

Fairfax-Falls Church CSB Compliance Committee Virtual Meeting

Will be held electronically due to the COVID-19 pandemic

March 17, 2021, 4:00 p.m.

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Meeting ID: 986 7543 9799 • Passcode: 929233

MEETING AGENDA

| <u>Agenda Item</u> | <u>Facilitator</u> |
|--|-----------------------------------|
| 1. <u>Meeting Called to Order</u> | Bettina Lawton |
| 2. <u>Roll Call and Audibility</u> | Bettina Lawton |
| 3. <u>Preliminary Motions</u> | Bettina Lawton |
| 4. <u>Matters of the Public</u> | Bettina Lawton |
| 5. <u>Amendments to the Meeting Agenda</u> | Bettina Lawton |
| 6. <u>Approval of Feb. 2020 Committee Meeting Minutes</u> | |
| 7. <u>Follow up items from last meeting</u> | Daryl Washington |
| • <i>Compliance Trends</i> | |
| 8. <u>Updates</u> | Daryl Washington & Luann Healy |
| • <i>ComplyTrack</i> | |
| • <i>Electronic Health Record Update</i> | |
| • <i>CSB Serious Incident (Level III) Report</i> | |
| 9. <u>Open Discussion</u> | |
| <i>Closed Session: Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, as Section 2.2-3711(A)(8).</i> | |
| 10. <u>Adjourn</u> | |

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Fairfax-Falls Church Community Services Board
Compliance Committee Meeting Minutes
February 19, 2020

The Compliance Committee of the Fairfax-Falls Church Community Services Board met in regular session at the Merrifield Center, 8221 Willow Oaks Corporate Drive, Fairfax, VA.

The following Committee members were present: Bettina Lawton, Board Chair; Jennifer Adeli; Ken Garnes; Sheila Coplan Jonas; and Diane Tuininga

The following Committee members were absent: Nancy Scott

The following staff were present: Daryl Washington, Cindy Tianti, and Lyn Tomlinson

1. Meeting Called to Order

The meeting was called to order at 4:00 p.m.

2. Review of Meeting Minutes

Meeting minutes of the December 11, 2019 and the January 15, 2020 Compliance Committee were provided for review and revision. As no recommendations were forthcoming, Diane Tuininga made a motion to approve the minutes as presented, which was seconded and approved.

3. Follow up items from the prior Compliance Committee Meeting

Lyn Tomlinson distributed copies of an updated organizational chart for the Office of Compliance and Risk Management, providing an overview of the changes that included:

- x Luann Healy will directly supervise the three manager positions following removal of the Certified Compliance Program Coordinator position.
- x Efforts are underway to fill the vacant Human Rights/Incident Management position, noting the challenge in filling this position as it requires specific knowledge and skills.
- x Management staff will be provided technical assistance and content training to increase content expertise. This will provide layers of support to the Director position as well as supporting management responsibilities.

4. Updates

ComplyTrack

Lyn Tomlinson directed attention to the ComplyTrack reports included in the meeting materials, providing clarification to each report, the highlights for which are provided below.

- x Audit: Potential Risk was clarified as including new programs and programs that have been recently expanded or modified, noting this may include a new level of care or billing implementation. It was further clarified that this higher risk level is assigned as risk increases while new, revised, or updated program requirements are learned and implemented.
 - o It was confirmed that an audit plan may be prompted by a Corrective Action Plan (further defined below) to assist staff with tracking errors and implemented corrections in response to a licensing audit.
- x CAP (Corrective Action Plan); results from a licensing audit/review. An overview of the process was provided, clarifying that following an audit/review, a CAP is submitted to

the state (licensing) and, once accepted, is implemented and tracked until the requirements of the CAP are met.

- o Members confirmed that closed CAPs should continue to be included on the report as committee members continue to become familiar with the reports and the actions that supply the data.

- x Education: an overview of each of the data points was provided.

Credible Operations Update

Daryl Washington, noting no significant changes, clarified that a meeting has been scheduled with the Credible CEO and the 25 Virginia CSBs that use Credible. The meeting is set for Wednesday, February 26 in Richmond.

CSB Serious Incident Report ±January 2020

Lyn Tomlinson provided the Serious Incident Report for February 2020.

CLOSED SESSION

At 4:22 p.m. Sheila Jones offered a motion, that was seconded and passed, to meet in closed session for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel on a reimbursement matter, as permitted by Virginia Code Section 2.2-3711(A)(8).

At 4:31 p.m. the Board reconvened the open session at which time a motion was offered, seconded and passed, certifying to the best of the Board's knowledge that only public business matters lawfully exempted from open meeting requirements prescribed by the Virginia Freedom of Information Act and only such public business matters identified in the motion to convene a closed meeting, were heard, discussed or considered by the Community Services Board in closed session.

Immediately following, and there being no further business to come before the Committee, a motion to adjourn was offered, seconded and carried. The meeting was adjourned at 4:32 p.m.

Actions Taken ±

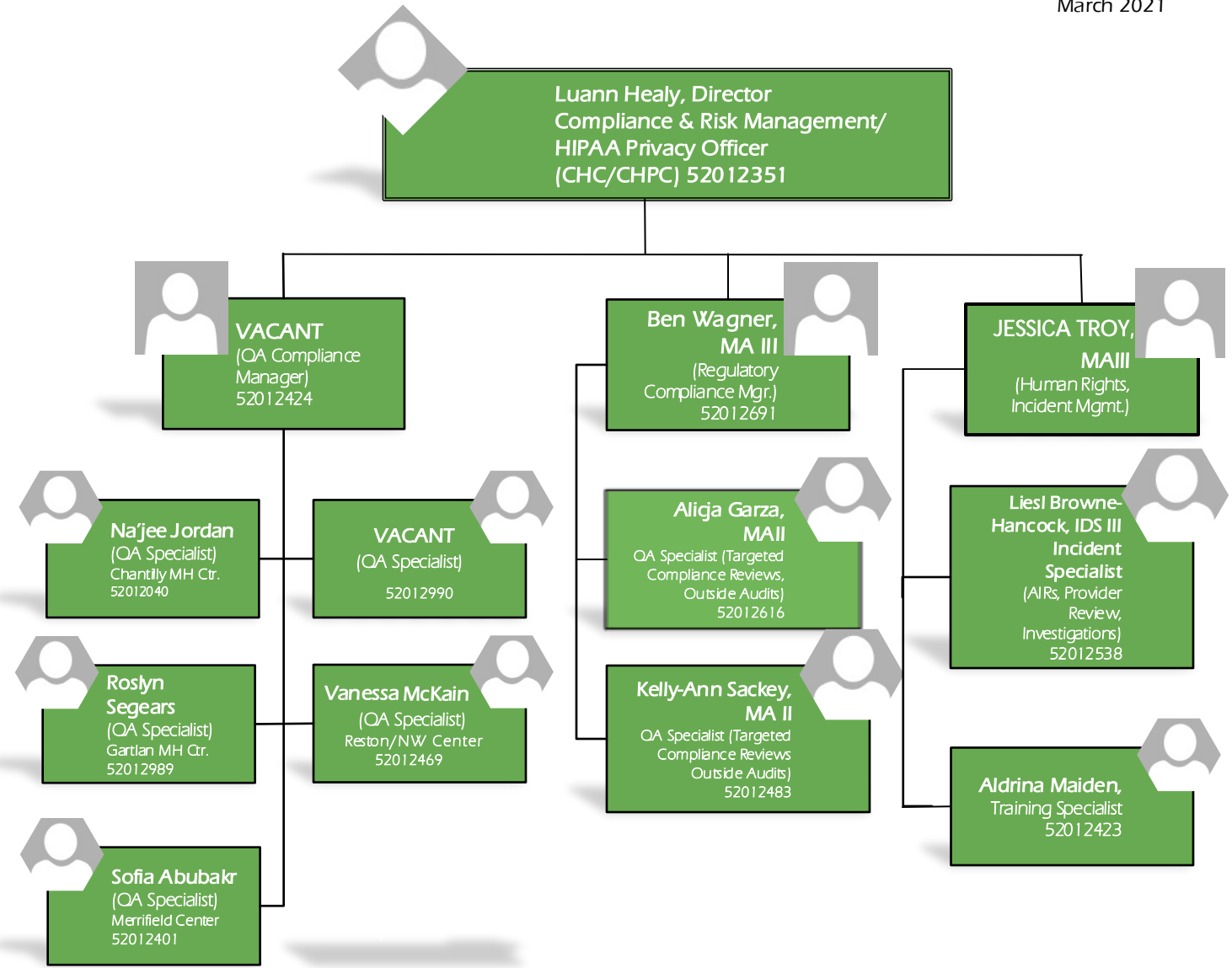
- x Minutes of the December 11, 2019 and the January 15, 2020 Compliance Committee meetings were reviewed and approved.

Date Approved

Clerk to the Board

CSB Compliance & Risk Management Organization

March 2021



 Current Positions

 Vacant

CSB Board Compliance Committee Meeting, March 17, 2021

Since March 2020, the following changes/clarifications have occurred with the regulatory agencies that govern the CSB.

Centers for Medicare and Medicaid Services (CMS):

- Telehealth/Behavioral Health Services:
 - flexibility to bill for services via telehealth
 - January 2021, more Telehealth billable services added

Health Insurance Portability and Accountability Act (HIPAA):

- COVID19 clarifications:
 - use of HIPAA compliant telehealth equipment to provide services

Substance Abuse and Mental Health Services Administration (SAMHSA) (42 CFR Part 2-Confidentiality rules):

- Some alignment of confidentiality rules with HIPAA-42CFR Part 2 to be more stringent: e.g., HIPAA allows client verbal consent to disclose information, 42 CFR Part 2 requires written consent. Fed. Reg. changes due to be published 3/27/2021

Department of Medical Assistance Services (DMAS):

- Regularly send out memos extending the Public Health Emergency and flexibilities
- Working re: alignment of rules with DBHDS, e.g., DBHDS allowed flexibilities for attaching Service Plan Reviews to client chart in conflict with DMAS rules
- Behavioral Health Enhancements:
 - regulatory guidance due next month
- Managed Care Organizations (MCO) required training for clinical staff – the VACSB (Virginia Association of Community Services Boards) is working to determine if current training will fit these requirements.

Department of Behavioral Health and Developmental Services (DBHDS):

- Department of Justice (DOJ) settlement agreement is driving many changes, as well as the public health emergency
- Structure of DBHDS:
 - created Incident Management Unit
- Increased auditing due to the changes within DBHDS and to comply with DOJ settlement Corrective Action Plans (CAPs) and Citations more frequent with increased oversight in both licensing and human rights regulations
- COVID19 reporting added to Serious Incident Reporting as a Level II incident
- Care concerns:
 - established thresholds to trigger a review by programs
- Expectations for Risk Management Plans and Quality Improvement plans indicated in 2018 regulations were further defined
- Training:
 - flexibility for completing required training remotely for training that has a “hands on” component, e.g., First Aid

Audit Report CSB Board

| ItemCustomId | Audit Start Date | Entity | Audit Scope | Audit Type | Sample Size | CSB Board Reporting | Audit Action Plan |
|--------------|------------------|-------------------------|-----------------|------------|-------------|------------------------|------------------------|
| 000320 | Jul 1, 2020 | Chantilly | New Program | Record | 13 | Standard business risk | Monitoring - 12 months |
| 000327 | Jul 6, 2020 | Pennino | Targeted Review | Record | 3 | Standard business risk | Monitoring - 12 months |
| 000329 | Jul 1, 2020 | Merrifield | Targeted Review | Record | 220 | Standard business risk | Monitoring - 12 months |
| 000331 | Jul 1, 2020 | Merrifield | New Program | Record | 20 | Standard business risk | Monitoring - 12 months |
| 000332 | Jul 1, 2020 | Chantilly | New Program | Record | 9 | Standard business risk | Monitoring - 12 months |
| 000333 | Jul 1, 2020 | Northwest Center Reston | New Program | Record | 20 | Standard business risk | Monitoring - 12 months |
| 000334 | Jul 1, 2020 | Gartlan | New Program | Record | 23 | Standard business risk | Monitoring - 12 months |
| 000335 | Jul 1, 2020 | Chantilly | New Program | Record | 11 | Standard business risk | Monitoring - 12 months |
| 000336 | Jul 1, 2020 | Chantilly | New Program | Record | 15 | Standard business risk | Monitoring - 12 months |
| 000337 | Jul 1, 2020 | Chantilly | New Program | Record | 11 | Standard business risk | Monitoring - 12 months |
| 000338 | Jul 1, 2020 | Chantilly | New Program | Record | 48 | Standard business risk | Monitoring - 12 months |
| 000346 | Jul 15, 2020 | Pennino | Targeted Review | Record | 13 | Standard business risk | Monitoring - 12 months |
| 000347 | Jul 30, 2020 | Merrifield | HIPAA Privacy | Record | 153 | Standard business risk | Corrective Action Plan |
| 000461 | Jul 1, 2020 | South County Center | Targeted Review | Record | 7 | Standard business risk | Monitoring - 12 months |
| 000465 | Jul 1, 2020 | Gartlan | Targeted Review | Record | 3 | Standard business risk | Monitoring - 12 months |
| 000471 | Jul 1, 2020 | Northwest Center Reston | Targeted Review | Record | 2 | Standard business risk | Monitoring - 12 months |
| 000474 | Jul 1, 2020 | Pennino | Targeted Review | Record | 3 | Standard business risk | Monitoring - 12 months |
| 000599 | Oct 1, 2020 | Pennino | Targeted Review | Record | 6 | Standard business risk | Monitoring - 12 months |
| 000604 | Oct 14, 2020 | Merrifield | Targeted Review | Record | 9 | Standard business risk | Monitoring - 12 months |
| 000634 | Jul 1, 2020 | Merrifield | Targeted Review | Record | 2 | Standard business risk | Monitoring - 12 months |

Audit Report CSB Board

| ItemCustomId | Audit Start Date | Entity | Audit Scope | Audit Type | Sample Size | CSB Board Reporting | Audit Action Plan |
|--------------|------------------|-------------------------|-----------------|------------|-------------|------------------------|------------------------|
| 000636 | Jul 1, 2020 | Chantilly | Targeted Review | Record | 5 | Standard business risk | Monitoring - 12 months |
| 000784 | Dec 1, 2020 | Merrifield | Targeted Review | Record | 35 | Standard business risk | Monitoring - 12 months |
| 001569 | Jul 1, 2020 | South County Center | Monitoring | Record | 2 | Standard business risk | Monitoring - 3 months |
| 001572 | Jul 1, 2020 | Chantilly | Monitoring | Record | 2 | Standard business risk | Monitoring - 3 months |
| 001680 | Jul 1, 2020 | Chantilly | Monitoring | Record | 2 | Standard business risk | Monitoring - 3 months |
| 001686 | Jul 1, 2020 | Merrifield | Monitoring | Record | 2 | Standard business risk | Monitoring - 3 months |
| 001688 | Jul 1, 2020 | Northwest Center Reston | Monitoring | Record | 2 | Standard business risk | Monitoring - 3 months |
| 001690 | Jul 1, 2020 | Merrifield | Monitoring | Record | 2 | Standard business risk | Monitoring - 3 months |
| 001692 | Jul 1, 2020 | Northwest Center Reston | Monitoring | Record | 2 | Standard business risk | Monitoring - 3 months |
| 001694 | Jul 1, 2020 | South County Center | Monitoring | Record | 2 | Standard business risk | Monitoring - 3 months |

CAP Report for CSB Board

| ItemCustomId | Start Date | Entity | Reviewing Agency | Corrective Action (Narrative) | Date CAP Closed |
|--------------|--------------|-------------------------|------------------|---|-----------------|
| 000342 | Jul 13, 2020 | Merrifield | DBHDS | The corrective action plan has been approved by DBHDS. | Jul 27, 2020 |
| 000343 | Jul 13, 2020 | Gartlan | DBHDS | The corrective action plan has been approved by DBHDS. | Jul 27, 2020 |
| 000344 | Jul 13, 2020 | Merrifield | DBHDS | The corrective action plan has been approved by DBHDS. | Jul 27, 2020 |
| 000345 | Jul 21, 2020 | Chantilly | DBHDS | The corrective action plan was approved by DBHDS. | Aug 14, 2020 |
| 000364 | Aug 4, 2020 | Pennino | DBHDS | The Corrective Action Plan has been submitted to DBHDS for review and approval. | Sep 1, 2020 |
| 000380 | Aug 5, 2020 | Pennino | DBHDS | The Corrective Action Plan has been approved by DBHDS | Sep 4, 2020 |
| 000381 | Aug 27, 2020 | Pennino | DBHDS | The Corrective Action Plan has been approved by DBHDS. | Nov 18, 2020 |
| 000382 | Aug 27, 2020 | Pennino | DBHDS | The Corrective Action Plan has been submitted to DBHDS for review and approval. | Nov 18, 2020 |
| 000383 | Aug 27, 2020 | Pennino | DBHDS | The Corrective Action Plan has been approved by DBHDS. | Nov 18, 2020 |
| 000384 | Aug 27, 2020 | Pennino | DBHDS | The Corrective Action Plan has been approved by DBHDS. | Nov 18, 2020 |
| 000385 | Aug 27, 2020 | Pennino | DBHDS | The Corrective Action Plan has been approved by DBHDS. | Nov 18, 2020 |
| 000386 | Aug 27, 2020 | Pennino | DBHDS | The Corrective Action Plan has been approved by DBHDS. | Nov 18, 2020 |
| 000388 | Sep 8, 2020 | Northwest Center Reston | DBHDS | The Corrective Action Plan has been approved by DBHDS. | Oct 2, 2020 |
| 000417 | Sep 18, 2020 | Gartlan | DBHDS | The corrective action plan has been rescinded by DBHDS. | Nov 20, 2020 |
| 000460 | Sep 18, | Merrifield | DBHDS | DBHDS Approved the CAP on 11-17-2020 and the approved CAP was received on 1-6-2021. | Jan 6, 2021 |

CAP Report for CSB Board

| ItemCustomId | Start Date | Entity | Reviewing Agency | Corrective Action (Narrative) | Date CAP Closed |
|--------------|--------------|---------|------------------|--|-----------------|
| | 2020 | | | | |
| 000593 | Oct 15, 2020 | Gartlan | DBHDS | The Corrective Action Plan has been approved by DBHDS effective 2-5-2021. | Feb 11, 2021 |
| 000673 | Nov 13, 2020 | Gartlan | DBHDS | The Corrective Action Plan has been rescinded by DBHDS. | Nov 20, 2020 |
| 000743 | Nov 24, 2020 | Gartlan | DBHDS | The Corrective Action Plan has been approved by DBHDS. | Feb 11, 2021 |
| 000744 | Dec 8, 2020 | Pennino | DBHDS | The Corrective Action Plan has been approved by DBHDS. | Dec 31, 2020 |
| 000745 | Oct 7, 2020 | Pennino | DBHDS | The Corrective Action Plan has been approved by DBHDS. | Jan 7, 2021 |
| 000746 | Dec 10, 2020 | Pennino | DBHDS | The Corrective Action Plan was submitted to DBHDS for review and approval. | |
| 000786 | Dec 16, 2020 | Pennino | DBHDS | The Corrective Action Plan has been submitted to DBHDS for review and approval. This Corrective Action Plan was initially sent to me on 11-30-2020 by Lana Hurt for a review completed on 10-7-2020. | |
| 000924 | Dec 28, 2020 | Pennino | DBHDS | The Corrective Action Plan has been approved by DBHDS. | Jan 25, 2021 |
| 001454 | Jan 22, 2021 | Pennino | DBHDS | The Corrective Action Plan has been submitted with a partial appeal to DBHDS for review. | |

Education Report CSB Board

| ItemCustomId | Start Date | Training Name | Duration | Entity | Number of Attendees | Method of Delivery | Training Type |
|--------------|--------------|------------------------------------|----------|-------------------------|---------------------|--------------------|---------------|
| 000322 | Jul 16, 2020 | DMAS Training | 3 | Merrifield | 2 | Webinar | Regulatory |
| 000323 | Jul 16, 2020 | DMAS Update and Refresher Training | 3 | Pennino | 0 | Webinar | Regulatory |
| 000377 | Aug 20, 2020 | DMAS Training | 3 | Northwest Center Reston | 2 | Webinar | Regulatory |
| 000378 | Aug 20, 2020 | DMAS Update and Refresher Training | 3 | Pennino | 0 | Webinar | Regulatory |
| 000410 | Sep 24, 2020 | DMAS Training | 3 | Merrifield | 8 | Webinar | Regulatory |
| 000411 | Sep 24, 2020 | DMAS Update and Refresher Training | 3 | Merrifield | 1 | Webinar | Regulatory |
| 000428 | Sep 11, 2020 | QA Tool Education | 2.4 | Merrifield | 10 | Webinar | Educational |
| 000596 | Oct 22, 2020 | DMAS Training | 3 | Gartlan | 5 | Webinar | Regulatory |
| 000597 | Oct 22, 2020 | DMAS Update and Refresher Training | 3 | Pennino | 0 | Webinar | Regulatory |
| 000667 | Nov 19, 2020 | DMAS Training | 3 | Merrifield | 2 | Webinar | Regulatory |
| 000668 | Nov 19, 2020 | DMAS Update and Refresher Training | 3 | Northwest Center Reston | 1 | Webinar | Regulatory |
| 000736 | Dec 10, 2020 | DMAS Training | 3 | Chantilly | 7 | Webinar | Regulatory |
| 000737 | Dec 10, 2020 | DMAS Update and Refresher Training | 3 | Merrifield | 1 | Webinar | Regulatory |
| 001696 | Jan 14, 2021 | SIR Training | 3 | Gartlan | 22 | Live Off-site | Educational |
| 001699 | Jan 27, 2021 | QA Tool Education | 1.5 | Northwest Center Reston | 6 | Live Off-site | Educational |
| 001700 | Jan 28, 2021 | DBHDS Licensure Education | 1.5 | Pennino | 18 | Live Off-site | Regulatory |