

Meeting summary for ID/DD Member Call (08/14/2024)

Quick recap

Debbie Jenkins discussed the ongoing issues surrounding the classification of art programs and the Department's proposal to replace vocational rehabilitation. She also expressed concerns about the blueprint group's final report, the challenges of community integration, and the personnel-based nature of the Cer certification process. Lastly, she highlighted the Department of Labor's final rule regarding the salary threshold for exempt employees and the upcoming implementation of claims denials for home care providers in Ohio.

Next steps

- Providers to review their policies on recreational marijuana use for staff and residents.
- ICF providers to assign residents to day/employment service providers in the Outcome Tracking System before September.
- Providers to review and improve their EVV compliance processes in preparation for potential future claim denials.
- Providers to register DSPs for the DSP Recognition Event (September 9-13) as soon as possible.
- Providers to submit nominations for OHCA Excellence Awards by September 6th.
- Providers to review exempt employee salaries in light of new Department of Labor overtime thresholds.

Summary

Addressing Art Program Classification in Dodd

Debbie Jenkins discussed the ongoing issues surrounding the classification of art programs within the Department of Developmental Disabilities' (Dodd) service offerings. She explained that there had been confusion around whether art programs should be considered adult day supports or vocational rehabilitation services, particularly when artists sell their work. Debbie shared that the department is developing training to clarify these issues and is considering the creation of a community of practice for art program providers to discuss these issues and provide feedback on program design. More information is expected to be released in the coming months.

Concerns Over Department's Vocational Rehabilitation Proposal

Debbie discussed the feedback regarding the Department's proposal to replace vocational rehabilitation with a new 'best service'. The main concern was the elimination of small group vocational rehabilitation services. Debbie and her team argued that this move would not cater to the diverse needs of individuals on the employment journey.

They suggested the need for services that support both career exploration and basic employment skills. The Department agreed to further internal discussions and drafting of new rules, with Debbie emphasizing the importance of continued advocacy for small group services.

Blueprint Group Report and Provider Compliance

Debbie discussed the upcoming final report from the blueprint group, which has been ongoing for four years. She expressed concerns about two major issues that have not been addressed: the allowability of therapies and nursing services as part of the reimbursement for either ads or vocab, and the lcf reimbursement for day services. She asked the department to revisit these issues. Debbie also announced that the department is creating a work group to examine provider compliance, with the first meeting scheduled for the following Monday. She asked for any concerns or recommendations regarding the compliance process to be shared with her.

Community Integration Challenges and Expectations Discussed

Debbie and Willie discussed the challenges and expectations around community integration for their providers. Debbie emphasized that providers should not be held accountable for community relationships formed by individuals, but they should facilitate these relationships. She also raised concerns about the different interpretations of community integration across various regions and the need for a more person-centered approach. Willie shared his concerns about potential compliance issues related to community integration, especially regarding vocational services versus art therapy. Both agreed on the importance of understanding each individual's needs and expectations for community integration.

Improving Cer Certification Process and Compliance

Tom and Debbie discussed concerns about the personnel-based nature of the Cer certification process, with Tom questioning the time spent reviewing personnel records and the requirement of obtaining a Bci check before hiring. They both agreed that the current process could be improved through a better sampling process and an abbreviated survey to identify top issues for providers without a history of compliance issues. Debbie also mentioned an ongoing work group aiming to make the process easier through a lean 6 sigma event. Additionally, Debbie discussed the legalization of recreational marijuana in Ohio and its implications for providers of services to people with disabilities, as well as a lawsuit against the Department of Labor's overtime rule.

FTC Rule, EBV, and Ohio Updates

Debbie discussed the FTC's upcoming rule banning non-compete clauses for lower-level staff, emphasizing the need for preparation and potential termination of such clauses. She also highlighted the importance of accurate Electronic Benefit Verification (EBV) records to prevent claims denials, especially after a period of inactivity during Covid. Debbie further announced the implementation of claims denials for home care

providers in Ohio starting October 1st, the upcoming Dsp recognition week, and the opening of nominations for the Ohca excellence awards.

Department of Labor Salary Threshold Update

Debbie explained the Department of Labor's final rule regarding the salary threshold for exempt employees, which was set to increase from \$35,000 to \$42,000 on July 1st, and then to \$58,000 in January. She clarified that this rule was temporarily halted due to a lawsuit filed by Ryan, LLC, which claimed the Department of Labor didn't have the authority to implement such a significant increase. The court has not yet made a decision, but the State of Ohio and 13 other states have filed an amicus brief in support of the rule's implementation. Debbie emphasized the need for providers to monitor their exempt employees' salaries to ensure compliance with the changing thresholds.

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