



January 11, 2024

Members of the Medical Services Board:

I appreciate the opportunity to provide written testimony once again on **Document 03, MSB 23-03-13-A** concerning Case Management, Member Rights and Responsibilities, Home and Community Based Services, and Provider Agency Requirements, Section 8.7000.

I had discussions with Tiffani Domokos and Cassandra Keller following the December 8, 2023, Board meeting. During these discussions I reiterated my concerns about the confusing and contradictory language in rules regarding Rights Modification. While this was not my only remaining concern, for me it was the highest priority. After working with colleagues from other provider agencies in the state, I provided the Department with specific language recommendations that would satisfy concerns about the confusing and contradictory language. The recommended changes would not result in functional or operational changes in how a person's rights are protected or monitored, nor would they result in changes to the expectations when a modification of rights is considered. Despite this, HCPF made it clear they would not consider those changes until after final adoption of the rule.

There are many more issues the Department should address before this rule is passed, issues that stakeholders have raised with the Department during the initial stakeholder process and the rulemaking process. For example, I hope you will see testimony about a change in the timelines for forwarding general "Incident Reports" to case management agencies. This change reduces the amount of time providers must forward such documentation to Case Management Agencies from 72 to 24 hours and would result in provider agencies needing to have a staff member responsible to forward routine reports over the weekend, just for those routine reports sit in an inbox until the Case Management Agency opens again on Monday mornings. Not only does this increase costs for providers, but the proposed change also adds no value.

As it stands, the Department plans to make myriad changes after adoption of this rule. I will participate in that process as actively as I have participated in all rulemaking processes – taking time away from the stewardship and operation of my own organization, and hope that the process and outcome is more positive than what is before this Board today.

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