

CMS Waiver Steering Committee Minutes -- FINAL

Date: August 14, 2008		Location: DDD Fort Logan, Children's Auditorium	
Present:		Cami Learned, CCB Partners	X
Kathy Athens, Denver Options	X	Carol Meredith	X
Claire Brockbank, Segue Consulting	X	John Miles, DDD	
Chris Collins, Alliance	X	Julius Monge	
Mike Crane, DHS/DDD	X	John Nevins, Alliance/Imagine	X
John Daurio		Al Orlofsky, DDD	X
Gerrie Frohne, Parent	X	Barb Prehmus, HCPF	X
Amy Haight, HCPF	X	Barb Ramsey, DDD	X
Ted Hernandez, Denver Options		Sarah Sills, Governor's Office	X
Sharon Hill, HCPF	X	Linda Skaflen, ARC Adams County	X
Sharon Jacksi, DDD	X	Matthew Solano, DDD	
Roger Jensen, Alliance/Starpoint	X	Kerry Stern, DDD	
Jo Kammerzell, DD	X	John Taylor, Alliance/Imagine	
Jay Kauffman, DD		Jed Ziegenhagen, HCPF	

I. Updates	
1. SB08-02 and CDAS Work Groups – Barb Ramsey	<p>Barb indicated that a request for participation in two different work groups should go out today. (Note: The Announcement was delayed for internal reasons.) The first relates to S.B. 0802, Services in the family home and payment to family members for benefits that already exist. Interested individuals should submit a letter of interest by August 29. The Division will notify people September 5, with the first meeting on September 11, from 10 – noon. Meetings will be every other Friday, except November 28, until December 5, 2008. The second is the CDAS work group to recommend a benefit that will be included in waivers beginning July 2009. It will meet every other Friday from 1:30 - 3:30, starting September 11. Gerrie requested that these meetings be open for those who wish to observe the process.</p> <p>Please note the change in time for the afternoon meeting also, to allow for transition between meetings.</p>

2. HCPF Response to Request for SIS Algorithm – Barb Prehmus

Barb Prehmus reported that she has provided DDD a draft written response to Gerrie Frohne’s request for the release of the SIS Algorithm. The essence of the response is to decline the request, primarily due to CMS concerns regarding the need to keep a firewall between CCBs’ dual roles as providers and single entry point of access/administrators ability to potentially manipulate the SIS. Furthermore, end users are also involved with supplying information about factors included in the SIS algorithm. There was discussion about the extensive information that has already been made available but Gerrie indicated parents have raised this and the whole algorithm is desired. She stated that the process should be more transparent and that it is an issue of trust. Al indicated that the accurate use of the SIS as an assessment tool requires that assessors be objective and not be impacted by knowing that a slight change in an answer will translate into a specific change in resources. The following parameters for resolving this issue were agreed upon:

- a. Objectivity is very important in the administration of the SIS
- b. The Conflict of Interest concern is real
- c. A document from HCPF and DDD is under revision and will be distributed by September 1
- d. DDD has distributed (July 11) a document outlining mechanisms for addressing disputes in SIS results as well as an updated SIS complaint procedure
- e. Once Gerrie and the concerned parents have reviewed the HCPF/DDD document referenced in c. above, further questions or comments should be provided in writing. The person to direct these written queries to will be noted in the document from HCPF/DDD.
- f. If necessary, we will revisit this issue at the September meeting.

3. Federal Definition of Individual versus Agency for Service Definitions and Provider Qualifications

DDD and HCPF committed at the July meeting to providing the federal definition of Individual versus Agency in the context of Appendix C-3. For most services in that Appendix both Individual and Agency were selected in the Provider Category section of the form. However, only Agency was selected for Day Habilitation and Supported Employment and only Individual was selected for Dental and Vision. Since this could not be explained in July and yet could impact people’s comments, a written explanation was requested. The verbal explanation provided at today’s meeting raised several issues that both HCPF and DDD need to clarify, as well as the need for members of the Steering Committee to be a) educated and b) given an opportunity to comment on the choice of Individual versus Agency for the various services in Appendix C-3. Linda also asked that a clarification be provided regarding how Legally Responsible Person versus Relative/Legal Guardian might be impacted. Jo Kammerzell will be the lead person at DD and will provide the information below for distribution by September 26.

- a. Education: Distribution of the federal definition and any relevant state components
- b. Comment: Distribution of a revised App. C-3 reflecting the state's recommendations vis-à-vis Individual versus Agency

The Division will entertain comments on the state's recommendations; with dates to be established (for comment submission) once a revised App C-3 has been distributed.

4. Service Definition Comment Document – Jo Kammerzell

A DRAFT document compiling the comments made in the first round (June 19) was distributed with the agenda for today's meeting. **This is not to be distributed until HCPF has had a chance to sign off on the compilation.** John Nevins asked if a similar document will be prepared with the comments that were submitted in the second round (August 7). Sharon indicated that there would be such a document but indicated that a date cannot be set until the Division has a chance to revisit its work plan. **A date for the second compilation document will be provided at or before September 11th.**

Gerrie raised concerns about the many areas where definitions are made to match Comp. Because SLS people didn't give input to the Comp definitions sometimes the applicability is not really appropriate in Gerrie's opinion. Barb R. clarified that the waiver renewal process for Comp is not longer tied to the Steering Committee and that there will be a public comment opportunity. As such, there are still opportunities to make changes to definitions. To the extent possible, Linda would like the Steering Committee kept abreast of the waiver renewal process and comment opportunities.

5. FAQ Process – Mike Crane (for Karen Large)

Mike distributed a draft comment process (attached). Amy is meeting with Karen to help acquaint her with the HCPF process and to get a sense of the volume of backlogged questions. New questions will be posted by substantive category to make finding the FAQ and response easier. **The process should be fully implemented by September 15.**

II. Lay Document – Barb Ramsey

Barb distributed a draft copy of the Lay Document, reflecting further modifications from the original outline (electronic copy attached). She reminded the Steering Committee that the goal was to write this with a very broad readership in mind. Barb invited comments on the document, and urged people to circulate it for additional feedback. However, it should not be posted anywhere because it is still a draft document. Send e-comments to Barb with "Lay Document" in the subject line. She also asked that people organize the comments from their constituents in one document/email to facilitate review. **Please provide comments to Barb by September 19, 2008.**

III. SLS Rates – Al Orlofsky

Although this meeting was intended to be the first of two in-depth discussions around proposed rates for SLS, the delay in Comp, driven in part by the need to revisit rates, has negatively impacted the ability of the Division to meet SLS rate and service definition time frames. As such, today’s discussion was a very abbreviated update on data being used to drive Personal Care and Homemaker Services rates. Surveys and Bureau of Labor Statistics data on salaries for direct care will help drive development of a set of standardized rates. Other assumptions such as span of control from the Navigant/HSRI model will also be used to drive these rates.

Roger and Chris expressed deep concern about the issues that standardized rates created in Comp and the belief that the impact will be equal or worse in the SLS programs. John Nevins echoed this concern. The greater number of providers and level of natural support (as well as the speed with which an emergency can instantly change access to natural supports) are all factors, as is the fundamental difference in the nature of the programs. The issue of the impact of SLS’ greater reliance on individual budgets versus agency budgets was also discussed as a negative driver.

Several members of the Steering Committee urged HCPF and the Division to “go to school” on Comp and address upfront the impact of using the same methodology in SLS. If the impacts are anticipated then options to mitigate those impacts can be built into the implementation of the program rather than added as reaction once the inevitable problems surface in implementation.

Barb R. stressed that this is not just an issue of standardized rates but also fee for service methodology AS REQUIRED BY CMS.

Amanda asked if one of the remedial suggestions would be to establish a set individual budget based on level of care, but then allow for flexibility within that budget for services. There was some disagreement between members of the Steering Committee and HCPF and DDD staff regarding the extent to which CMS is really requiring fully standardized rates versus use of a standard rate setting methodology.

IV. General Issues

Gerrie Frohne reiterated her request for the Division to host a face-to-face meeting on CES and SLS. This was raised in July as well. Sharon indicated she will take the request under consideration and understood the importance Gerrie places on face-to-face interaction.

V. Future Meetings and Topics of Focus

The delay in Comp has caused a cascading delay in SLS. As such, the remaining two scheduled meetings may need to be delayed to

ensure good use of the Steering Committee's time. Claire Brockbank suggested the following process:

- a. Provide DDD until September 10 to revisit and revise its work plan and timeline
- b. Postpone the September 10 Steering Committee meeting until later in the fall.
- c. Claire Brockbank will meet with Sharon, Barb R. and Barb P. on September 11 at 9:00 am to go over the work plan and timeline and identify when sufficient data and rate analysis will be complete to justify reconvening the Steering Committee. It is likely to either be October and November or November and December.
- d. Members of the Steering Committee should keep the October date open until notified.
- e. An update will be sent following the September 11 meeting, addressing the outstanding issues that were supposed to be dealt with at the September meeting, as well as identifying dates for the last two Steering Committee meetings.

VI. Public Comment

- No public comments

Hand-Outs and Attachments

- Agenda
- FAQ Work Flow Process – DRAFT (PDF attached)
- Lay Document – DRAFT (Attached)