

# Mi Via Advisory Committee

## Meeting Notes for July 28, 2016

### Approved October 27, 2016

Location: Human Services Department 2025 S. Pacheco, Santa Fe NM 87505

Attendees (in person): Cathy Salazar, Shayla Spolidoro, Nadine Maes, Brad Hill, Stevie Bass, Darlene Hunter, Rebecca Shuman, Regina Lewis (DOH/DDSD), Kresta Opperman (Human Services Department/HSD), Barbara Czinger (HSD), Jacob Patterson, Sandra Woodward, Patricia Shifani (member of the public present but did not sign in), Tina Storey (member of the public present but did not sign in), Amira Rasheed (member of the public), Keytha Jones, Jeanette Bundy, Melvin Brown (present but did not sign in) Christine Wester (DOH/DDSD).

Via Telephone: Jolene “Catalina” Saavedra, Kim Shipman (XEROX), Kimberly Scott (Qualis), Melanie Buenviaje (HSD)

Unable to attend and notified DOH/DDSD: Michael Romero, Althea Mcluckie

#### **1. Welcome and Introductions:**

Mi Via Advisory Committee (MVAC) members and members of the public present introduced themselves and those calling in introduced themselves as well.

#### **2. Review Agenda and Announcements:**

- Agenda approved with agreement that in the longer meeting, some items may be shifted.

#### **3. Approved Minutes**

- A motion was made to approve the minutes from the meeting held on 4-28-16. These will be submitted to the Mi Via website asap with minor adjustments.
- It was stated that due to the longer scheduled meeting (11am-4pm) “Meeting Minutes” will now be designed to be “Meeting Notes” to capture the overarching, high points of discussions rather than details. It is expected this will assist with documentation development and editing.
- A draft of meeting’s minutes from 7-28-16 will be reviewed and approved by Chair/Vice Chair and then will be provided to Committee Members prior to the next meeting. At the next meeting on October 27, 2016 these meeting notes will be approved by the Committee and submitted to the Mi Via website.

#### **4. Welcome of New Members**

- New members, Jeanette Bundy, Keytha Jones are parents of Mi Via participants and described their experiences with the Mi Via program.
- Ground Rules for the MVAC were reviewed and it was stated the MVAC works to address challenges and focuses on the mission of Mi Via to support self-direction.

#### **5. Purchasing Items through Mi Via (Carryover Agenda item from 4-28-16)**

- Background of issues was provided to the group with historical information provided regarding the challenges of checks being accepted at retailers statewide.
- Use of Purchase Orders would require changes in Mi Via, would affect choice to some degree in order to use state contractors and would eliminate check cashing issues therefore items could be purchased directly.
- Use of Debit Card continues to present issues regarding fraud and exploitation. Receipts would also be required.
- Purchase Orders would be a barrier to online purchasing which HSD is still continuing to research.
- Use of Purchase Agent would present some level of support but could affect participant budgets. Use of “ad hoc” purchasing agent was discussed as one participant has been able to purchase equipment through therapists. This is specific purchases tied to therapeutic interventions.
- Use of Big Box credit card was again discussed, however, this is considered “reimbursement” which Mi Via funds cannot be utilized for.
- Purchase Orders would limit choice in the spirit of self-direction and members feel choice should not be limited.
- Purchasing is a long standing issue that has led to frustration and embarrassment
- Task Force of MVAC suggested to work on this issue. Task Force members identified as Rebecca Shuman, Jacob Patterson, Shayla Spolidoro, Darlene Hunter. A meeting/location will be scheduled by DOH. XEROX, HSD and DOH will attend meetings. This group will identify a chair and notify DOH of this designation.
- Brad Hill stated he attended the last Advisory Counsel on Quality for Individuals with Developmental Disabilities and their Families (ACQ) and has been asked to provide a presentation at the next meeting. He will bring forth this issue as part of Senate Memorial 20 (designed to assist with the State’s waiting list) and express the urgency of this issue.
- XEROX has made changes to assist with converting the Mi Via checks to cashier’s checks/money orders as requested by participants. XEROX has not received many requests to do so at this time.

- It was suggested this conversion process go into the Mi Via Newsletter
- The Traditional Medically Fragile Waiver allows \$1,000 per year to purchase goods. A Purchase Agent is used and there is a fee of \$100 out of the participant's budget.
- The whole system of purchasing needs to be looked at, not just participant specific issues but the idea is to find a resolution that works for everyone.
- Responsibility and stewardship of individual budgets is also a priority.
- Self-determination is about looking at the participant needs and then living within the approved budget.
- Task Force will look at state parameters, requirements, current processes.
- The Department of Finance Administration is also putting into effect new requirements which will affect purchasing in the future. There may be a different way of doing business moving forward within the next six months.
- The Task Force will assure a focus on what the barriers are and members should not put forth a personal agenda rather come from a place of system planning.
- Use of money orders only constitutes a high cost to the current system and cannot be tracked in order to reflect payment was made.
- Helpful hints on purchasing, use of checks, knowing where to go, and peer mentoring would help with this issue.
- Participants continue to find "work arounds" to manage this issue and system is not moving forward.
- The Mi Via Consultant Association is also looking at this issue.

#### **6. Related Goods Proposal (Carryover item from 4-28-16 meeting)**

- "Reasonable Cost" per the Mi Via Regulations/Standards needs to be clarified.
- If a Range of Rates for items was developed, a suggestion for "Exceptions" was made if participant need required. The exceptions should require additional justification
- Mi Via participants know what is best for them, what they want and what they need. That is the premise of self-direction.
- The state did look at utilization since the last MVAC meeting and this utilization was provided to MVAC members.
- It was suggested Range of Rates, if necessary, be based on utilization.
- Participants opt to make choices and make sure an item meets their needs. Restrictions to this diminishes self-direction. Participants should be allowed to purchase what they can afford in their budgets. Participants should have purchasing authority.

- Justification can present barriers in working with community providers. It is a struggle to obtain justifications currently.
- A suggestion to share a Range of Rates but not mandate. Let the participant use that as a measurement to go by.
- Mi Via should not be focused on deficit in order for a participant to get the support they need. It is burdened focused and should not be. It should be about what a participant needs in order to be successful vs. a paragraph about disability.
- The Third Party Assessor (TPA) does not know the participant. The burden of proof is on the TPA during the fair hearing process.
- It was stated that it is the culture of Medicaid for the participant to prove why the service is needed. This extends beyond Mi Via, it is Medicaid.
- The budget should be in line with the Regulations and it can be written positively. The TPA is not allowed to “assume” if services will meet the needs and requirements. The participant is to provide information to make it clear what the needs are.
- Participants do let go of other services in order to obtain what they feel is important to meet their needs and there should be flexibility in the approved budget.
- Participants are having to explain more and more as to how their purchases meet the regulations and there should be consistency with a willingness for all to talk through the issues.

## **7. Break**

### **6. Related Goods Proposal (Carryover item from 4-28-16 meeting) Continued:**

- It was stated there have been webinars provided through Centers for Medicare and Medicaid (CMS) to all states administering Waiver programs that DOH/HSD have been attending in order to obtain more guidance. These webinars are specifically for states and are not open to the public.
- There is not a specific list of Related Goods outlined in the current waiver and a District Court ruling in New Mexico found that the purchase of Lobo tickets were not in line with Waiver services. DOH will work with their administration to determine the most appropriate manner to provide information to the MVAC about this ruling.

- Mi Via affords participants the opportunity to utilize services to assist with community integration (care and transportation), it is a challenge to consider the purchase of event tickets, activities for this per Medicaid guidance around recreational/diversional limitations.
- It was stated we all live within our means and Mi Via is designed to assist with access to the locations/events people choose and have a right to go, however, these locations/events may not be within their means which is where participants should be living.
- CMS guidance and court rulings do inform policy and it is important the state not set Mi Via up for future recoupment with improper implementation.

#### **8. Update from ACQ**

- ACQ needs to begin looking at issues with Mi Via and it is critical to bring them in on self-directed issues.
- ACQ is an avenue to get messages out to stake holders about program direction.
- ACQ is an advisory body for the state and they do expect to hear about issues affecting Mi Via participants.
- Senate Memorial 20 is legislation that was passed to reduce the waiting list. There is ongoing comparison between the Traditional Developmental Disabilities Waiver and Mi Via to look at cost savings.
- Reducing barriers with Mi Via opens up the growth of the program.
- MVAC can request help to get more information to decisions makers about changes and needed improvements. Assumptions about the program should not be guiding decisions/directions.

#### **9. Discussion of 2015 Retreat, Priorities and Direction (Standing Agenda Item)**

- MVAC members chose to table this issue until the next meeting

#### **10. Participant Issues/Experiences:**

- MVAC members moved this to the end of the agenda. Now listed as Agenda Item #17.

#### **11. Break**

#### **12. Fiscal Management Update (XEROX) Kim Shipman:**

- Electronic submission of timesheets is going well
- If timesheet is entered into FOCoS and there are not errors, there is not a need to then fax the timesheet. One can call XEROX to validate in FOCoS.

- AT&T servers went down recently which caused issues with processing, therefore call volumes did increase.
- Training is in process for those new to the XEROX call center.
- Information about faxed time sheets with FOCoS entry will be provided in the September 2016 Mi Via Newsletter.
- MVAC members reported participant specific issues that they will work with Kim Shipman to address.
- It was requested Kim attend MVAC meetings in person.

**13. Third Party Assessor (Qualis) Update Kimberly Scott:**

- It is important Qualis has updated information (eg addresses)
- Consultants are encouraging Mi Via Consultants to use the Qualis care management system Jiva to assist with communication.
- There is a need to inform participants about the differences between the In Home Assessment (IHA) required by Mi Via and the Certified Nursing Assessment (CNA) required by the MCOs.
- Qualis is in support of the same assessors working with participants year to year and will begin looking at how they manage reviews of “shared households”.
- HSD is currently looking at making changes in policy in order for collaboration to occur with the IHA/CNA processes.
- Qualis is allowed per Regulation to work with Mi Via participants on reasonable cost.
- Qualis processes for the Medically Fragile and Mi Via Medically Fragile have been reviewed in terms of the IHA and responsible parties.

**14. Human Services Department/Department of Health (HSD/DOH) Update (Kresta Opperman and Melanie Buenviaje, HSD and Christine Wester, DOH):**

- Due to time constraints of this meeting, the MVAC Chair moved this item to the end of the agenda after public comment. Now listed as Agenda Item #16)

**15. Public Comment (Agenda Item #15 moved in front of HSD/DOH update)**

- There was a recommendation for Mi Via to use social media (eg.Facebook or a Public Service Announcement) regarding how Mi Via works.
- ACQ and Mi Via need to work together to unite on issues related to disability regardless of program. ACQ needs more Mi Via representation.

**16. Human Services Department/Department of Health (HSD/DOH) Update (Kresta Opperman and Melanie Buenviaje, HSD and Christine Wester, DOH):**

- The Statewide Transition Plan related to the CMS rules will be going out

- for Public Comment which will be advertised in the Mi Via Newsletter
- 60% of Mi Via Newsletters are being returned due to incorrect addresses.
  - Participants need to assure the Income Support Division has the correct information.
  - The Employer of Record (EOR) Questionnaire is now being utilized by Mi Via Consultants annually due to ongoing issues related to inappropriately designated EORs.
  - The Mi Via Waiver will need to be amended due to the high number of individuals now being served in the program. This will begin very soon and will include clarifying language about Related Goods, Transportation, Respite among other items. This Amendment will include public input meetings and public comment periods.
  - Mi Via DOH is hiring a third position soon.
  - Payment Request Forms and Mileage sheets will soon be moving to online submission.
  - The Department of Finance and Administration will be making changes in the future regarding check disbursement which may affect processes around purchasing goods. New information will be provided at the next MVAC meeting if available.
  - Compliance with electronic timesheets has been difficult. Obtaining computers have been difficult for participants. Some feel taken advantage of that they are asked to comply but don't want to buy a computer.
  - State auditing requirements have required this change. There is an exception process that HSD is overseeing. There are community resources participants can look into (eg. Libraries) to access computers as well.
  - The transition to electronic timesheets has not been easy. Employees do not have to submit the timesheets online as it is the responsibility of the EOR to assure this is done whether they submit/approve or employees submit and they approve.
  - This process has cut down on the Return to Participant process with less errors.
  - Some participants have lost their EOR due to this process and had to find a new one.
  - FOCoS applications continue to not work on cell phones/IPADS but there are attempts to address this

**17. Participant Issues (Agenda item #10 moved to end of meeting):**

- Simple EOR instructions and guidance regarding supervisory duties and responsibilities would be helpful. Some employees are reporting mistreatment by EORs.
- ACQ is now looking at their processes to include participants and making meetings more accessible in order to encourage participation.
- Peer mentoring needs to be an avenue more developed through Mi Via

**18. Wrap Up of Meeting:**

- MVAC members like the longer meeting schedule. Next meeting will follow the same format with a working lunch.
- Future Agenda Items:
  - Supporting Vendor/Participant relationships with Budget Authority
  - More information on Senate Memorial 20
  - Outreach Activities for Mi Via
  - EOR Instructions

**19. Close**

- Future meeting schedules:
  - October 27, 2016 In Albuquerque, DOH/DDSD offices, 5301 Central NE Suite 203 Albuquerque NM 87108
  - January 26, 2017 In Santa Fe, location to be determined
  - April 27, 2017 In Albuquerque, location to be determined