



The Alaska Association on Developmental Disabilities

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To facilitate a united provider voice for best practices, advocacy, partnerships and networking.

December 27, 2016

SDS External Workgroup – Day Habilitation Soft Caps
Attention: Duane Mayes, Director of SDS

AADD Recommendation regarding Soft Caps on Day Habilitation Services

Thank you for the opportunity to provide input on the proposal to implement soft caps on day habilitation services. AADD is cognizant and supportive of the need for cost containment measures to assure sustainability of services yet urges the workgroup to assure that a person-centered planning and service delivery process is upheld.

AADD requests that the SDS Research and Analysis group provide a comparative analysis of day habilitation usage based on dates of service for all fiscal years since July 1, 2013 (the implementation date for waiver regulations affecting day habilitation services). This will assist in objectifying the reported growth trends in this category. Isolating one service category for soft-cap implementation based on average utilization across the State of Alaska may fall short of CMS directives for person-centered planning.

Current regulations regarding Day Habilitation Services 7 AAC 130.260 (c) limits the amount of day habilitation service to 15 hours per week, if the recipient is also provided group home habilitation (residential) services. While imposing a cap, this regulation also recognizes Day Habilitation services in the context of a whole package of services provided based on level of need. Until a level of care assessment tool which provides a more reliable basis for person-centered allocation of resources is fully implemented in the State of Alaska, AADD makes the following recommendations as an interim measure:

RECOMMENDATION

- a.
 - i) Recipients for whom Day Habilitation services do not accompany a residential habilitation service (for example, in-home supports, supported living, family habilitation), a soft cap limiting authorized hours to the average hours per week utilized in the previous year plan of care.

This will be instituted for all recipients receiving day habilitation services regardless of age, living situation, or type of waiver. Soft caps which maintain average weekly utilization reflect utilization variances related to urban and rural settings.

ii) Recipients for whom Day Habilitation services accompany a residential habilitation service (for example, in-home supports, supported living, family habilitation), a soft cap limiting authorized hours to the lesser of the average hours per week utilized in the previous year plan of care, or an annual average of 15 hours per week. This will be instituted for all recipients receiving day habilitation services regardless of age, living situation, or type of waiver. Soft caps which maintain average weekly utilization reflect utilization variances related to urban and rural settings, and do not require regulations lowering of the maximum of current 15 hours per week for a recipient who receives Group Home services.

- b. The soft cap applies to the combined total of individual and/or group day habilitation services. No daily cap is implemented so that activities of cultural importance, such as subsistence hunting/fishing day trips are not minimized.
- c. AADD supports a standardized process for requests to exceed the soft caps level, which incentivizes increase in the quality of inclusion and skill acquisition. For example, a goal of meaningful employment may require additional pre-employment day habilitation services to achieve and should not be restricted by the soft cap. AADD supports the introduction of a lower cost companion care service to be considered as an alternative to the day habilitation soft cap.

Acuity-based exceptions to the soft cap will require additional supporting documentation, for example:

- i) Risk Assessment completed by the Center for Psychological Development
- ii) Copies of incident reports over the past year
- iii) Hospital, PPER and API admission records
- iv) Police records
- v) Provider service notes and tracking of goals and objectives
- vi) Medical/health records
- vii) Lives outside the public transportation system
- viii) Necessary to assure continual skill-building during school breaks

Day habilitation is a service provided in non-residential settings. AADD believes that the application for an exception also needs to address potential indirect costs related to the associated risk of increased costs

to the State of Alaska, such as mental health, behavioral health, and medical needs as a consequence of limiting inclusion opportunities.

- d. AADD supports SDS submittal of a waiver amendment to CMS to explain the steps that it will take to ensure that the individual's needs' can be met within the soft cap limit, what alternatives are available (including the addition of companion care services), and how the state will continue to assure the waiver participants' health and welfare.

Please feel free to contact me if you have any questions or seek additional clarification of these points.

Sincerely,



Lizette Stiehr
Executive Director



Michael Bailey
AADD President