MINUTES
Rate Work Group Meeting
Friday, March 15, 2024 / 10:00AM - 12:00PM
Held via: Microsoft Teams Meeting

Rate Work Group Member Attendance: Laurie Vachon, BDS Facilitator; Jessica Gorton, BDS; Peggy Greenwood, BDS; Erin Hall, Jessica Kennedy, BDS; Lesley Beerends, MSLC, Marissa Berg, Lindsey Magee, BDS, Martin McNamara, MSLC, John Jenkins, Jr, A&M, Kim Shottes, Krista Stephani, MSLC; Mary Anne Wisell, Matthew Cordaro, Melissa Morin, Aida Ramirez, Christy Roy, Susan Ryan, Shelley Kelleher, Sudip Adhikari, Susan Silby, Allysa Voisine, BDS, Kerri Zanchi, A&M

Note: Members of the public who joined as attendees in listen-only mode are not included in this list.

Please reference the corresponding slide presentation for the detailed agenda, including topics and themes covered in the meeting and corresponding takeaways and applicable action items.

Topic	Key Takeaways & Action Items
Exceptions Request Types	**Exceptions Process Development** • This week talk about Type of Exceptions, Exceptions Review Process, and Required Documentation for Exceptions Requests. • April discussion to include the Exceptions Review Timeline and Exceptions Review Team. **Items for Consideration:** • What are the reasons an individual may request a SIS exception? • Is an exceptions request needed if a change is support needs occurs? **Other State Examples for Exceptions Request Process:** • Presented information for the Exceptions Process in Virginia, Hawaii, Rhode Island, and Maine. **Feedback Received** • Presented the feedback from the Assessment Focus Group related to these considerations.

	- Feedback received from the Rate Work Group Members prior to Rate Meeting include: - Need to clearly define significant life changes - Temporary rate increases can be handled through crisis funding - Develop a process to obtain crisis funding through BDS, not exceptions, if there are significant health/safety concerns - Develop training for Service Coordinators so they will be able to assist individuals/families to request an exception. **<u>Discussion During Rate Work Group Meeting</u>** - Provider: Considerations should be made for when a licensed practitioner disagrees with the SIS results. Suggested a review process to include information from the professional in consideration for the SIS level and an opportunity for a clinical review. - Commenter stated that the other feedback received is good and should really be considered for the exceptions process. - Provider: To add to previous comment, considerations should be made if/how SIS supports individuals who have a brain injury and are on the DD waiver. Suggested some other tools may provide better information to identify support needs. - Question: Who initiates an exceptions request? - BDS Response: This is a point that will be discussed with the group. - BDS Question: What are the feeling about having about appeals process vs exception process? - Commentor: Appeal may be more procedural problems with inadequate outcome. - Commentor: There needs to be both an appeals and exceptions process. There needs to be an exceptions process where the vendor can challenge so they do not only provide services to individuals who do not need as much care within the same level as another individual with more needs. - BDS Question: With a provider initiated request, does the team need to approve? - Commentor: No, would suggest the vendor does not need team approval.

	- Commentor: Disagrees with that statement, it should be the team who reviews the request. - Commentor: The decision should still be vendor driven because they can start to lose money if there is an unresponsive service coordinator. - BDS Comment: We will go back and look at other states because there may be some states that allow both. There is the potential that there could be access to crisis funding while the exception/appeal process in motion. - Question: Is the service coordinator being seen as a gatekeeper? - Commentor Response: No, not necessarily a gatekeeper, but as an advocate for the individual and to work as a partner. - Commentor: There is a wide range of service coordinators and a lot of turnover. Suggested that there should be rules or policies to identify the timeframe for each step of the process. - BDS Question: What would this process look like? The timeframe will be discussed throughout this process. - Commenter: Our agency has 30 days from the point of request to a decision, which is aggressive. For the process, 60 – 90 days would be a reasonable timeline. - Commenter: Feels that 30 days should be the policy. - Question: For an exceptions process, the supports process does not match the financial needs. What happens if they never align and an agency gives notice they are stopping providing services? - BDS Response: It will be important to discuss this, but need to determine time for a transition process for individuals. - Question: Does an appeal or an exception lead to another assessment and where does the guardian or individual consent to that? - BDS Response: Individuals and/or guardians always should consent to the new SIS, if there is information mis-represented on the SIS. There would be another process if SIS information looked accurate, but the level does not pay for the needed services. - Commentor: Requiring another SIS would take longer than the 30 day timeframe.

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BDS Response: We would need to have a process to determine what information is used while awaiting a new SIS.
Comment from Chat: Vendors should definitely be included in determining what they are paid for services.
Comment: It is not clear between what the distinction is between an exceptions process and a change in a level of service needs. A significant change should not be addressed through the exceptions process, rather determined in the short term through crisis funding.
BDS Response: There are three areas for consideration. Each situation will be different and the process may be different.
Comment: There should be a uniform process for this entire process for everyone.
BDS Question/Comment: Would there be a new SIS or a process that would consider other information in the interim until there is a new SIS performed? What is the ideal? This is something to ponder for the Rate Work Group.

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<tr><td>Exceptions Request Process</td><td>
<u>Items for Consideration:</u>

Is there any form of acknowledgement provided when exception query is submitted?
What happens to an individual’s current services if they request a review?
Is there a maximum # of exceptions someone can ask for in a certain period of time?

<u>Other State Examples for Exceptions Request Process:</u>

Presented information for the Exceptions Request Process in Rhode Island, Virginia, Colorado, and Maine.

<u>Feedback Received</u>

Presented the feedback from the Assessment Focus Group related to these considerations.
Feedback received from the Rate Work Group Members prior to Rate Meeting include:
There should be consideration for the steps in the process where SIS exception requests can occur while not stalling ISA and budget development.
Consider exception review team decisions

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	◦ It appears only the individual or family will be provided with the determination – recommendation to have the guardian, service coordinator, and preferable the current provider agency, to be notified of the exception
	◦ If the original exception decision is not satisfactory, there should be the ability to submit another exception request with additional information, possibly request an appeal.
	Discussion During Rate Work Group Meeting
	• BDS Comment: As we build rates and the exceptions process in New Hampshire, what are other states learning from the process? If there are a lot of exceptions, then there may be an issue with the rates. There should be flexibility, but not adding administrative burden.
	• Commentor: The review team should acknowledge receipt of the exception request and sent to the service coordinator. The service coordinator will notify the team. There should be a timeline for receipt acknowledgement and notification of the team.
	• Commentor: If exception is processed through NH Easy, then providers can see when the exceptions process was received. Make the process efficient.
	• Commentor: Suggested 7 day time frame for the notification from the time the exception was received to the team being notified. The exception team should schedule the review within 14 calendar days of receipt and make the decision within 7 calendar days of the meeting. This should help ensure the 30-day timeline is met.
	• BDS Comment: For the second question regarding the current services, already a recommendation about using crisis funding.
	• Commentor: Using crisis funding will be critical. There should be a timeline for this process as well.
	• BDS Question: Does the 4 day (current process) need to be preserved?
	  ◦ Commenter: Yes. Absolutely!
	• BDS Question: What about number of exceptions?
	  ◦ Commenter: If you put a cap on this, you are limiting individual's rights. The best weapon against exceptions is communication. The process is likely to

	have exceptions when an individual is on the border of two levels. ○ Commenter: In developing the process, time is better spent on what could be an exception, not placing a limit. ○ Commenter: I agree with previous comments. ○ Commenter: An exception to me is when there is an assessment and I don't agree with the result, not a change in life. ○ BDS Response: We have to define these parameters and what is the process the team goes through for each situation. We will need to figure out the process together. ○ Commenter: You could put a moratorium on an exception to the same issue. ○ BDS Response: The goal is to have the exceptions process be the exception, not the norm. ○ Question/Comment: What happens when my team does not agree with the findings of the exceptions team? Would that be an appeal? If so, then I would caution against using the term appeal for another process to avoid confusion.
Documentation Requirements	**Items for Consideration:** • What information is needed to submit a query? • Will there be a template/form for both the request for exception and then for the Team's review? • Is there a maximum # of exceptions someone can ask for in a certain period of time? **Other State Examples for Exceptions Request Process:** • Presented information for the Documentation Requirements in Virginia, Colorado, Maine, and Rhode Island. **Feedback Received** • Presented the feedback from the Assessment Focus Group related to these considerations. • Feedback received from the Rate Work Group Members prior to Rate Meeting include: ○ There should be a template for an exception request and consistent expectations for what information is provided when requesting an exception.

	○ If the purpose of the exception team is to review specific exceptions for individual SIS's they should not have access to all SIS's. Access should be "need to know." ○ Agree with exceptions being requested in NH Easy. **<u>Discussion During Rate Work Group Meeting</u>** • BDS Question: If we envision a standard form, what should be asked and what information should be submitted? ○ Commentor: What rate are you requesting and why? Current support level and associated rate. Is the reason because of staffing ratio, hours of support, etc? Recommend tracking reasons for requests when they are received so can evaluate adequacy of rates. ○ Commentor in Chat: Staffing needed for supports, behavioral support plans, medical plans, etc. ○ Commenter: Along with what rate you are requesting, what is the associated timeline? Is it temporary? Narrative summarizing the behavioral and medical plans and other reasons for the request. Key bullet points would be important. ○ Commenter: I advocate for a 2 page form developed by BDS that includes areas for practitioner justification and a summary narrative from the provider itself. Also a checklist for additional information to attach, should it need to be reviewed. ○ Commenter: Years ago, there was a scoring system for ABD to evaluate wait lists. Could this scoring system/metrics be used for review? I don't want to score the individual, but rather the criteria around the individual is scored. ○ Commenter in Chat: We don't want to create extra work for the review team, but don't want to have a lot of back and forth. Need to find a balance. ○ Commenter: It will be up to the review team as well, so once the team is identified, and then it can be determined what documentation should be provided. ○ BDS Comment: If we already have access to the information, such as a service agreement, it should not be provided in the exceptions request to reduce duplication of information.

	◦ Commenter: Suggested having the individual requesting the exception have a 5 minute presentation. ◦ Commenter: Have the committee keep track of what works/doesn't work on the form for future updates and to ensure the process is working. There should be instructions and checklist for everything. ◦ Commenter: The form should be located in NH Easy instead of having a separate paper form. ◦ Commenter: Have the form be fillable for ease of completing electronically. ◦ BDS Comment: To summarize, it sounds like a brief narrative should be submitted and have an electronic form to complete for the exceptions request. ◦ Commenter: If this is located in NH Easy, then service coordinators may only have access to submit a request. This would preclude a provider to submit an exception. ◦ BDS Comment: We may be able to build into the provider dashboard so they know if an exception was submitted for an individual. • Question: For the example states, do we know the volume of exception requests they are receiving? What have the exceptions been in the beginning vs a couple years in? • BDS Response: We will research this.
Next Steps	• Continue discussion on the exceptions process. • Cost reports will be discussed in a future meeting.