



STATE OF DELAWARE

Division of Development Disabilities Services Task Force

Meeting Minutes – November 6, 2019

1 Senator Stephanie L. Hansen, Co-Chair, called the meeting to order at 1:02 p.m. Those present
2 were Representative Kendra Johnson, Senator Anthony Delcollo via telephone, Representative
3 Kevin Hensley, Marissa Catalon, Deputy Director for the Division of Development Disabilities
4 Service (DDDS), Laura Strmel, Director of Employment Services at St. John's, Gary Cassedy,
5 Vice-President of Programs with Easter Seals, Bianca Allegro, Director of Delaware Mentor,
6 Michele Mirabella, Director of Residential Services for Chimes Delaware, Terri Hancharick, Chair
7 of the Advisory Council for DDDS, Vice-Chair of the State Council for Persons with Disabilities,
8 Roy LaFontaine III, Retired DDDS employee, Rita M. Landgraf, University of Delaware and
9 former Cabinet Secretary for Department of Health and Social Services, Allan R. Zaback,
10 Wilmington University, Chair of the Administration of Human Services Graduate Program,
11 Retired former Director of the State Division of Aging, and former DDDS employee. Kyle Hodges
12 and Albert Anderson, Jr. were not present. A quorum was met.

13 A motion was made to accept the October 23, 2019 minutes with the necessary corrections by
14 Representative Hensley and seconded by Laura Strmel. The motion carried unanimously with Kyle
15 Hodges and Albert Anderson, Jr. absent.

16 Co-Chair Hansen moved to item number 3, updates from the five task force subcommittees. First
17 was an update from the DSP Subcommittee, chaired by Representative Kendra Johnson, which
18 last met on November 1, 2019 at Legislative Hall. The meeting focused on information gathering.
19 Specifically, being able to provide the infographic that A&D created last year in order to compare
20 the wages of providers to fast food workers, restaurants, department stores, etc. Other information
21 discussed was the rate rebasing benchmark study from this year, which also shows the wages for
22 direct support professional. There was a discussion among members of the subcommittee that
23 maybe the providers should be the first to provide information on the DSP wages. Gary Cassedy
24 volunteered to provide the subcommittee with the clear definitions that will be issued to the
25 providers and stated that the request for the turn over data and DSP wage data should be provided
26 by DDDS. Marissa Catalon asked for the clarification of the information that is being requested as
27 well as the timeframe for the information to be provided to the committee. There were no
28 recommendations for the task force to consider, given that the subcommittee is still collecting
29 information. The next DSP subcommittee meeting will be November 18, 2019 at 321 E. 11th St.
30 Wilmington, DE.

31 Co-Chair Hansen moved to the Substantiated Incidents Subcommittee. Laurel Strmel, the chair of
32 the subcommittee, stated that she has been in contact with Katie Howe from DDDS who will be

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33 attending the next subcommittee meeting discussing the data requested. The agenda for the next
34 meeting will be adjusted based on what data is able to be provided by DDDS. There are no
35 recommendations at this time. The next meeting will be on November 20, 2019 at Legislative Hall
36 in the Senate Hearing Room.

37 Co-Chair Hansen moved on to the Structure/Leadership Subcommittee, chaired by Allan Zaback,
38 which had its last meeting on November 5, 2019. Allan Zaback reminded the task force that the
39 subcommittee's first meeting led to the creation of a list of data requests that were sent to DDDS.
40 Four weeks later, 6 of the 12 items on the list were provided by the Division to the subcommittee.
41 Gabriela Kejner, from the Secretary's Office, stated that data on an additional 3 items would be
42 provided. An additional discussion of the subcommittee was conducting a potential climate survey
43 of DDDS employees, like one used for the Division of Public Health. Allan Zaback instead hoped
44 to receive the information collected by the Voice of DHSS Survey, with responses from DDDS
45 employees broken out.

46 Laurel Strmel commented that the subcommittee create its own survey and make a
47 recommendation to have the survey conducted. Co-Chair Hansen agreed that this could be a
48 possible recommendation for the final report.

49 LJ Thomas shared his concerns with the Voice of DHSS survey. He believed that this survey
50 contained the necessary information the subcommittee is seeking within its results, and the claim
51 that DHSS cannot disaggregate responses from DDDS does not make sense. He also expressed
52 concerns that the time required for a new survey to be developed and implemented would be
53 prohibitive.

54 Jill Fedele, Director of Communications for DHSS, stated that the information in the survey was
55 considered confidential. She expanded by saying the data collected would likely be outside the
56 scope of what the subcommittee was looking for.

57 Co-Chair Hansen asked to see a blank copy of the survey to gather the full picture.

58 Bianca Allegro asked for clarification if DHSS was concerned with confidentiality or that the
59 survey would not be applicable to the subcommittee. Jill Fedele stated she doesn't think that the
60 information from the survey would aid the subcommittee. Allan Zaback reiterated that he believed
61 the Voice of DHSS survey would be a great addition to the information the subcommittee has
62 collected.

63 Jill Fedele stated that she feels the Secretary should make that decision. It was noted that a
64 confidentiality statement/disclaimer was given with the survey, which confirmed that all responses
65 went directly to HMA.

66 Laurel Strmel stated she was uncomfortable with the survey being used in this way, as the intent
67 was for another purpose entirely. Allan Zaback disagreed and stated that even though the survey

68 was for another purpose, the information could still be useful. Gary Cassedy agreed that there is
69 no confidentiality issue with this survey.

70 Co-Chair Hansen expressed the need to look at the survey and all instructions from DHSS before
71 deciding what the next step would be. She asked when the survey and all other disclaimer
72 information could be made available. Jill Fedele confirmed that it could be ready by the end of the
73 week.

74 Allan Zaback concluded his update by stating the final 3 unanswered requests would be
75 resubmitted with clarifying language. The next Structural/Leadership Subcommittee meeting will
76 be November 20, 2019 at Legislative Hall in the House Majority Caucus Room.

77 Co-Chair Hansen moved to discuss the Regulations Subcommittee chaired by Senator Anthony
78 Delcollo, who participated via telephone. Senator Delcollo stated that there was a brief delay after
79 a new software switch was made, but a Doodle poll was sent out to subcommittee members
80 requesting their availability and an update will be provided once that information is collected.

81 Co-Chair Hansen moved to the Prevailing Service Delivery Issues Subcommittee chaired by
82 Michele Mirabella. The Subcommittee had their first meeting on October 11, 2019 and decided
83 that the members would break up into smaller working groups as the scope assigned was wide-
84 ranging. One of the first issues identified was the ICAP exceptional rate proposals. The consensus
85 was that the Division already has a good process in place; however, the timeline is often
86 overlooked, and responses are not given in a timely manner. Providers would wait for months, not
87 be approved, and then must initiate the process again. The subcommittee is going to be putting
88 together case studies of the process in action. Subcommittee members questioned the effectiveness
89 of the current process. The Division only has one person assigned to review ICAP, so it was
90 questioned if that would be enough for the entire state. Another topic surrounded PROBIS, in
91 which 2 members are not BCBA's, nor do they have the background in behavioral study. The
92 concern stems from the providers going back and forth within the group's process, leaving the
93 client without an approved plan. It leaves the client, provider, and state at risk. The subcommittee
94 also discussed the submission of required documentation, some of which is not done anywhere
95 else in the country, posing issues at the provider-level.

96 Senator Hansen asked Michele Mirabella if there were any recommendations for the task force.

97 Michele Mirabella stated that they will have recommendations following the development and
98 review of the case studies in order to provide the necessary support for the recommendation. The
99 Subcommittee's next meeting is November 15, 2019.

100 Rita Landgraf asked if Michele Mirabella was looking for consistency from the providers
101 regarding the findings and if some providers may be more vulnerability than others.

102 Michele Mirabella stated that the subcommittee discussed and will continue to look at the
103 variances and rationale for their existence.

104 Tom Cook stated that the process consists of several difficulties.

105 Roy LaFontaine stated that he was most concerned with the delay in the PROBIS committee
106 process. specifically making the entity come back multiple times.

107 Rita Landgraf asked if providers are providing the services, prior to approval, in hopes to receive
108 the reimbursement, which runs the risk of not getting the refund, should the application get
109 rejected.

110 Marissa Catalon stated that the provider can say whether they are capable of providing services to
111 a client or not. If a provider believes this ability is not the case, she needs to know immediately. A
112 provider should not be forced to take a client they are unable to support.

113 Gary Cassedy stated the he has not had been in that situation as there are procedural safeguards in
114 place to prevent this.

115 Marissa Catalon asked Michele Mirabella to contact her if she is receiving information about
116 providers being forced to support clients outside of the organization's capabilities.

117 Laurel Strmel asked about the current procedural guidelines for PROBIS, specifically the timeline
118 of a behavioral plan review including implementation.

119 Marissa Catalon stated that she believed it was outlined in the BA Manual under PROBIS.

120 LJ Thomas stated that plans are to be reviewed annually, though a plan that has a restrictive
121 procedure will come back twice a year.

122 Rita Landgraf asked what if, along the way, a client requires a behavioral plan.

123 LJ Thomas stated that after approval there is a qualifying assessment by the Division, followed by
124 a selection of a behavioral service provider. The provider has 90 days to do a functional
125 assessment, develop a plan, and then submit it to the PROBIS committee.

126 Laurel Strmel asked about the expectations once a plan is approved.

127 LJ Thomas responded that, historically, 99% of submitted plans would be approved. However, in
128 the last couple years, there has been a sharp increase in plans not being approved. For example, a
129 plan must be submitted by noon two weeks before a PROBIS meeting. If the plan is received at
130 12:01pm, it will not be reviewed at the next meeting.

131 Representative Hensley asked what a provider does with the client while going through this
132 process.

133 Michele Mirabella answered that the provider still follows the previously approved plan while the
134 revised one is before PROBIS.

135 Co-Chair Hansen stated that PROBIS sounds to be overly rigid and time consuming.

136 Michele Mirabella stated that PROBIS should consist of a board-certified behavioral analyst.

137 Co-Chair Hansen stated that she hopes there are recommendations for the final report from this
138 subcommittee regarding this issue, but, due to the urgency, a request could be sent to the Secretary
139 of DDDS asking them to implement the recommendations on approval, without waiting for the
140 final report to be published.

141 Mark Brainard stated that subcommittee chairs should ensure that the email addresses of their
142 members should be on their distribution lists. Additionally, all approved meeting minutes should
143 be submitted upon approval to be posted publicly.

144 Co-Chair Hansen stated that Albert Anderson, Jr. is stepping down from being a member of this
145 committee due to health reasons, and that the Governor's office is looking into appointing a
146 replacement.

147 Terri Hancharick suggested a self-advocate, as there is not currently one on the task force.

148 Rita Landgraf stated that she will help mentor that individual.

149 Co-Chair Hansen asked for additional updates from the task force members. Gary Cassedy
150 presented two recommendations for members to consider and a discussion will occur at the next
151 meeting. A copy will be posted publicly as well.

152 Co-Chair Hansen moved to public comment. Thomas Cook commented on the documentation
153 issue with the Prevailing Service Delivery Issues Subcommittee. He expressed concerned about
154 the assessment and ICAP being used for resource allocations not assessments. His comments were
155 sent digitally to all members of the task force.

156 Bianca Allegro motioned to adjourned at 2:25pm.

157 Respectfully prepared by:

158 Amanda McAtee and Mark Brainard, Jr., JLOSC Analysts, Joint Legislative Oversight and Sunset
159 Committee.

160 *Access to the audio recording of this proceeding is available upon request.*