

**CMS Waiver Steering Committee Minutes -- FINAL**

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| <b>Date:</b> June 5, 2008          |   | <b>Location:</b> HCPF, 225 E. 16 <sup>th</sup> , basement conference room |   |
| <b>Present:</b>                    |   | Cami Learned, CCB Partners  | X |
| Kathy Athens, Denver Options       | X | Carol Meredith  | X |
| Claire Brockbank, Segue Consulting | X | John Miles, DDD   |   |
| Chris Collins, Alliance            | X | Julius Monge  |   |
| Mike Crane, DHS/DDD                | X | John Nevins, Alliance/Imagine   | X |
| John Daurio                        |   | Al Orlofsky, DDD  | X |
| Gerrie Frohne, Parent              | X | Barb Prehmus, HCPF  |   |
| Amy Haight, HCPF                   | X | Barb Ramsey, DDD  | X |
| Ted Hernandez, Denver Options      | X | Sarah Sills, Governor's Office  |   |
| Sharon Hill, HCPF                  | X | Linda Skaflen, ARC Adams County   | X |
| Sharon Jacksi, DDD                 | X | Matthew Solano, DDD   |   |
| Roger Jensen, Alliance/Starpoint   | X | Kerry Stern, DDD  |   |
| Jo Kammerzell, DD                  |   | John Taylor, Alliance/Imagine   |   |
| Jay Kauffman, DD                   | X | Jed Ziegenhagen, HCPF   |   |
| <b>Nonmember Attendees:</b>        |   |   |   |
| Amanda Bickel                      |   | Dianne McNamara   |   |
| Judy Brown (presenter)             |   | Gordon Yates  |   |
| Art Hogling                        |   |   |   |

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| <b>I. Administrative Issues – Claire Brockbank</b>   |  |
| <ul style="list-style-type: none"> <li>Steering Committee will not add any new members nor replace members who step down. There are too few meetings remaining and the representation is still good. However, Claire asked that members of the audience provide her with questions either in writing or at the break so that she can allot sufficient time for public comment. It was noted later in the meeting that public comment at the end is difficult if a guest speaker leaves. It was agreed that if a speaker cannot stay for the entire meeting, there would be an opportunity for public comment before the speaker departs.</li> <li>Members of the Steering Committee agreed that it was still valuable to try to post minutes within a week of the meeting. There was some discussion about delays in posting at the various sites. All parties responsible for posting agreed to check into their own posting issues and strive for posting as soon as final minutes are distributed.</li> </ul> |  |

## **II. FAQ Process – Barb Ramsey, Amy Haight**

Currently FAQ emails are going to a separate account at DDD, which is cleared by Jay Kauffman. Once DDD provides a response, HCPF (Amy Haight) gives approval and the response can be posted on the web site. Gerrie asked if people submitting a question can get a confirmation that the question has been received. During Public Comment it was noted that the last posted Q&A response was in August 2006. PLEASE NOTE: IN CONFIRMING THIS POST-MEETING, FACILITATOR FOUND MANY Q&A DOCUMENTS POSTED IN 2007, HOWEVER, THEY ARE NOT IN THE Q&A SECTION. DDD HAS BEEN NOTIFIED AND WILL PROVIDE AN UPDATE IN JULY. Barb Ramsey agreed to the following improvements for the FAQ process at DDD.

- A lead person at the Division will be assigned to check FAQs on a regular basis
- That person will acknowledge receipt of the FAQ to the sender and indicate a date by which the FAQ will be posted. Amy will be cc'd on that acknowledgement so that she knows an FAQ will be coming her way.
- The lead person will either respond or get a response and send it along to Amy at HCPF.
- The lead person will take Amy's response and get it posted on the site.
- The lead person will be accountable for monitoring timeliness.

## **III. SIS Update – Al Orlofsky**

- As of late May 47% of the SLS SIS interviews had been completed. The deadline for completion is September 30, 2008.
- CCBs were polled concerning their ability to meet the deadline. Denver and Imagine both reported issues and TRE has had staffing turnover, which may compromise their ability to meet the deadline. All others are confident the SIS interviews will be complete by September.
- Kerry will be meeting with the three CCBs and will brainstorm possible solutions.
- HSRI gets the data in November, the intervening month is to provide time for data clean up; based on the Comp experience, this will be necessary.
- Al acknowledged that the polling effort confirmed that the interviews are more difficult with the SLS population.
- Chris asked about John Taylor's suggestion in May (John asked if the Department could consider setting a default to Level One so that people can be enrolled pending a better ability to administer the SIS in cases where scheduling or other logistical problems have been an issue).
- During discussion it became clear that the default request has long-term applicability for new enrollments. In order to speed up the process of getting new people enrolled, members of the Steering Committee asked that a default be considered when the SIS requirements cannot be met. This will be considered and revisited at the July meeting.
- The sample SIS results, along with addendum information, have gone to HSRI for statistical analysis. HSRI would like a

larger sample. The goal is to provide them with 50%.

- Roger asked what HSRI would be doing with the data. AI indicated that HSRI has been tasked with using the data from the SIS, SLS plans and dollar amounts, and information from the Addendum to identify what drives resource consumption and make recommendation for setting levels.
- It was agreed that HSRI would provide a briefing to the Committee on the process it will be using at the July meeting. Actual rates and results will not be discussed since this will be the focus of August and September. Carol asked that the role of the ULTC 100.2 be included in this briefing, as well as a discussion regarding how caps or the amount of services a person will receive will be developed. It will likely be by teleconference.

#### **IV. Rates Briefing – Judy Brown**

A number of issues have been identified with the Comp rates as presented last month. Sharon Jacksi will be sending out a mailing identifying these issues and steps being taken to resolve them. As such, these meeting notes will focus on the discussion around the issues. Issues presented by Judy include:

- Par Conversions
- Categorization of people into support levels
- Dispute process
- Host Home rates
- PCA rates
- Combined nursing services
- Hold harmless (see below)
- Geographic modifiers (see below)

#### Hold Harmless

Hold Harmless generated significant discussion. Judy noted that the amount set aside is likely to be grossly insufficient. JBC has been alerted and the Division will submit a request for supplemental dollars.

Judy also noted that Hold Harmless payments might not be timely enough to offset dramatic cash flow impacts, which in turn threaten access to services. Timing is as follows:

- Late August – July claims come in
- September – Board will be surveyed. This data plus July claims will be used to help determine overall supplemental request.
- Late September – first round of payments based on July/August results. Controller will not allow payments to be made

based on estimates. As such, Division has limited ability to project forward for proactive prospective payment.

The timing issues associated with distributing hold harmless funds is causing some providers to take action now regarding their ability to serve consumers, particularly in host homes. This, combined with the time it can take to find a new provider for consumers, is causing system wide (CCB, DDD, consumers etc.) anxiety regarding the negative impact on consumers and the system's ability to serve new people on the waiting list. Some CCBs noted that existing consumers must be served first.

It was clarified that payment of hold harmless dollars will be paid based on full documented need, not apportioned over the course of the year. As such, Amanda asked if the system could at least be notified that there is sufficient money for six months. Members of the Steering Committee noted that because of the length of time it takes to find new providers, this will not necessarily keep providers from terminating consumers sooner rather than later. This is compounded by a lack of trust and high A/R billing issues.

Frequency of payouts: Judy indicated that payouts will be quarterly, but they are trying to identify ways to make the process easier and more timely. Getting the rendering provider ID # at the time of claim submission is one way the CCBs can speed the process up. Ted noted that they can urge providers to get their ID #s but cannot require it. Several members asked that DDD consider monthly payouts.

Amanda Bickel asked if it would be possible to fix the actual rate issues sooner, which would reduce the need for hold harmless dollars and would lessen the strain on the General Fund. Judy indicated that a fix requires data, which takes time. The current goal of December is even a push if the data collected does not prove to be statistically valid. A suggestion was made to at least consider subsector rates (e.g. Host Homes).

Chris reminded the Committee that at one point there was a suggestion to phase in reassignment of people to levels. Judy indicated that this was considered (e.g. if a person is supposed to move several levels, half the change occurs in first year, half the second). However it would obligate the state to consider a two-year hold harmless.

John Nevins indicated that about 80% of the losses being experienced are due to tier changes and not to actual rate changes (as referenced in first bullet in list of rate issues). A Support Level Work Group is being convened to identify, collect and analyze data and make recommendations regarding reclassifications (see bullet point #2 above). These are anticipated in late December. There will be ongoing data collection requirements to support reclassifications. Gerrie asked that someone from the advocacy community be included in this work group.

A final observation was made by Cami that administrative infrastructure would most likely be the first place to take a hit as providers will search for ways to avoid reducing or negatively affecting direct service to consumers during this time period. This will then compound the billing and reporting issues and cause long-term problems for the system.

#### Geographic Modifiers

MMIS system cannot accommodate geographic modifiers and it is not in place for other waivers. Chris Collins asked that DDD consider the ways in which these waivers are unique and make the case to HCPF for modifications to the MMIS system so that a geographic modifier can be implemented.

#### **V. Lay Document – Barb Ramsey**

Numerous comments have been received but the nature of the issues continues to grow. Some members of the Steering Committee urged that the Division not be driven by an artificial deadline to produce an inadequate document. It was agreed that Barb would present a draft by August 12 for distribution with the agenda for the August 14 meeting.

During public comment, Diane McNamara indicated that although new issues keep arising, postponing a document until everything has been resolved would be a disservice to the community, which has been waiting for the information contained in this document. She urged the Division to consider the goodwill that would be generated by communicating sooner rather than later – “don’t let perfect be the enemy of good.” Barb noted that time constraints are still very real and pose a significant obstacle to getting anything done sooner.

#### **VI. Service Definitions –Al Orlofsky**

A document detailing proposed changes in services definitions for SLS was distributed to members of the Steering Committee with the agenda. Al indicated that 4 guiding principals were used:

1. Compliance issues necessitated unbundling services
2. Language in italics represents CMS baseline language (referred to as pre-print). Where feasible this was used.
3. CMS permits changes to pre-print or new content. This language is highlighted in yellow.
4. Services that are identical to Comp services use the same definition.

Al reminded the group that the document only addresses definitions. Provider Qualifications will be addressed in July.

Questions were raised regarding billing, given the level of disaggregation. Although Jay reminded the group that the

increments (e.g. 15 minutes) are set by CMS and that unbundling is required by CMS, Barb agreed that it was worth looking at other waivers which allow “clumping” of billing services across categories when the rates are the same. The Division will be looking at ways (such as clumping) to streamline billing. A check-off form was discussed.

Barb and Jay clarified that the rates will likely be standardized fee for service as required in the compliance issues identified for Comp. Several members warned that the impact of the issues associated with this kind of standardization is likely to be even greater for SLS than it is for Comp.

CDAS: Although not a part of the Steering Committee agenda/work plan, DDD is moving on the issue and anticipates including it in the new SLS waiver application. A work group is being convened, which will include services in the family and payment to family members. An update will be provided in July.

Specific suggestions included:

- Take money management and move it to a more skilled category than Homemaker services
- Supported Living Consultant: Do not lose “Access to Community Resources” – perhaps move to mentorship
- Respite Care – Clarifications regarding what is included and consideration of an extension beyond 30 days.
- Personal Care – Why was “outside the home” added? Based on discussion, Jay will revisit.
- Room and Board – Clarification regarding payment

Process clarifications

- Additional comments/suggestions should be provided to AI by June 19 so that a new draft can be distributed for the July meeting.
- Jay will provide clarification regarding how members of the Steering Committee can share the draft in order to solicit substantive comments by June 11. In the meantime the document can be shared in person, but not distributed.
- Note: Clarification was sent out on June 11, but is also pasted here: *DDD believes that it is important for individuals on the Steering Committee to get input from the people they represent regarding the initial draft of the SLS service definitions. In order to accomplish this DDD is authorizing members of the Steering Committee, when meeting to discuss these proposed draft definitions with their constituencies, to review the draft document, as long as any copies that are made are retrieved by the Steering Committee member and that it is clearly understood that these documents are draft and not for publication on the WEB or anywhere else until officially released by DDD.*

## **VII. General Issues**

- Roger noted that in Comp the distribution/variance in rates across CCBs impacted and created many of the Comp issues. This range was 20% for Comp. He asked what the range is for SLS. Jay will provide a response to this in July.

**VIII. Future Meetings and Topics of Focus**

- July 10 – Provider Qualifications (225 E. 16<sup>th</sup>, 6<sup>th</sup> floor conference room)
- August 14 – Rates and Caps (Fort Logan, location tbd)
- September 10 (1:30 – 4:30) – Rates and Caps (HCPF, 225 E. 16<sup>th</sup>, 6<sup>th</sup> floor conference room)
- October 23 – Wrap-up (DDD, location tbd)

**IX. Public Comment**

Comments are included through out the notes in the relevant section. In addition, the following comments were made:

- Gordon Yates asked for and received confirmation that Level 7 individuals will remain Level 7 at this time.
- Art Hogling noted that the shifts in the waiting lists are causing a need for a tremendous number of SIS interviews, for which there are no resources. It was clarified during discussion that a shift from SLS to HCB-DD Comp does not require a new SIS but one may be needed based on individual circumstances.

**Hand-Outs and Attachments**

- Agenda
- Service Definitions – DRAFT (not for distribution so not attached)