

**Mi Via Advisory Committee**  
**Meeting Notes for April 26, 2018**  
**To Be Approved July 26, 2018**

**Location:** Department of Health Developmental Disabilities Supports Division (DOH-DDSD), Bank of the West, 5301 Central NE, Suite 203, Albuquerque, NM 87108

**Attendees (in person):** Keytha Jones (Committee member), Jacob Patterson (Self Directed Choices), Raemon Gurule (Mi Casa), Carolyn Thompson (Conduent), Deanna Rickerd (Conduent), E. Regina Lewis (Department of Health-Developmental Disabilities Supports Division), Elaine Hill (Department of Health-Developmental Disabilities Supports Division), Doreen Hunter (Qualis), Brad Hill (Chair), Leslie Martinez (Vice-Chair), Stevie Bass (Committee member), Jeanette Bundy (Committee Member), Melvin Brown (Committee Member), Robert Kegel (Guest/Parent), Katie Hettinger (Human Services Department), Tina Storey (Consultant) Melanie Buenviaje (Human Services Department), Sandy Skaar (Self Directed Choices), Rebekah Shuman (Consumer Direct Care), Cathy Salazar (Mi Via Advisory Committee), Brian Hoffmeister (Legislative Finance Committee), Gwen Wilson (Guest/Parent), Kim Riebsomer (Me Town), Isaac Sandoval (At Home Advocacy), Kathryn Lillie (Parent), Antonio Fernandez (University of New Mexico-Center for Developmental Disabilities), Phyllis Shingle (University of New Mexico-Center for Developmental Disabilities ), Rebecca Shuman (AAA Participant Direction), Jennie Lusk (New Mexico Attorney General's Office), Shannon Titla (Department of Health Developmental Disabilities Supports Division)

**Via Telephone:** Darlene Hunter (Committee Member) and Althea McLuckie (Committee Member)

1. **Welcome and Roll Call:**
  - Mi Via Advisory Committee (MVAC) members identified themselves, as well as those by phone.
2. **Review Agenda & Announcements:**
  - No changes. Motion to approve agenda by Member C. Salazar and 2<sup>nd</sup> by Member M. Brown, All in favor, motion passes.
3. **Review and approve meeting minutes of July 27, 2017 meeting:**
  - Motion to approve meeting minutes. Motion by Member R. Gurule, 2<sup>nd</sup> the motion by Member S. Skaar. Motion passes.
4. **MVAC Membership:**
  - MVAC Committee members discussed new committee member applications. Closed session to non-members. The Committee discussed the nominations and there was a motion to vote on the nominations that were received.
  - Every nominee is identified by number, to keep the process impartial.

**5. ABL New Mexico:**

- Handouts distributed- ABL New Mexico Information
- There has been outreach to other DD waiver stakeholder groups about the ABL account program facilitated by the State Treasurer's Office.
- ABL accounts are investment accounts for eligible individual with disabilities.
- Assets in accounts do not affect eligibility for federal or NM benefit programs such as SSI or Medicaid
- The fiscal agent is the Ohio bank.
- Any questions about the ABL account contact Heather Benavidez, State Treasurer Office.

**6. Update from ACQ:**

- Update given by Member S. Skaar.
  - Mi Via Advisory Committee (MVAC) wanted to know how the program and the Human Services Department are going to fix the Medicaid denial letters regarding durable medical equipment. An individual on the Mi Via program wanted to purchase equipment and it was denied. It was noted that If you have Medicaid and Medicare, you must receive a Medicare denial letter in order to purchase the durable medical equipment. You must receive three denials before it can be requested within the Mi Via plan/budget.
  - Jim Copeland, Department of Health Developmental Disabilities Supports Division (DOH/DDSD), Division Director gave a report on the Legislative Finance Committee report, the Jackson status conference, and the Developmental Disabilities Supports Division's (DDSD) website. Mr. Copeland also discussed the cultural changes to the [DD] waiver program as parents are becoming dependent on service provider agencies.
  - There was a Centennial Care update and questions from the Advisory Council Committee. The questions were answered by Annabelle Martinez, Human Services Department.
  - There is a need for more parents to be representatives on Advisory Council on Quality (ACQ) committee.
  - The Developmental Disabilities Supports Divisions (DDSD) gave an update to the Training Unit and introduced Sarah Winters as the new training manager. There was information provided on the Abuse Neglect and Exploitation (ANE) on-line training. Mi Via participants have asked to have their input considered for the on-line training.
  - There was a discussion between members of ACQ regarding the Employer of Record (EOR) responsibilities role within the Mi Via program and the EOR's interactions with the vendor agencies.

**7. Break**

## 8. Potential Employer of Record Inquiries:

- The MVAC discussed the core philosophy of the Mi Via program. This philosophy addresses that the participant designs and controls their own program. The Employer of Record (EOR) can decide what services they need and who they hire. The ultimate decision is with the participant. The Employer of Record (EOR) is a non-paid position. EOR's will need to be a committed person for the long haul due to the time and effort that is put into the role.
- There is a scheduled meeting for people who have a direct concern with the EOR process. This will be an informal meeting (passed out flyer). The meeting will be hosted by the ARC and the New Mexico Caregivers Coalition.
- M. Buenviaje, with the Human Services Department, stated that there is discussion with Conduent for developing an EOR handbook. This handbook would be available to EORs with information and resources for their use.
- The Human Services Department staff, K. Opperman and M. Buenviaje, attended a meeting with the Association of Developmental Disabilities Community Providers (ADDCP). M. Buenviaje stated that there are a number of waiver participants who are moving to the Mi Via waiver from the traditional DD waiver. Traditional DD waiver providers/vendors are beginning to provide service under the Mi Via waiver. These participants and their service providers) think that they can function in same manner that they did under the traditional Waiver. Under Mi Via, the expectation for vendor agencies is that if the vendor chooses to serve as a vendor for a Mi Via participant, the vendor must adhere to New Mexico Administrative Codes (NMAC) and the Mi Via program rules. Some participants who have moved over to Mi Via have realized that the program is not what they were looking for and have transitioned back to the traditional DD waiver. The self-directed program is not for everyone and that is okay. The traditional DD waiver provider agencies are having a hard time with understanding their roles within the self-directed waiver and adhering to the Mi Via waiver program rules.
- Member S. Bass appreciated the idea of a handbook and would like for an explanation of the acronyms found in the EOR paperwork to be included in the EOR handbook. For example, within the EOR paperwork, the oncoming EOR who is filling out the paperwork, is called home care service recipient (HCSR). Member S. Bass asked, "How can you be a service recipient when you are managing the care of a service recipient? She added that "There is also another name utilized, why is there two different names. M. Buenviaje noted that within some of the paperwork there may be forms from the Internal Revenue Services (IRS) and they are not the forms that are created by the Human Services Department (HSD).
- Member S. Bass will provide a listing of the acronyms and questions to M. Buenviaje. Member S. Bass wanted to make sure that this topic is included on the agenda for the next meeting.

### **21<sup>st</sup> Century Cures Act Electronic Visit Verification (EVV):**

- The 21<sup>st</sup> Century Cures Act Electronic Visit Verification (EVV) is a requirement from the Center for Medicare and Medicaid (CMS) for personal care and home health services. Providers of these services are to clock in through some type of mechanism when their shift begins and to clock out when their shift is over. This will be implemented for respite and home maker services.
- The deadline for the Electronic Visits Verification for implementation is January 2019. If this is not implemented, CMS will withhold 25% of federal match to the state. HSD's current direction for compliance with the EVV will be to implement after Jan. 2019 due to a system's overhaul.
- The 21<sup>st</sup> Century Cures Act EVV is also required to have public input. There will be meetings scheduled for Farmington, Santa Fe, Las Cruces and Gallup. Self-directed programs will have flexibility of schedules built into the program. The State anticipates that the transition should go over smoothly, be seamless, and simple. The MVAC members were encouraged to continue to submit feedback to this new requirement.
- HSD's plan with the EVV is to conduct a pilot project before the full-blown launch. There were questions that asked if there could be an exception for participation that could be made for self-direction. The response was that there are no exceptions. However, an extension to the due date of January 2019 could be requested by HSD. Other questions related to whether the In-home living services would be impacted. At this this time, in - home living services will not be impacted. Although, the medically fragile waiver may be reviewed.
- M. Buenviaje will send to R. Lewis information regarding the EVV.

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

- Member C. Salazar stated that there are medically fragile individuals within the Mi Via community and urged that this be kept in mind. She also would like for the Medically Fragile Waiver to be a part of the MVAC agenda to provide updates. No one objected to having the Medically Fragile Waiver updates being a part of the agenda. The Medically Fragile Waiver, Family Advisory Board (FAB) meetings are scheduled for the 1<sup>st</sup> Monday of the month at University of New Mexico Centers for Developmental Disabilities (UNM CDD) from 10:00 am – 12:00 pm.
- Member C. Salazar stated that almost 80% of the children, who are on Molina, are concerned with a smooth transition from Molina to a new MCO under the Centennial Care 2.0 transition. She commented that we all must be aware of the Managed Care Organization (MCO) changes and how they will affect the community at large.
- A conference was held with the Attorney General's Office on elder justice and this conference also included people with disabilities. What is seen nationwide is a tipping point of abuse and financial exploitation with the elderly. The Attorney General's Office is looking into this.

## 12. Fiscal Management Agency Update (Conduent):

Conduent – C. Thompson.

- Conduent is only accepting state approved Payment Request Forms (PRFs). There should be no modifications to the forms and the forms should not be pre-dated. If an EOR receive a PRF back, please correct it.
- Conduent has seen many modified forms and have sent them back to the EOR. Please ensure that EORs have the most current version form and again do not pre-date or pre-sign the forms.
- Conduent also reported that they have seen some modified forms submitted by a vendor agency. Please remember that any modifications to Payment Request Forms could be viewed as fraud.
- Member K. Lillie noted that she had received a rejected form and she noted that there was no reason given or stated for why the form was rejected. She indicated that in the past, Conduent usually specified a reason for the rejection.
- There were other participant specific questions for Conduent regarding forms being submitted and re-submitted.
- Moving forward Conduent will only accept Payment Request Forms (PFR) that are with a revised date of January 1, 2018.
- Additional language has been added to the Employee Agreement forms as a result of the CMS final rule requirements. Conduent will only accept Employee Agreement forms with a revised date of 3/1/18. Older versions not be accepted.
- A suggestion was given to Conduent to consider that if there are any updates on the various forms, for example, to place it into the Mi Via newsletter in a column along with the revision date. Perhaps these updates or revisions could have their own section.
- Conduent reminded everyone that the current forms are also available within FOCoS and on the Developmental Disabilities Supports Division's Mi Via website, New Mexico Medicaid Portal (<https://nmmedicaid.portal.conduent.com/static/index.htm>).

## 13. Third Party Assessor Update (Qualis):

Qualis – D. Hunter.

- Reminders: participants can continue to fax their documentation to Qualis Health at 800-251-9993. , Consultants do have access to the portal to upload the documents If there are any problems with faxing.
- Consultants were reminded that when submitting budgets, they need to ensure that the LOC (Level of care) is current.
- For the LOC recertification, there are two separate reminders sent to the Mi Via participants. The reminders are sent 90 days prior to the expiration date of the LOC and 45 days prior to the expiration date of the LOC. Qualis Health is following federal guidelines for providing these timelines. Qualis Health letters are generated automatically, This is a self-directed program and the LOC dates do not change. families should not depend on the 90 and the 45-days notification letters but should keep track of when the LOC expiration is coming up.

- There was a question that asked if a doctor accepts Medicaid, could the doctor bill under another code to complete the LOC? M. Buenviaje with the Human Services Department will check to see if there is a different procedure code that could be used that is specific to LOC.

**14. HSD/DOH Update:**

DOH Update – R. Lewis

- Consultant agencies, with collaboration from the Department of Health Developmental Disabilities Support Division Mi Via Unit (DDSD-MVU), will be revising and updating the Mi Via Back -Up Emergency Acknowledgement form. The revision/update will include additional information regarding the individual client rights, dispute resolution, and complaint procedures. The purpose is to provide more information about our system and service.
- Know Your Rights campaign work is still being done. All waiver systems must be in unison for the State-Wide Transition Plan for compliance to the 2014 CMS Final Ruling.
- M. Buenviaje added that the Statewide transition vendor on-site visits have been completed. Report cards will be released by June to the vendors. The state will identify agencies that appears not to be in compliance. This information will be submitted to CMS for heightened scrutiny of those who are not in compliance with the final rule with CMS. The State will be submitting the final draft for the State-Wide Transition Plan with the effective date of Jan. 2020 for the plan to be implemented.
- Due to the Mi Via Waiver Amendment, the new Mi Via rule (New Mexico Administrative Code) is under propagation for public comments. This public hearing will be held on June 28, 2018. The publication date for the updated rule will be for September 1, 2018.
- The Human Services Department is looking to review the Mi Via services and budgets. The average budget expenses for Mi Via have slightly increased. There has been a high expenditure in clients who are medically fragile. There are some individuals who have aged (turned 18 and 21) and now have a different Individual Budget Allotment (IBA). Additionally, there has been an increase in participants moving from the Developmental Disabilities (DD) Waiver into the Mi Via program. There was a question that asked if there is data to reflect this and could this data be sent to the Legislative Finance Committee (LFC) because they (LFC) have different numbers?

**15. Public Comment:**

- No public comment at this time.

**16. Wrap up of Meeting:**

- Supplemental stipend request forms can be filled out. Any specific agenda item requests going forward?
- R. Lewis with DOH-DDSD will provide a roster of the current members with term dates to the MVAC members.

**17. Close:**

- Adjourned meeting at 3:32 pm
- Next Meeting scheduled for July 26, 2018.



### What is ABLE?

- The ABLE Act (The Stephen Beck, Jr. Achieving a Better Life Experience Act) passed the U.S. Congress in December 2014 and was enacted in New Mexico in March 2016.
- It allows eligible individuals with disabilities to open ABLE investment accounts.
  - Hybrid of 529 college savings accounts, checking accounts, and Special Needs Trusts.
  - Funds can be used for qualifying disability-related expenses (education, housing and transportation, healthcare, assistive technology, and employment training and support)
  - Will not interfere with Medicaid, Supplemental Security Income, and Supplemental Security Disability Income eligibility unless account exceeds \$100,000.
  - *ABLE New Mexico*, administered by the State Treasurer's Office, will begin January 18, 2018.

### Benefits of ABLE New Mexico Accounts

- The account is owned by the person with the disability; one account per person.
- Provides financial independence for individuals with disabilities; contributions can be made by friends and family.
- Provides a new investment opportunity and tax-free earnings.
- It dramatically increases their ability to save:
  - Before ABLE, individuals could save approximately \$2,000 of their own money before risking the loss of healthcare and other benefits (SSI and SSDI).

### Eligibility

- Individuals whose disability developed before their 26<sup>th</sup> birthday.
- Who have been living with the disability for at least one year, or expect the disability to last at least one year.
- Who are entitled to SSI and/or SSDI due to their disability.

### Things to Consider

- Account contributions are limited to \$15,000 per year.
- If funds exceed \$100,000, SSI benefits will be suspended.
- If account holder passes away, Medicaid can request reimbursement from the ABLE account for assistance provided since inception of the account.
- Don't want to wait? Open an account with Ohio today at <https://www.stableaccount.com/>. Your account will automatically become part of the New Mexico program on January 18, 2018.



New Mexico State Treasurer's Office—Tim Eichenberg, Treasurer  
PO Box 5135, Santa Fe, NM, 87502 505.955.1120 [www.nmsto.gov](http://www.nmsto.gov)