

Participant-Directed Programs Policy Collaborative (PDPPC)

March 23, 2022

Stakeholder Draft Minutes for Review

John Barry opened the meeting at 1:03 p.m. and attendance by people on the phone was taken.

February Draft Stakeholder Minutes

The following were comments in the minutes:

Halfway down when it says Nicole from PALCO said the N was left off of Telligen. Other than this, the minutes were approved without comment.

Open Forum #1

- 1) Mark Simon: Bring up that we still need to move over on employer liability insurance. He has not been able to find it. Also potential to hire contractors to hire people to do homemaking. He would like these on agendas for future months.
- 2) Robin Bolduc: Put plug in for background check group--they had super qualified person apply and get rejected due to something over 20 years ago that was minor and an error disposition and had to jump through hoops for hiring and there is no time limit and there are very minor issues. Encourage people to be part of this before it hits personally.
- 3) Adam Tucker: new supervisor for the waiver innovation unit. They are in charge of implementing CFC. There have been multiple attempts to implement it in Colorado and they are excited to finally implement it now. This means that services that support ADL and IADL into the state plan and extend participants' direction to people that might not have access now. They are developing a council. Members and providers to implement. They are accepting until 4/1 at 5:00 PM.
https://docs.google.com/forms/d/e/1FAIpQLSeUBIQbi0EGTyQ3pw_WcZKSBE51h9tHbeEpCprJoOm9O2PDg/viewform . If there are questions you can reach out to hcpf_cfc@state.co.us or adam.tucker@state.co.us . There was feedback that the application was not appropriate for an unpaid position. Robin said it took her over an hour.
- 4) John Barry: Next month we are going to trial breakout rooms and be moving to Zoom. He will revise the invitation and resend it. He will post it on the web. He will also send invites for brief training if someone wants to learn Zoom.

Department Staff Updates - Erin Thatcher:

They hired two new staff for this unit. They structured it differently than in the past.

- Jessica Corral is contract specialist overseeing FMS and CD CO,
- Kristine Dos Santos working on Community First Choice (CFC)
- Emily Harvey from Consumer Direct is taking over running IHSS.
- Katie McGuire has also moved to CFC
- Dani Comstock will run CDASS and she has extensive experience with benefits management. She used to manage home modification and respite.

Robin Bolduc and Bruce Goguen helped with interviews and were thanked by Erin

Telligen Check-In - Dani Comstock:

As of March 1, express reviews have gone live. The express review is for people who have had no changes since the last full review. Overlapping scope reviews is so people do not have to do over cost containment and health maintenance reviews separately.

- Julie Reiskin asked if we can have a report back in a few months about impact. Dani said yes.
- Renee Farmer asked what pieces of information Telligen wanted for exercise. For IHSS they want to see that it is being requested due to a medical condition that is documented. Also looking at the amount of hands on assistance required, what the attendant has to do, what activity, how long and how frequently. It might be a home exercise plan, or something you write up, etc. CDASS also needs a doctors' order. Renee said it was news that hands-on assistance is required.
- Nicole Miller asked how do you get services expedited if you have been on the program and nothing has changed. The name is express review. This can be done every other year.
- Robin Stephens is going through a recert and her case manager thinks if she tweaks it it is expedited, is this true? Dani wanted to follow up individually
- Julie Miller agrees we need to review in a few months but as of now it is just causing more work on the front end. Entering the PARS is also causing more work.
- Curt agrees regarding the express review--no one has heard about the every-other-year option. Also cost containment review is now required because some people hit the cap due to increases.
- Other case managers said in the chat they are frustrated.

- Julie asked what Telligen is doing to fix their process and should money go to hire more case managers, not to pay Telligen?
- David Bolin we had meetings with Telligen before they started to try to solve these issues but it seems that the utilization management companies under contract do not seem to understand that they should use only Colorado rules. The clients are being hurt. It is obvious that Telligen and Keypro just want to cut services because they want to justify their contracts. They do not see clients. They do not know how to apply Colorado rules. KrisTlne asked for specific cases of missed visits to be sent to HCPF_PDP@state.co.us and they are happy to jump in. David also wondered why HCPF keeps using these generic email boxes because they feel like black box emails.
- Curt dittoed the concern about emails as there is no follow up--he also said do not ask for specifics as we are saying this is a problem that means it is systemic and should be addressed as such. We need to not do things off line as a one to one issue.

Annual FMS Survey:

Stephanie Reese Consumer Direct: She is the director for Consumer Direct Colorado or CDCO. They do a variety of training for members, AR, case managers and others and do other things like the annual FMS annual survey. CDCO administers the survey. Members submit the survey for where FMS you used for the past year. There are 6 questions created by CDCO and HCPF (no clients) and this is about satisfaction with FMS over the past year. Mailed by April 6th and it is due May 6th. There will be SASE.

Jessica said that there were questions around availability of providing comments and suggestions to change the survey in some way. This was developed at the start of the contract period. They use a likert scale and generate scores about their performance and track over time. Scores go to various places. Open ended comments can go in that section at the end which summarizes groups together keywords. If people have comments, they can send them to HCPF_PDP@state.co.us or call 303-866-3504.

- Ron Heller asked if people would get surveys by mail. Yes
- Michelle Mondragon asked what is the percentage of surveys turned in? Jessica will send this out.
- You can also change the weight or value of comments in your regression analysis and put a weighted value so you know this was placed so when you reevaluate questions you can see how many times there are issues.
- Curt said Metrics certainly monitor results; however, improvements and analysis of those should then be weighted for reevaluating results

Subcommittee and Workgroup Report Out:

Now they are fully staffed they are looking to get these back on the agenda.

- IHSS: They are looking at the necessity of this meeting. This could be done in this meeting.
- URUM: They do intend to hold these but wonder if this should be part of this meeting but they will have a couple meetings of this group first.
- Background Check: The kick off for this group was a survey and sent out already. You can also send in questions to inbox, John Barry or call Jessica and they will incorporate. The survey opened yesterday through Mar 30, 2022. That information will be analyzed and apply the info across process and policy. Want this to reflect the will of stakeholders. There will be a two-day workgroup. They will make decisions and put out changes in the first week of April. They will review at the April PDPPC. They want everyone to fill out the survey and already have 25 responses.

Robin S: I found the survey impossible as anyone with a record, depending on the story, should be able to be hired. What are the federal rules?

Robin Bolduc The supplemental report from AARP says each state can make the rules. The AARP report was excellentColorado is on the extreme end of keeping people out. There is no correlation between safety and people convicted of minor offenses years ago. The background check is one piece of information. The survey is too simplistic, for example child abuse can be something very minor like you are arrested for speeding and your kid takes off their seat belt. There should be definitions of what crimes are and definitions between misdemeanor and felony and people need to be thoughtful in answering the questions.

Nathan added that Robin made good points and these waters get muddy as we have many law changes about what offenses can be charged and in what circumstances. In some areas this is good but in other areas it is not good because law enforcement cannot charge when they need to like a felon with a firearm.

IHSS agency as AR: They are heading into the 2nd phase of this and transitioning people off of agency as AR. They will send a notice of the next meeting in the future.

They have an inbox managed by Erin and Jessica and you can join any of these subcommittees.

PDPPC Proposals and Recommendations:

The issue of employer liability has been raised. This has been asked before but no specific request from PDPPC: Mark was asked for recommendations. Julie tried to explain concern about a possible bill that might be introduced. Julie also said she is concerned about liability if an FMS makes an error. Mark Simon said we are not liable for taxes but we could be if we fire someone if they file a civil rights or discrimination claim. We are on our own to defend. We are on our own if someone claims we

harassed them in the workplace. This has never happened because we have no assets but now as people are working and using buy-in some people are able to build assets. Curt said the new W 4 forms are a pain and as employers we should not instruct people on what they should fill out. We can put a proposal together. Mark said he carries a personal liability for other things but this does not protect someone as an individual part time employer and cannot find insurance. There are four kinds of different insurances we should be providing. We should get a group policy for all CDASS clients or each FMS.

Ron asked where Mark got information and he said he asked his insurance agent and he used to be an employer and also by doing research.

Michelle said Acumen left town without paying taxes and she got a notice from the state. She learned they were not liable and the situation has been taken care of so this is not academic. Mark said in PA a number of FMS took off without paying taxes. The state had to indemnify people of liability.

Curt suggested that there are always personal liability issues about discrimination that go outside the normal realm of being employer, sexual harassment is a good example. Mountain States Employer Council. Maybe we can put something together to ask HCPF to have this addressed through an HR expert to ask what our liability is and give us insurance options. Curt offered to put together a proposal into the need, cost, and responsibilities for HCPF.

Michelle said that when they first arrived here the ambulance company forgot to get them and they failed to show and then charged them. The ambulance company sued them for \$10,000 for time they had to wait in the waiting room. She turned them in and HCPF told her that the state said they are not allowed to do this and she shared the law with them and the better business bureau. Maybe we could alter that legislation. Mark said there is already a state statute prohibiting Medicaid providers from billing clients for Medicaid covered services.

Curt is also looking for someone to present and work on the contractor issues and we will discuss next month.

Direct Care Workforce Collaborative and ARPA Project:

Jessica gave a presentation on what HCPF is doing about workforce issues. The presentation was in the meeting materials. Penny Whitney and Samantha Hall also presented. They felt that communication and outreach is where we can really help (but are welcome to participate in any of it)

There were specific questions we were asked:

- 1) What strategies have you found effective to recruit and retain attendants?
 - a) Pay more for fewer hours and understand the extra costs.
- 2) What specific challenges have you faced to recruit and retain attendants?
 - a) Have to untrain CNA because the training they get is not relevant to in home care. Get rid of standardized statewide curriculum. Nathan has background on this. He said it might be the opposite of what we think.,
 - b) Rural needs are different and often forgotten about. What works in the city may not work in rural areas.
 - c) Higher rate for short visit not allowed
 - d) Nursing schools not advertising job for in home client because they are not an agency
- 3) What can we do through PDPPC to mitigate challenges?
- 4) What should the collaborative do to support CDASS and IHSS?
College tuition reimbursement

This discussion will continue next month:

Electronic Visit Verification (EVV):

Jillian Estes was present and did a presentation. The slides were included in the packet. The topic was what is a strike? Mismatch in the details. Also submitting timesheets after the time set by the FMS. It is difficult to get a strike.

There was not time for discussion.

Open Forum #2:

- 1) Lexi Monhahan: Since people are relying more on family, why is there a 40 hour per week limit for family members? Julie said it was historical from 20 years ago when this was a new issue.
- 2) Nathan: We want to know when we make suggestions, what comes out of it. He sent a contact to the relevant workforce person for the link. He said the comments we made about standardization are valid and have been for years. He is hoping to get involved and help bring modern ideas about education in business and learning to this space.
- 3) Kelly Tobin: Her aides and she have had endless problems with the PALCO app, it gets resolved and then reappears. Shifts disappeared. This is a set up for aids to seek work elsewhere. Why are we held accountable for EVV when the FMS is not accountable? The app is a constant problem.

- 4) Rebecca S of PPL said they had a go green project and if anyone receives paper pay stubs they are moving to paperless. Michelle said there is a counter to having online only but some people cannot print things out if they do not have a printer. Some people need to send pay stubs to DHS or SSA or somewhere.

Reminder: Next month a new platform and new invitation will come.
The meeting adjourned at 4:02 p.m.

Notes taken by Julie Reiskin