

The New Jersey Department of Human Services **Division of Developmental Disabilities**



DDD QUARTERLY UPDATE FOR INDIVIDUALS, FAMILIES AND PROVIDERS

Jonathan S. Seifried, MA
Assistant Commissioner

June 19, 2019



Overview

2

- Executive Management Team and Unit Contacts
- Fee-for-Service (FFS) Implementation
- Komninos' Law Update
- Self-Directed Employee Services Update
- National Community of Practice for Supporting Families Across the Lifespan
- National Center on Advancing Person-Centered Practices and Systems
- Supports Brokerage

DDD Executive Management as of March 2019

3

Jonathan.Seifried@dhs.state.nj.us

Assistant Commissioner

Carol.Jones@dhs.state.nj.us

Chief of Staff

Eric.Kaufmann@dhs.state.nj.us

Assistant CFO, DHS

Charles.Naus@dhs.state.nj.us

Chief Information Officer

Jennifer.Joyce@dhs.state.nj.us

Director, Employment Services

Kelli.Rice@dhs.state.nj.us

Director, Waiver Unit

Mariana.Pietrunti@dhs.state.nj.us

**Director, Support Coordination &
Case Management**

Michelle.Whitmore@dhs.state.nj.us

Special Assistant

Diane.Flynn@dhs.state.nj.us

DDD Communications

Robert.Artis@dhs.state.nj.us

Family Outreach



DDD Unit Contacts

4

Unit	Contact Name	Contact Email
Intake	James Schiralli	James.Schiralli@dhs.state.nj.us
Support Coordination	Cheryl Betz	Cheryl.Betz@dhs.state.nj.us
Waivers	Kelli Rice	Kelli.Rice@dhs.state.nj.us
Provider Performance & Monitoring	Wendy Yosco	Wendy.Yosco@dhs.state.nj.us
Housing	Patrick Boyle	Patrick.Boyle@dhs.state.nj.us
Housing Subsidies	Courtney Davey	Courtney.Davey@dhs.state.nj.us
Case Management	Mariana Pietrunti	Mariana.Pietrunti@dhs.state.nj.us
Contracting	Jose Gonzalez	Jose.Gonzalez@dhs.state.nj.us
CCP Fee-For-Service	Michelle Whitmore	Michelle.Whitmore@dhs.state.nj.us



Fee-for-Service Implementation

5

- System currently more than 87% converted to fee-for-service (FFS)
 - More than 9,900 individuals on the CCP converted to FFS
 - More than 9,500 individuals on the SP converted to FFS
- Projection is by June 30, 2019 system will be more than 90% converted

New Jersey Department of Human Services



OFFICE OF PROGRAM INTEGRITY AND ACCOUNTABILITY (OPIA):

LEGISLATIVE UPDATE

June 19, 2019



Division of
Developmental
Disabilities



OPIA Legislative Update

7

- **Updates on Statutory Requirements**
 - The Stephen Komninos' Law (Public Law 2017, Chapter 238)
 - Criminal History Record Information (Public Law 2017, Chapter 328)
 - Child Abuse Record Information (Public Law 2017, Chapter 213)

The Stephen Komninos' Law

8

- Implemented May 1, 2018
- Established new processes and requirements for provider agencies, the Division of Developmental Disabilities, and units within the Office of Program Integrity and Accountability (OPIA)



Komninios' Law: Unannounced Visits

9

- DHS contracted through Rutgers Behavioral Health with Dr. John Lyons, senior fellow with the University of Chicago/Praed Foundation and an internationally recognized expert in the field of risk and safety assessments
- Conducted stakeholder meetings with family advocates and the provider community
- Developed the Safety Assessment and Field Evaluation Tool (SAFE-T)
- All Field Safety and Services Unit (FSSU) staff received comprehensive classroom and field-based training

Komninos' Law: SAFE-T Measurement Properties

10

- **Pre-visit information review**
 - Prior to the visit, Analysts conduct an assessment of each individual and a review of each site utilizing the following:
 - ✦ DDD's information management system (iRecord)
 - ✦ DHS incident management system (NJIRMS)
 - ✦ Office of Licensing reports
 - ✦ Previous SAFE-T
 - Risk indicators are identified based on this review
 - Information gathered provides expectation for visit

Komninos' Law: Unannounced Visit Statistics

11

August 8, 2018 – June 7, 2019

- Completed 3,688 site visits
- Completed 15,318 SAFE-Ts on individuals seen
- Submitted 225 incident reports generated from an unannounced visit
 - Incident reports submitted include all NJIRMS codes

Komninos' Law: Unannounced Visit Themes

12

- Initial themes identified include:
 - Equipment/devices
 - ✦ Missing/broken equipment or documentation inconsistencies
 - Dietary
 - ✦ Inaccurate/inconsistent documentation or administration of appropriate diet
 - Physical environment
 - ✦ Damage, cleanliness, or accessibility concerns

Komninos' Law: Unannounced Visit Follow-up

13

- All specific concerns are addressed through direct provider contact and incident reporting when applicable
- Concerns are brought to the provider's attention at the time they are identified, and reviewed by FSSU at the next unannounced visit

Komninos' Law: Moving Forward

14

- **Community Care Residences**
 - 338 residences statewide
- **Developing the SAFE-T application in 2019**
 - Communication
 - Data tracking

Komninos' Law: Guardian Notification of Injuries

15

- **Residential/day program provider responsibility to notify guardian/family member - incidents/allegations involving:**
 - All minor, moderate and major injuries that are reportable according to DHS regulations
- **Requires providers to establish a process to identify a guardian or family member requesting injury/allegation notification or opting out**
- **Delayed notification requires agency to submit written, detailed explanation for delay to guardian/requesting family member and DHS Critical Incident Management Unit (CIMU) within 14 days of incident**

Komninos' Law: Guardian Notification

16

July 9, 2018 – May 2, 2019

- 1,207 group home or day program incidents required 2-hour guardian notification
- 1,005 guardian notifications were made—83%
 - 840 notifications made within 2 hours (83%)
 - 129 notifications exceeded 2 hours (13%)
 - ★ The Critical Incident Management Unit follows up on all notifications before incident closure
 - 36 data anomalies

Komninos' Law: Incident Verification

17

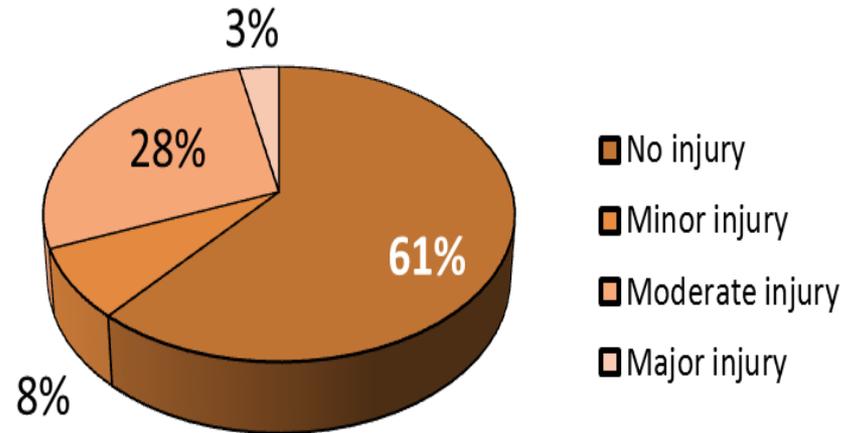
- Injury level verification takes place within 48 hours of all incidents/allegations in community-based residential programs and DHS developmental centers involving:
 - Abuse, neglect and/or exploitation (with/without injury)
 - All major and/or moderate injuries (regardless of the cause)
- Majority of reported incidents do not involve injuries

Komninos' Law: Incident Verification

18

- **3,999 Verifications**
 - 1,646 – no injury
 - 751 – moderate injury
 - 207 – minor injury
 - 85 – major injury
- ❖ Not all minor injuries are reportable
- ❖ All moderate injuries are reportable

Injury Level Verification



Komninos' Law: Reporting Abuse, Neglect, Exploitation

19

- **Expands Tara's Law penalties for failing to report:**
 - For employees/volunteers in all settings, failure to report is a disorderly person offense
 - For DDD case manager/case manager supervisor, failure to report is a fourth degree crime
 - For DDD case manager/case manager supervisor, failure to report an incident that results in death is a third degree crime
 - Person convicted of the above subject to penalty of \$350 per day for every day allegation is not reported



Komninos' Law: Guardian Participation in Office of Investigations Interview

20

- A guardian may participate in an Office of Investigations (OI) interview of the individual the guardian represents
- 120 guardians have participated in OI interviews since May 1, 2018

Komninos' Law: Exchange of Parent/Guardian Contact Information

21

- Requires developmental centers to schedule meetings with parents/guardians twice annually to provide an opportunity to share experiences
- Requires community-based residential and day program providers to:
 - Request contact information from each parent/guardian
 - If parent/guardian agrees, provider will exchange contact information with other parents/guardians within the program for opportunities to share experiences
 - Programs/agencies with multiple sites – identify the scope of who is included, consider individual preferences, keep information updated and accessible

Komninos' Law: Drug Testing Direct Care Staff

22

- **Drug testing requirements:**
 - ✦ Direct care staff and supervisors applying for employment at a program, facility, or living arrangement licensed or funded by the Department (others at discretion of employer)
 - ✦ At least once per year, 10% of direct care staff and supervisors subject to random drug testing performed quarterly
 - ✦ Drug testing permitted as needed with reasonable suspicion and through established process/written approval of person responsible for overall operation

Komninos' Law: Drug Testing Direct Care Staff

23

- Employee must be removed if he/she fails to comply with random or for cause testing
- Employee testing positive through random or for cause:
 - May be referred for treatment services, or
 - Terminated from employment

Komninos' Law: Drug Testing Direct Care Staff

24

- **Treatment Guidance:**

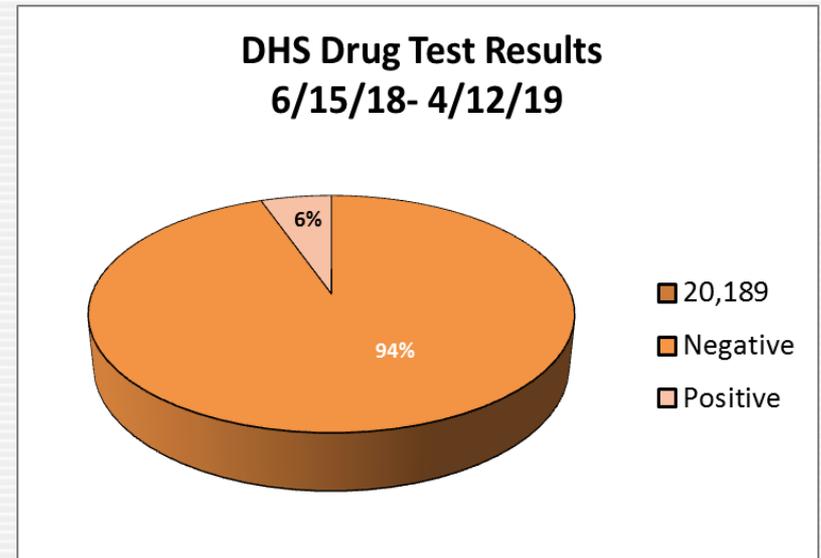
- ✦ Must be delivered by a NJ DoH-licensed substance use disorder (SUD) treatment provider or Licensed Professional that includes SUD treatment in the scope of service (LCADC, LCSW, LPC)
- ✦ Self-help meetings (AA, NA), detoxification, alternative medicine, acupuncture may be used in addition to treatment by a licensed professional
- ✦ Employee must have negative drug test through i3Screen to return to work
- ✦ Unannounced monthly monitoring through drug testing is recommended for 6-12 months

Komninos' Law: Drug Testing Direct Care Staff

25

June 15, 2018 – April 12, 2019

- 26,104 scheduled
- 20,189 completed
- 19,071 negative
- 1,118 positive



Child Abuse Record Information (CARI) Checks

26

- CARI forms/applications uploaded to a secure website
- Implementing an electronic application by the end of this year
- DHS sends 250 CARI applications to DCF each week
- Calendar Year 2018
 - ✦ CARI Checks Submitted to DCF: 4,153
 - ✦ CARI Checks Completed: 3,324
- CARI records found to date: 35
- Employees may be provisionally employed pending results

Criminal History Record Information (CHRI) Checks

27

- Updated legislation signed into law on/about January 12, 2018—DHS obtained necessary approval from the FBI to implement effective May 1, 2018
 - Requires conducting of federal and state CHRI checks for:
 - ✦ Agency employees and agency heads
 - ✦ CCR providers
 - ✦ Adults living in the household of a CCR provider
 - ✦ Alternates for CCR providers
 - Requires clearance prior to hire

Criminal History Record Information (CHRI) Checks

28

- Agencies shall not employ an individual or qualify a CCR provider, alternate or CCR family member if determined by DHS to be disqualified
- Employment must be terminated if employee refuses to cooperate with CHRI check

Criminal History Record Information (CHRI) Checks

29

- An applicant shall not provide direct care services, supervise individuals served, or work in the presence of individuals served, until the Agency has received notification from the Department that the applicant is cleared for employment. The applicant may, at the discretion of the Agency, undergo pre-employment training for which the applicant may be compensated by the Agency
- Provisional employment of an applicant is only authorized for a period not to exceed six months in the rare occurrence when an applicant has been fingerprinted and DHS is awaiting the results from the State Police and FBI. Provisional employment will be approved by the Department

Criminal History Record Information (CHRI) Checks

30

- **DHS has responsibility for determining rehabilitation**
- **Timeframes to determine rehabilitation:**
 - Employee has 14 days from date of written notice of disqualification to provide evidence of affirmatively demonstrated rehabilitation
 - DHS has no longer than 60 days from receipt of evidence to determine qualification and provide written notification to individual/agency head
 - May be submitted electronically with authorization

OPIA Compliance Monitoring

31

- Office of Licensing monitors licensed agencies for compliance with:
 - ✦ Drug testing
 - ✦ Exchange of contact information among families
 - ✦ Staff training on the Stephen Komninos' Law
 - ✦ Background check requirements for employees, including clearance of all new employees through a background check prior to hire
 - ✦ CARI checks
 - ✦ Development of written policies and procedures
 - ✦ Corrective action for life/safety violations

OPIA Compliance Monitoring

32

- **Plans of correction**
 - Life/Safety checks completed (8/2018 - 4/2019): 89
- **Unannounced routine re-inspections**
 - Completed (1/2018 – 4/2019): 79

Who to Contact with Questions

33

OPIA maintains an email address
for providers to email questions regarding the
Stephen Komninos' Law:

DHS-SKLAW.OPIA@dhs.state.nj.us

Office of Program Integrity and Accountability
Lauri Woodward, Director
609.292.1617



Self-Directed Employee (SDE) Services Update

34

- DDD continues to move forward with two fiscal intermediary (FI) options for those who choose to receive some or all their services from a self-directed employee (SDE)
 - Fiscal/Employer Agent (F/EA) administered by Public Partnerships
 - Agency with Choice (AwC) administered by Easterseals

SDE Services Update

35

- **What is F/EA?**
 - A DDD SDE model where the individual or someone authorized by the individual enrolls as the employer and holds the federal Employer Identification Number (EIN)
 - Individuals dually enrolled in both the DDD F/EA Self-Directed Employee model and the Personal Preference Program (PPP) will continue to require two EINs

SDE Services Update

36

- What is AwC?

- ✦ DDD SDE model available to individuals who utilize one or more **self-directed employees** (SDEs)
- ✦ Co-employment model
 - FI holds the EIN and is the employer
 - Individual acts as the co-employer/managing employer
- ✦ Employer-sponsored health benefits available to SDEs working 30+ hours/week for the employer (Easterseals)
- ✦ Paid time off available to all SDEs, based on number of hours and number of years worked for the employer (Easterseals)

SDE Services Update

37

- **AwC Implementation Status**
 - Testing of the system is being/has been conducted with mock data
 - Once mock data is entered, simulated 'load' testing will occur
 - Implementation to begin only after successful testing
 - Contingent on successful testing, soft enrollment is expected to begin July 2019

SDE Services Update

38

- AwC Enrollment Triage for those with SDEs who elect to use the model:
 - ✦ eRecord
 - ✦ Interim
 - ✦ Individuals enrolled in F/EA
- Duals will move first, followed by Non-Duals
- Individuals can request priority transition to AwC by emailing DDD.FeeForService@dhs.state.nj.us
 - ✦ Request will be evaluated on a case by case basis
 - ✦ We may not be able to accommodate all requests

SDE Services Update

39

- **AwC Cost to the Individual**
 - The cost, referred to as the Per Member Per Month (PMPM) fee, is deducted monthly from the individual's budget
 - Cost is still being finalized with AwC vendor, but current estimates are:
 - ✦ Approximately \$200/month (\$2,400 annually) if all SDEs work less than 30 hours per week for Easterseals
 - ✦ Approximately \$600/month (\$7,200 annually) if one or more SDEs work 30 or more hours per week for Easterseals and elect health benefits

SDE Services Update

40

- **How will Fee-for-Service transition process work?**
 - DDD will identify small groups (About 40 individuals initially) to transition into Fee-for-Service (FFS)
 - ✦ DDD will send notification letter to individuals and will contact each individual's support coordinator (SC)
 - SCs will meet with individual/family to discuss FFS service options:
 - ✦ Self-Directed Employee Options
 - Fiscal/Employer Agent (F/EA)
 - Agency with Choice (AwC)
 - ✦ Provider Agency
 - Individual/family, together with SC, will choose which model to use

SDE Services Update

41

- **How will SDE model enrollment process work?**
 - If either F/EA or AwC model is selected, SC will indicate this in the iRecord so that the system automatically alerts the appropriate FI
 - Selected FI will outreach to individual/family to initiate enrollment
 - Individual/family will identify SDEs and SDE wages that can be supported by the FFS tier budget, taking into account:
 - ✦ For F/EA model administered by Public Partnerships:
 - SDE wage is marked up 11.55% by Public Partnerships for employer-related taxes
 - Annual fee for Workers' Compensation (currently \$172.00)
 - ✦ For AwC model administered by Easterseals:
 - Monthly PMPM fee that will be deducted from the individual's budget
 - SDE wage is marked up approximately 15.01% by Easterseals for employer-related taxes and Workers' Compensation coverage

SDE Services Update

42

- **Information and training webinars**
 - Once testing is completed and enrollment process is solidified through soft enrollment:
 - ✦ Easterseals will launch webinars for individuals, families, support coordinators and state staff
 - ✦ Publication of Fact Sheets

Community of Practice for Supporting Families Across the Lifespan

43

- National project of the National Association of State Directors of DD Services (NASDDDS) and University of Missouri Kansas City Institute for Human Development (UMKC-IHD), initially launched 2012
 - To build capacity through a community of practice across and within member states to create policies, practices and systems to better assist and support families that include a member with I/DD across the lifespan
- DDD accepted as a member state, beginning July 2019



National Community of Practice for Supporting Families

21 Total States

Phase 1: 6 States

Phase 2: 11 Additional States

Phase 3: 5 Additional States

Project Outcome

- State and national consensus on a national framework and agenda for improving support for families with members with I/DD.
- Enhanced national and state policies, practices, and sustainable systems that result in improved supports to families.
- Enhanced capacity of states to replicate and sustain exemplary practices to support families and systems.

NASDDDS





SUPPORTING FAMILIES

of individuals with intellectual & developmental disabilities

THE NATIONAL COMMUNITY OF PRACTICE • FUNDED BY THE ADMINISTRATION ON INTELLECTUAL & DEVELOPMENTAL DISABILITIES

Overall Goal

To build capacity through a community of practice across and within States to create policies, practices and systems to better assist and support families that include a member with intellectual and developmental disability across the lifespan.



Community of Practice

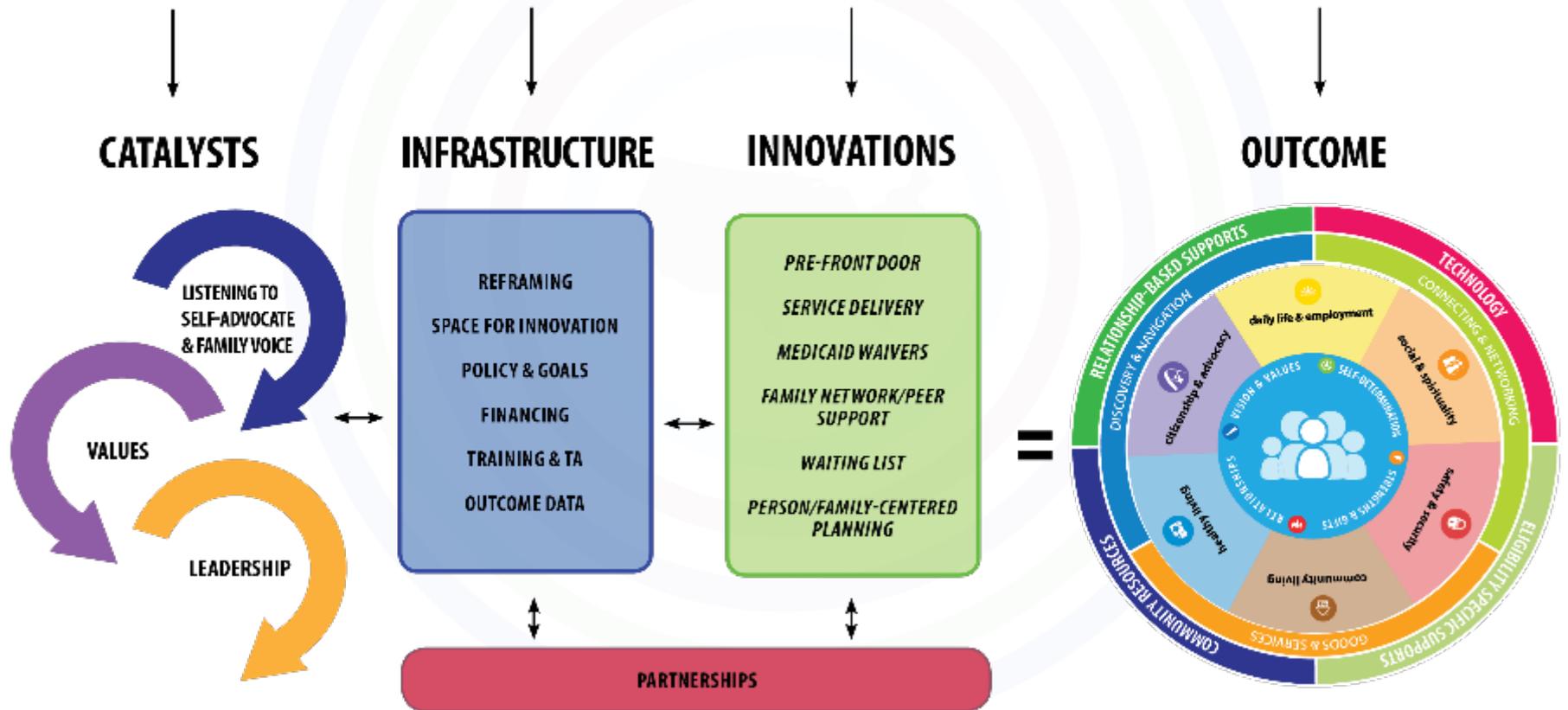
Communities of practice are groups of people who share a passion for something that they know how to do and who interact regularly to learn how to do it better.

“organized blue space”

(adapted from Creating Blue Space)



Life Course Guiding Principles



Sheli Reynolds, PhD. UMKC Institute for Human Development, UCEDD. Revised June 2014. Adapted from Hall et al, 2007



Community of Practice Benefits

Engage in policy and practice change to improve supports for people with disabilities in the context of their families.

- ⊙ Technical assistance and support from the National CoP Project team to develop a state team and structure
- ⊙ State-specific technical assistance and consultation to develop a plan based on the state's priorities
- ⊙ Capacity building to use the Charting the LifeCourse framework to assist with plan implementation
- ⊙ Join sharing and learning with other states
- ⊙ Participation in innovation workgroups
- ⊙ Access to materials and products



National Center on Advancing Person-Centered Practices and Systems (NCAPPS)

49

- **New initiative of the Administration for Community Living and the Centers for Medicare & Medicaid Services (CMS) to help states implement person-centered practices**
 - To promote systems change that makes person-centered principles not just an aspiration but a reality in the lives of people who require services and supports across the lifespan

NCAPPS Learning Collaboratives

50

- **DDD invited to participate in two Learning Collaboratives:**
 - Allows for in-depth peer-to-peer learning and local improvement efforts, guided by best practices, and structured to promote and accelerate improvement efforts
 - Duration is 12 – 24 months, depending on topic and improvement framework
 - Overarching goal is increasing utilization of self-direction



NCAPPS Learning Collaboratives

51

- **In the Driver's Seat: Realizing the Promise of Self-Direction**
 - ✦ Self-direction represents person centered thinking, planning, and practice in its purest of form
 - ✦ Many states' self-direction has not been as expansive as advocates had envisioned
 - ✦ Learning collaborative will join together nationally to test strategies and expand the reach of high-quality self-directed options

NCAPPS Learning Collaborative

52

- **Amplifying the Voice of Lived Experience in Human Service Systems**
 - ✦ Explore strategies for human service systems to engage with people with lived experience and their families
 - ✦ Successful participant involvement in policy development, work groups, decision making, oversight and advisory boards
 - ✦ Promoting best practices for service users' and families' understanding and engagement in the person centered planning process

NCAPPS Learning Collaboratives

53

- **Learning Collaborative Goals:**
 - Develop a model for improvement
 - Structure improvement activities that involve learning across teams and peer-to-peer sharing
 - Establish a change package and measurement strategy for next steps for each Learning Collaborative

Supports Brokerage

54

Self-directed services are shifting the paradigm

Professionals are best at selecting the services and supports a person should use



The person is the best at identifying their needs, preferences, and desired services and supports

Traditional agencies take responsibility for employing direct support workers



The person takes responsibilities for hiring, training, and supervising their staff

Professionals determine the support strategies with some input from the team



The person determines support strategies with input from others they identify as part of their team

Supports Brokerage

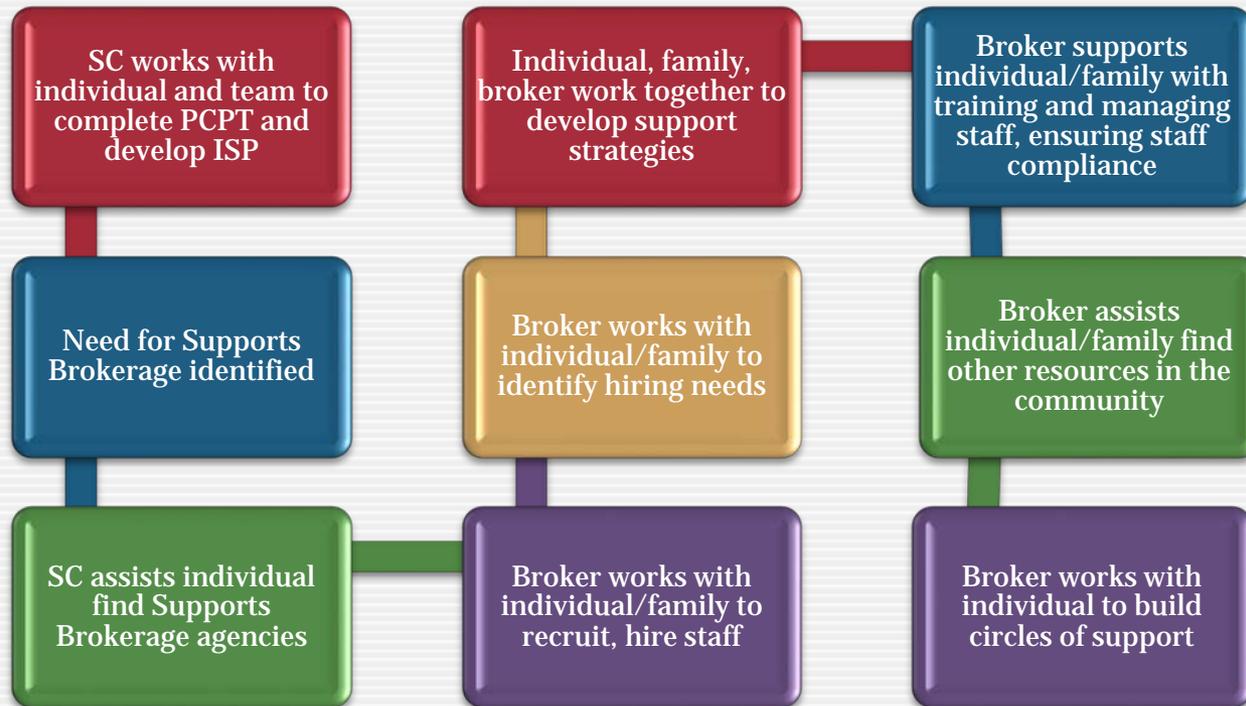
55

- **What is a Supports Broker?**
 - Assists the participant/participant's family with:
 - ✦ Arranging for, directing and managing self-directed services
 - ✦ Identifying immediate and long-term needs, developing options to meet those needs and accessing identified supports and services
 - ✦ Building skills needed to direct and manage program services
 - ✦ Providing information to ensure that participants understand the responsibilities involved with directing their services

Supports Brokerage

56

Supports Brokerage Process



Supports Brokerage

57

- **Next Steps**

- Webinars for support coordinators and individuals and families
- Supports Broker training
- Questions about Supports Brokerage can be sent to:

Patricia.Brennan@dhs.state.nj.us

Questions