



June 19, 2018

Via Electronic Mail only

Rutherford County Board of Commissioners  
289 N. Main Street  
Rutherfordton, NC 28139  
mental.health.realign@rutherfordcountync.gov

RE: Rutherford County Decision to Disengage from Vaya Health

Dear Commissioners:

On behalf of Vaya Health and in accordance with 10A NCAC 26C .0702(c), we are writing to formally submit our comments regarding your recent decision to realign with Partners Behavioral Health Management. Though we understand the county has the authority to take this action pursuant to N.C.G.S. § 122C-115(a3), at the outset we think it is important to note that your decision appears to be directly contrary to guidance issued by the NC Department of Health and Human Services (DHHS) in Joint Communication Bulletin #J282 on March 22, 2018:

*“Successful transformation to managed care requires coordination across the state and minimizing unnecessary change. As such, each LME/MCO and County must stabilize their healthcare delivery systems. During this period of transition, if the Department were asked to evaluate any disengagement or realignment requests, it would be required to consider the impact on the stability of the healthcare system, and would likely find granting such a request to cause negative impact. **If Counties have concerns about the services managed and authorized by an LME/MCO, please raise those concerns to the Department.**”*

To the best of our knowledge and belief, no one in Rutherford County leadership reached out to anyone at Vaya Health or the Department to express concerns about our management of services in Rutherford County, or even to let us know you were considering alignment with another LME/MCO. In fact, you have stated to the media that you have no criticism of Vaya’s management of behavioral health services. We are still not clear on why you want to make the change, or how it is in the best

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Serving individuals with mental health needs, substance use disorders or intellectual/developmental disabilities in Alexander, Alleghany, Ashe, Avery, Buncombe, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, Wilkes and Yancey counties in North Carolina

interest of the thousands of men, women and children in Rutherford County who depend on services offered through our network of providers.

The change you are proposing for Rutherford County is also not in alignment with the DHHS identified Health Regions, which have been designated to guide the implementation of NC Medicaid Transformation (S.L. 2015-245, as amended). The plan for Medicaid Transformation was recently clarified by the N.C. General Assembly through the June 15, 2018 ratification of House Bill 403, which endorses the Secretary's proposal for Tailored Plans operated by LME/MCOs that will presumably align as closely as possible with the designated Health Regions and existing LME/MCO catchment areas. It cannot be in the best interest of Rutherford County citizens to request such a disruptive change at this critical time, a change that will likely result in negative impact to the stability of the healthcare system.

As discussed in our public comment at the May and June County Commissioner meetings, we are concerned that your decision could adversely affect the county's most vulnerable citizens: families who have a child with autism, persons in addiction fighting for recovery, at-risk teens leaving foster care or people dealing with any variety of behavioral health crisis. Vaya went beyond State requirements to develop evidence-based, person-centered solutions for specific challenges impacting Rutherford County youth transitioning out of foster care services and people waiting for an Innovations Waiver slot. **We offer services in Rutherford County that are not in Partners' current service array:** single point assessments, Intercept™, YVLifeSet™, and Long-Term Community Supports. Loss of these services in Rutherford County will have a direct impact on consumers:

- 83 single point assessments were completed at Rutherford DSS between January 2016 and March 2018. Assessments are conducted by a Vaya-contracted provider in collaboration with DSS social workers.
- 17 children in Rutherford County are currently receiving Intercept™ services offered through Vaya's partnership with Youth Villages. Intercept™ diverts youth from out-of-home placements, offering in-home services as an alternative and working toward family reunification<sup>1</sup>. Outcome studies have demonstrated that 82% of youth are successful up to two years after discharge from the program.

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<sup>1</sup> The Intercept™ in-home services program provides treatment to troubled children and families in their own homes at times convenient for the families. The program serves children of any age (infant to age 18) who have serious emotional and behavioral problems. Intercept specializes in diverting youth from out-of-home placements such as psychiatric residential treatment centers, hospitals or group homes, and in successfully reuniting children with their families in the community. Diversion services generally last four to six months, while reunification services generally last six to nine months. Intercept family intervention specialists are skilled at reuniting families even when the child has been out of the home for an extended period.

- YVLifeSet™ is another program offered through our collaboration with Youth Villages. This program helps kids aging out of foster care to successfully transition to adulthood, including maintaining stable and suitable housing, remaining free from legal involvement, participating in an educational/vocational program and developing the life skills necessary to become a responsible citizen. At least four children have received this service to date in Rutherford County.
- 14 Rutherford County members are currently utilizing Long-Term Community Supports (LTCS), a community-based service for adults with intellectual and/or developmental disabilities who might otherwise be institutionalized in an intermediate care facility. LTCS provides individualized residential and day programs that teach skills to help Rutherford County members live as independently as possible. Phase II plans include further expansion of this service to more county residents.
- Vaya also currently reimburses providers of Innovations Waiver services at a higher rate than Partners, resulting in approximately \$417,550 additional reimbursement annually. This is money going directly to providers based in Rutherford County, employing Rutherford County residents, rather than increasing LME/MCO fund balance.

On several occasions throughout this process, representatives from Partners have stated that they plan to raise provider rates and add these services that we already offer in Rutherford County. Partners has had over six years to develop and offer these services for their members. Why should you take a risk that Partners will be unable to follow through on their promise when Vaya already successfully offers these services today? Vaya proactively developed and expanded these innovative services to Rutherford County citizens because it was the right thing to do for the individuals we serve, not because we were trying to convince a county to join our catchment. Despite Partners' promise, representatives from Youth Villages have stated that Partners has not reached out to them about adding these services. Unfortunately, based on the current course of action Rutherford County residents may be caught in the middle of this coverage gap.

Vaya Health has also been a statewide leader in the delivery of crisis services, currently funding four crisis centers in our catchment area. We partnered with Mission Health and others to develop the State's first behavioral health urgent care center (C3356) and the State's second facility-based crisis center for children (Caiyalynn Burrell Center), and recently received a special allocation from the General Assembly to develop another facility-based crisis center in Wilkes County. In addition to this special allocation, the Appropriations Act of 2018 also reduced cuts to Vaya Health (and increased cuts to Partners) in part because the data showed that Vaya has been spending its funding on services and important community reinvestment programs.

In the rationale for your disengagement plan, you cite Partners as being consistently “at or near the top” of state reports, yet Vaya’s performance levels on key measures is consistently similar to or even higher than Partners’. For example, since 2012, Vaya has had the average highest penetration rate in the State (this rate measures LME/MCO performance on access to care):

- For example, from March 2017 to March 2018, Vaya’s average penetration rate for Medicaid was 8.1%, while Partners’ average penetration rate for that period was 8.0%.
- From March 2017 to March 2018, Vaya’s average penetration rate for non-Medicaid was 3.3%, while Partners’ average non-Medicaid penetration rate for that period was only 2.5%.

Partners has been quick to dismiss this performance data. In fact, their Chief Operations Officer recently stated that “we can look at graphs, but that doesn’t matter”. Where Partners sees graphs and numbers, we see people, and **we believe people matter**. Our penetration rate means that roughly 12,500 Medicaid enrollees received mental health, substance use disorder and/or intellectual or developmental disabilities services, and approximately 4,000 individuals who do not qualify for Medicaid received services.

Vaya’s performance is also number one in the State on integrated care, as reflected by one of the three “Super Measures” recently implemented by DHHS to evaluate LME/MCO performance (percentage of individuals on the Innovations Waiver who received a primary care visit within a specific timeframe). Vaya currently scores 97.86% on this measure, which is the highest among all LME/MCOs for the four months this has been measured. Vaya also met the annual Transitions to Community Living (TCLI) “Super Measure” (number of individuals housed) two months ahead of schedule. Partners also did a good job on this TCLI measure, and currently stands at 113%. But Vaya’s performance is even stronger, at 123%. Vaya is also providing Supported Employment to 95% of TCLI participants, while Partners is only at 34%. We don’t dispute that Partners performs well in some areas, but the data shows that Vaya performs better. Given these data points, we don’t understand how performance could be the justification for re-aligning with Partners, causing upheaval for the system and disruption for consumers.

Using cost savings to pay for services for individuals in need is a priority for Vaya Health. In North Carolina, the Medicaid Innovations Waiver allows individuals with intellectual or developmental disabilities to live more independently while receiving long-term services and supports. Federal and state funding for the Innovations Waiver is limited, and there is a wait list for eligible consumers to receive Innovations services. When an LME/MCO manages care effectively, the savings can be used to pay for services for individuals on the wait list. From July 2017 to March 2018, 430 individuals on the wait list received services through Vaya. During the same period, only 209 individuals on the wait list

received services through Partners. That matters to those 221 people who received care, including residents of Rutherford County.

Another priority for Vaya Health is our work with Rutherford County in addressing the opioid epidemic. We take this crisis seriously, and have committed to solutions that are already making an impact. Our staff serve on the County's Opioid Leadership Action Team and helped plan the Opioid Leadership Forum, sponsored by the Association of County Commissioners. We were the first LME/MCO in the state to purchase and provide NARCAN®, the only FDA-approved nasal spray to reverse the effect of an opioid overdose. Our proactive efforts resulted in the State asking Vaya to purchase and distribute NARCAN® statewide. We partnered with the North Carolina Harm Reduction Coalition (NCHRC) to distribute 157 NARCAN® and Naloxone kits in Rutherford County since 2014 (64 in 2017 alone). Over the past 10 months, we supplied Rutherford County law enforcement an additional 75 NARCAN® kits. Six opioid overdose reversals were reported in Rutherford County in 2017 (more than the previous three years combined). We are also working with the Rutherford County Detention Center on a grant-funded pilot project that offers a year-long continuum of care, including Medication Assisted Treatment (MAT) and individual or group therapy during incarceration and MAT along with outpatient treatment and/or peer support services when an individual re-enters the community. Participants are also linked to medical care and other community supports.

We value our partnership with Rutherford County, and our staff have been part of the community for over 15 years. Twenty Vaya employees are based in Rutherford County, working directly in the community. Our employees serve on the Rutherford Community Health Council and attend the bi-monthly Rutherford Behavioral Health Coalition meetings. We provide individualized case consultation through regular DSS High Risk Staffing meetings and the Juvenile Justice Treatment Continuum. We regularly meet with the Rutherford Child Protection Team to help DSS identify needed resources in preventing and addressing child abuse and neglect. We participate in the Rutherford Regional Hospital High Utilization Team and a Vaya care coordinator works directly out of Rutherford Hospital. Our relationships with local agencies are vital to ensuring the people we serve get the help they need when they need it. We are proud of the many collaborative partnerships we have in the community, and as indicated in an email from Rutherford County DSS staff, we know others feel the same.<sup>2</sup>

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<sup>2</sup> May 7, 2018 e-mail from Rutherford County DSS to Vaya Health: "I am writing to thank you for everything that you and the Vaya Team have done to get the youth we have been staffing into placement in a PRTF. I simply cannot thank you enough for the amazing expertise, work, and extraordinary efforts that your Team demonstrated last week through today to place this child who has serious challenges to overcome. Truly, time and time again I was humbled and most grateful for all that your team demonstrated. Not only are they top experts in their areas, they are genuinely and extremely concerned about achieving the best outcomes for our clients. Even though we were working around tight timeframes, your team demonstrated that the goals were achievable and more importantly, that they were in it until the job got done. **This is true of the partnership that Vaya has shown consistently over time.** Please share with your Team how much we appreciate the team work and help working out the needed placement. Thank you, again, for the partnership and the help with our recent cases."

We also actively work to provide necessary mental health and substance use education for the community. Since 2014, a total of 76 law enforcement officers and first responders in Rutherford County completed Crisis Intervention Training (CIT) offered at no cost by Vaya Health, including members of the Forest City Police Department, Lake Lure Police Department, Spindale Police Department, Rutherford County EMS, and the Rutherford County Sheriff's Office. CIT is an innovative, community-based approach to improve the outcomes and connections between law enforcement, behavioral health providers, hospital emergency services, individuals and their families. Through collaborative community partnerships and intensive training, CIT improves communication, identifies behavioral health resources for those in crisis, ensures law enforcement and communities are safe, and provides police officers more tools to do their job safely and effectively.

Our Geriatric team, which includes registered nurses, licensed clinicians and qualified mental health professionals, provide education and consultation for a variety of community agencies (senior centers, adult day care programs, Departments of Social Services, Veteran Affairs, home health agencies, faith based organizations, law enforcement). Over the past nine months alone, this team led 66 trainings in Rutherford County. As part of our efforts to reduce stigma, we purchased and placed a MindKare kiosk in the main lobby of the Rutherford County Courthouse in July 2017 to help show people that checking your mental health is as easy as checking your blood pressure. To date, 60 screenings have been taken in Rutherford County, either at the kiosk or online. We are also one of only two LME/MCOs in the State (the other is not Partners) qualified and authorized by DHHS to offer Certified Peer Support Specialist training. Vaya has been a leader in the development and expansion of peer support programs and is a strong advocate for recovery and the meaningful involvement of consumers and family members in their own care and that of others.

We are concerned about the due diligence process followed by the county prior to submitting the request for disengagement, the information you may have relied on in making your decision, and the lack of input from consumers and families prior to the decision. We are also concerned that consumers and families may not have been aware they had the opportunity to provide comment. 10A NCAC 26C .0702(c) requires a county seeking to disengage to "solicit comments from consumers, advocates, self-advocates, and State and Local Consumer and Family Advisory Committees (CFACs) **using locally established communication methods, such as mailings, routine stakeholder meetings, press releases, and social media messages ...**". Other than posting your proposed disengagement plan to the Rutherford County website, we are not aware that the county sent any mailings, held any stakeholder meetings, issued any press release, or even posted anything to the county Facebook page about your decision. We think this decision is too important to exclude input from consumers and families. Their health is important, their voice is important, and they deserve to be made aware of this decision and its impact on their lives.

Vaya remains dedicated to your citizens—our members—and to finding proven solutions to county needs that will help individuals and families live their best lives. We continue to welcome the opportunity to meet with you to discuss Vaya’s management of services in Rutherford County, and are disappointed that you have not been willing to sit down with us to talk about Vaya Health’s commitment to your citizens. We think our strong performance in Rutherford County – on services, rates, partnerships with community stakeholders, trainings, and State performance data – provides demonstrated contrast to the vague promises offered by Partners. We ask you to reconsider your decision, one that will have serious impact for Rutherford County for years to come.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rick French".

Rick French, Chair, Vaya Health Board of Directors

A handwritten signature in cursive script, appearing to read "B. Ingraham".

Brian Ingraham, CEO

cc: Kody Kinsley, Director, Division of MH/DD/SAS ([kody.kinsley@dhhs.nc.gov](mailto:kody.kinsley@dhhs.nc.gov))