

**Participant Directed Programs Policy Collaborative Meeting
November 18, 2020
1:00 – 4:00 p.m.
Virtual Meeting**

DRAFT Stakeholder Minutes for Approval at the December Meeting

Executive Summary:

We discussed FMS EVV compliance, noted one FMS, Acumen is not able to take new clients due to contract noncompliance, discussed upcoming paid leave and minimum wage laws, discussed COVID related paid leave, had an update on committees, case management and eligibility and decided to meet in December.

John Barry opened the meeting, attendance was taken and voting rights were confirmed.

October minutes:

There was one correction: Open Forum #2 last sentence says is missing the word Thanked between "she" and "Jessica" when Corrine was speaking. Minutes passed with the correction.

Open Forum #1

Louise: What is the process for changing FMS agencies. We are in open enrollment now—quarterly people can change to a new vendor. This has to be done by 12/2020.

http://consumerdirectco.com/wp-content/uploads/2018/08/Changing-FMS-Providers-Process-Flow-Final_20180809.pdf

Renee: Was charged for the call at the last meeting. She never has had this happen before.

John: They did get feedback that some people without long distance or cell phone were billed for the minutes. John said HCPF said that they do not want any member of the public, especially Medicaid members to pay for calls. He was told incorrectly that the phone should not be charged and this was wrong but they have a workaround and this is that HCPF can call them. This has worked. If anyone needs help with the workaround should call John 303-866-3173 or email john.r.barry@state.co.us. HCPF is trying to figure out reimbursement and if that cannot happen CCDC will cover those few people who were charged.

Erin: There will be no new clients assigned to Acumen for now.

Electronic Visit Verification (EVV):

Jordan Larson: The biggest thing they are trying to do is gather information so they can develop an FAQ to Participant Directed Programs. Insight and suggestions for questions

- ✓ What happens when there is dispute about payroll?
- ✓ What is percentage of exceptions or missed clock ins that will be OK?
- ✓ Will this be per client, per AR, per FMS?
- ✓ If someone is out sick due to COVID and has to use the website and not EVV will that be counted against the number of exceptions.

- ✓ What if someone gets a new phone and does not have a phone for a while?
- ✓ What steps does someone need to take if they get a new phone?
- ✓ What happens when is a systemic issue that causes a problem such as disallowing two people at once or not downloading, etc.?
- ✓ What if a person needs a reasonable accommodation as exemption due to clunkiness of the vendor system? Will that count against the client or attendant?

Financial Management Agency (FMS) EVV Updates:

ACUMEN: No substantive updates except they are working with people using mobile web to the app so they can be compliant with EVV. They have a small number of people with live in exemptions that are coming in now, much less than in the beginning. 13% of attendants are using either app or attendant verification. 84% of employers are using some system to approve. 14% have a live in exemption in place.

- Louise: Are you still hearing reports about attendants not being paid on Fridays? She did a walk through with customer service and was told it was over 40 hours and he is family member and she was told how to correct this and she did but it still is a problem. The problem is a software program. Gabrielle can look into it and how to get the person paid and get back to her.
- Leslie: She emailed in live in caregiver attestation form three weeks ago and never heard anything back. Gabrielle asked for her last name and said she would follow up and get back to her. She has been a CDASS employee since 2012 and asked if she had to renew tax-exemption. Gabrielle said not usually. Gabrielle said she would also follow up on this issue to make sure exemptions are in place
- Dolores asked how many employees had the live in exemption. The answer is 147. Dolores said she loved this and hoped it does not go away because she has no problems and it seems like people using EVV are having many problems.

PPL: Continuing to work on improvements to user experience with the app; they have not seem large changes with adoption rates week to week. 78% of paid shifts used app at least once. 61% EVV compliance with time entry. These numbers have been consistent. Encourage people if they have issues or need help with app they can call EVV help desk 1- 833-204-9041. They have added tips and tricks for using the app in their monthly newsletter as a response to our request.

PALCO: 60% of employers have 1 caregiver exempt; mobile app 48% or 358 people are using the mobile app, 18% or 138 people are using telephony, 34% or 256 people are exempt under live-in caregiver exemption.

Upcoming issues: Erin Reported

- 1) 118 Paid Family Leave passed in most recent election. This is a benefit for employees and every employer in the state has to comply with this. It is a couple years out

2023/2024 but we are working on this as this is a major shift for CDASS being able to give paid family leave to workers. There will be stakeholder engagement opportunities as they have proposals.

- 2) Sick time bill that passed in June 2020 approved paid sick time beginning in January –if you have over 16 employees, in 2022 all employers. They are working on this with other state agencies and how they will roll it out for CDASS. Their goal is to do things the right way.
- 3) Denver Minimum wage and state minimum wage goes up in January. In Denver it will be \$14.77 an hour. The rest of Colorado the new minimum wage will be \$12.32 an hour. They are working to push out communication.

Questions:

- Linda S. This will be a huge change and there will be stakeholder input. She said there should be early input so they do not come out with something that is not workable or does not miss perspectives of users. Erin agrees and appreciates people helping early.
- Julie: Is 16 per AR or client. Per employer: They are looking at definitions, part time, full time, on call, actively working, etc. Sick time is per hours worked 1 hour of leave per every 30 hours worked so it applies to part time. They are trying to figure out how to deal with the few who have more than 16 employees for this year. They want to get funding so it does not come out of allocation but that takes a long time and we may need to have to have it come out of allocations at least initially.
- Kitten and Julie: Is Denver minimum wage about where the client lives or where services happens or where employee lives. HCPF gave rate increase based on member residence. That is how HCPF is looking at it. They will make sure that members update addresses if they move or change locations so they get rate increase into effect.
- David: Denver ordinance only covers people who live in legal jurisdiction of Denver. How is state verifying this in MMIS as many addresses are in other counties? Erin said they had concerns about this too and they have a field in CBMS that is residence counties and that is what they used.
- Erin said they have a fact sheet on Denver minimum wage and will be publishing it with these questions.
- Renee asked about the COVID sick time. Erin said there is a way to get people paid due to being out because of COVID and a [one page form](#). Paid sick time for COVID does come out of allocations. There was [a memo](#) about it. Erin will have John send out the information and form again to the list.
- Louise asked if attendant tests positive how do they hire another attendant. Erin said that it is hard to interview during a pandemic and open to ideas. Erin suggested CDASS attendant registry. She also talked about backup plans that we are supposed to have. CDASS Attendant Directory: <https://directory.consumerdirectco.com/>
- Kelly Tobin said it was hard to find people but there are many people seeking work right now. She also asked about quarantine pay. Erin said the Families First Act might have other options through the FMS and people should reach out there.
- Maria: asked about FFCRA (Families First Coronavirus Response Act). It is a federal law that requires certain employers to provide employees with paid sick leave. The state cannot mandate that people do this but the FMS can give advice about if this is relevant

- o Erin said if someone has to hire someone urgently to tell the FMS and they can process it within 24 hours.

Case Management Update

Victor Robertson: As we have been talking about they have been working with transitioning SEP agencies and they are 5 months into the fiscal year. They are in a really good place right now. They are meeting monthly with transition teams of new SEP. At this point they have hit their stride. Three responded to procurement last minute and things are going well. The three that stepped in for emergency procurement were only awarded a one year contract because they did not the full process. The RFP process is in full swing. The RFP has closed. There are multiple bids in all three regions and the committee is reviewing them. The 2nd week of December is the target date for decisions. There was a question last time about who is on this committee. He asked procurement about this and was told that it is program area that selects the committee. The OCL identified subject matter experts and referred them to procurement. They select people who can be unbiased and they must sign legal documents saying that they can do this without conflict of interest. They claim stakeholder input is handled on the front end and he does not know what was done but there are no clients on this committee. If there are questions or issues they may not be able to announce until early January.

Right now the focus is on new assessment and IT system that will hold it. SB 16-192 required there must be a new LTSS assessment to be implemented. There has been extensive process over past few years to replace the ULTC 100.2 and SIS. They are rolling out a new IT system to replace the BUS (Benefit Utilization System). They are doing work to make sure the rollout is as seamless as possible. There is a lot of time being dedicated to the project

Julie asked if there was budget to support more time and how will they know that case managers are properly trained. The training in the pilot did not work well. It was done by University Hospital so they have shifted the training approach. They have an interagency agreement with another state department that has a more robust training unit. This should have ways to measure proficiency. He knows the budget issue has been a topic of discussion and they know it will take more time. There is funding in place but does not have details.

Linda asked how many people the pilot included. Victor said he would get it and report back.

Renee asked if clients will know what new assessment looks like or includes before it goes into effect. Victor says it will go into effect on 7/1 and people who need an assessment in July will be in the group. Case managers will be trained ahead of this. He said people should ask their case managers to get it in advance.

The tool is here: <https://www.colorado.gov/pacific/hcpf/colorados-ltss-assessment-and-support-plan>

Eligibility Update:

Jennifer VanCleave had some minor updates: Social Security Administration will adjust cost of living soon. This might change peoples' benefits and HCPF will draft annual memo to increase income limits tied to SSA. There are no updates about if the PHE will extend beyond 1/20 but

they are urging people to keep sending in redeterminations because the counties are still doing these and if you can update your redetermination will be set for another year and get you out of the large. Counties are creating a report for people on forced pass and trying to resolve any verification needs before the end of the PHE.

HCPF is preparing in case the PHE ends. There were no questions or comments.

Workgroup and subcommittee reports:

URUM: 4th Monday of the month from 1:00-3:00 and there are more participants in last month. The next meeting is 11/30 from 1:00-3:00. The purpose is to go over the URUM vendor request approved by JBC. They will review any health maintenance requests for CDASS and IHSS. This will happen in the new year sometime. They were going over some things needed to be able to do a good review. They have gotten a good deal of feedback about needing specifications on documentation needs. They have a survey out and this will be posted in the chat. The survey is to find out what documentation is being requested now. For example if there is skilled feeding do you need recent swallow study? The rules do not support this but people are asking for it at times.

Please use this survey and share it

https://docs.google.com/forms/d/e/1FAIpQLSdWgmXNuhcgVMXPtTBwbEU32eF0YPvX8yD_HstqUykaqkIxOg/viewform?usp=sf_link

Jessica said the group met and they also got a lot of feedback via email and she shared the current edited version of the barrier crimes list which was sent out through email and regular mail. She reviewed the changes. Add identity theft and reduce time for DUI and drug offenses –reduce from 10 to 5 years.

Michelle said she would not allow people to apply if they admitted to a barrier crime as she thought there was a limit on background checks per year. There is no limit on background checks.

Louise said she did this in initial telephone interview to decide if she wanted to interview but she did not see theft on here. There is a lot of theft that goes on in this arena because clients may not be able to look through certain shelves or drawers. She advises doing an inventory before workers come in and documents. She also has this conversation with applicants. Jessica said they included identity theft and it is not listed as example—it might be appropriate to include broader theft. She will bring this back to the group. Theft often does not go to level of felony.

Julie said that all crimes are on the reports and we as clients can decide what we do not want to hire. She said she would oppose adding more crimes to the list. Julie asked if it was accurate if there was a cap on number of background checks that Michelle raised and Jessica said NO.

Jessica said she saw variations in theft and will bring back to the group.

Maria asked if there are any CDASS policies concerning barrier crimes that happened during period of employment. This policy is about when people apply. She said what if someone got in trouble for health care fraud? She knows the person could be fired but is there a policy from CDASS during course of employment. Jessica said they have not discussed if someone commits a crime after they are hired. If the attendant tried to apply for someone else it would show up. If someone works for several people that could be complicated.

Louise said when working as an advocate she had to fire an attendant working for an agency because she was stealing food and silverware and that was a problem for the client. The agency agreed to fire her and then placed her with another resident. The agency just relocated her to a different client. When Louise spoke to the agency again they admitted this was an ongoing problem and they continued to counsel her about it. Jessica agreed this is a problem. The next meeting will be 12/17 from 11:00-12:30 where they focus on goal #2. 720-722-2601 or Jessica.corral@state.co.us is how to reach out to Jessica

Do we meet in December?

Christmas is the 25th and Hanukah is the 10th-18th

Kevin Smith asked if we should just forgo having the meeting and asked if anyone objected.

Louise said she would like to have the meeting in December because there is so much going on and it is necessary to meet in December.

Dolores thought it best to forgo the meeting in December

Maria agreed with Louise about keeping the meeting but it is scheduled for the 16th so wondered if we should do it on the 23rd which is only 2 days before Christmas so maybe earlier in December such as the 9th.

Julie said and Mark agreed that meeting during Hanukah is not a big deal.

Michelle said usually we do not have a December meeting but COVID is huge so maybe we only meet about COVID related issues for a short time. It would be hard to do this until after school ends right before Christmas for her personally.

Kitten said there should be a meeting in December.

Kevin said it seemed like there were more for than against but to **have it on the 16th and have a shorter meeting.** It was moved by Kevin and seconded by Julie with no objection. Julie said someone else will need to take minutes. Kevin asked people to get issues they want to discuss to John ASAP.

Open Forum #2

Julie Miller: Can someone send out meeting info for UMUR on 11/30. Erin said she would do that.

Mark Simon: Why is Acumen unable to take new clients? Erin said it was due to extensive breach of contract and she is happy to talk to him offline.

Michelle Mondragon: She got a voicemail in October that she only got recently and she got no other information from anyone was that the caseworker had changed. This was upsetting. Why did the state not issue a letter or email notifying them of the change. Someone from RMHS will get back to her.

The next meeting will be on December 16th at 1:00. It may be shorter than normal but may not.

Notes taken by Julie Reiskin