

**Traumatic Brain Injury Services Coordinating Council  
Meeting Minutes  
October 3, 2017; 10:52 am – 2:24 pm  
One Commerce Plaza, 99 Washington Avenue, Albany, NY  
16th Floor, Conference Room 1613**

Topic	Discussion	Action/Next Steps/Who/When
<b>Attendance</b>	<p><b>Council Members Present:</b> Barry Dain (Chair); Nina Baumbach (OPWDD); Crystal Collins (NYS Justice Center); Michael Davison (Vice Chair); Michael Kaplen; Maxine Smalling (OMH) (via phone); Dominick Raffio; Earl Schmidt (TPS) (via phone); Ann Marie Calabrese (Victims Services); David Hoffman (NYSDOH)</p> <p><b>Council Members Absent:</b> Megan Clothier; Brent Feuz; Kenneth Ingenito; Meredith Klein; Timothy Pruce; Jennifer Semonite (NYSED); Joseph Vollaro; Chad Cook (DFS); Kitty Gelberg (DOH)</p> <p><b>DOH Staff:</b> Maribeth Gnozzio; Teri Schmidt</p>	
<b>Welcome and Introductions</b>	<p>The meeting was called to order at 10:52 am; <b>Barry Dain</b>, Chair, presided over the meeting.</p> <p><b>B. Dain:</b> Confirmed there was sufficient membership to meet the quorum. 8 Council members present in the room and 2 Council members present via phone. Draft meeting minutes for 6/27/17 were e-mailed to <b>M. Smalling</b> for voting purposes.</p> <p><b>B. Dain</b> requested a moment of silence for the passing of TBI Waiver participant, Terry Lawrence.</p>	
<b>Olmstead Housing Program</b>	<p><b>B. Dain</b> introduced <b>Matthew de Waal Malefyt</b>, Bureau of Housing and Partnership for Long Term Care and <b>Lindsey Miller</b>, Executive Director, New York Association on Independent Living (NYAIL).</p> <p>Materials: PowerPoint Presentation and Olmstead Housing Subsidy Program brochure.</p> <p>Presentation on the Olmstead Housing Program provides housing support to seniors or individuals with a documented chronic disability. Olmstead is funded by the New York State Department of Health (NYSDOH) and administered by NYAIL. This subsidy program is one of several housing initiatives established by Governor Cuomo in conjunction with the 2012 Medicaid Redesign Supportive Housing Program. <b>N. Baumbach</b> asked how many people are served by the program? <b>M. Malefyt</b> responded that there are currently 73 people enrolled and approximately an additional 11 or 12 individuals have received one-time assistance. <b>M. Kaplen</b> asked about the funding level for the program? <b>L. Miller</b> responded that there is a \$5 million budget. <b>M. Davison</b> asked if applicants can apply for both the waiver and Olmstead Housing? <b>M. Malefyt</b> responded that individuals may apply for both programs however, individuals cannot have two applications pending at the same time and a person cannot be funded by both programs. <b>M. Kaplen</b> asked what is the difference between TBI housing and the Olmstead program? <b>B. Gnozzio</b> responded they are two different programs with two different funding sources and different eligibility criteria. <b>D. Hoffman</b> added that housing is not a Medicaid funded</p>	<p>Information regarding the Olmstead Housing Program is available at: <a href="https://ilny.us/programs/ohs">https://ilny.us/programs/ohs</a></p>

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	<p>service therefore resources are limited and in the case of the TBI program is contingent on annual appropriation. <b>B. Gnozzio</b> added that the TBI housing serves approximately 945 – 950 individuals and has not received a budget increase for many years. <b>B. Dain</b> asked how to go about increasing funding for TBI housing? <b>B. Gnozzio</b> responded the best course of action is advocacy by stakeholders and participants. <b>B. Dain</b> questioned whether an individual currently receiving TBI housing could transition to Olmstead housing? <b>B. Gnozzio</b> responded that Olmstead focuses on individuals transitioning from nursing homes, are homeless or unstably housed <b>B. Dain</b> asked if Olmstead has considered expanding support staff in each region? <b>L. Miller</b> responded that they would consider that option if it was needed, but funds are better utilized supporting rental subsidies. <b>N. Baumbach</b> asked if there is data to demonstrate the success of the program? <b>L. Miller</b> responded that the program implements a quality of life survey to collect data but the program has not been in place for a sufficient period of time to offer reliable data to support its efficacy.</p>	
<p><b>Review and Approval of 6/27/17 TBISCC Meeting Minutes</b></p>	<p>Council members reviewed the minutes of the June 27, 2017 TBISCC meeting.</p> <p><b>M. Smalling</b> was e-mailed a copy of the 6/27/17 minutes and was asked to e-mail her vote to <b>D. Hoffman</b>.</p> <p><b>B. Dain</b> made a motion to approve the minutes. <b>M. Davison</b> seconded the motion. Motion passed.</p>	
<p><b>Elections of Council Chair</b></p>	<p><b>B. Dain</b>, Council Chair made a motion to nominate <b>Dominick Raffio</b> as Traumatic Brain Injury Services Coordinating Council Chair person.</p> <p>All in favor, <b>M. Davison</b>. <b>M. Kaplen</b> seconded the motion. Motion passed.</p>	
<p><b>TBI Waiver – High Level Update and Announcements</b></p>	<p><b>David Hoffman</b>, DPS.CCE, Director, NYSDOH, Bureau of Community Integration and Alzheimer’s Disease.</p> <p><b>D. Hoffman</b> reported that the TBI waiver application has been approved by CMS for a five (5) year period effective September 1, 2017. Key changes in the application content relate to the level of care (LOC) assessment. LOC reassessments are now required annually rather than ever six (6) months. The assessment tool utilized to assess LOC is the UAS-NY. The NYSDOH Waiver team has scheduled a series of webinars to review the newly approved application changes. The first webinar is scheduled for 10/12/17. <b>B. Gnozzio</b> added that the RRDCs will conduct regional meetings with providers and participants to discuss the content of the application. <b>Anne Marie Todd</b> expressed concerns regarding the UAS-NY. <b>D. Hoffman</b> reported that NYSDOH has established an “alternate route” assessment process for any individual who does not meet LOC after a second assessment has been completed. The RRDC Nurse Evaluator will be conducting the second assessment. <b>D. Hoffman</b> reported the “alternate route” process will provide for a clinical recommendation that an individual</p>	

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	<p>requires nursing home level of care. NYSDOH is working with the State Medical Director to further define the assessment process and protocols. <b>M. Davison</b> asked when is an NOD is issued? <b>B. Gnozzio</b> responded that an NOD is issued when an individual does not meet LOC after a second UAS assessment; the RRDC will encourage the individual to request a Fair Hearing with aid continuing while seeking the alternate route assessment. <b>D. Hoffman</b> added individuals with aid continuing who receive a housing subsidy will continue to receive a subsidy during the additional assessment process. <b>B. Gnozzio</b> reported that NYSDOH will be advising the Administrative Law Judge's (ALJ's) of this new process. <b>M. Davison</b> expressed concerns regarding providers being paid while a person is receiving aid continuing. <b>B. Gnozzio</b> responded that a participant would not lose services until the actual fair hearing decision is rendered by the ALJ or the individual seeks to withdraw his/her request for a fair hearing. All individuals discontinued from waiver services will have a transition plan.</p>	
<p><b>Break for lunch 12:20 pm – 1:05 pm</b></p>		
<p><b>Public Comment</b></p>	<p><b>Traci Allen</b> (member of the public, Alliance of NHTD and TBI Providers) reported that the TBI Waiver application has been renewed effective September 1, 2017. The Alliance is gathering data to submit to NYSDOH regarding the UAS and capacity issues. There are concerns regarding inconsistent information being presented by various RRDCs. <b>B. Gnozzio</b> advised that all concerns be directed to NYSDOH.</p> <p><b>B. Dain</b> suggested a sub-committee be formed with The Alliance to review concerns related to the implementation of the new application. <b>B. Dain, M. Davison, T. Allen</b> and <b>BIANYS representatives</b> agreed to participate on the committee.</p> <p><b>T. Allen</b> reported that questions from providers have been sent to the NYSDOH BML and they have not been answered. <b>B. Gnozzio</b> responded that all questions will be answered via a FAQ and there is a process for getting that FAQ posted on the Department website.</p> <p><b>B. Dain</b> requested that the meeting minutes reflect his request prior to this meeting for <b>T. Allen</b> to do a presentation on the data and findings of the UAS which was denied by <b>D. Hoffman</b> because there is not sufficient validated data available. <b>B. Dain</b> indicated he did not agree with the Department's position to deny a specific agenda item.</p> <p><b>V. Clingan</b> (member of the public, BIANYS) commented that the UAS does not measure cognitive impairment and BIANYS does not agree with new service limitations included in the waiver application. <b>B. Gnozzio</b> responded Revised Service Plans will now be submitted annually and all services currently in place will remain in place until the next annual review. <b>T. Allen</b> asked what the process is if a</p>	

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	<p>participant's hours are reduced? <b>B. Gnozzio</b> responded that any participant who experiences a reduction in services will be provided a notice of decision (NOD) and afforded due process.</p> <p><b>B. Gnozzio</b> reported that the TBI Waiver application has been in negotiation with CMS for four (4) years. There are many procedural changes that are required with the new application. As of the date of this meeting no waiver participant has been denied waiver eligibility due to LOC. <b>T. Allen</b> asked what can be done about the RRDCs inconsistencies? <b>B. Gnozzio</b> responded that NYSDOH has weekly conference calls with the RRDCs; webinars for participants, families and providers; and RRDCs will be having regional meetings with participants, families and providers. Any changes to the application happened as a result of the CMS Request for Additional Information (RAI) which was received and answered after the public comment period.</p>	
<p><b>TBISCC Member/Agency Updates</b></p>	<p><b>Maxine Smalling</b>, NYS Office of Mental Health (OMH): <b>M. Smalling</b> reported that OMH has noted an increase in the number of individuals with TBI in need of in-patient mental health services. They are finding many individuals cannot be safely discharged back to the community and available nursing home beds are extremely limited for this specialized population.</p> <p><b>Crystal Collins</b>, Justice Center for Protection of People with Special Needs: <b>C. Collins</b> reported there is a new Executive Director, Denise Miranda; Lisa Rosano has retired. The New York State Justice Center for the Protection of People with Special Needs (Justice Center) is sponsoring an Albany seminar for individuals who engage with those suffering from or experiencing trauma. The seminar will be on 10/27/17. The seminar is offered in conjunction with the Trauma Stewardship Institute in Hamburg, NY.</p> <p><b>Nina Baumbach</b>, NYS Office for People with Developmental Disabilities (OPWDD): <b>N. Baumbach</b> reported that OPWDD is moving towards managed care and bringing existing providers into Care Coordination Organizations (CCO) which will be incorporated into Health Homes. The draft transition plan is currently out for public comment. There is a five (5) year transition plan to include pilots in 2018, then a 5-year phase-in process. OPWDD will have a workgroup to identify strategies for the transition of Service Coordination into Care Coordination.</p> <p><b>Anne Marie Calabrese</b>, NYS Office of Victim Services (OVS): <b>A. Calabrese</b> did not have any updates. <b>A. Calabrese</b> commented that the networking and resources available through this working group are a great asset.</p>	
<p><b>Adjournment</b></p>	<p>Next meeting is scheduled for December 12, 2017.</p> <p><b>D. Raffio</b> made a motioned to adjourn the meeting. <b>C. Collins</b> seconded the motion. The October 3, 2017 TBISCC meeting adjourned at 2:24 pm.</p>	