



# Developmental Disabilities Administration (DDA) Updates

**Bernard Simons, DDA Deputy Secretary**

April 16, 2021



# Agenda

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- Opening Remarks
- Deputy Secretary Update
- COVID-19 Regional Update
- Retainer Payments
- Questions

# Deputy Secretary's Opening Remarks

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- The DDA's highest priority is the health, safety, and wellbeing of people with intellectual and developmental disabilities, their families, staff, and providers
- The DDA is committed to transparency with all of our stakeholders to ensure we are all working with the same information to support our shared missions
- Thank you for your continued support in joining me during these webcast so that we can stay in-touch and be able to provide you with the most current information

# Deputy Secretary's Update

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- Governor Larry Hogan this week announced that, according to official Centers for Disease Control and Prevention (CDC) data, more than 80% of Marylanders 65 and older, and more than 50% of Marylanders 18 and older, have received at least one dose of a COVID-19 vaccine
- Marylanders can pre-register by visiting [covidvax.maryland.gov](https://covidvax.maryland.gov) or by calling 1-855-MD-GOVAX



# Deputy Secretary's Update

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- This week, the U.S. Food and Drug Administration (FDA) and the CDC issued [the statement below](#) about recent reports of adverse reactions to the Johnson & Johnson (Janssen) COVID-19 vaccine and its recommendation to pause administration of the Johnson & Johnson vaccine
- Based on the federal government's recommendation and out of an abundance of caution, the Maryland Department of Health (*MDH*) directs all Maryland COVID-19 vaccine providers to pause the administration of Johnson & Johnson COVID-19 vaccines until further federal guidance is issued



# Deputy Secretary's Update-LTSS*Maryland*

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- To date, the DDA has transitioned approximate 4,600 service participants, served by 159 providers, into *LTSSMaryland* in Personal Supports, Supported Living and the initial pilot group that went live on December 1, 2019. As of this month, *LTSSMaryland* has processed \$42.3 M in claims for Personal Supports and Supported Living services
- The DDA is moving forward with expanding use of *LTSSMaryland* with a pilot of five agencies that self-identified as interested in transitioning all services and participants into *LTSSMaryland*

# Deputy Secretary's Update

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- This group of providers is referred to as the Early Adopter Group (EAG) pilot. DDA has met on several occasions with these organizations to reassess their level of interest in moving forward and finalize the go-live plan for transitioning them from PCIS2 to LTSSMaryland. The EAG includes:
  - July 1, 2021 - Penn-Mar; SEEC; and Jubilee
  - October 1, 2021 - Jewish Foundation for Group Homes (JFGH); and Abilities Network

# Deputy Secretary's Update- SB496

## Recovery for the Economy, Livelihoods, Industries, Entrepreneurs, and Families (RELIEF) Act

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- The DDA and the Maryland Community Health Resources Commission (CHRC), an independent commission within the MDH, are pleased to announce the Emergency Relief Call for Proposals for Title 7 Developmental Disabilities Administration Providers. [Click here for the Call for Proposals and RFP Webpage](#)
- The grant funds are to support one-time only uses to ensure service delivery, in accordance with the provision of the Relief Act focused on **re-opening, transformation, or revenue loss**
- Applications will be due to the CHRC no later than **May 10, 2021**. We are hosting an informational call on **April 21, 2021, at 10 a.m.**
- For more information see the [updated memo](#)



# Deputy Secretary's Update-SB796

## Maryland Office of Minority Health and Health Disparities and Maryland 3 Health Care Commission – Reporting Requirements

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- SB 796 comprises a total of 39 citations with 37 requirements in total
  - 23 actionable/measurable requirements
    - 7 are complete and/or no longer relevant (EVV)
    - 9 require joint planning, response and/or implementation by the DDA and Medicaid
    - 7 require DDA only planning, response and/or implementation
  - 14 legislative reporting requirements
    - 4 of these requirements will require joint agency response by the DDA and Medicaid

# Deputy Secretary's Update

## DDA Frequently Asked Questions (FAQs) updated April 12, 2021

Table of Contents links to topic specific categories for easy access



### Frequently Asked Questions (FAQs)

The Developmental Disabilities Administration (DDA) receives questions regarding programs, services, processes, and new initiatives directly and during topic specific webinars. These Frequently Asked Questions (FAQs) are organized into the topic specific categories to help you find those questions and responses most relevant to you. To go directly to a specific section, you can click on the link in the Table of Contents.

This is a live document which will be updated as categories and questions are added and updated. Questions received that are similar in nature were consolidated to best summarize the answers and resources.

#### Table of Contents

- I. [Appendix K \(New April 12, 2021\)](#)
- II. [Billing \(New April 12, 2021\)](#)
- III. [DDA Communications \(New April 12, 2021\)](#)
- IV. [DDA Provider Applications \(New April 12, 2021\)](#)

- Appendix K
- Billing
- DDA Communications
- DDA Provider Applications
- Eligibility and Application
- Person-Centered Planning
- Self-Direction
- Services
- Electronic Visit Verification
- Resources



# Deputy Secretary's Update

## National Core Indicators™ Staff Stability Survey 2020

- As the DDA continues to work towards building stronger and more robust home and community-based services systems, one of our core focuses must remain on the role that our Direct Support Professionals (DSPs) play in the provision of supports for people with Intellectual and Developmental Disabilities (I/DD). As you are aware, there is a growing need for DSPs in Maryland and across the country. Unfortunately, statistics show that this workforce continues to experience high rates of instability, including high turnover and vacancy rates

# Deputy Secretary's Update

- The NCI Staff Stability Survey is operated by National Association of State Directors of Developmental Disabilities Services (NASDDDS) and Human Services Research Institute (HSRI). The survey collects information about DSP staffing levels, job stability, wages, and compensation. Each State is tasked with 100% provider participation in order to provide the most accurate data on the DSP workforce
- DDA providers should have received an email directly from HSRI ([dhiersteiner@hsri.org](mailto:dhiersteiner@hsri.org)) inviting you to participate in this important Staff Stability Survey by June 30, 2021. In the email, you will find a unique log-in that will enable you to enter your survey responses directly into HRSI's database. Results of the survey will only be reported to HRSI in the aggregate and your organization will remain anonymous

# Deputy Secretary's Update

- In order for your agency to be compliant with the DDA Wage Survey requirement for FY2020, it is the expectation of the DDA that providers respond to the Staff Stability survey that is part of the NCI no later than June 30, 2021
- If you have any questions regarding the Staff Stability Survey or if you have not received your unique link from NCI to the survey portal, please contact Patricia Sastoque at [patricia.satoque@maryland.gov](mailto:patricia.satoque@maryland.gov)



# Deputy Secretary's Update

## Reopening

- Our providers are leading discussions for the **'how and when'** to reopen and resume in-person community services. Their careful planning is guided by a number of factors including individual and family interests and readiness, program and staffing capacity, transportation, and early provider experiences with scaled back openings this spring
- To shape these plans and timelines, **please consider participation in a brief survey**. The DDA recognizes that with the passing of time and with the COVID-19 vaccination roll-out, individual and family preferences may have changed. Thank you for your participation in this reopening survey which can be accessed [here](#)



# Deputy Secretary's Update

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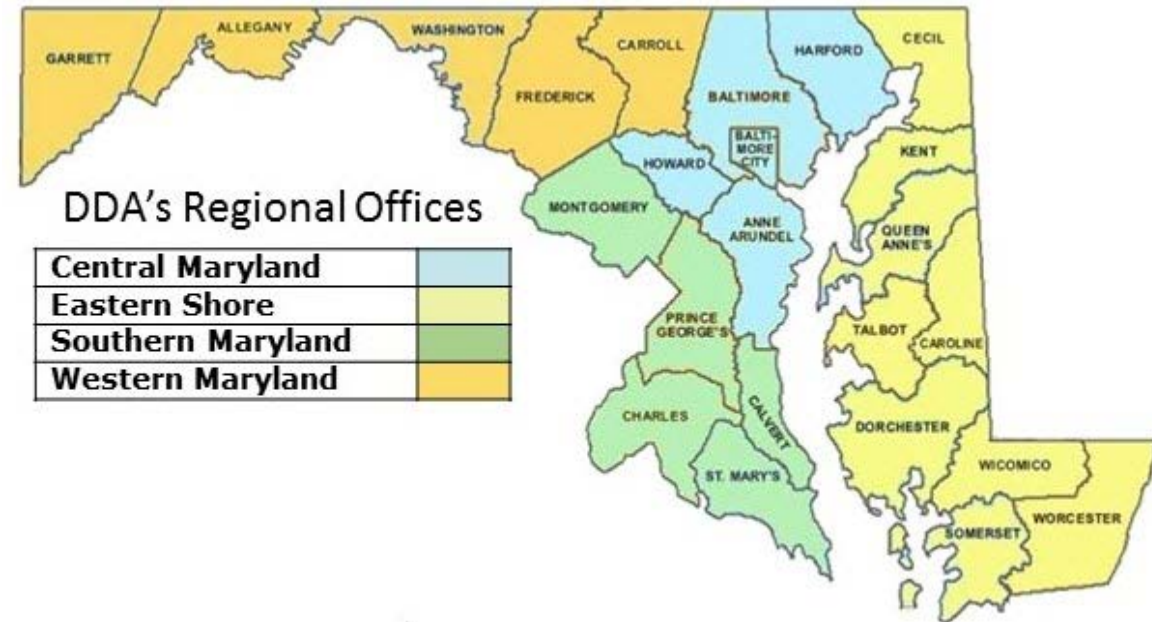
- The DDA continues to work with the Department's Public Health Services to coordinate disability specific clinics
- **Kennedy Krieger (KKI) and Johns Hopkins Vaccine collaboration**
  - Two in May and one in June 2021 clinics to start
  - First clinic will be 30-50 people, remaining clinics will be 300-500 depending on need
  - Clinics will be **drive through**
  - Easy and accessible online registration
  - ***Sensory supports will be available***
  - DDA will communicate and share registration links soon!



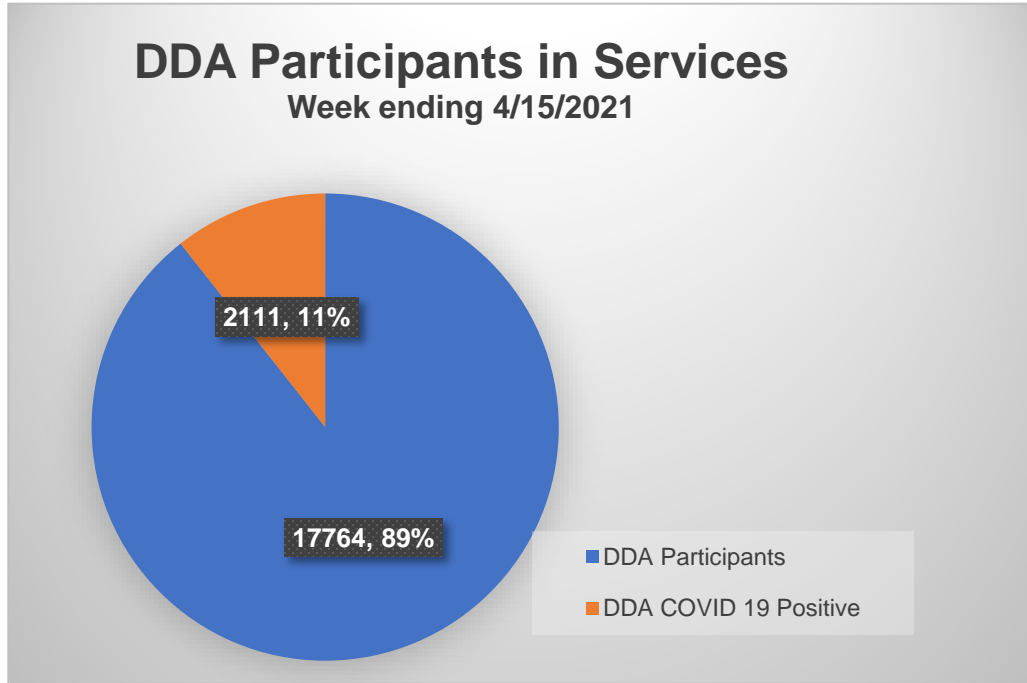
# COVID-19 Regional Updates

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- **SMRO**- Onesta Duke  
[onestaduke@maryland.gov](mailto:onestaduke@maryland.gov)
- **ESRO**- Kim Gscheidle  
[kimberlygscheidle@maryland.gov](mailto:kimberlygscheidle@maryland.gov)
- **CMRO**- Nicholas Burton  
[nicholasburton@maryland.gov](mailto:nicholasburton@maryland.gov)
- **WMRO**- Cathy Marshall  
[cathymarshall@maryland.gov](mailto:cathymarshall@maryland.gov)

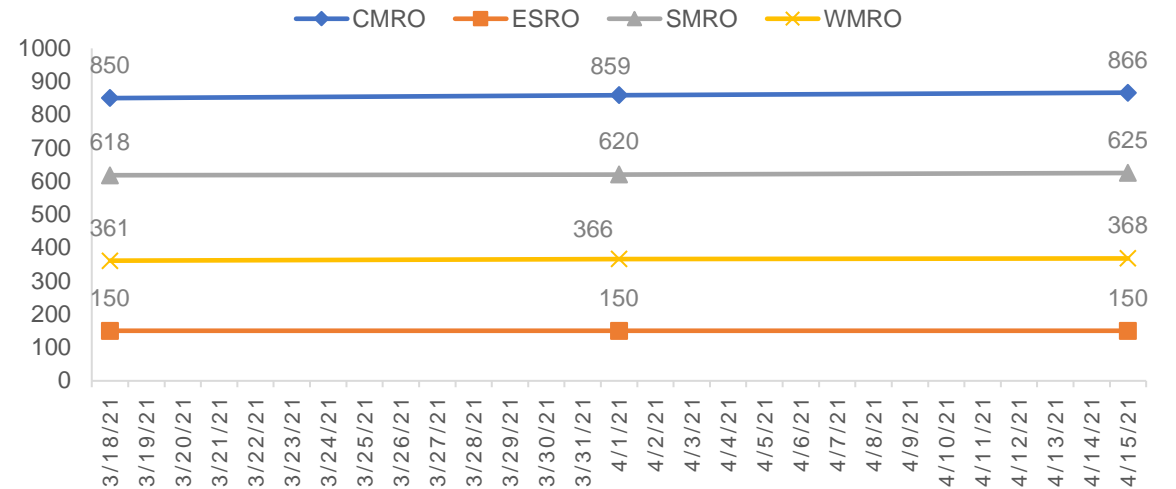


# DDA Tracking



There are 17,764 people supported in services by the DDA of which 11% (2,097) have tested positive for COVID-19.

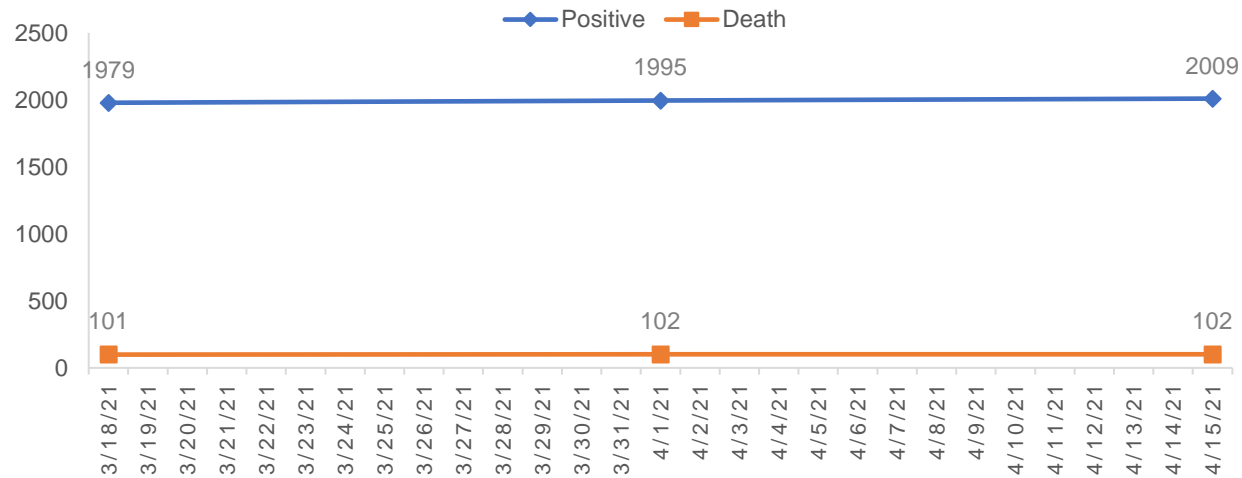
**POSITIVE PARTICIPANTS BY REGION**  
WEEK ENDING 4/15/2021



CMRO 866 Positive; Increase of 7  
 ESRO 150 Positive; Increase of 0  
 SMRO 625 Positive; Increase of 5  
 WMRO 368 Positive; Increase of 2

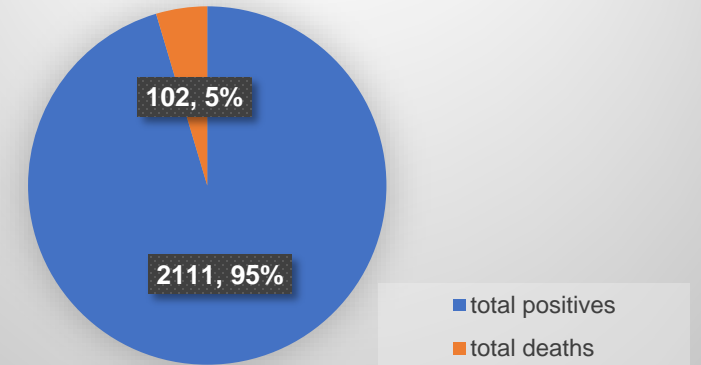
# DDA Tracking

**POSITIVE PARTICIPANTS STATEWIDE  
WEEK ENDING 04/15/2021**



There have been 1,995 participants reported as having tested positive for COVID-19 of which there have been 102 deaths.

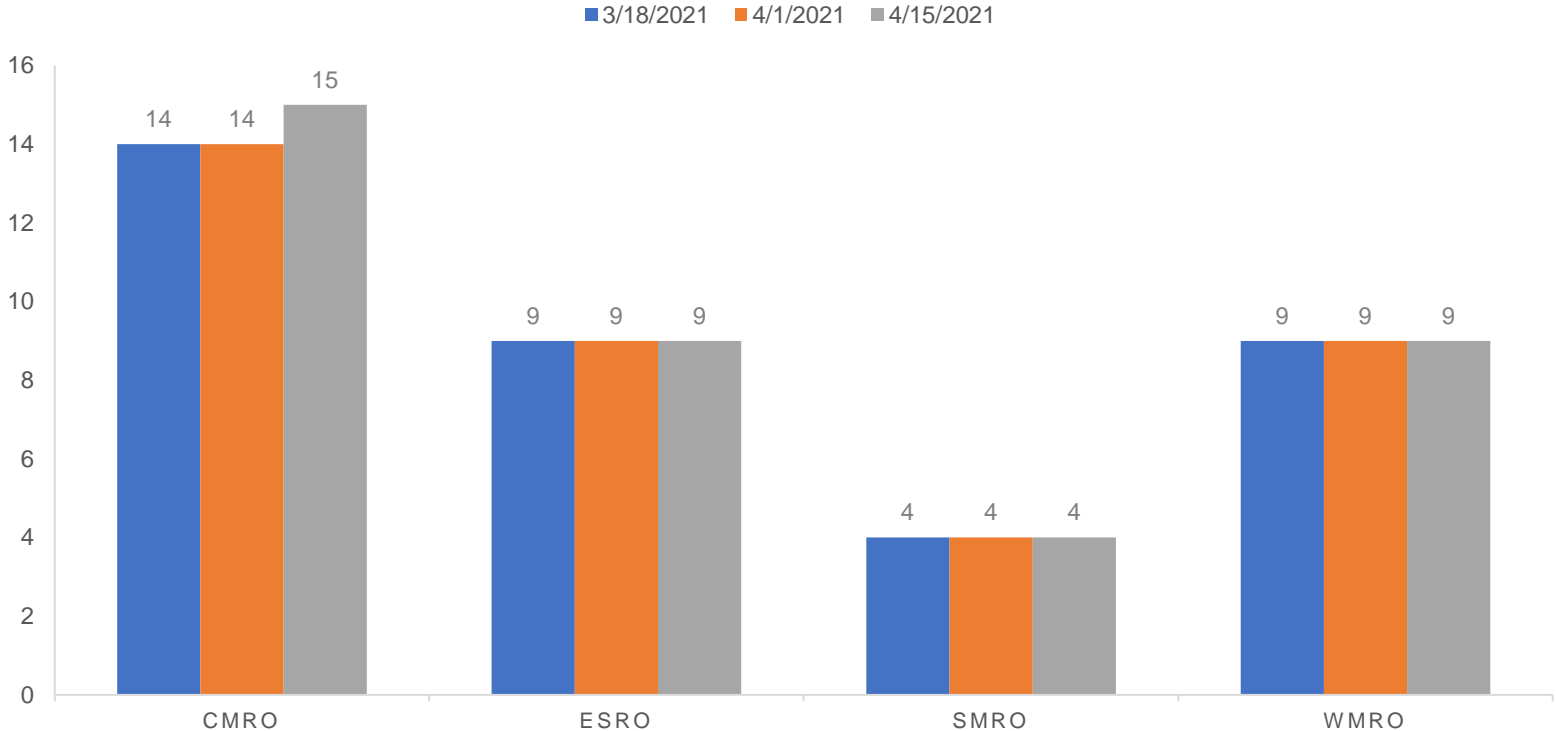
**DDA COVID-19  
Positives and Deaths  
Week ending 4/15/2021**



The 102 deaths represents approximately 5% of all (2111) participants that tested positive.

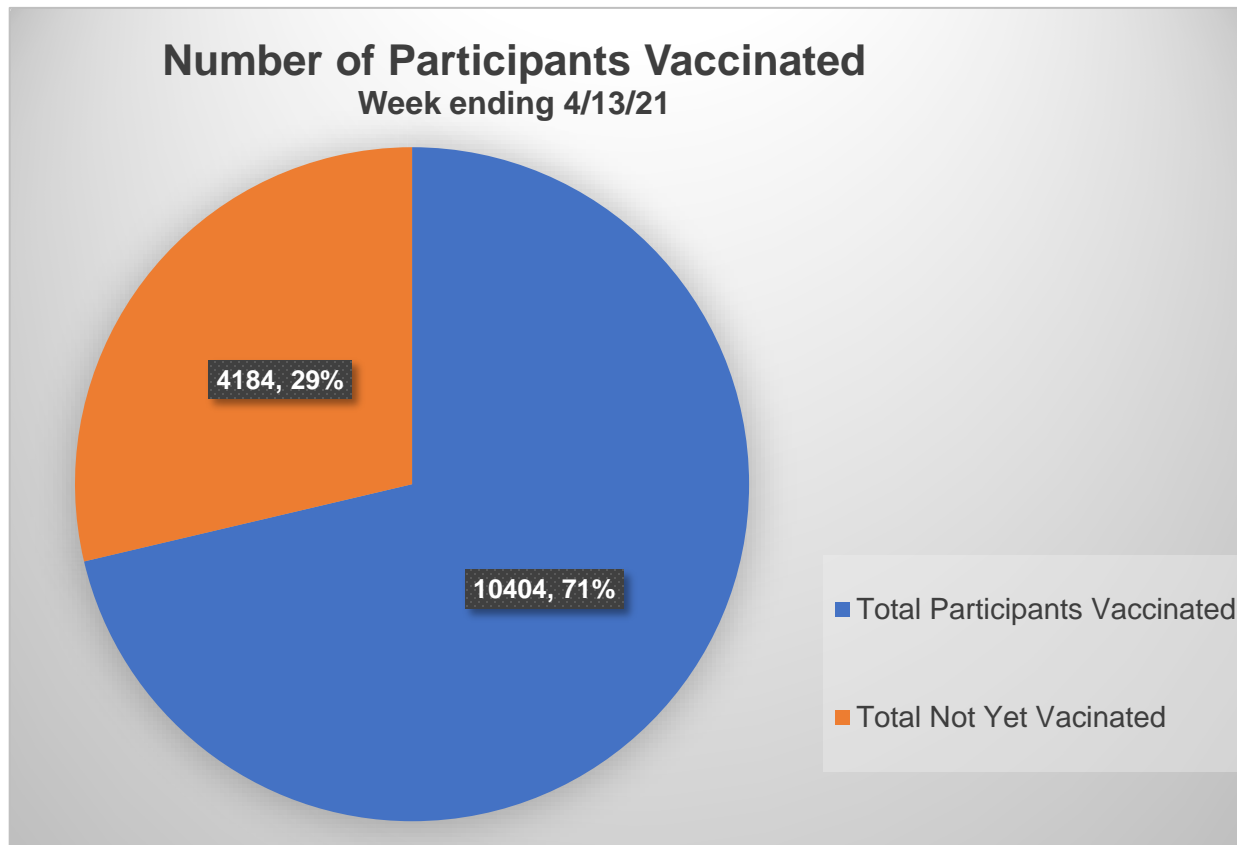
# DDA Tracking

PARTICIPANTS IN SELF-DIRECTION  
WEEK ENDING 04/15/2021



37 COVID-19 Positive  
0 Deaths

# Vaccination Tracking

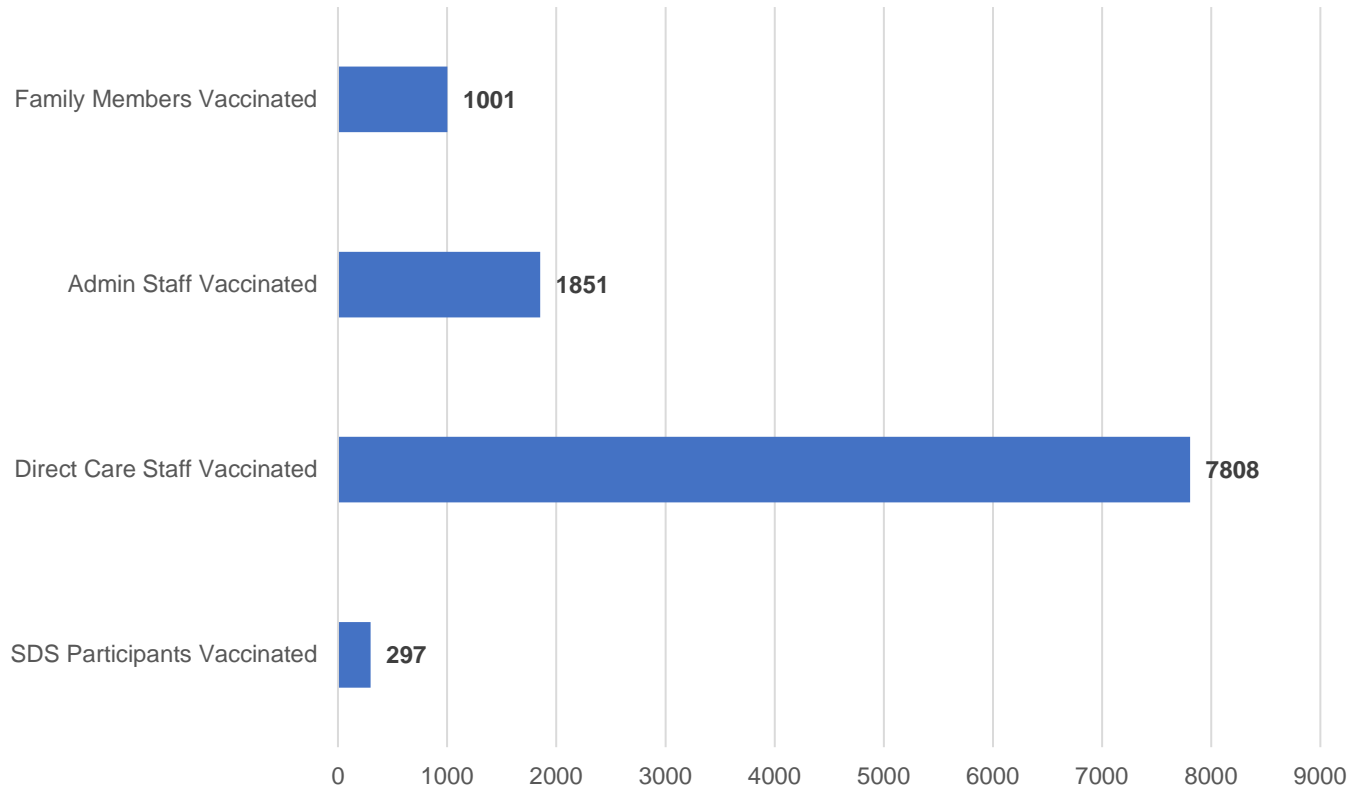


- Of the 14,588 participants that the agencies reported intending to have vaccinated, 10,404 (71%) have been vaccinated, 4,184 (29%) have not received a vaccine
- There have been 118 vaccination clinics held by the provider agencies with 22 currently scheduled



# Vaccination Tracking

Others Vaccinated  
Week ending 4/13/2021



## Others vaccinated include:

- 1,001 Family Members
- 1,851 Administrative staff
- 7,808 Direct Support Staff
- 297 Self Directed Participants

# Retainer Payments

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- Under the DDA's Appendix K authority, DDA providers can bill retainer days during the public health emergency as follows:
  - Community Living - Group Home - up to 60 days at 100% of the rate
  - Meaningful Day - up to 30 days at 80% of the rate
  - Personal Supports - up to 120 or 30 days - at 100% of the rate

## Resource:

- [CMS DDA Appendix K Amendment Approved - January 7, 2021](#)
- [Retainer Days - PCIS2 Error Updates Guidance - Revised April 15, 2021](#)
- [Retainer Days - Guardrails Remaining FAQs - April 15, 2021](#)

# Retainer Payments

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## Guardrails and Attestation

- Under guidance provided by the Center for Medicare and Medicaid Services (CMS), providers are required to submit, quarterly, a completed attestation that will be verified by the DDA, to ensure compliance with the CMS “guardrails” for retainer payments under the provisions of the Appendix K
- CMS has advised us that the guardrails are effective retroactive to March 13, 2020

Reference: [Attestation of Provider Use of Retainer Days - Final 2-2-2021](#)

# Retainer Payments

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## Guardrails and Attestation

- Further clarification from CMS revealed that states now have the flexibility to allow some retainer payments to cover base costs during period of times when staff were laid off
- Based upon this guidance, DDA has decided to allow providers to bill up to **60% of retainer day funding during staff layoffs** to cover set non-staff related agency base costs

# Retainer Payments

## Guardrails and Attestation

Providers that have laid off staff during the reporting period should indicate “N” (meaning No) to the third guardrail question noted on the Attestation form as shown below

Guardrail	Attestation	Y/N	Period (Start - End)
Limit retainer payments to a reasonable amount and ensure their recoupment if other resources, once available, are used for the same purpose. A retainer payment cannot exceed the payment for the relevant service	_____ (Provider Name) attests that this guardrail has been adhered to. If not please report the nature of the noncompliance to the appropriate DDA staff (Fiscal or Program)		
Retainer payments will be subject to recoupment if inappropriate billing or duplicate payments for services occurred as identified in a state or federal audit or any other authorized third-party review. Note that “duplicate uses of available funding streams” means using more than one funding stream for the same purpose.	_____ (Provider Name) attests that this guardrail has been adhered to. If not please report the nature of the noncompliance to the appropriate DDA staff (Fiscal or Program)		
Require an attestation from the provider that it will not lay off staff and will maintain wages at existing levels.	_____ (Provider Name) attests that this guardrail has been adhered to. If not please report the nature of the noncompliance to the appropriate DDA staff (Fiscal or Program)		



# Retainer Payments

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## Reconciliation and Recoupment

- Federal requirements are that providers cannot profit from the public health emergency (PHE)
- During the cost reporting year-end reconciliation process:
  - An assessment of revenues (whether from the additional revenue from PPP loans or other revenue sources along with revenue from retainer payments) for the same programs to see if it demonstrates a profit for the provider
  - If a provider received revenues in excess of the pre-PHE level, then any retainer payment amounts in excess will be recouped





# Retainer Payments

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## Guardrails FAQs

Question: If we have laid off staff but have already submitted and been paid for Retainer Days, how will we notify DDA that we are now not eligible for these days. When can we expect recoupment of these days?

- Complete the quarterly attestation that notifies DDA that staff was laid off while retainer days were billed. Based upon the flexibility granted by CMS, DDA has decided to allow providers to bill up to 60% of retainer days even if the agency laid off staff during the time retainer days were billed. To effectuate this, DDA will recoup the difference of retainer day funds during year-end reconciliation through the cost reporting process



# Retainer Payments

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## Guardrails FAQs

Question: How do we note this on the cost report as the days in PCIS2 will not match our cost report submission?

- The Schedule G on the cost report is used to note and explain attendance discrepancies between the provider record of attendance and PCIS2

Question: Funding cannot be used for the same program?

- One of the guardrails contained in the CMS guidance on the use of retainer days is that the agency cannot use revenue from retainer day billing and other sources of outside revenue for the same or duplicate purpose



# Retainer Payments

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## Guardrails FAQs

Question: Do the guardrails suggest we cannot have received other sources of funding at all during appendix K or those funds cannot be used for the same time period that the retainer days were billed for?

- The guardrails contained in the CMS guidance on use of retainer days stipulates that (1) the agency cannot use revenue from other sources and revenue from retainer day pays for the same program (duplicate uses), (2) revenue from retainer payments cannot cause an agency to exceed its revenue prior to the quarter before the PHE minus savings achieved from staff layoffs and/or furloughs, and (3) the agency cannot layoff staff at the same time as they are receiving retainer payments, or it will be subject to recoupment of retainer day payments



# Retainer Payments

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## Guardrails FAQs

Question: What if you laid off staff in a different quarter during Appendix K than the quarter you are billing retainer days?

- The agency is able to bill up to 60% of the retainer day payment. If the total revenue as a result of the retainer days exceeds the amount of revenue earned the quarter prior to the PHE, minus savings as a result of staff layoffs or furloughs, then the DDA will recoup the difference



# Retainer Payments

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## Guardrails FAQs

Question: Page 24 says, "Providers who entered up to 30 retainer days since March 13, 2020 do not need to take any action."

- Providers who entered up to 30 retainer days for Meaningful Day services since March 13, 2020 would not need to complete error updates to adjust attendance. However, the provider is required to complete the quarterly attestation in accordance with the CMS guidance pertaining to the guardrails



# Retainer Payments

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## Guardrails FAQs

Question: Our retainer days were submitted correctly, but we did receive a PPP loan, what should we do at this point?

- If your retainer days were submitted correctly all you have to do is submit the quarterly attestations pertaining to the guardrails contained in the CMS guidance. During year-end reconciliation you will need to report the receipt of funding during this period of time to determine if you meet the federal requirements





# Retainer Payments

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## Guardrails FAQs

Question: There is a guardrail that relates to revenue not exceeding the quarter prior to PHE. Is this revenue on a total level, or by program?

- This is total revenue

# Retainer Payments

## Retainer Days Attestation: Submission Schedule

<b>Fiscal Year</b>	<b>Billing Period</b>	<b>Attestation Due Date</b>
FY20	March 13, 2020 – June 30, 2020	June 30, 2021
FY 21 – Q4 Payment - April 2021	July 1, 2020 - March 31, 2021	June 30, 2021
FY 22 – Q1 Payment - July 2021	April 1, 2021 – June 30, 2021	July 10, 2021
FY 22 – Q2 Payment - October 2021	July 1, 2021 – September 30, 2021	October 10, 2021
FY 22 – Q3 Payment - January 2022	October 1, 2021 – December 31, 2021	January 10, 2022
FY 22 – Q4 Payment - April 2022	January 1, 2022 – March 31, 2022	April 10, 2022

# Error Updates

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Error updates that affect FY'20 retainer days need to be submitted to the regional offices by **noon, May 3, 2021** for the following services:

- Residential/Community Living-Group Homes - PCIS2
- Personal Support - PCIS2 and LTSS
- Meaningful Day - PCIS2

# Questions

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Please join us for our 2021  
Webinar Series:

- April 30 at 1pm
- May 14 and 28 at 1pm