



Community First Choice (CFC) Council Meeting Minutes  
Monday, October 7th, 2013  
Department of Human Services  
Conference Room 4A&B  
1575 Sherman Street  
Denver, CO 80203

Greetings (Martha Beavers)

*Co-Chairs:* Josh Winkler (CCDC), Martha Beavers, (HCPF)

*Phone Attendees:* Louise Delgado (West Central Mental Health Center), Beverly Hirsekorn (HCPF), Jean Hammes (AAA), Ed Kako (Mission Analytics), Kira Gunther (Mission Analytics), Heather Jones (Mesa County), Carol Meredith (Arc of Arapahoe-Douglas), Jennifer Shook Legal Center for People with Disabilities), Natalie Comp, Susan Johnson (DDRC), Julie Reiskin (CCDC)

*In-Person Attendees:* Tyler Deines (DHS-DDD), Elizabeth Arenales (CCLP), Shannon Zimmerman, Barry Rosenberg (PASCO), David Bolin (Accent on Independence), Dawn Russell (Adapt), Ed Milewski (CPWD), Bonnie Silva (HCPF), Jose Torres (CCDC), Lori Thompson (DHS-DDD), Marijo Rymer (Arc of Colorado), David Heninger (Bayaud Enterprises)

*Announcements:*

- Please email Martha Beavers ([martha.beavers@state.co.us](mailto:martha.beavers@state.co.us)) if you would like to be added to mailing list.
- There have been some changes in committee membership. Martha asked if there were any objections to updates to committee membership. Chandra Mathews from There were no objections.

Person Centered Planning Event (Martha Beavers & Tyler Deines):

HCPF will be hosting an event on the afternoon of December 2, 2013. This is the same time as the next scheduled CFC meeting. Susan Fox from New Hampshire will present on Person Centered Planning. She works with the DD community in New Hampshire. The current plan is to host a half-day event with external stakeholders and a full day event with state staff. The goal of this meeting is to look at ways the state can build on existing efforts to become more person-centered (without focusing on selecting a specific tool).

Martha suggested that the committee identify a few individuals who are interested in working with Susan Fox.

This presentation will be to a larger audience than the CFC Council, with smaller break-out sessions. Josh Winkler suggested that the committee either cancel or re-schedule the December meeting date. As Martha receives more information about this meeting, she will send out information via email.

CMS Policy Update (Martha Beavers & Tyler Deines):

1) The first question for CMS was about eligibility for buy-in clients. HCPF asked CMS to confirm eligibility in 441.510: Buy-In clients up to 450% FPL who are Medicaid eligible can access CFC.

CMS Response:

Yes, as long as this group has access to nursing facility services. The group discussed that Buy-In clients are eligible for nursing facility services, which is a mandatory state plan service.

2) The second question for CMS was about supported employment. The committee has stressed the importance of supported employment. HCPF asked CMS whether these services can be covered under CFC with an enhanced match.

CMS response (from the email sent to Martha):

“Upon review of the state’s 1915(c) supported employment activities, it does not appear that a similarly defined service would be allowable under the CFC benefit. 42 CFR 441.500 (b) specifies that the scope of CFC is to make available home and community-based attendant services and supports to assist in accomplishing ADL, IADLs and health-related tasks through hands on assistance, supervision, or cuing. 42 CFR 441.520 describes the services that are available under the CFC benefit and all of the activities described must be provided within the scope of the CFC benefit, including activities that increase an individual’s independence or substitutes for human independence, to the extent that expenditures would otherwise be made for the human assistance. “Supported Employment” is not an activity included in the CFC benefit. However, there are activities available through the CFC benefit that may be used in conjunction with a State’s supported employment program. For example, providing assistance with ADLs at an individual’s place of employment is allowable under CFC, because this falls within the scope of the CFC benefit. However, on-the-job skills training could not be covered under the CFC benefit, as this type of activity is outside of the scope of the CFC benefit. Furthermore, the state must provide an assurance that it will adhere to the exclusion of vocational rehabilitation services provided under the Rehabilitation Act of 1973, found at section 1915(k)(1)(C) of the Social Security Act and 42 CFR 441.525(b).”

Feasibility Analysis Update (Martha Beavers):

Martha hopes to have a draft of the Feasibility Analysis Report for distribution by early November. HCPF will be presenting to Community Living Advisory Group in October and November. Martha also requested that Marijo Rymer include the Feasibility Report as an agenda item to the next Waiver Simplification Subcommittee in November. Josh Winkler commented that by early November, the committee will not have time to review and prepare a response to the report.

Martha mentioned that Mission Analytics included new and updated information such as the Department of Labor Rule on Companionship Services in the analysis report. Under this new rule (released in September 2013), most workers who provide personal attendant services (PAS) will now be entitled to minimum wage and overtime pay, as well as to pay for time for spent traveling from one client to another for the same third-party

employer. Most workers employed directly by individuals and families will also be entitled to minimum wage and overtime. The Final Rule goes into effect on January 1, 2015.

One member asked whether the report covers information about fiscal analysis. Ed Kako explained that the report presents different scenarios and the resulting costs for the state including cost estimates for individuals moving from the waiver waitlists, individuals who currently use long-term home health, and take-up among newly eligible individuals. All of these scenarios and the cost estimates will be presented in detail in the report.

Planning for Community Living Advisory Group Presentations (Josh Winkler):

There will be an overview presentation at the October 28<sup>th</sup> meeting. Josh requested volunteers to assist with preparing and presenting to the Community Living Advisory Group. Josh suggested a visual aid to help people understand CFC.

The group discussed different points that should be emphasized in a presentation. One member suggested that the benefits of implementing CFC should be more clearly stated in a presentation.

The group had a lengthy discussion about how to present the costs of CFC, with a specific focus on waiver waitlists. Some members of the Council felt that the adoption of CFC should be linked explicitly to the elimination of waitlists and the reduction of costs for waiver clients, while others expressed doubts that waitlists and costs would actually be reduced. A general consensus emerged that the argument for CFC should not be based on savings, but on the need to add personal assistance services to the State Plan, which is relatively lean compared to other State Plans.

The group also discussed specific services that might be covered under CFC, with particular emphasis on respite and the pilot services being offered under the Support Cord Injury waiver, some of which might substitute for other Medicaid services. The group discussed whether respite or therapeutic respite could plausibly be linked to the aims of CFC. Tyler Dienes pointed out that the goal of CFC is to support ADLs and IADLs. Marijo Rymer emphasized the CFC is intended to help prevent institutionalization, not substitute for other Medicaid services.

The group agreed that the Council's written recommendation will need to be prepared after the report has been released. The CLAG meeting will present a broad overview of what CFC might look like and avoid making formal recommendations.

Quality Assurance (Tyler Deines):

Tyler Deines briefly discussed the quality measures in Oregon's 1915(k) State Plan amendment. HCPF believes that Colorado can adopt these with relatively few modifications, mostly around outcomes.

Tyler discussed the National Core Indicators (NCI) as one tool for measuring outcomes. Although the NCI has so far been used primarily with individuals who have intellectual or developmental disabilities, there is preliminary work supporting its use in other populations. Using the NCI, Colorado will be able to compare its data with

national data. There are five domains: individual outcomes; health and welfare; system performance; staff stability; and family indicators.

Martha noted that a significant challenge of data collection is getting people to respond to surveys and being comfortable sharing personal information with the state. Josh Winkler noted the importance of how the questions are phrased; he also noted that he is involved in some efforts to improve response rates.

Wrap up and next steps (Martha Beavers):

Next meeting November 4, 2013 from 1:00pm to 3:00pm. Location change this meeting is at HCPF 1<sup>st</sup> Floor Conference room.

Individuals should contact Martha and Josh if they are interested in assisting with the CFC presentation to the CLAG.