



COLORADO

Department of Health Care
Policy & Financing

DETAILED SUMMARY OF THE MEETING OF THE WAIVER IMPLEMENTATION COUNCIL

303 East 17th Avenue 11th Floor Conference Rooms A, B, C
Denver, CO 80203

October 15, 2018
12:00 P.M. – 1:30 P.M.

1. Meeting Attendees

A. Members Present

Audrey Levy, Bob Lawhead, Carol Meredith, Danna Snedden, Dawn Caldwell, Jeff Newman, Jessica Eppel, Jodi Walters, Kevin Graves, Kidron Backes, Laurel Rochester, Linda Medina, Pat Chamberlain, Patrick Hackney, Rob DeHerrera, Stephen Shaughnessy

B. Guests Present

Andrea Kuwik, Lisa (last name not provided), Maureen Welch, Rob Hernandez

C. Department Staff Present

Alicia Ethredge, Bonnie Silva, Josh Negrini, Kimberly Smith, Lori Thompson, Matt Baker, Rebecca Spencer, Scott Nelson

2. Welcome and Introductions

- Kimberly Smith: here in a support role.
- Alicia Ethredge: Service Development and Evaluation Unit manager, where most of this work falls.
- Bonnie Silva: interim Director of Office of Community Living (OCL).
- Josh Negrini: Home and Community Based Services (HCBS) policy advisor
- Any new attendees joining?
 - No new people in attendance.
- Housekeeping:
 - Restrooms are in the hallway.
 - Please keep cell phones on silent.
 - Please sign in and add your current contact information.
 - Designed this meeting based on feedback.
 - Purpose of the meeting and objectives:

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- To arrive at an agreed upon plan for how we are going to engage with each other and how we are going to accomplish this work.
- Objectives for the meeting:
 - Want people to feel heard and that everyone has a voice.
 - Everyone is fully integrated into the process and we are including new people into the topics and work we are discussing.
 - That there is clarity around the work moving forward.
 - Clarity on the timelines and the path forward.
- Agenda
 - 12:00pm: Welcome, Intros, Agenda overview, August summary
 - 12:10pm: WIC role, working agreement, and path forward
 - 1:00pm: Timeline
 - 1:10pm: Calendar
 - 1:20pm: Wrap-Up, Question & Answer session
 - 1:30pm: Meeting Adjourns
- Questions and participation encouraged throughout the meeting – no set time for public comment.
 - “Share the air”.
 - There are index cards if you would like to use those instead.
 - Remotely you can use the chat box or speak over the phone.
 - Question (Q): Rob Hernandez – full participation means anyone can participate at any time?
 - Answer (A): Yes.
- Meeting materials:
 - Agenda
 - Presentation
 - WIC Meeting summary from August meeting
 - Timelines
 - Calendar
- In scope/Out of scope for today's meeting:
 - In scope:
 - Meeting process and calendar
 - Timeline
 - WIC Membership
 - Out of scope:
 - Specific Service and Coverage Standard content
 - Rates



3. Review August Meeting Summary

- Q: Maureen – The meeting summary is something the Department has put together rather than it was created with the group. Is this how the Department plans to move forward? There were a lot of questions in the chat box that are not in the summary.
 - A: The notes provided capture the tone and tenor of the meeting, and we do want to allow time to have input during this meeting.
- We will address the meeting summary now, any comments?
 - Jeff Newman: It has been mentioned in several meetings that these are official meetings and members can collaborate outside – but we don't have any contact information or good way to do that. Would like to discuss this.
 - Q: is this specific to the meeting summary?
 - A: Yes.
 - Maureen: The meeting summary is the Department's version of the events, and I feel there was a lot more dissention than is reflected in the document.
 - Josh: if you feel there is anything you that we didn't capture, please email me.
 - Maureen: the entire chat box should be in the meeting summary.
 - Bonnie: we have chosen to use a meeting summary rather than meeting minutes because they are distilled, but we are hearing that the council would prefer meeting minutes.
 - Dawn: is there a regulatory reason for using meeting summary rather than meeting minutes?
 - Bonnie: we have received guidance from our legal division, we have to be careful about disclosing people's personal information, so we have chosen to use meeting summary. We can certainly look into sharing more information with people's consent.
 - Dawn: you are making more work for yourself by turning recordings into meeting summary, why not just put the link to the recording up?
 - Bonnie: we would still have to get consent to put recordings up, so we have been creating summaries to get around this – but if the council would like we can look into.
 - Bob Lawhead: it seems that with the Sunshine laws we have to have documentation of the meeting, it looks like this version of the August meeting minutes that have additional information. Is this an attempt to incorporate the online forum?



- Josh: Yes, part of this is to ensure that these summaries do include all of the comments and incorporate them into the Change Log.
- Bonnie: would like to address the comment about the Colorado Open Meetings Act; we have been receiving feedback from our legal division, and this meeting is not subject to the Open Meetings Act. Meetings that are subject to this Act are groups that have been delegated decision-making authority.
- Rob Hernandez: that is your legal division's interpretation, and this is incorrect.
- Bonnie: we need to ensure that we are operating in a way that respects individuals' information.
 - Maureen: I made a statement of opposition to the discrimination I felt was happening and it is not reflected in the meeting summary.
 - Kimberly: we will move along, but if you have further comments please email them to us.

4. Council Purpose and Charge

- Alicia Ethredge: manager of SDE team.
- We have heard there is a lack of clarity around what this group needs to accomplish.
- Our Mission:
 - Improving health care access and outcomes for people we serve while demonstrating sound stewardship of financial resources.
- Charge of HB 15-1318:
 - Department has chosen to engage with the WIC as part of the charge of HB15-1318 to refine concepts and ideas before they are presented to broader audiences.
- WIC Purpose:
 - The council was established in August 2016.
 - To provide ongoing guidance and advice on the development and implementation of a redesigned waiver to accomplish our Shared Goal:

People get the right service, in the right amount, in the right place, at the right time, per their individual presences, goals, aspirations, and needs.

5. Meeting Expectations and Path Forward

- Safety of the Meeting:
 - The Department has received several complaints that this meeting does not feels safe, and the tone and tenor of this meeting are not productive.

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- We take the safety of this meeting, and having a safe space for engagement, very seriously.
- This does not mean that engagement has to be harmonious or we have to reach consensus.
- Revisit working agreements:
 - Treat each other with respect and honor one another as whole individuals.
 - Q: Rob: how does this map back to safety? I am still confused on the safety part.
 - A: Bonnie: it gets back to respect, and people may feel attacked if they offer an opinion that is different.
 - Value diversity in experience and perspective.
 - Q: Rob: full participation goes a long way to valuing diversity – we’re excluding a whole group of stakeholders.
 - A: Bonnie: we will talk about this more in a later portion.
 - Engage with each other as partners.
 - Comment (C): Rob: good with this so long as everyone is included, and you let everyone know about it.
 - C: Maureen: want to go back to Jeff’s how everyone can engage with each other outside of meetings.
 - C: Jeff: we don’t necessarily feel that we are being engaged as partners. It seems like our role is rubber stamping decisions that have already been made rather than engaging as true partners.
 - A: Bonnie: thank you for that, it seems like we as a department are not fulfilling this working agreement, do you have recommendations?
 - Jeff: we’ve been asking for more time in some way, more meetings or more opportunity to talk this out, it feels rubber stamped because there isn’t a whole lot of time to discuss this. Understand that the change log is part of this, but this doesn’t feel like a real conversation.
 - Bonnie: We have heard this feedback from many people, and we have a plan towards the end of this presentation for different types of engagement and how we can move forward.
 - C: Pat Chamberlain: concurs with Jeff, one of the missing elements is there is nothing in between the meetings and the change log. It’s not always clear how all comments have been addressed.



- Bonnie: when we get to the latter part of the agenda, we are going to really focus on this.
- C: Carol Meredith agrees with the first and second working agreements.
- C: Rob: not everyone has access to the change log, and if we want full participation we need to have access to the change log. A number of other states have done this. If we limit access to the change log people are excluded from participating, everyone represents different groups of stakeholders.
 - Bonnie: We will be addressing this in just a little bit on the agenda.
- To help ensure a respectful tone for productive collaboration when using the online forum or when providing comments through Adobe Connect.
 - C: Rob Hernandez: I want to address the use of capital letters, people with visual impairments need capital letters to be able to read. I think we should take this out and not be offended if someone types in capital letters.
 - Kimberly: it was my understanding that the group came up with these working agreements, but if the group agrees.
 - Bonnie: may I suggest we keep this point but put another note that it may be an accommodation for someone to use capital letters. Do we have agreement that we can modify this working agreement to allow for accessibility?
 - C: Carol Meredith: use capital letters to emphasize a point, don't know how to use bold or italics in the chat box.
 - C: Jeff: proposed a number 5 (working agreements): "to respect accommodations needed by others to participate."
 - Bonnie: How do we feel about this? – agreement, we will add this point.
 - Kimberly: are there any other comments regarding adopting this point? – No.
 - Bonnie: moving forward the Department will agree to abide by these 5 working agreements, if we cannot facilitate a meeting in accordance with these working



- agreements we will adjourn the meeting and reassess how to facilitate future meetings.
- Q: Rob Hernandez: that doesn't mean if someone dissents or is passionate you will shut down the meeting?
 - A: Bonnie: absolutely not, the working agreements do not necessitate harmonious agreement.
- Participation structure
 - We have received feedback that having a council doesn't allow for full participation. We want to have every stakeholder who wants to participate to do so. The legislation doesn't require that we have a council, it requires that we submit a plan to consolidate the two IDD waivers.
 - This is some of the most complex work we are currently trying to do. Now that we are several years into this work, we have seen that there are many people who are in it for the long haul – we are reassessing the benefit of having a council, and there are individuals saying that having a council doesn't allow them to fully engage.
 - We keep having conversations about how we do the work, and not actually doing the work.
 - It is the Department's recommendation that we remove the council structure around the work, and just continue with the work itself.
 - We hope that everyone who is interested will continue to be committed to continuing this work without the council structure and this will allow us to get the diversity in opinion.
 - Carol Meredith: been part of this work since the CLAG, it doesn't matter to me if people are appointed or not, but it does matter that people who participate are given adequate time to allow their voices to be heard and that the Department understands what it's like for those of us that work on the ground with individuals.
 - Dawn Caldwell: before I was on the council I had some concerns regarding NMT and I was able to send a letter to Josh and he incorporated. I think taking the formal structure away would be good.
 - Jodie: I think it would take some of the strife away from who can and can't participate and allow us to move forward.
 - Kidron: I think it is a good way for us to agree to move forward and move towards the goal of being productive in the meetings.
 - Bob: Since we are guided by Open Meetings Act, people can meet outside of this meeting.
 - Bonnie: guidance on Open Meetings Act: members of meetings that are subject to this Act are not allowed to meet outside of formal



meetings. Our legal division has interpreted this meeting to not be subject to Open Meetings Act as it is a consultation and advising body, policy decisions are not being made.

- Maureen: that is one legal opinion, Colorado Freedom of Information Coalition disagrees, and their attorney is going to be looking into this, they believe it also applies to advisory groups. It is important to say, “according to our legal interpretation.”
- Leslie: If there is not council structure, how would the meetings work?
 - Kimberly: there would still be meetings, and anyone could attend.
 - Bonnie: meetings would still occur, the only difference would be there wouldn't be council members vs. non-council members, there would be only interested stakeholders – would continue forth much as we have been.
- Pat Chamberlain: recommendation is to disband council structure, and just go forward. How would communication work? I feel it would be a step down to go to meetings without being part of a council and not correcting the problem up front.
 - Kimberly: we need to be even more transparent about the information we receive.
 - Bonnie: in terms of the change log, we will address this a little later because we have received feedback that this is not the most effective way to communicate. This is about the department gathering input necessary to develop good policy, council is not statutorily required.
- Jeff: I think designating a council carries more weight and ignoring council recommendations carries more weight than ignoring feedback gathered from stakeholders.
- Maureen: how does this effect equal access to change log? There needs to be more dialogue around how to communicate to the Department.
- Pat: this advice to disband the council seems retaliatory to me, against a group that expressed concern that we needed more time to work together.
 - Kimberly: please help me understand what piece feels retaliatory.
 - Pat: you invited new people to come on, and people are saying that what they are saying isn't' being heard.
 - Bonnie: we had some internal discussions prior to the group that expressed concerns, and at the end of the day our



intentions did not align with what our actions were saying. This is not intended to take away or remove weight, but to create a glide path to moving this work forward. How do we make sure we have the structure and processes in place to ensure that our very dedicated and passionate stakeholders were being heard – it is our responsibility to provide and facilitate a process to develop a plan for this waiver, and we looked at what are the barriers to fulfilling these responsibilities. We felt the council structure was preventing all of our interested stakeholders from authentically participating. This recommendation is in no way in response to concerns expressed.

- Bob: how many people did we have to apply to be on the WIC that were not selected?
 - Approximately 7 or 8.
 - Bob: recommendation to include those people, concern about disbanding the WIC that the comments could become less important, and if there are too many people commenting that it would create too much static in the process and all comments become less meaningful.
 - Rob: the only concern with that is to be back to square one in preventing full participation, and I think the department is heading in the right direction.
 - Bonnie: I heard there is some concern regarding disbanding the council and about being able to get meaningful comments. I recommend that we try opening these meetings up, and if it does become too diffuse we will reassess, I believe that there are not a lot of brand new people who would want to join.
- Meeting Structure
 - We have heard that not having in-person option is limiting participation. The Department will commit to hosting in-person and call-in options for every meeting in the future.
 - WebEx will only be used to share meeting materials.
 - We will ask that everyone RSVP to allow for proper room scheduling.
 - Maureen: for those of us that have to arrange coverage, so if you are able to schedule more than 3 weeks would be best.
 - Bonnie: we will schedule them as soon as we can, we may not always be able to commit to three weeks in advance, but we will do our best.



- Jeff: would like to request a possible meeting structure to have video conferencing as well.
- Kimberly: we can look into.

6. Timeline

- Review 2 handouts:
 - The first timeline has two scenarios, where the timeline diverges based on whether a budget action is required.
 - There is also a decision point based on when the actuarial report is complete, and we will know more about what the budget action will be.
 - The bottom (blue) line reflects that there will be no budget impact. This matches previous timelines from the March meeting and the July meeting.
 - Neither of these timelines is dependent on the waiver renewals.
 - The second timeline represents what we believe is the most likely path, that a budget request will be required.
 - This timeline reflects the budget request process.
 - You will recall that our budget staff presented their prediction for a fiscal impact.
 - We are in the final stages of executing the actuarial contract and that work will begin soon.

7. Calendar and Future Meetings

- Highlight some of the work that we have done to date.
 - Provider Qualifications alignment work incorporated into draft service coverage standards.
 - Rates Factor Survey conducted.
 - Residential Habilitation Micro-Components Survey conducted.
 - The WIC has reviewed all Service Coverage Standards initial drafts.
 - Addressed 185 out of 378 comments on the WIC Online Forum Change Log.
- Calendar
 - Finish Behavioral Services – Service and Coverage Standards review.
 - Continuum of self-direction model of service delivery, Nurse Practice Act, individual budgets discussion.
 - Residential Habilitation Service.
 - Addressing 193 remaining comments on the WIC Online Forum Change Log.
- We moved the November meeting back a week to November 28th.



- Final review of Behavioral Services.
 - Actuarial contactor will present on their work.
- As of 12/31/18 we will close off the change log. Until then we will open the change log to contribute access to whoever would like it upon request. Requests for Online Access should be sent to Joshua.Negrini@state.co.us.
- Between January and February we will be hosting task groups, as requested by the group.
 - We've identified a few larger ticket items we would really like to dig into.
 - Other items people would like to discuss.
- January 16th, 2019 – To cover nurse practice act, self-direction, and individualized budgets.
- Other items to review:
 - Residential Habilitation Benefits Collaborative: review of benefit and contractor's recommendations.
 - Will be a 2-part series.
 - Waiver Redesign Summary Report: consolidated review of all of the work that has been done and review some suggested paths forward.
 - Contractor will incorporate any comments and suggestions.
- Task Groups:
 - There is a sign up for in-person.
 - You may also email Joshua.Negrini@state.co.us if you are interested.
 - We will design the groups dependent on how many people indicate interest. All interested stakeholders will be invited to attend.
 - Be on the lookout for more information about the task groups.
 - Kimberly: to clarify you would like people to indicate that they are interested – correct.

8. Final Questions and Wrap-Up

- Maureen: we are going from where everyone is involved to soliciting membership again with the task groups?
 - A: These will be nitty gritty, in the weeds.
 - C: Maureen: should reconsider the language, task group connotes appointed position.
- Bob: the actuarial work will be working with certain assumptions?
 - A: We will be working with certain assumptions based on utilization, waiting lists, other states, and knowing right now what the



recommendations are so far of the WIC in terms of the draft service and coverage standards.

- Q: Bob: Are one of the assumptions that people will retain their current levels of service under the waiver? Or is that not - - an assumption. This is the concern some families have expressed about losing resources services as we combine the waivers.
- A: They are looking at the whole array of options, but I would not make that assumption.
- We are out of time, please email any further questions or comments to the Department to Joshua.Negrini@state.co.us.
- Rob: thank the department for respecting Yom Kippur, it shows great respect.

We are recording this meeting, if we can't address all questions in the meeting – we will use the recording to address them after the meeting.

Reasonable accommodations will be provided upon request for persons with disabilities. Please notify Josh Negrini at 303-866-4738 or Joshua.Negrini@state.co.us or the 504/ADA Coordinator at hcpf504ada@state.co.us at least one week prior to the meeting to make arrangements.

