

Mi Via Advisory Committee (MVAC)

July 26, 2018

12:00pm to 4:00pm

Meeting Location:

Department of Human Services
2025 South Pacheco
Santa Fe, NM 87505

Conference call #: 1-515-739-1034; pass code 742089#

Agenda

Welcome and Roll Call (5 minutes) 12 pm- 12:05 pm – Introductions:

Call to order by Chair at 12:06pm. w/ introductions:

Attendees (in Person):

K. Jones (Member/Parent), E. McCollen (Advocacy Partners), R. Shuman (Consumer Direct Care Network), J. Patterson (Self-Directed Choices), S. Skaar (Self-Directed Choices/ Parent/ Member), M. Brown (Member), R. Lewis (DOH/DDSD/MVU Program Manager), S. Bass (Member), B. Hill (Chair), L. Martinez (Co- Chair), A. Lucoski (Participant), C. Lucoski (Member/ Parent), J. Bundy (Member), A. Fernandez (DOH/DDSD/MVU- Program Coordinator), K. Swirydczuk (Parent), R. Aguilera (DOH/DDSD/MVU-Project Coordinator), K. Opperman (HSD/MAD/MVU-Staff Manager), E. Hill (DOH/DDSD/MVU-Program Coordinator), T. Storey (Merit)

Attendees (by phone): D. Hunter (member) A. Mcluckie (Member) K. Scott (Qualis Representative)
D. Rickerd (Conduent Representative)

Excused Absence: C. Salazar (Member) Notified Committee

See Listing of Acronyms on the last page

1. Review agenda & Announcements (10 minutes) 12:05 pm – 12:15pm:

Motion to approve the agenda. It is approved. MVAC Member (S. Skaar) second the motion.

a. Add/remove items-

The MVAC committee had a discussion concerning how they are identified in the meeting minute notes. The suggestion is that the group would be identified with the first initial of the first name and the full last name.

MVAC Chair (B. Hill) recommended that the draft meeting notes to have the individual's first initial and last name. For publication of the meeting notes, individuals will be identified as a member or a nonmember. The chair asked if there were any objections to this recommendation. No objections were noted. This change will become an informal policy going forward.

b. Public Comment sign up:

The MVAC Chair notified non-committee members to sign up to speak for public comment.

c. Review of Ground Rules-

Review of the ground rules were conducted. They are also available in print.

2. Review/Approve minutes April 26, 2018 & Action Items Follow-up (10 minutes) 12:15 pm - 12:25 pm:

The MVAC Chair recommended that the draft minute notes to be sent to the MVAC member (S. Bass) who will then review and edit the meeting notes. There were no objections to this recommendation. There was a discussion that was related to the meeting notes and how to proceed in the future. The Members discussed the type of style to be used in the future meeting notes.

The MVAC Committee has tabled the meeting notes from the April 26, 2018 MVAC meeting. They will review in the next upcoming MVAC meeting on October 25, 2018.

3. Nomination Updates 12:25 pm – 12:35 pm (10minutes):

Call for member nomination to go out in August and September nomination. Nomination of new Committee members will be done at the October meeting. - The DOH/DDSD/MVU Program Manager, (R.Lewis) addressed the group by noting that the upcoming nominations will be posted in the Mi Via Newsletter for August and September. The MVAC can vote on the new nominees at the October's MVAC Meeting.

MVAC member (A. Mcluckie) suggested having their information (i.e. email) available for potential MVAC members. In case there is someone [potential applicant] who is wanting additional information or has any questions about the MVAC, she could be available to share that information. The MVAC Chair suggested that the MVAC member's interactions be limited and to be cautious noting that the MVAC is looking for people with a broad scope to apply.

4. DocuSign-PRF (Payment Request Forms) (15 minutes) 12:35 pm -12:55 pm

The MVAC Chair shared some of his concerns using the DocuSign (electronic signature). It was noted that there are acceptable and unacceptable forms. DOH/DDSD/MVU Program Manager (R. Lewis) stated that during the consultant meeting, there were some consultants who were advocating for the use of the electronic form. The DOH-DDD MVU will share the MVAC's feedback with the consultants at the next meeting. DOH/DDSD/MVU Program Manager (R. Lewis) explained that there is a concern that some vendor agencies are using electronic signatures and the Mi Via/EOR participants may not be aware that this is happening. The HSD/MAD/MVU Staff Manager (K. Opperman) elaborated that some of the documents that are being submitted to Conduent as electronic signatures appears as though they may have been copied and/or pasted or altered in some fashion. The correct process for the submittal of the Payment Request Form for vendor agencies: Vendors should be sending their invoices [documentation of services] to the EOR/Authorized Signer and then the EOR/Authorized Signer will sign it and send it over to Conduent if there are no concerns.

5. Update from recent ACQ (15minutes) 12:55 pm -1:10 pm:

MVAC Chair asked MVAC Member (S. Skaar) for an update from the ACQ. MVAC Member (S. Skaar) explained the role of the ACQ. She explained what the ACQ does and the function that the ACQ performs. She gave a brief review of who presented that day.

The MVAC Member (S. Skaar) also talked about a case with a Participant and the SSP being not user friendly. DDOH/DDSD/MVU Program Manager (R. Lewis) stated that she would address this with the Consultants when they meet.

MVAC Chair spoke with the group about the interaction and the issue regarding the lawyer with JCM who had much to say at the ACQ in regard to the self-directed waiver.

MVAC Member (J. Bundy) addressed the group and said that Mi Via is working well. It infuriates her when people think this [Mi Via Waiver] does not work. She has seen the growth with her son and others. The MVAC Chair said the participants themselves will have to stand up to say, "don't take my rights away".

6. Break (10 minutes) 1:10 pm -1:20 pm: Reconvene at 1:26pm

7. Participant Issues/Experiences (Standing Agenda Item 30 minutes): 1:20 pm -1:55 pm – EOR issues address.

ISD issues; Check issues-story:

The MVAC Chair addressed the group about the EOR handbook and issues related to it. Noting that participants must make their complaints formal. The AG's office will continue to look at all complaints. When health is compromised, then it becomes a very serious issue. The MVAC Chair noted that the AG has received many complaints and they do review the concerns. The MVAC Chair noted that there are issues that are fixable such as labor, tax laws, contractual obligations, and CMS requirements. What we can do is try to be efficient in providing information by using the EOR handbook. The MVAC Chair believes that there will need to be legal review with some of the statues.

There was discussion with the MVAC Members about some of the concerns and issues regarding the role of the EOR that may become an issue. It was noted that there are different State entities within the state of New Mexico that one [EOR] must be aware of. The Program Manager for DOH/DDSD/MVU (R. Lewis) explained the CMS waiver assurances that noted the for the New Mexico self-directed waiver program, there would be someone [such as the EOR] in place that would not be a paid support to mitigate risk of financial exploitation and to oversee the service deliveries. There was a very open and transparent discussion amongst the MVAC Members.

Break (10 minutes) 1:55 pm -2:05 pm – 5 Minute break

8. Fiscal Management Agency Update (Conduent) (20 Minutes) 2:05 pm -2:30 pm:

The Conduent representative (D. Rickerd) noted that she is available for questions. The representative had no updates to share with the committee. MVAC Chair noted that it would have been nice to have a person at the meeting. He proposes that he and HSD meet and think about what the big issues are and to bring back the concerns to the MVAC Committee.

HSD/MAD/MVU Staff Manager (K. Opperman) noted that their contracted providers (the FMA and the TPA) will not attend the Santa Fe meetings in person, but a representative of the two will be available by phone for their portion of the meeting. The HSD/MAD/MVU Staff manager noted the difficulties in having senior staff out the building for the day. HSD/MAD will continue to work with their contractors and designate a meeting (in Albuquerque) to have them their contractors (Conduent and Qualis) in person.

9. Third Party Assessor Update (Qualis) (20 Minutes) 2:30 pm -2:50 pm: –

TPA (K. Scott) w/ Qualis attended by phone. Qualis has received a letter of direction effective February 14, 2018, that instructs Qualis Health, “ For those recipients whose annual LOC packet has not been submitted to the TPA by the LOC expiration date, the TPA is directed to initiate the RFI process two (2) business days after the LOC expiration date.” Qualis Health will continue to send out 90- day and 45- day reminder letters to participants prior to the LOC expiring. The MVAC discussed the time period that it takes to have the in-home assessment completed.

The TPA representative (K Scott) did address the issue and stated that during peak months it is a little harder. Goodwill plans to hire temporary help, about 3 seasonal employees to help with the peak or summer months. The TPA representative (K. Scott) said that the TPA meets on a weekly basis with Goodwill, and yes there is struggle, but they are aware and are addressing it. Goodwill has increased staffing to include seasonal positions to assist with the peak season, which is during the summer months.

MVAC member (S. Bass) asked a question, if there is a time line given to the TPA reviewers when reviewing a budget? The TPA representative (K. Scott) answered that there were no timelines. The TPA representative (K. Scott) stated that they need to take time to review a

budget. There are procedures and requirements that the reviewers must follow and they do allow their reviewers to take their time and go over the information.

The Qualis Health budget turnaround time (the required deadline to complete a review) is 10 business days. Budget reviews are one of the more difficult reviews and can be time consuming depending on the number of items and services being requested.

**10. HSD/DOH Update 2:50 pm-3:30 pm (40 minutes):
(MAD-Exempt Services Program Bureau- MVU -Updated Regulations) -**

The HSD/MAD/MVU Staff Manager (K. Opperman) talked about the amended rule and the public hearing that was held on June 28th. The updated rule is in the final process. The planned effective date for the new rule change is scheduled for October 1.

The Electronic Visit Verification (EVV) has been delayed to Jan 1, 2020. The Department (HSD) is looking at requesting additional time to meet this new deadline.

The Legislative Finance Committee (LFC) report has been released. Within the report, the LFC has raised some concerns about the Mi Via program. For example, they do have issues about the oversight of the program by DOH-DDSD. Additionally, the LFC has some concerns about the services that are being provided and payment, budgeting, funding and oversight of the EOR's role within Mi Via.

(DDSD- Community Programs Bureau-MVU- Know Your Rights updates & more) -

DOH/DDSD/MVU Program Manager (R. Lewis) stated that the consultant meeting went well. DHI-Incident Management Bureau (IMB) and the State Treasurer Office attended and presented information on DHI's New Mexico Administrative Codes and the ABLE Account. Afterwards the group discussed the EOR questionnaire form. The form is intended to bring clarity regarding the designation and responsibilities for the guardian and/or EOR. DDSD/MVU will implement the form after the amended Mi Via waiver rule goes into effect.

Additionally, there will be a revised form "Understanding Your Rights and Responsibilities" to be implemented. Similar to the EOR Questionnaire form, this form is intended to be used as an annual reminder for EOR's and participants about their roles within the Mi Via program.

DOH/DDSD/MVU Program Manager (R. Lewis) extended to the group that if they have ideas for the new waiver, effective 2020, to please share. The DOH/DDSD/MVU and HSD/MAD/MVU are open to all ideas and suggestions for the new waiver.

11. Public comment (10 minutes) 3:30 pm -3:40 pm: Nonmembers present had public comments.

12. Wrap Up of meeting (discussion of meeting time, longer agenda, agenda items for next meeting etc.) (10 minutes) 3:40 pm -3:50 pm Future requested agenda items-

DOH/DDSD/MVU Program Coordinator, note taker, (E. Hill) will send out the new agenda for the October 25, 2018 meeting.

13. MVAC Chair would like to update the MVAC on some issues. (3: 50- 3:55):

The MVAC Chair addressed the MVAC Committee, noting that if anyone has a guardian there are risk that you need to be made aware of. There are some guardianship agencies who are abusing their responsibility. The State's auditor can audit any organization that directs guardianship. Office of state Auditor had a meeting with supreme court judge and AG's office and introduced an Audit [with 100 percent] of corporate guardianship.

The State Auditor have forms that went from 4 to 15 pages. To apply as a guardian or if you are in a guardianship. This audit will be done annually. There will be trainings starting in August, for family and corporate and what the expectations are. If there are disputed facts, the judge will make the determination. It is strictly a judge deciding what the purview is.

The Disability Rights and Advocacy will look at organizing something to address concerns of "How can we plan better?" and "How do we use what we have to make it better?" The Attorney General's office will be having a disability summit in October. The date has yet to be determined. The agenda will include one (1) day at the convention center. There will be four (4) breakout sessions. The ARC of New Mexico has received a grant to help and assist with individuals who have been sexually abused by educating law enforcement and prosecutors. The Know your rights campaign will also have a break out session. The summit is set for non-government entities on one day and inter-governmental entities for the next day. Or, there will be just one day event with the two different sessions.

14. Close (5 minutes) 3:55 pm-4:00 pm

Meeting Adjourned at 3:28pm by MVAC Chair

Next Meeting is scheduled for October 25, 2018 Department of Health 5301 Central NE, 2nd floor conference room Albuquerque, NM 87108

Acronym list

ACQ= Advisory Council on Quality

AG= Attorney General Office

CMS= Centers for Medicaid and Medicare Services

DHI= Department of Health Division of Health Improvement

DOH-DDSD-MVU = Department of Health Developmental Disabilities Supports Division Mi Via Unit

EOR= Employer of Record

ISD= The New Mexico Human Services Department- Income Supports Division

HSD-MAD-MVU= Human Services Department Medical Assistance Division Mi Via Unit

MVAC= Mi Via Advisory Committee of the ACQ