

SHORT- AND LONG-TERM RECOMMENDATIONS RELATING TO DDDS RISK MITIGATION PROCEDURE

PREVAILING ISSUES SUBCOMMITTEE: DDDS TASK FORCE

September 14, 2020

SHORT TERM RECOMMENDATIONS- We believe these recommendations will entail little or no additional expenses and should be implemented as quickly as is feasible:

- 1. DDDS should establish a standardized, comprehensive Risk/Vulnerability Assessment and Planning Process to be completed during the referral, transition planning and admission processes and annually thereafter.**

This process should be completed by each individual's support team and must proactively and fully identify all substantial risks and vulnerabilities for each individual served. It must also ensure that meaningful, appropriate and individualized support plans are developed and systematically implemented to address each of these risks, as an essential part of each person's Person-Centered Plan (PCP) to ensure each person's ongoing health, safety and welfare. This process should include active consumer, family and provider participation.

- 2. DDDS should establish a permanent Quality Improvement Advisory Committee.**

The Admission, Discharge and Risk Mitigation processes should be among the priorities to be reviewed, analyzed and developed or revised by this committee. This committee should include active, meaningful participation with consumers, advocates and providers to evaluate and strengthen DDDS supports, services, policies, procedures, regulations and overall service infrastructure.

- 3. The state of Delaware should establish an Independent Admission/Discharge Review Board to deal with any appeals from a person, their parent or guardian, provider or other involved party to challenge a DDDS service denial, admission or discharge decision.**

This group shall be established in accordance with all applicable Medicaid regulations and shall include appropriately qualified experts on services to persons with I/DD including Behavior Analysts, Nurses/medical professionals and persons with substantial experience in the full range of I/DD service delivery processes and issues.

With the active input and participation of the recommended DDDS Quality Improvement Advisory Committee and all impacted stakeholders DDDS shall develop Admission and Discharge Regulations for all of its Delaware services. This process will include the comprehensive analysis of national best practices for similar service systems which promote human rights, individual choice, comprehensive person-centered planning, a standardized,

comprehensive Risk/Vulnerability Assessment and Planning Process, and service rates and funding structure which ensure diverse, quality, individualized services
These regulations shall also incorporate related specific recommendations of the DDDS Task Force as included herein.

4. **DDDS's Discharge regulations shall detail a clear, and aggressive process to promptly, systematically and effectively respond to (30 Day) notices for discharge by providers.** These regulations shall include:
 - a. A timely meeting (i.e. within 10 days of provider notice) of the person's support team to review the reasons why the provider believes they can't continue to serve the individual and to make appropriate plans.
 - b. Alternative emergency placement plans and resources (see recommendation B. 3 below) to effectively provide for timely alternative placement in situations in which the person or others may be facing (a) serious and immediate threat(s) that does in fact necessitate immediate discharge.
 - c. If it is apparent that alternative placement is not immediately necessary, Risk Mitigation Plans shall be developed to effectively address the risks and challenges faced by the individual, the provider and/or others. There should also be a detailed decision making process to determine if these plans will be implemented for the short term (i.e. only until an alternative placement is found), or for a longer term (i.e. efforts to address needs and challenges which may enable the individual to avoid discharge and continue services).
 - d. Strict, efficient and time limited DDDS processes for the approval of Rate Exceptions, for staffing, nursing supports, behavior supports, etc. which may be needed by the individual and provider for any length of time necessary to address emergent issues and/or for discharge and alternate placement to be completed.
 - e. When appropriate DDDS must issue a timely e-blast referral to other agencies identifying the need(s) for placement and challenges experienced by the consumer, the current agency, etc.
 - f. Specific requirements for DDDS to actively and continuously provide all necessary supports and resources to the individual and the agency providing services, until emergent issues are resolved and/or (a) new alternate service(s) has been effectively created and initiated.
 - g. A detailed procedure for any disputed discharge decision to be referred to the Independent Admission/Discharge Review Board promptly (see item 3 above).
 - h. A tracking system that flags when 30-day notices are given by the provider and details related to mandated explicit, escalating, time limited actions/responsibilities for DDDS and other involved parties when any such approved notice period has been exceeded.

LONG TERM RECOMMENDATIONS- We recognize the following recommendations will entail substantial additional cost for the state and DDDS, and therefore it will not be possible for the DDDS Task force to implement them immediately. Nonetheless, we believe that the implementation of these recommendations will be essential to ensuring the health, safety and welfare of persons served, and the ongoing viability and effectiveness of the DDDS service system:

- 1. DDDS (i.e. the state of DE) needs to increase its funding to providers and their DSPs to market levels as recommended by their own market study update completed in 2019. This study concluded that these providers remain underfunded by over 35% (even after recent significant, but still inadequate funding increases).**

- 2. DDDS should develop two additional, separate and specialized DDDS Service subsystems, structures, rates and oversight for persons who exhibit exceptional behavioral, medical and dual diagnoses needs. These systems shall be designed to include: a corresponding appropriate, higher wage differential to ensure that providers can recruit and retain the appropriately trained and qualified DSPs and personnel providing these services; and competitive reimbursement rates for needed ancillary professional services within these systems.**

- 3. Delaware and the DDDS system need to develop Emergency (in patient) Intensive Behavioral Support Services for persons in behavioral or psychiatric crisis who cannot be safely and effectively served in their natural home or in the regular DDDS provider system.**