Pathways
Waiver**

- Services scope
- Service requirements
- Service limitations
- Provider qualifications
- Waiver year (From January to July)
- Standards and terminology

Timeline: LTSS

Transition of Current Information Technology Platform to Medicaid Long Term Supports and Services

- Release 1—July 1, 2018
 - Intake and Eligibility, Waiting List, Case Management, Person Centered Plan
- Release 1.1 – September 2018
 - Additional Case Management Reporting
- Release 1.2 – July 2019
 - Detailed service authorization for all waiver services
- Release 2—August 2019
 - Billing for community based services

Timeline: Rate Study

Rate Setting Study:

- Mandated by 2014 legislation
- Transition from prospective payment system to reimbursement model
 - Phase I—Study report was released on Nov. 3, 2017
 - Phase II—Initiated January 2018
 - Verifying and validating source documentation and assumptions
 - Working with providers on specific issues to finalize structure and rates