

## Participant-Directed Programs Policy Collaborative (PDPPC) Minutes

Approved at the PDPPC on July 22, 2015

Date and Time: Wednesday, June 24, 2015, 1:00 pm – 4:00 pm  
Location: MS Society, 900 S. Broadway, 3<sup>rd</sup> Floor, Room 320, Denver, CO 80203

### Executive Summary:

***At this meeting Linda Andre was thanked for her terrific service as co-chair and Curtis Wolf and Kevin Smith began as our new co-chairs. We discussed background checks and agreed we will revisit the requirements for barrier crimes. HCPF was going to require 2-signatures on timesheets but that was tabled. We agreed to come up with subcommittees to work with HCPF on addressing the audit findings and shared disappointment with the apparent lack of understanding of the program in the audit. We discussed the comparison documents. The SLS waiver is out for public comment (again). Several questions were answered about the program. We discussed a statewide attendant registry. Open enrollment for FMS agencies will be quarterly and a .5% raise for health maintenance will begin 9/1/15.***

John called the meeting to order at 1:00 PM and said that acoustics in the room are challenging: People were reminded to speak up and to say their name before speaking. John also noted that we have two new co-chairs and expressed gratitude for the work of outgoing co-chair Linda Andre.

### Present in the room:

Alicia Singleton  
April Boehm  
Bonnie Rouse

Cheryl Vennerstrom  
Curtis Wolff  
Debbie Miller

Jason Smith  
Jeff Epp,  
Jeff Pratt,

John Barry  
John Martinez  
Julie Reiskin  
Kari Vinopal  
Keith Copen  
Kelly Tobin

Kirk Miller  
Linda Andre  
Linda Medina  
Linda Skaflen  
Natalie Armstrong  
Rebecca Sturderant

Rhyann Lubitz  
Roberta Acevas  
Sarah Roberts  
Sharita Richmond

On the phone:

Connor MacLeod  
Craig Morrison  
Kristy Michael  
Curtiss Wolff  
Daniel Holder  
David Bolin  
Diane Albriggs

Heather Jones  
Jennifer Martinez  
Jenny Smith  
Josh Winkler  
Kelly Morrison  
Kevin Smith  
Laura Armstrong

Leslie Taylor  
Margaret Proctor  
Mark Simon  
Renee Farmer  
Stephanie Holsinger  
Sueanne Hughes  
Tim Moran

Excused

Anaya Robinson  
Candie Dalton

Gerrie Frohne  
Ryan Zeiger

Sara Horning

Linda Andre thanked the group for their work and especially John and Sarah and Candie –she said she will still be there as stakeholder and available to anyone.

**PDPPC Attendance Record/Voting Members:** Linda Skaflen explained that she was asked at the last meeting to see how many people come to a majority of meetings but have not obtained voting rights which require attending three meetings in a row. There have been only two people who did not meet three times in a row criteria.

Discussion: Since voting is not that close and no one is complaining we do not need to make a change. If people want to make a change email John Barry ([john.r.barry@state.co.us](mailto:john.r.barry@state.co.us)) and we will discuss a change if needed.

Linda read who had voting privileges and identified representatives for each agency for this meeting.

### **Minutes:**

April minutes: Linda Skaflen will cross check attendance so the vote is for the content only –with that in mind Linda Andre moved and Alicia S. seconded approval of April minutes. No objections other than attendance related that will be adjusted. Motion carried unanimously.

May minutes: One correction: Page ten item 3 A should say NEXT month not LAST month, Kirk moves to accept minutes with this correction seconded by Kevin. Motion passed unanimously. John will make the change on final minutes.

A couple of people are getting PDPPC emails encrypted which should not be happening. John will check with IT people to see if anything can be done. These people can download the files but it makes access more difficult.

**Background Checks:** Update by Bonnie Rouse: In April we discussed putting together workgroup on barrier crime list. Bonnie said that this is still the plan and there is list of volunteers along with three FMS vendors. Anyone with comments or who wants to be involved should send Bonnie an email.

### **Discussion:**

- Julie asked if there could be a list on what crimes carry a federal mandate to exclude a potential attendant. There was discussion about what brought this up. The answer is that there was no particular issue but something we should discuss and see if the list (of federal requirements) is appropriate.
- There are questions about why some crimes are on the list and why others (like financial exploitation) are not. Kirk said there have been recent issues re family members killing clients (but not on CDASS).
- Jeff asked if the background check was national and the answer is no.

- Mark had also asked in the past if clients can have the right to do a national background check. At this point that is not offered. Some thought clients should be able to do that and be allowed to pay for that out of their allocation.
- We should have as much control as possible and only have federally required crimes as barriers.

**Resolution:** Bonnie will send out any crimes that federal government says we cannot waive. Then small group will review and see if policy change is needed. Small group will address national background checks also.

**Available Attendant List:** This was one of the follow up items from Mark Simon. Bonnie said that she still needs clarification on what is being requested. PPL has an attendant list, Morningstar does also and Acces\$ is working on one. Curt said he thought Mark wanted there to be a list maintained by the state so people in any FMS could see attendant from any other FMS. Mark thought a master list from Consumer Direct would be ideal. Several commented that making a list is easy that a list needs to be kept updated. The PPL list has not been updated. Mark and others said that a list should contain the following:

- \* Pay rate people request,
- \* Area they will cover
- \* Any restrictions.
- \* Willingness to use transit (downtown)
- \* Is attendant nurse or licensed in any way (we had discussion that it is clear CDASS clients never need to hire a nurse).

#### Discussion:

- Keith asked if we could identify names if we terminate someone –example if someone is fired for drinking on the job could we put this info on the list. Discussion about the upside and downside of this practice and that it may not be legal if the employer is keeping the list. This is a good reason for Consumer Direct to keep the list.
- Linda A. also reminded people that someone employed by a regular Home Health or personal care agency can work for CDASS clients if they want (meaning the agency cannot stop the attendant).

- Leslie suggested a check box on a master list could include if the person has health care experience. She suggested it should be released at least quarterly.
- Alicia said Single Entry Points should be able to get the list also.

Bonnie said she will get with the subcommittee and they will report back. Leslie said it should be done now, not in a committee. Kirk said ADAPT had a conversation with Jed about having a similar list for transitions. There is no such list and this list would help with transition clients as they go into CDASS. Bonnie said she is not sure if Consumer Direct can carry the list due to their contract and she has to do research so is not able to do this as quickly as we might want. Also, how do we maintain the list? Leslie suggested have FMS update with names quarterly. We had a discussion about whether the timeline to develop the list is appropriate or not. We will need discussion about a policy regarding how people are taken off of the list. Can this be done in 30 days or not? Leslie said yes. Julie and Mark said they did not think so. Julie suggested that if clients do not like the timeline proposed clients can take this on outside of state process.

**Resolution:** Bonnie will convene a subcommittee with all three FMS agencies and CDCO and come back with timeline for implementation.

**Side-by-Side Comparison Document:** Mark has asked multiple times for a robust and accurate comparison between the two models and between the three FMS's. The most recent updated version was sent out with materials for meeting today. This was sent ahead of the meeting. Bonnie wanted everyone to review with perspective of someone new to CDASS. She wants to know what would not make sense and asked that people provide her comments on thoughts using this lens.

Discussion:

- Julie suggested getting some newer clients and newer case managers to review it would be helpful.
- Curt looked at the documents through trainers point of view. Bonnie said the original questions and answers are still on the HCPF website and consumer direct can provide additional information.
- Mark said the info is in two different places and should be in one place. Any place it is referenced at all should have a link to the main location. All of this information should be on the Consumer Direct website. Having original questions and answers is not what he asked for-- what he asked for is that the original document be updated, polished and all three FMS needed to come back and fully answer the questions. So it would not look like the original document but would include those questions and more. Also, on the

original document, some of the questions were not fully answered by the FMS or some of the answers were not entirely accurate. It may have been the way the question was asked. For example –we asked “have you ever been late on payroll? They all answered only for Colorado but the question should be clear we are asking if they had been late on payroll anywhere because two of the three FMS companies have no experience in Colorado.

- Mark said because different FMS companies answered differently, he does not feel the info is useful.
- Leslie said the side by side is worthless.
- Alicia said this is a good comparison for case managers and she should get comments from new clients and case managers.
- Tim Moran said two FMS are new to CO population and he gets said when all get lumped in together. Tim said since January this is a new start and step to correct older issues. Acces\$ said that they took stakeholder questions and posted on their website under CO FAQ. He said the list on consumer direct was a good comparison.
- Linda S. asked which questions on the document handed out for this meeting are not on the December document? Bonnie said the questions on the new document stem from the original document they were shortened. All FMS vendors and Consumer Direct all worked together and language is universal.
- Mark found the original document which he will send to John who will distribute to whole group. In December we did not have info about insurance and cost to us. Bonnie said the packet did have the insurance and cost comparison from each plan.
- We had a detailed discussion about insurance and how it works –the comparison sheet is more helpful to newer people on the program and less useful to someone that has been on for years. The show me the money chart is helpful.

These are some questions not on new sheet:

- 1) Can people buy insurance if they do not work 30 hours a week? (Answer is no)
- 2) Who provides accommodations to disabled employees? (Legally each FMS must do this under AwC).
- 3) What are restrictions?
- 4) Customer base and satisfaction from other states (from independent source)?
- 5) Responsiveness to customer complaints from other states including timelines and what is resolved/

- 6) Have they been cited in other states for any violations?
- 7) Have they ever missed payroll deadline, been terminated and not had a contract renewed?

**Resolution:** CDCO will make sure all questions are combined for the list and people can send comments to Bonnie regarding this list and it will be updated and will be placed on proper places on various websites so all information is in same place. FMS companies will be required to respond to CDCO.

**Colorado Procurement Rules:** Bonnie Rouse reported on this. Mark (and others) asked why different vendors have different payments. Bonnie said that this is due to the RFP process and what the vendors bid. The department accepted the bids.

**Discussion:**

- Julie asked if moving forward if this group could recommend that HCPF set a rate or use the lowest bid. She said it seemed unfair that some get more for the same job.
- Mark suggested any willing provider standard.
- Leslie said it should have PDPPC involvement.
- Julie said there was PDPPC involvement and disagreed about any willing provider.

**Open Enrollment:** Bonnie Rouse reported that in response to requests by PDPPC open enrollment will now be quarterly not annually. The dates will be October 01, January 01, April 01, and July 01. If someone wants to switch vendors they can prepare the paperwork any time but they need to turn in documents one month prior to the switch.

**Discussion:**

- Leslie said this was cart before the horse since comparison documents are not done. She said it was great to do it quarterly.
- Linda S asked if this would be put in a process statement. Answer is Yes- there will be drafted response mailed to all clients and on HCPF and Consumer Direct website.

**Supported Living Services:** Roberta said last month that HCPF had to do a new public comment period in order to go forward with using ONLY the FEA model in SLS. The new notice for comment is going out as we

speaking and will go out to PDPPC tomorrow. Public comment is June 24th through July 31st. Roberta said that PDPPC can discuss it next month. Public comment has one extra feature to submit comments—there will be a web form in addition to fax, mail, email and phone. Roberta is asking people to submit only new comments as they will keep comments that were already submitted. She said all changes are highlighted in yellow.

Discussion:

- Leslie asked if snail mail people will get this via mail. John will send the announcement documents out to US mail to participants who have been getting snail mail. If someone wants a copy of waiver it will be sent upon request but it is several hundred pages so requests for this should be made judiciously. There was some discussion and concern that when this kind of information is sent to CCBs that it does not get sent to interested clients.
- Linda said that she would also be sending comments again about respite as they were not heard before. Julie agreed.
- Roberta said that people could but need not send comments that had already been submitted.

**Resolution:** People can submit comments

**IHSS Expansion Plan Update & EBD/CDASS Clients:** Rhyann said that there was a question at the last meeting asking how many EBD clients are using CDASS. Answer is that 12.6% of EBD using CDASS. Rhyann got a list of questions compiled by stakeholders (from small IHSS group) and the department is working on responses and they will be ready by next meeting.

Discussion:

Leslie said that she just had annual review and that the reason that the percentage of clients is poor is that SEPs are getting NO information on CDASS. She said that some rural counties are not getting the info or not distributing it—there is heavy lobbying in the SEP to place clients into agency directed care. Leslie said that her SEP has to call her to get information about CDASS. Rhyann said before January there was no training vendor and the training has not been that is needed and now there is CDCO on line and they are doing trainings and HCPF is committed to getting trainings done. Leslie said that with the one vendor we have had throughout the program the people supposed to represent various regions did not do a good job—for example a Western Slope rep for the single FMS available until recently has not been available to provide information

according to the local SEP. Rhyann said now there is a contract to do this training and she can move forward with this out there. Carrie says that there have to be 2 face to face trainings per quarter statewide for case managers. They (CDCO) have been going through the state doing trainings. They are starting by laying the framework. They also have a webinar. Each webinar has 100 case managers in attendance.

**Resolution:** While training was not existent in the past it is happening now and hopefully numbers will show increased participation moving forward.

### **OSA CDASS Audit Report - Need for Subcommittees:**

Sarah Roberts thanked the people that listened to audit and for feedback. Sarah wanted to address concerns and said that we need to put together subcommittees to respond to recommendations. She stressed that the Department has not received any information from legislators signaling CDASS is at risk or should not be expanded. The only ruling was the recommendations in the report. They will go back before the committee at some time to give a report.

Rhyann sent an excel document out that is verbatim from audit. It has the OSA recommendations, response and time frame. There were a few areas where HCPF recommended stakeholder feedback be a part of the response. Rhyann wants to manage this by having a few small subcommittees. Each will need 8-10 people and she wants co-chairs to help with this. The subgroups will be as follows:

- a) ASMP and task sheet.(recommendations 2b and 2c)
- b) There needs to be group for 2 attendant protocols.
- c) How hours are awarded and utilized.

If someone is interested connect with co-chairs or John. John will send out request for stakeholders on the specific groups.

#### **Discussion:**

- Sarah explained the audit process.
- Julie said that the clients are sending their own response and that many clients will now be contacting legislators with home health agency horror stories because Senator Balmer said that CDASS provided the same level of quality as home health agency care.
- Sarah said having people interested in and knowledgeable working on this will help. She also said that HCPF will need to get funding for recommendation number four which is for further study.

- Keith said it seemed that Senator Balmer was hell bent on damaging the program because he kept asking why the state did not have a protocol. He asked why HCPF did not say there were protocols and that the annual allocation was not made clear to the committee. He and others said that people fielding questions need to understand the program better and should spend time with clients.
- Linda S said Candie knew the program inside and out and her not being there was a challenge and Sarah and Jed know it on a higher level. There were numerous comments about the inaccuracies and inconsistencies in the report and how the auditors clearly did not understand the program. Mark said and others agreed there should be audit on home care agencies.
- Sarah said she and Jed did know about inaccuracies and that allocations are annual and explained that they had already shared their perspective with the audit office and did not feel that arguing would be useful.

**Resolution:** There will be three subgroups to work on the detailed responses. People who are interested should contact John Barry, John will send info to co-chairs who will work with Rhyann on group formulation.

**Two-Signature Requirement Update:** Bonnie Rouse said that a rule change had started and then HCPF got more information from stakeholders. HCPF then decided against the rule change. She said people would have until September to get into compliance.

**Discussion:**

- Leslie asked where the comments were coming from.
- Julie and Debbie Miller expressed serious concerns and said that this would cause people to stop being an AR and people needed much longer than until September.
- Electronic timesheets can be done as they always have been.
- Several people had serious problems with people agreeing and then disagreeing outside of the meeting and then having HCPF change something to which they had already agreed.
- Many said that there was no problem that needs to be solved.
- Leslie suggested having exception for AR's

**Resolution:** Issue was tabled for the month and people can keep doing what they are doing.

## **Public Forum**

- 1) Leslie—She sent out a document about the health insurance matter that impacts laws and this program and we cannot ignore it. She said what is escaping everyone is that while everyone wants to provide health insurance it is coming out of our allocations. We cannot compare apples to oranges. We cannot make a client into an employer without a contract. We need contract specifically saying what our duties are. She said we cannot use money coming from a pot that we cannot touch (using allocations to pay insurance). She said that the CDASS allocation is for all intents and purposes an entitlement. You cannot take the large amounts of money away from allocations because they translate into wages and hours. The wage and hour will go down and sometimes below the minimum wage depending on the allocation and cost and hours. If an attendant participates in PPL and I have to spend \$800 I would have to cut their hours or wage. Need to set up special fund for health insurance and there are waiver dollars available for this. She said there will be a problem with IRS, Labor and OIG and Legislative Audit committee.
- 2) Jeff said he has been trying to get person into CDASS for 18 months. He went to CO Access and talked to his case manager who solved it. However while the person received eligibility he is still waiting for allocation. It has been 60 days and he still had no services. The client was told there is issue with funding and gave him a number to call. This person is in dire need. Alicia offered to connect with him to solve the problem. Alicia and HCPF all said there is no hold.
- 3) Linda said the FAS decision will be coming soon from HCPF.
- 4) Curt wanted to bring up item and appreciates being Co-chair and he wanted to discuss collaboration. He likes working together intelligently to solve problems. He wanted to discuss this next month. He said that today we did a great job following rules that we had already agreed to. He said that we need to keep our passion and not personalize. If all meetings go like this there are no problems.
- 5) Leslie said she wished PPL employees would not call her up and use cuss words.
- 6) Rhyann and Bonnie announced HCPF got approval for .5% rate increase for health maintenance services. Notices are drafted and should be mailed soon. They are working with FMS vendors to make the changes. The start date is 9/1/15. There will be a second letter ten days before the implementation. HCPF is waiting on CMS approval for the personal care and homemaker rates.
- 7) Keith said Consumer Direct training manual had incorrect information about PPL saying you had to do electronic time sheet and asked if this had been corrected. Carrie said that CDCO is waiting for other updates and wants to know what other documents need to be updated.

8) ALL: Appreciation was expressed to Linda Andre for all of the hard work she has done as a Co-Chair. It is a big role.

The meeting adjourned at 4:00 p.m.

**Respectfully submitted**

**Julie Reiskin**