COLORADO
Department of Health Care Policy & Financing

Participant-Directed Programs Policy Collaborative (PDPPC)

DRAFT Meeting Minutes

Wednesday, **February 24, 2016** 1:00 pm – 4:00 pm

I. 1:00 – 1:05 Welcome & Roll Call, Draft Agenda Review

John Barry called the meeting to order at 1:00 pm and introductions were made
The attendance record was reviewed. It was sent and mailed a week ago.
Voting rights were reviewed and Linda S. read the list of who had voting rights for this meeting

II. 1:20 – 1:30 January PDPPC Draft Minutes

Minutes were sent out to everyone: Linda Andre moved and Kirk Miller seconds that the minutes be accepted as presented and the motion passed unanimously. Linda Medina was thanked for her minutes. We need volunteers for future months, Leslie was asked to listen to the meeting to see if it would work for her to type minutes. Leslie said she had a problem with PDF documents. John said PDF is not needed at all to take the minutes. Leslie said she would do this. She would be given a phone number and a code and would listen to the meeting. Julie said that she does this during the meeting. She can also take them during the meeting. Leslie will do her best to do the minutes.

III. 1:30 – 1:50 PDPPC Format/Protocol Discussion John Barry/Curt Wolff

Curt got various comments after the last few meetings regarding concerns. He, Kevin and John talked and drafted a letter which he read. At the bottom of the agenda is what we agreed on as a group. The letter will also be sent out. Many of our participants have expressed concerns re personal conduct during meetings. Member are concerned that other members remarks have been made personal. Members reiterate thoughts that are off topic. Members on the phones have trouble hearing, not muting phones, people not waiting turn to speak, members express they are disappointed when they are missed in discussion queues, some people say their personal views multiple times instead of just saying ditto. One responsibility as co-chair is to conduct meeting in structured orderly manner.

- Mute phone at start of meeting
- Unmute to announce at role call
- If phone not muted chair will remind you
- If someone fails to mute again 2nd warning
- Third warning will require muting of all phones
- Not muting phones multiple requests will be asked to leave meeting or phone will remain muted. They do not want to do that but must
- If in person raise hand until called by chair, if calling in say name and queue and they will acknowledge this. Chairs will do best to acknowledge person to person. Chair will tell you when it is your turn to speak, do not speak until called on
- If off topic chair will call point of order and if you do not stop you will be asked to leave.
- One person speak at a time
- If you cannot hear say volume
- When you speak remember to announce your name
- Call in members not following this will result in muting for everyone
- Profanity will be considered out of order and person will be suspended from meeting

Curt called attention to the agreements on each agenda that we all agreed to
The agreements are as follows:

PDPPC Agreements:

- We are trying to work together and will stay solution-focused
- Be honest, forthright, accountable and respectful
- Step up and step back – this means someone should say their piece but then listen to other comments and feedback and keep an open mind
- Don't repeat what others have said – just say ditto
- Ask people who have not spoken to speak
- Do not use acronyms

- Provide quick background on complex topics at beginning of long discussions
- Stay focused on the Agenda and use a time keeper
- Make this meeting a safe place to talk about issues
- Discuss what is working as well as what is not working
- Allow for flexibility
- Provide consistent follow through and closure to recommendations
- Agenda items requesting information will follow the Communication Protocol. Agenda item ideas for upcoming meetings will be sent to the PDPPC Co-Chairs by the second Wednesday of each month
- Share timely and accurate information with persons not in attendance
- Allow for agreement and disagreement
- Do not personalize anger or mistake passion for anger

He opened up to questions:
Leslie—what if you are asking to be on the agenda several times by email and you are ignored.
Curt-feel free to give me a call personally—both chair numbers are on the agenda. There is the open forum for a time to raise topics for future agenda items. If we follow this there will be more time for forum and that will be provided. Leslie said she has asked respectfully to be on agenda for specific reasons and the forum would be appropriate for her topic. Leslie said she felt it was targeted at her and this makes her feel not welcome. John said on behalf of the Department that this is a collaborative and they participate in planning and they get a lot of requests for agenda items and the co-chairs make judgements about agenda requests, they cannot say yes to every agenda request because time is limited. Curt and Kevin are functioning as the stakeholder co-chairs of the group but do so at pleasure of the group. The group at any time can say they do not like how the Department is handling this. But the group authorized to manage this group (co-chairs with HCPF staff) is doing the best they can. They are not going to make people happy all of the time so when an item is not on the agenda there is a reason for this. Leslie says her issues are always at the end when people are exhausted and they think it is sufficient. John said the group agreed to have forum at end but we can revisit and we do not put people on the agenda – we put topics on the agenda. Leslie said she never asked to be on agenda for no good reason at all. It is burdensome to place at end of meeting especially for people who have disabilities that cause fatigue. John said that they would discuss the forum at the

next PDPPC planning call. They will decide if it should be moved to another part of the meeting. Leslie said that her taking the notes for the next meeting will be telling and if she does not make it until the end that means she is not up to the task.

Corrine-are we revising the agreements?
Curt—no this is not the intent. The key is to conduct a meeting properly we have to have basic respect so everyone can hear and speak.

Linda—Did you send the letter (that Curt read aloud) out? Answer - no but it will be sent out.

John—It is easy to err on side of facilitating in favor of people in the room, and it might be a bit more awkward in the room when we ask for phone comments every other time, but it will be a better meeting. This is a very important meeting. This is worth protecting.

Curt—this is an amazing group of people and we have accomplished a lot and can accomplish a lot moving forward.

IV. 1:50 – 2:00 March 2016 PDPPC Meeting

John is not available, Rhyann is not available Julie is also out and she wanted to see if the group was OK about cancelling the meeting.   Linda said we have enough people out it would be difficult to do business productively. Leslie said not having a meeting in March is a huge mistake because there are documents that have been shooting out of PPL that need to be addressed but there are questions from employees. This is not on agenda today. April 01 is changeover date we need to address these issues as quickly as possible. If we do not have a March meeting could that hurt the changeover.

Curt-should we reschedule the meeting instead of skipping it? We did that in November 2015.

Stephanie said either cancel or change the date. John Barry asked if, instead of the regular March meeting we have a public call with the FMS's for Q and A on issues related to the change. Several people said that was a good idea. Leslie objected because people have not been able to get through to the FMS agencies. The PPL folks handling the changeover are reading from a script and have no idea how to answer questions and constant reply is "this is coming from Colorado Medicaid" so Leslie feels we need to be able to ask questions of Colorado Medicaid. She cannot reach PPL to get those answers. She said this is also on behalf of attendants. John said his idea was that each FMS would set up a conference call number not have people try to go through customer service. This may be opportunity to get questions answered even though PDPPC is not a forum to get questions answered. Jason from Aces$ said they are always available to answer questions from anyone and they have live people answering phones. Another resource is consumer direct and they did a great job with trainings. Jennifer Martinez from PPL is open to this but wanted to reiterate that this is a time to discuss the program but they can be available for personal questions also. Rebecca dittoed what Jason and Jennifer said and that people can call them anytime.

Solution moved by Curt and seconded by Julie: Call on March 1st with all FMS agencies on the call at the same time, as well as Consumer Direct and Bonnie, for anyone with questions about the transition. Time is 1:30 pm -3:00 pm and it can be extended if needed. Notice will be sent and HCPF will put on website and FMS agencies will notify as many clients as possible.

Someone said she was PPL client who got no paperwork and she usually hears about meeting from PPL newsletter but how can others be notified. We need to notify others.

V. 2:00 – 2:40 IHSS: Discussion/Review of IHSS Forms

Rhyann Lubitz: Two forms were sent out, the first is physician attestation of consumer capacity. She worked with group to put together both forms for today. She reviewed the form—section 1 is demographics, section 2-blurb about IHSS and roles of agency. Then second about unstable medical condition physician can indicate if extra support is needed. Then there is section about IHSS agency

support or AR. Section 4 is provider and 5 is definitions. This form is only done once unless a concern develops. Do doctors have to check one of the items? Yes. Clarification this is only for people needing IHSS. Plan for roll out is to bring forms to clearance after this meeting. Then they will give to CDCO and SEPs for websites. Clearance process is not specific amount of time. Will Home Care Advisory Committee be weighing in on these forms? David Bolin said this is not relevant for this committee and it will not go there. CDPHE did participate on the workgroup.
If there are any final issues let her know by COB Friday

The next form is the new form and this is agreement between client and agency regarding level of support provided by agency in lieu of AR. If updated must be provided to case manager. David Bolin said if client has AR rest of form is irrelevant after section 2. Form should reflect this. Since this is new form do we need to backtrack and get older clients to sign it, Rhyann said NO we will start with new clients as of 2/1 when the rules were approved. David no reason to look back because it was never available before to have agency instead of AR. Julie asked how to let people know and if people need more help how to make sure clients are not dumped. Rhyann said for existing clients they expect agencies to clients know and it will be on department website and through SEP. Re agencies terminating if agreement changes she does not see that happening but needs to think about how to address if it did happen. David –agencies do not have to provide this support if they choose not to do it for whatever reason. Rules do NOT allow dumping. This is a list of core services that an Independent Living Center provides and IHSS is required to provide these so he cannot imagine why an IHSS agency would not provide these services if a client needs. If someone comes to an agency and asks for more support they have to go through whole process and this would give a lot more notice. Rhyann will be putting documents through clearance on Monday.

VI. 2:40 – 2:55 CDASS Audit Rhyann Lubitz

Rhyann thanked people for showing up on 2/9 at 8 am for the Legislative Audit Update. John sent out responses and updates document. Were there questions or concerns about what department sent out? Leslie asked where the info was and John said he sent it out right when this was happening and this was in email 2/9 in the morning. Julie thanked the many people that called legislators to discuss how important the CDASS program was and how important it was that we have this option and that the program is not eroded or diluted. Leslie said the audit mentioned compliance with FMS doing background and nursing license checks. She wanted to know if there is a fee for nursing license checks? Rhyann said we have always checked nursing licenses but there was between one and three cases they could not find paperwork. The FMS does this check and it is part of PMPM fee. Heather asked if they ever redo a background check. They are not required to do another check but if attendant works for another client and or if someone changed FMS agencies they will get a check then. Leslie – in the new application for employment is there a new background check? NO—they are not running checks on current employees.

Leslie said on page 8 of 2/16 status report it referenced the national resource center for participant directed services but did not reference anything with federal department of labor or IRS. Rhyann stated this item was about the ASMP and the national center said there were no changes to recommend and that it looked great.

VII. 2:55 – 3:20 CDCO Presentation and Discussion Consumer Direct is training vendor, all clients go through them for initial training, variety of formats. Kady is relatively new, this is her second meeting. They also provide case management trainings across the state. They do this two or more times per quarter. They train on IHSS and CDASS. By the end of 2016 they will have reached ALL of the SEP agencies in some way. She thought it would be good to go over what they cover under the training.

- -Evolution of consumer direction and how person centered planning is relevant
- -IHSS and CDASS and differences between the two
- -Process of how to enroll client in IHSS and CDASS including what paperwork is needed.
- -Allocation development and task list –enhanced training to show how to do this with person centered approach—clarify norms are GUIDELINE not rigid limitation.
- -FEA model and three FMS providers, client right to choose the FMS provider and not the case manager
- -Explained open enrollment dates

- -CDASS and IHSS contact requirements, one time a month first three months, then quarterly contact with 6 month review of assessment and physical needs. They span across all waivers and services. 844-381-4433 is their number or you can go to website (http://consumerdirectco.com) and look at resources. The case manager resources is all there.

Leslie, CDCO is given a lot of funding and they are supposed to get to all counties –there are 65 counties. Are they expecting counties to contact them? Leslie said SEP too busy with caseload and will not have time to find them.
Kady said that when she schedules case management training she reaches out to SEP and asks everyone to help determine locations which will be best for everyone. Phone and webinar are available for anyone that wants to call in from a SEP. They have gotten requests for new trainings and have added those dates quickly.

Linda M asked: CDASS not part of SLS waiver now, are they scheduling trainings for CCBs since this was supposed to be available on April 01. Kady: They are trying to figure out best way to incorporate them, the training will not be that different and some CCBs have attended the current training. They will send invitations when they know there will be a firm implementation date. Roberta did a general webinar for the CCBs recently.

Question was asked: How many people do they need to get training on Western Slope, their clients are only being offered phone training or sent a training manual. Clients are not being offered face to face because clients would really benefit from face to face. Kady: They have a training coordinator assigned to Mesa and they can always offer it. If they know anyone who could be peer trainer they are always looking for peer trainer.

VIII. 3:20 – 3:50 F/EA Ongoing Discussion

Rhyann stated that Mark Simon asked if there could be repository of conflicting information. Could the AG weigh in on this? The AG said they will not weigh in on this. Not within their scope and cannot provide legal advice.
She also wanted to talk about with April 01 coming up what do we do if someone fails to transition—difficulty with forms, difficulty with FEIN number, etc.

Leslie said being punitive is coercive. If someone has not been in receipt of packets or having difficulty getting answers they should not be punished. She said kicking someone out would trigger hearings. Rhyann said this is why she is bringing this to the group. She wants to be supportive and wants to know what to do if someone refuses. This is the model in rule and the only model available in agency. Leslie said the repository of federal regulations has to exist to help us understand. Bonnie said that the power of attorney forms only allow the FMS vendors to get the info to submit taxes on your behalf as FMS—they cannot do anything else. It is prepopulated with our info and their info to save people from having to hand write. They will meet with Leslie to review the form with her.

Curt –thought repository was great idea but said a nonprofit in CO called SCORE offers free business advice pertaining to businesses is available. If they do not have answer they can get your answer. He uses this frequently. www.Denver.score.org .

People are confused and not everyone has gotten calls or letters.

Julie: Comment: If there is issue that is not fault of client the FMS should work with client

Question: What if there are some employees that get turned in and others do not –they cannot be paid but can be added later

Liz Wuest, page 6 –employee and employer or record signs –if person with AR has own EIN number who signs, the client or the AR. I-9 can be signed by either. Jennifer had to look up other number.

Application for tax exemption form—do they have to fill out form or not. Some people have been told yes others have been told no. It is optional form. But if they find out that the person is tax exempt they have to abide by this. It is up to employer and attendant to declare or not. Julie said we were told the exact opposite last time. David Bolin says guidance from IRS is that if employers know that person living with client is eligible for being tax exempt employer is mandated to make them tax exempt. This is exemption for 2014-7. There is another exemption for FICA, FUTA, SUTA that is also required and you have to know what exemptions. There are all kinds of resources for this on consumer direct website:
Consumerdirectco.com
Clearly this is required.

Leslie are they issuing a W-4 or 1099—Answer, this will not change, they will still issue W-4 as they always have. Does she fill out tax exemption as she has no live in caregiver. NO she does not.

Renee—attendant not related but filled out form and said not related but he is live in—asked for form, keeps getting family member form and went round and round. She thinks they are in the right track. She said live in is not tax exempt just overtime exempt.

Rhyann said FMS vendor is supposed to be working with people and helping them as much as possible and if not this is an OPEN enrollment period. People can go to another FMS vendor if they are not receiving the customer service they need. They can also ask for a supervisor if they cannot get an answer. These questions are individualized. We asked for choice and got choice and we need to remember this.

3:50 – 4:00 Open Forum

Alisha—what do we do after April 1st? Rhyann: If someone is not transitioned reach out to HCPF and will work on case by case basis. She agrees that if someone is making good faith effort we should work with them.

Leslie—has employee that speaks Spanish and has 2nd grade education. She can try to translate but does not see any translated documents. Is it her responsibility to translate? PPL said no they have Spanish speaking employees that can walk them through it.

Curt—Last year legislature approved unskilled increase for agencies only. Propose we submit request to HCPF to have increase for our caregivers as well.   One approach is to have agenda item for April. Another is to have small group to convene. Anyone who is interested please connect with Curt. 720-220-9020.

Julie – There is a client in Colorado Springs who is in desperate need of CDASS under 1915i because he is in SLS. His home health agency dumped him and no agencies will do his care (too much work). We have been waiting more than a month to get CDASS or some help. The family is in crisis. They are trying to pay for 9 hours of care a day out of pocket. No one seems to be helping. How do we get 1915i cases processed? Rhyann stated Roberta Aceves handles 1915(i) current participants. Roberta is out at this time but her supervisor Lori Thompson can be contacted.

The meeting adjourned at 4:00 p.m.
Respectfully submitted
Julie Reiskin