

Participant Directed Programs Policy Collaborative Meeting
April 25, 2019
Approved by Stakeholders at the May 22, 2019 Meeting

Executive Summary:

This was a busy meeting where we discussed EVV, the FMS transition, made two recommendations and received a response from a past recommendation. There are many questions and concerns about EVV implementation and many questions cannot be answered due to waiting on answers from CMS. There is a need for action to be taken due to the impending FMS transition and all employers who use ACES\$ or Morning Sun must choose a new FMS before June 1. We also received reports.

The meeting was opened at 1:00 and attendance was taken, voting rights were announced.

Minutes: There were no changes to the draft minutes. Kevin moved to accept March minutes as submitted, seconded by Michelle. The motion passed unanimously

Open Forum #1

- 1) Mark: He received his letter last week to choose new Fiscal Management Service (FMS). The only information available to assist in him with making a choice is the websites for each FMS. Mark said that when we went down this road five years ago, we came up with a questionnaire for all FMS vendors to fill out. The answers were distributed to all clients to make informed choice. The questions were tough but important such as what is your complaint resolution process? Have you ever missed a payroll? Mark said that this time we are being asked to make decisions with no information and Mark suggests we do the same thing. He said the timing is tough but doable. Mark wants to make a motion to make this happen:

Discussion:

Louise got a call from case manager who was in a rush and she wanted Louise to make a decision on the spot and Louise said she was still thinking about it. Louise then got an email pressuring her to make a choice now and telling her that if she did not move quickly that the paperwork might get processed. Louise said mistakes get made when she is pressured.

Corrine: Does the state not review the FMS? What is the tie up? Some people cannot understand? We have been talking about this for a while.

Kady: Consumer Direct staff have been communicating with case management agencies. They have current information on "cost to you" for each FMS and the updated comparison chart. This is the same one that has been in the training manual in the past several years and has been updated by the Department. They are encouraging people to call and get information from the FMS directly. Calling or emailing is a good way to see what the customer service is like.

Robin said her husband made a decision and told the case manager and was told nothing can happen until May. Kady said they did communicate Friday of last week saying that transitions should happen now. Kady said the information is on the Consumer Direct website under client resources.

Rhyann said that during the last transition we had Q and A around many issues. This was not just different vendors but also the difference between the models Fiscal Employer Agent (FEA) and Agency with Choice (AwC) which is no longer an issue since we eliminated the AwC option. PDPPC can do a list of questions but it would not be able to be mailed in time for this set of choices. This is due to the time it takes to get clearance from HCPF and time to get a mailing. Rhyann said that people can choose quarterly however moving between FMS agencies will require someone to do all new packets for employees. The transfer document is only for this big transfer.

2) Robin –will be in Open Forum #2

ELECTRONIC VISIT VERIFICATION (EVV) This will be a topic at each meeting. Danielle Walker is on the phone and she oversees this. This is Electronic Visit Verification which has to be in place by 1/1/20 required by CMS. All three FMS vendors are going to use their own systems for EVV so it can tie into timesheets to avoid a dual process. Rhyann is just looking at their systems and all of the components. She has not seen all vendor systems yet. The state is working on larger EVV system.

Questions:

Margaret: She asked to get information on EVV meetings by snail mail and has not received anything.

Danielle is working on a more robust packet for people that want to receive information by mail and she is trying to make sure information is accurate. They do not have it ready yet. It should be sent in the next week for May.

Robin: EVV is a critical piece in making decision about FMS. Any information between now and May 15th about their system must go out now so people can make decisions. As employers we should be able to choose the state system. Robin said that it looks OK and we should be able to make that choice since none of the FMS' are using it. All FMS' should have an option that does not require GPS and HCPF should require this.

Mark: This is regarding request that we allow people to have a one hour minimum. (See meeting materials re recommendation) Mark read from the response and said attendants will need to clock in and out and HCPF cannot approve services that are not accounted for on the timesheet. We have been told that timesheets will **not** be linked to pay and billing and we will be able to go in and make changes to make sure the timesheet is accurate. The response sounds like they are going to tie EVV to payroll. This raises grave concerns. For example, he has an attendant with a Traumatic Brain Injury (TBI) and she will never be able to use EVV and

he is going to have to help. He might have to go in later and sign her in or out when she forgets. This is a big concern. He wants a guarantee from HCPF that this is not going to happen.

Mike: How does a spouse register time? Do they have to log in and out every time they are doing something for us? Danielle said they are still working through how to accommodate this so it does not become tedious but there is no solution at this point.

Katie McGuire said that Danielle can talk for the Department regarding the state system, but not necessarily for the FMS providers.

Danielle: You are correct that if attendant forgets to clock in or if there are elements needed to complete a timesheet, you (employer) can go to the portal and make changes needed. She said that it is not directly linked to pay data but is in tandem. When you log in for them it is flagged as exception.

Mark: What if everything is an exception?

Danielle: We are still working with stakeholders to figure out this and understand that with consumer direction there needs to be more flexibility.

Mark: He trusts Danielle but what about successors who decide that they will not allow flexibility or try to get people to fire a good attendant who cannot remember to clock in and out. Mark wants to make sure we do not link EVV to payroll and cause a huge problem.

Danielle: One of the things they have to do is identify these issues in the rule. She does not anticipate leaving soon. They have to have discussions about implications of each part of the rule.

Rhyann: How do we make this as streamlined as possible? How do we get this done? We need to make sure attendants can sign in and sign out and have people approve time quickly.

Maria: How does this work for people without computer access? Rhyann said each FMS vendor has to provide alternative solutions such as the telephone option. Maria asked to be kept up to date.

Someone asked: Will people have to correct the entries each shift or day instead of doing this at the time of payroll?

Rhyann said they are still designing the system so wanted to know if there can be adjustment. They are still working with vendors to figure out what to do to make corrections. This could be notification on the day of or when payroll is due.

Mike: Where is all of this information? I just heard about EVV less than 2 months ago and I have been on this program for 9 months. Danielle said that that they have a communication platform for EVV using social media, the website, etc. They are trying to figure out how to

better coordinate and thinking about a road show. They do not have details yet. Mike says this is not helpful as a quadriplegic who has to rely on people to get him out. John asked that Mike call him (303-866-3173) and he will plug him into all lists.

Curt said that EVV meetings and subcommittees are often changed and he signs in and no one has notified him.

FMS TRANSITION:

Rhyann: Letters have gone out and case management agencies have been notified. She explained the process. Case manager sends the new FMS info and there is communication back and forth and then they send the three tax forms to the client/authorized representative. The workers start June 16th with first payroll July 01.

Curt asked how case managers are being notified. Is this through directors or some other way? Kady said she has contact people, usually managers or directors, and she notifies them.

Curt asked what the drop dead date is for a change. Anyone who has not picked FMS by June 01 will be auto assigned.

Julie asked who you go to if you do not know the case manager? Kady suggests calling the main line, if that does not work outreach consumer direct. For Colorado Access that serves Denver, Adams, Arapahoe, Douglas call 1-877-710-9993 but if you do not get an answer call Brent at 303-368-3324. If it is email they should email Brent Brent.Salner@coaccess.com This is only for Colorado Access, every Single Entry Point has their own contact. Julie said she was concerned about Colorado Access as they are the largest SEP and they have a serious problem with case management turnover. She said despite efforts on the part of the SEP management and people like Brent, there are many problems at the company level.

Mark pulled the FMS provider comparison that is posted on Consumer Direct Website, compared to original information we collected this is pretty weak. It was watered down. We were supposed to work on this issue and it did not happen. The only difference you can tell between the three of them is the actual day they issue paychecks and cost to client. The answers are the same and yes and no. The questions are not hard or expansive questions. Example: Has your contract ever been terminated in Colorado or another place for inadequate performance? Mark said that it should be more expansive and include citations, and include information about any parent company and affiliates and all lines of business. In Colorado we have all or nothing process for our vendors. We can either get rid of contractor or not, but other states have tiered penalties. So in CO we rarely get rid of them.

They do not ask if the FMS has ever missed a payroll.

Clients do not have experience shopping this market and do not know what questions to ask.

Corrine: Understands all of the questions but wanted to know why the state is not dealing with these issues. Are these companies not vetted? Why is this information not already collected?

Mark said this has not happened in the past. Hard questions that were asked in 2014 were removed or watered down. He thinks it was largely done for convenience, yes and no questions. It is the states job to ensure that FMS comply with state purchasing requirements, not to get the info we want as consumers. We as consumers should be the ones putting together the questions and ask state staff to send this to the FMS companies.

Rhyann: Vendors submit a proposal for work that is posted, they have to meet the requirements, for example having proof of \$5 million in reserves to make sure they can meet payroll. There is a committee that does the work of evaluating. This is not a research project; the committee receives the information submitted by the bidder. Based on this, they score and pick the winners. They do not investigate if the company is good. The form was removed because much of the information is no longer relevant but the group can create a new set of questions.

Mark also has a motion to put forward: No later than May 10 a comparison of the three FMS be prepared and approved by subcommittee of PDPPC and mailed to all employers with cover letter approved by subcommittee explaining purpose of comparison. Anyone who has made a selection can change it.

Rhyann said she would not be able to have a mailing out by the 10th. Locating the funds, vetting, etc of the original notice mailed out took more than 30 days. She is committed to a thorough vetting and questions. They are prioritizing set up of FMS vendors/transition. It would be 3-4 months to get things posted. They might be able to piggy back mailing on CDASS rule.

Corrine can we have changes for next quarter, so we do not need to rush?

Mark said people generally will not change unless you have very serious problem, this is just how consumers behave.

Mark asked how fast something could be posted on the website. Rhyann said they had to talk to vendors and then it has to go through e-clearance which is several people. She said getting everyone set for this transition is the number one priority.

Curt loved idea of subcommittee ASAP to formulate a concise list of questions and we can post questions people can ask. Katie said anything they make public goes through the same process. Robin said maybe we go outside the state system and send from an organization like CCDC and post answers. If FMS does not answer that tells us something.

It was decided that we will Invite each FMS to give a presentation at the next meeting.

Julie agreed with both and said CCDC would post questions and share with all other advocacy groups, SEPs and CCBs. She asked if state would keep the spreadsheet for easier transfers for one more quarter. She said it would be easier for advocates to slow down a bit if an additional transfer could be made without a huge hassle of redoing employee packets.

Curt asked Mark if these changes make sense. Mark is open to friendly amendments but wants all clients to know about this. If we cannot get it done in time, it should be provided to them within 30 days of next election period and again when we deal with EVV as people may need to change once information about EVV is available. The more consume-based information we provide to clients the better. If we can get questions put together we can ask them to address these are the next meeting.

Motion now is to form subcommittee to put together questions that will be given to FMS to present at next meeting and put on the CCDC website. Seconded by Julie and Louise. Two opposed. The motion carries. Mark agreed to take the lead. Curt, Louise, and Corrine also agreed to join the subcommittee. He asked anyone else who wants to join to let John or Mark know if they want to join by email. mbsimon@juno.com. Maria said she was interested without email.

EVV RECOMMENDATION:

There is a recommendation that was sent out ahead of time re EVV and letting employers choose the state system, and prohibit geo-tracking, geo-fencing and biometrics. Are there any comments? Rhyann said the deadline to respond is 4/30 which is 6 days from now. EVV specs will not be done until June 23. Any system we have now is not final. Each vendor will have their own system. Julie asked when agencies have to decide and state said no set date. David said agencies have to make sure that the aggregator details are what is required. The deadline is 1/1/20.

Do you have to have a Medicaid provider ID to use Sandata system? Yes, you need provider ID.

Maria: why could they not use the EIN or Client number? Katie said you need a provider ID.

This could also affect provider contracts.

This is cumbersome and could be a lot of work. This could be more liability for AR and employers.

Julie and Curt suggested removing the date and leaving everything else the same and suggest that we have an additional quarter to transfer data between FMS agencies. Mark suggested insert least invasive after least damaging on paragraph three.

Kevin moved and Mark seconded we accept the recommendations as modified and asked Julie to resend the recommendation. Maria and Corrine opposed due to too many questions and confusion. The motion carried.

Attendant Rate Recommendation HCPF Response:

Katie reviewed the recommendations:

- 1) Top wage increase to \$50 per hour.

- 2) Increase annually by 3%
- 3) One hour minimum

She explained that they used the same methodology to come up with a current rate of \$44.64 and update increases. It will not be implemented until HCPF has gone through processes of notifying case managers and training vendor.

They said they would change this rate as Health Maintenance (HMA) rate changes, it could be higher or lower, but they will continue to use the same methodology.

They will not use the one hour minimum due to EVV. It would be fundamental change to the program with that and there are many moving components due to problems caused by EVV. This does not mean it could not change in the future.

Julie asked if agencies will no longer be allowed to bill for a set amount of time as they do now. Katie said she did not know. Julie asked that someone find out. It was pointed out that IHSS does not have a rate for nurses and they do not get paid extra for that but we all need higher reimbursement rate.

Mark asked if the methodology works and should we adjust upwards more than 1.5%.

Mark asked if the 1 hour minimum and requirement to bill in 15 minute increments a regulation, statute, state policy, or federal requirement. If we wanted to bill for an hour would we have to get into waiver redesign?

Our process has a way for us to respond to the Department's response and the Co-chair should be in charge of making this happen. The group wanted to respond and will work on this.

CDASS RULE: This is going to MSB next week and if there are concerns about it reach out to Rhyann.

IHSS UPDATE:

Erin said there is a lot going on this past month.

- a) SB 19-164 IHSS sunset is on its way to governor's desk for signature. They have been monitoring SB 238.
- b) Consumer Direct is helping with mediation. There is a form on Consumer Direct website. It is free and does not replace appeal rights.
- c) There are 5380 clients and 156 agencies. About 800 are children. There are 177 agencies certified by health department and there are about 20 sitting in the DXC system.
- d) They are starting provider training for IHSS agencies. This will be first and third Monday starting in June and one on May 20th. See www.Consumerdirectco.com for the training schedule.

Questions:

Betsy asked how they are being notified about the training. They are in the provider bulletin and they will be giving training at the home care association meeting.

Mark asked if someone asks to go through medication does it toll the appeal timeline? No, you still have to file the appeal then go through mediation. Are mediators certified? No they are using consumer direct and it is not really mediation but more of a conversation.

Tracking Sheet:

This has come up before, we need to track the issues we say we are working on so we know what is done, who is to do what, etc. Mark sent the chairs a template he used with another organization

- ✓ What is the issue?
- ✓ Who is responsible for following through?
- ✓ Where are we at on it?
- ✓ When resolved what is resolution?

Curt said it was great and he would take point on it. Mark will resend to Curt. Kevin said the recommendations we have done are on the website.

OPEN FORUM #2:

Debbie Miller: EVV how will it work for nursing? At 15 minutes that works out for \$11 for 15 minutes. You will not get anyone to do this. Parents have to clock in at the beginning of pay period and out at end. If she gets up in the middle of the night when her son has seizures and is up for 2 hours, does she clock in first and let him have seizures while she is messing with the clocking in?

Rhyann they have asked CMS for guidance on this issue (at least 15 times) and have not gotten answers.

Corrine: Thanked for information and was sad to hear about Carrie Lucas

Betsy: Wanted to thank people for coming to Capitol and fighting SB 238 and said it made a difference. She said we are a great team and can work on rate increases for next year

Mark: on FMS comparison sheet on Consumer Direct website can someone send it to him in word format.

The meeting adjourned at 4:00 PM
Respectfully submitted
Julie Reiskin